



COUNCIL STAFF REPORT
CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members
FROM: Nick Tarbet, Policy Analyst
DATE: March 21, 2023
RE: Text Amendment: Homeless Resource
Centers / Shelters
PLNPCM2022-01068

PROJECT TIMELINE:

Briefing: March 21, 2023
Set Date: March 7, 2023
Public Hearing: April 4, 2023
Potential Action: TBD

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ISSUE AT-A-GLANCE

The City Council will be briefed on a proposal that would establish a process for approving future Homeless Resource Centers (HRC), create a Homeless Resource Center Overlay Zoning District, adopt provisions for temporary and seasonal homeless resource centers, modify existing standards for homeless resource centers (defined as up to 200 people) and homeless shelters and make other necessary changes. *See pages 3-5 for a detailed overview of the proposed process.*

This petition was initiated by the City Council on March 22, 2022 through [Ordinance 15B of 2022](#). That ordinance was adopted in conjunction with [Ordinance 15A of 2022](#). Ordinance 15A removed HRCs/Shelters from the City's Land Use Tables. Ordinance 15B implemented a future date certain that HRC/Shelters would again be allowed in in the zones they were currently located (CG, D2 and D3), unless it was repealed due to the preferred changes that were being drafted by Planning staff.

If the Council does not adopt an updated ordinance by May 3, 2023, Ordinance 15B of 2022 will go into effect. This would return the city's zoning ordinance to the standards outlined in code prior to the mayor initiating changes to the HRC and Shelter sections of city code in October 2021.

On March 7, 2023 the Council set the public hearing date for April 4, 2023.

According to the transmittal letter (*pages 1-2*) the City Council provided guidance on identifying a new process to establish future HRCs/Shelters with the following project goals:

- Safety and welfare of those experiencing homelessness in the city.
- Impact to communities when HRCs and related services are concentrated.
- Impact that future HRCs have on city services.

- Financial ability of service providers to comply with regulations and still provide necessary shelter and/or services.
- Identifying the impacts that are the responsibility of the operator of an HRC and those impacts that should be the responsibility of others.
- Avoiding inequities in the locations of HRCs and homeless shelters.

Planning staff notes this petition did not intend to include a recommendation for where future HRCs/Shelters would be allowed but creates a mechanism to allow one in almost any zone city-wide. Part of the analysis of a potential HRC/shelter includes comprehensive information and review of factors for decision maker consideration to ensure the goals (safety, community impacts, city service impacts, etc) are achieved. Anyone seeking to open a facility would go through the map amendment process to apply. Essentially, all zones in the city, except for the M1 and M2, would be eligible for a facility.

Pages 4-9 of the Planning Commission staff report discusses equity issues in locating future HRCs as well as potential options for an overlay. Section 3-Options outlines scenarios that could be considered when determining where to allow HRCs/Shelters in the city:

- Authorizes the uses in certain zones.
- Describes a geographic area of the city where the overlay would authorize the use.
- Authorize the use in either of the ways listed above and add additional standards.

Ultimately, the Planning Commission reviewed options but did not chose to forward a recommendation including them, they discussed and chose to recommend two other options to the Council.

Planning Commission Recommendation

The Planning Commission forwarded a positive recommendation to the City Council but included two recommendations in addition to the proposal from Planning. *Both of these recommendations are included in the current draft of the ordinance. If the Council has concerns with either/both, the Council could elect to remove them.*

- Homeless Resource Centers with up to 40 beds should be approved through the conditional use process in any zoning district with residential uses. *(Staff note: This idea has not been vetted by Planning Staff)*
- The City Council expedite the review and approval of a requested HRC Overlay within 90 days of the recommendation of Planning Commission.

Staff note: The Planning Commission made these additional recommendations with the comment that the process outlined in the Planning Staff proposal may be onerous and time consuming. Those additional recommendations were made with the goal of expediting processes.

Policy Questions

- **The Council may wish to consider if the proposed ordinance sufficiently addresses the legislative action adopted by the Council on March 22, 2022:**
 - I further move the Council approve a Legislative Intent, urging the Administration to include in their review process for Parts 2 and 3 of the HRC/Shelter text amendment petition, recommendations to promote geographic equity of HRCs/Shelters by expanding the zoning districts where they are allowed in the city.
- **The Council may wish to discuss with the Administration how recent changes to state legislation impacts this proposal.**

- **Some Council Members have raised questions about allowing existing HRC/Shelters additional flexibility to increase their maximum occupancy throughout the year or during extreme weather conditions.**
 - *Existing HRC/Shelters had a maximum occupancy of 200 individuals approved through the conditional use approvals.*
 - *The draft ordinance retains the maximum occupancy of 200 individuals through the overlay adoption process.*
 - Considering the addition of allowing temporary shelters with the draft proposal, does the Council wish to consider other circumstances that could be included in City ordinance to give flexibility to the maximum occupancy of the existing HRCs?

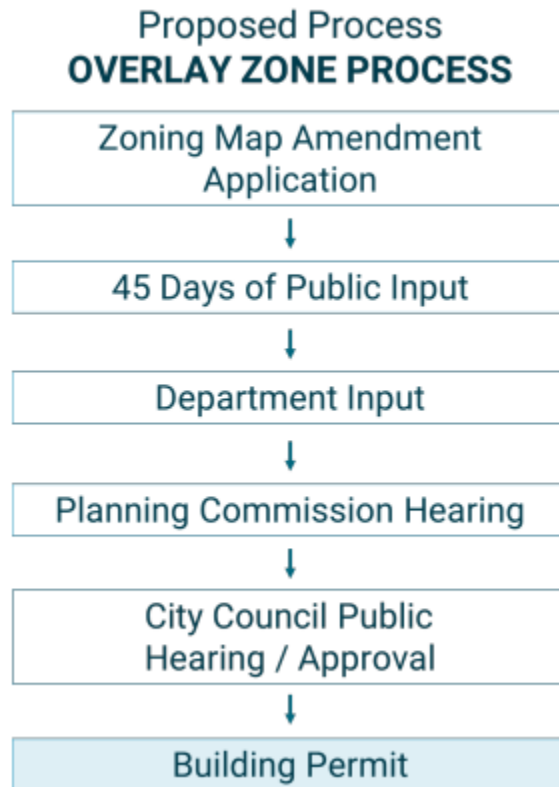
- **Does the Council support including the two additional recommendations provided by the Planning Commission?**
 - Homeless Resource Centers with up to 40 beds would be approved through the conditional use process in any zoning district with residential uses.
 - Planning staff noted in the Transmittal letter they have not had the opportunity to research any anticipated impacts related to HRCs with an occupancy of 40 people. This may have unintended consequences that are unknown at this time. (*Transmittal Letter, Page 4*)
 - Additionally, some community groups have contacted Council Members expressing concerns about this proposal. They state that 40 is an arbitrary and too large of a potential occupancy; they have asked the Council to reject this proposal due to the impact it may have on communities and neighborhoods.
 - *This language is in the draft ordinance the Council is considering.*
 - The City Council expedite the review and approval of a requested HRC Overlay within 90 days of the recommendation of Planning Commission.
 - *This language is in the draft ordinance the Council is considering.*

Process of Proposed Zoning Amendment

Any future HRC or emergency shelter would require a zoning map amendment to apply the overlay. Once the HRC Overlay is mapped, a new HRC would be a permitted use.

- A service provider would be required to submit a zoning map amendment application. This process requires a 45-day public input period, and at least one public hearing with the Planning Commission and a public hearing with the City Council.
- This proposal includes a mandatory timeline associated with scheduling of public hearings with the Planning Commission to streamline the approval process.
- In addition to the condensed timeline, staff integrated a requirement that the service provider must conduct engagement with individuals experiencing homelessness.
- The public notification to property owners and tenants was increased from 300' to 450' to ensure that the broader community is informed of future HRC requests.

Page 3 of the December 14, 2022, Planning Commission staff reports includes the following chart that shows the process for the proposed HRC overlay amendment:



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

- City Departments will be required to compile the following information within 30 days of an application submittal: *(pages 2-3, Transmittal Letter)*

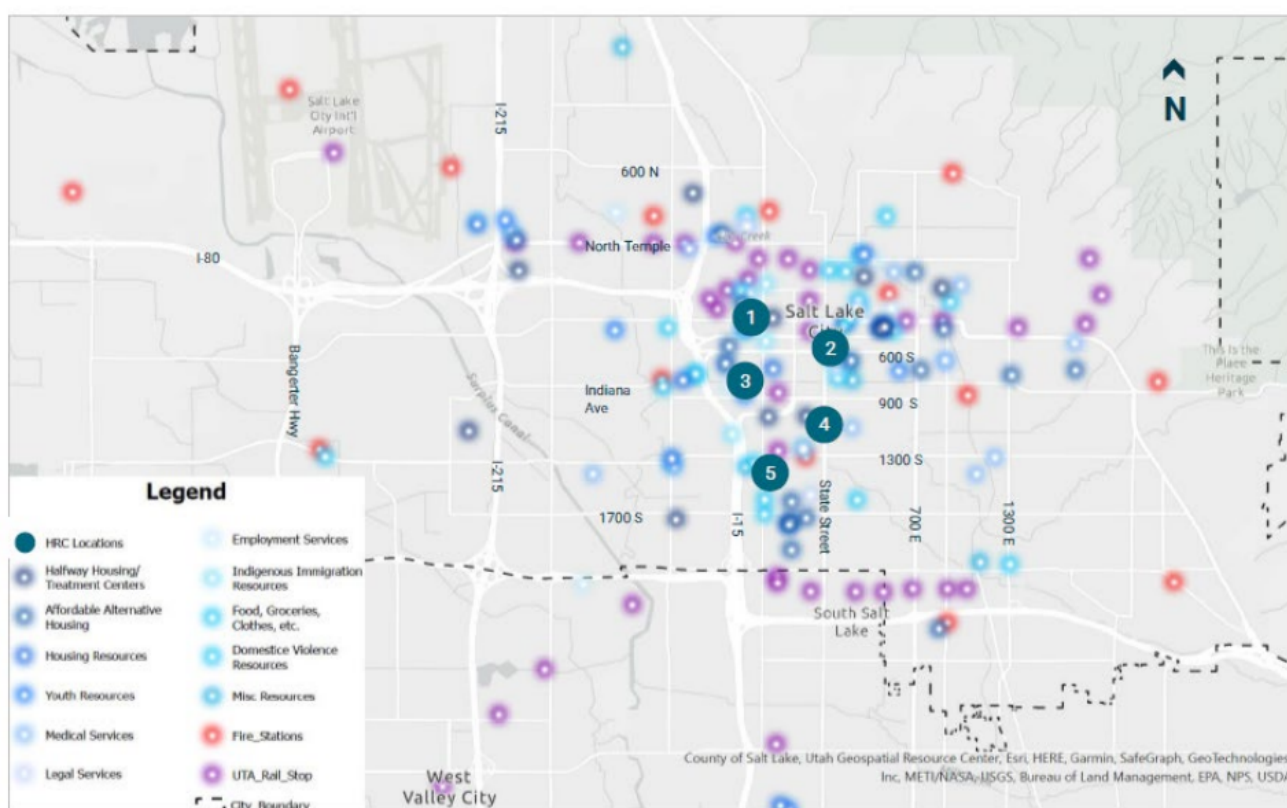
1. Information regarding the impact to the police department which may include any data that demonstrates the services to existing homeless resource centers located in the city, the estimated cost of providing service by the police department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the police department to provide services to other parts of the city.
 2. Information regarding the impact to the fire department which may include any data that demonstrates the services to existing homeless resource centers located in the city and the estimated cost of providing service by the fire department to existing homeless resource centers and the impact that a new homeless resource center has on the ability of the fire department to provide services to other parts of the city.
 3. Information regarding the number of civil enforcement cases associated with existing homeless resource centers, including the types of complaints, and the estimated impact to civil enforcement workloads and ability to provide services to other parts of the city.
 4. Information regarding accessibility of the site and its impact on Public Services.
 5. The city provides an updated website to provide all city departments to contact for various complaints such as graffiti, encampment clean up, enforcement issues, and any other identified city service that may address impacts on the neighborhood from HRCs.
 6. Data provided by the State Homeless Management Information System and the SL Valley Coalition to End Homelessness regarding similar uses in Salt Lake County, including the total number of facilities, the total number of people who use the facilities, the number of individuals served with overnight tenancy in each facility, the average percentage of occupancy of the facilities, and the number of nights per year that the other facilities are at capacity to the extent that the information is available.
 7. Data regarding the total number of beds available to people experiencing homelessness and the estimated number of people experiencing homelessness to the extent that the information is available.
- Specific factors were developed for the Planning Commission and the City Council to consider when reviewing a proposed overlay amendment:
 1. The anticipated benefits to people experiencing homelessness provided by the facility in the proposed location.
 2. The proximity of support services that benefit people who may use the facility and the ability of people to access services from the proposed location. If services are not within walking distance of the proposed facility, consideration of a transportation plan connecting support services to the facility.
 3. The ratio of homeless related services provided in Salt Lake City compared to other jurisdictions in Salt Lake County.
 4. The anticipated impact to city services, including fire, police, and any other city department that would be involved in providing services to the facility and the impact, if any, to the city providing services in other parts of the city.
 5. The proximity to other homeless resource centers.
 6. The effectiveness of the security and operations plan provided by the petitioner to address impacts created by the homeless resource center.
 7. Equity between different neighborhoods in providing HRCs and other locations of impactful land uses. High impact land uses are those land uses that produce higher levels of pollution than the permitted uses in the underlying zone, and uses that attract crime or produce public nuisances, and land uses that located by a government entity or authorized by a government entity, that is not subject to the land use regulations of the city.
 8. Demonstrated compliance with the requirements of 21A.36.350.

- The proposed ordinance specifically states the City Council may consider entering into a development agreement with the applicant to “address any benefit or impact that a proposed homeless resource center may have on the surroundings of the proposed location of the overlay.”

Vicinity Maps

Attachment B of the Planning Commission staff report included six maps that showed the location of existing HRCs, Shelters and homeless services in the city. It also includes a vicinity map for each of the existing HRCs, showing related services and shelters within one mile of each HRC/shelter.

(December 14, 2022, Planning Commission Staff Report, page 27)



Temporary HRCs/Shelters

- Temporary HRCs/Shelters are allowed if shelters in the city are at full capacity during times when temperatures are expected to drop below 32 degrees or the heat index is above 95 degrees Fahrenheit.
- A temporary shelter may be allowed in an existing building if has adequate restrooms, meets building/fire codes, a security/operations plan is submitted, and the facility meets on of the following:
 - is located in a zoning district that allows hotels, motels, or multi-family;
 - is owned by a government entity regardless of underlying zoning; or
 - was constructed as a hotel, motel, or other temporary lodging purpose.

- A temporary shelter must also meet spacing requirement from other facilities, but those may be waived or reduced by the director of community and neighborhoods.
- A temporary HRC/Shelter may only occupy a site once every four years.

Public Process

A summary of the public process is outlined on page 4 of the Transmittal Letter. It included a series of stakeholder meetings and focus groups with community council chairs, service providers, people experiencing homelessness and advocates, and the business community.

Council Public Engagement

A [project website](#) for the public to follow this issue has been posted on the Council Website. It will be updated as new information becomes available.

Staff included information on this petition in the email updates and social media and sent out an email blast to stakeholders, with the days and times for the work session briefing and public hearing and links to the website.