



CITY COUNCIL TRANSMITTAL


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TO: Salt Lake City Council
Chris Wharton, Chair

DATE: 06/30/2020

FROM: Marcia L. White, Director Department of Community & Neighborhoods



SUBJECT: Reallocation of Planning Division Staff Time

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DOCUMENT TYPE: Information Only

RECOMMENDATION: No action necessary

BUDGET IMPACT: Reduction in revenue from application fees of approximately \$50,000.

BACKGROUND/DISCUSSION: The workload in the Planning Division is being impacted by a significant increase in applications and growing time commitments for processing applications. The number of land use applications per calendar year has increased from 743 in 2011 to 1,203 in 2019, an increase of nearly 62%. Since that time, the workload capacity of the division has increased by three planners, a 17% increase in work capacity. The growth has created a gap between work capacity and workload of 45%.

The difference between workload and staff capacity is creating multiple impacts. The most notable is an inequitable distribution of staff resources. 87% of all land use applications are located east of I-15, despite nearly half of the land area and nearly 29% of the population residing west of I-15. Land use applications require close to 90% of the working hours of the planners in the division. While some changes to a property require an application, such as changes to historic properties or subdivisions of land, many are discretionary in nature and allow property owners the ability to seek greater development potential and increase their property rights. This results in planning staff time being allocated to the benefit of individual property owners versus working on broader issues such as eliminating zoning regulations that have

contributed to segregation and concentrations of poverty, addressing environmental justice issues created by zoning, reforming land use patterns to improve air quality and align with transportation infrastructure, updating zoning regulations to improve economic development conditions, and addressing zoning regulations to improve the public realm. The ability of the Planning Division to participate with other entities, such as regional planning entities, and other city departments and divisions on planning related activities would increase. The lack of capacity has essentially ceased the long-range planning function of the city.

The Planning Division is proposing multiple efforts to reallocate staff time to restore the long-range planning function of the city. The approach to accomplish this includes:

- Eliminating the special exception process
- Refining the conditional use process
- Code changes to regulations that unnecessarily trigger the planned development process;
- Expand the types of design review applications that may be eligible for staff approvals;
- Fill future vacancies with associate planner positions to process the bulk of administrative applications so more experienced staff can perform more complex issues.

The Strategy for Reallocating Planning Staff Resources (attached) provides a phased approach. The process can only occur if the first step (eliminating special exceptions) occurs in a relatively short period of time (less than 9 months). This first step results in a reduction in workload of approximately 1.5 to 2 FTEs. This time can then be put towards the other changes to free up additional staff capacity, with the potential to reallocate the equivalent as many as 4 FTEs. The dollar value of this reallocation would be more than \$400,000.00.

There is a budget impact to this proposal. Special Exception application fees produce about \$40,000.00 in revenue. Eliminating the process would decrease revenue. Decreased revenue may also occur due to a reduction in the number of land uses that require a conditional use and a decrease in planned developments. Generating revenue may occur through a cost analysis of the land use application fees. There is a gap between actual costs and applications fees. For example, the conditional use application fee is \$776.00. The typical conditional use application requires an average of 69 staff hours to process. At the 90% of market rate for an associate planner, it would cost about \$1,850.00 in staff hours to process.

This approach utilizes existing resources to help reallocate staff hours without additional financial resources. The Planning Division is of the opinion that this is the best approach to try to take given the uncertainty of future city budgets and the immediate need to address pressing growth-related issues in the city.

PUBLIC PROCESS: No public process has occurred to date. However, all ordinance changes will go through, at a minimum, the required public engagement process for text amendments. Given the nature of this proposal, time is critical. The goal of the Planning Division is to, at a minimum, eliminate the special exception process by the time the City's equity plan is complete so that the equity plan can be used to guide future zoning changes.

EXHIBITS: The attached exhibits help provide background information and examples of the proposed approach may occur. The working documents are subject to change during the process. The strategy for Reallocation of Planning Staff Resources outlines steps necessary to change staff allocations from processing land use applications to updating zoning to achieve city goals and address growth impacts. The Special Exception Workplan provides a detailed list of changes and the initial proposal to eliminate the process.

- 1) Strategy for Reallocating Planning Staff Resources
- 2) Special Exception Workplan

Strategy for Reallocating Planning Staff Resources

Salt Lake City Planning Division

Issue: Staff resources cannot administer the zoning code and update master plans, align code with city goals, and maintain the zoning due to an increase in processes added to the code and a 62% increase in total applications submitted since 2011.

The strategy: start with revisiting the processes in the code that require a high amount of staff time and don't serve the broader community. It is necessary to reduce staff hours spent processing applications that have little impact on neighborhoods and take resources away from implementing goals adopted in master plans.

The strategy is divided into phases. The first phase is intended to free up staff resources so that time can be reallocated to other necessary zoning reforms. The strategy also includes longer term outlooks on the structure of the Division and the roles of the various positions within the Division.

Phase One:

Phase one includes two projects: eliminating special exceptions and update the conditional use regulations. There are more than 40 authorized special exceptions in the code that produce an average of 150 applications per year and require the equivalent of as many as two full time employees to process. Conditional uses have increased by 50% since adoption of the ADU ordinance in 2018. Conditional uses require extensive staff time to process. Eliminating special exceptions and streamlining the conditional use process could free up as much as three to four FTEs to work on implementing city land use goals. The bulk of the work in phase one could occur in six months if priorities are maintained, the workload of the division does not increase, there is minimal opposition, and there is minimal disruption in staffing levels.

Phase one reduces the load that the Planning Commission is experiencing. As of June 25, 2020, there are 69 pending applications that require Planning Commission decisions. The Planning Commission has reviewed 68 land use applications year to date as of the end June 2020, compared to 36 as of June 2019. The volunteer commission meets twice per month, meetings average four hours per meeting with an average of six applications per meeting. This means that it would take twelve Planning Commission meetings, or six months, to get a decision. Utah Code allows an applicant to request a decision within 45 days of an application being deemed complete. The time it is taking in SLC and the state code are in conflict. Absent a dramatic and sustained slowdown in applications, this is not a sustainable workload that could lead to political fallout from the state legislature. The number of applications that require Planning Commission approval must decrease to reduce processing times.

The goal of phase one is to free up staff time so that more resources are available to improving the zoning regulations, implementing master plans and city goals, and reestablishing the long-range planning function within the Planning Division.

Eliminate special exceptions

Issues: directs staff time towards individual property owner benefits and reduces staff time allocated towards broader planning issues. Results in conflict between neighbors. Places unnecessary processes for exceptions that help achieve city goals.

Solutions: convert routinely approved exceptions to permitted; prohibit routinely denied exceptions; reduce staff resources on processing special exception applications; simplify the approval process in historic districts. This does remove some flexibility in administering the zoning ordinance.

Staff resources: Underway, likely need one person to manage the engagement and internal process. Additional staff to write the modifications to other sections of code.

Community support: lack of support could result in more staff time.

Time: if supported, could be to PC in 3-6 months.

Reduce resources required to process conditional uses

Issues: confusion with community about their role in the approval process; producing staff reports require dozens of staff hours; non-measurable standards are subjective and create ambiguity, overloaded Planning Commission workloads resulting in 5-6-month processing times.

Solutions: Maintain the public engagement process but clarify that the role of community input is to identify measurable, detrimental impacts; reconsider some land uses that are currently listed as conditional (of the last 299 conditional use applications, one has been denied) update standards so they are more specific, consider changing the approval process away from the Planning Commission and to staff level approvals.

Staff resources: a team of 2-3 staff to research detrimental impact measures and draft a proposal.

Community support: unknown

Time: 1-2 months to draft a proposal. 2 months engagement, 1-2 months for PC process. This likely would have to start after the special exception process reaches certain milestones.

Phase Two

Phase Two addresses code sections that generate a high degree of code administration. These changes improve the process of making administrative decisions related to applying the code. Phase two is likely to take six months to get each item through the Planning Commission. Phase Two could be shorter if phase one goes quicker than normal. It could also be longer due to increase in workloads, opposition to changes, changing priorities, or changes in staffing levels.

Increase staff approvals for design review

The design review process requires all new construction over a certain size in some zoning districts or that is modifying a development standard beyond a small percentage to go to the Planning Commission. The purpose of design review Staff approvals can shorten the timeframe and produce similar outcomes as going to the planning commission for approval. This disproportionately requires small projects to go through the same process as large projects despite much smaller impacts. This is district and scale dependent and may also be an incentive to reduce processing times, such as providing affordable housing, ground floor flexible space, and outdoor public spaces.

Solutions: tiered process so small projects are easier; staff approvals for projects that are consistent with city goals or include certain incentives such as including affordable housing.

Staff resources: 1-2 team members to review history of past projects and determine staff level approvals, draft a proposal.

Community support: unknown, most controversial design review projects are in Sugar House and CB zoning district.

Time: 2 months research and drafting proposal, 2 months engagement, 2 months PC process.

Develop regulations that allow multiple buildings on a single lot without a special approval process.

Issues: Planned developments are required for developments that include multiple uses or lots without frontages. This requires planning commission approval and unnecessary staff time.

Solutions: develop standards to ensure access for all modes, service locations, and buffering (when appropriate) so this can be a staff level approval.

Staff resources: 1-2 staff members to lead a group discussion of solutions, engage the community and prepare for PC process.

Community support: unknown. Planned developments are typically opposed due to density, parking and design and not lot configurations or lots without street frontage.

Time: 1-3 months to prepare and test solutions and engage the community. 1-2 months for PC process.

Update nonconforming/noncomplying chapter

Issues: confusing standards, conflicting requirements, inconsistent definitions, processes are cumbersome.

Solutions: simplify the regulations, allow for more modifications unless the uses or changes create nuisances, update definitions as needed, more staff level approvals for change of use and modifications to noncomplying structures.

Staff resource: 1-2 people to study existing regulations and research best practices; team approach to update sections by dividing into use issues vs. building issues, propose a solution, manage engagement and PC process.

Community Support: likely indifferent, but if there are issues it is likely to be with expansions of buildings that have noncomplying setbacks or heights.

Time: 1-2 months for research and study, one month for proposal, 1-2 months for engagement, 1-2 months for PC process.

Simplify the process for Adaptive Reuse

Issues: footnotes unnecessarily limit some uses in some zones; adaptive reuse process is cumbersome and doesn't allow for easy change of use to preserve historic buildings.

Solutions: simplify adaptive reuse process, expand adaptive reuse to more than just large, landmark sites, review footnotes at end of building, eliminate the conditional use process for adaptive reuse of landmark sites.

Staff resources: one staff to lead the project, a team of 2-3 planners to identify issues and propose solutions. Team would perform all required tasks through adoption.

Community support: likely well supported because people don't like to see large changes in their neighborhood and preserving buildings supports many community values.

Time: A lot of research/background work and some engagement has occurred. One month to develop final proposal, 2 months for community engagement, 2 months for PC process.

Address Downtown Building Heights

Issues: Relatively low building heights are hampering growth; Building heights do not relate to building code requirements or construction types; Building heights do not support TOD around central station; design review process lacks standards to address key environmental impacts.

Solutions: Update building heights to match city goals for downtown development; align heights with construction types in the building code; increase allowed building heights where appropriate; add standards to address environmental impacts.

Staff resource: Team of 2-3 people working approximately 8 hours per week on the project. Tasks; match building heights to construction types in building code, draft design review standards for environmental impact, authorize staff review of building height in the design review; identify appropriate building heights in the downtown zones; add buffering requirements when necessary.

Community Support: likely indifferent, but if there are issues it is likely to be with buffering between less intense areas and with street engagement. This should include a technical advisory committee of architects and engineers to help identify height related needs and issues.

Time: 1-2 months for research and study, two-three months to draft proposal (with the technical advisory committee), 1-2 months for engagement, 1-2 months for PC process.

Identifying additional phases and actions will be determined as resources become available.

Division Organization

This strategy includes longer term reallocation of staff resources. This would apply as vacancies occur and with new FTEs (if budgeted). The goal is to create more diversity in positions within the division so that assignments can better match experience and skill set. The goal will be to increase the number of associate planners within the division to between four and six positions. The associate planners would focus on processing applications such as subdivisions, conditional uses, minor design review projects, and minor alterations to historic buildings. Associate Planners typically have less than two years of planning experience. This approach builds their skill set and builds their experience with current planning issues. This frees up time for Principal Planners and Senior Planners to work on larger issues and studies to help improve the code and address growth related issues within the city. This creates clarity between planning positions.

This change allows the division to better allocate resources, monitor professional development, and achieve better outcomes.

Project: Removing Special Exceptions from the Zoning Ordinance

Public Involvement Plan

Project Purpose: Eliminate the special exception process from the zoning ordinance. The existing authorized special exceptions would fall into one of the following categories:

- No longer authorized. This includes special exceptions that have never been or are rarely applied for and special exceptions that are consistently denied.
- Allowed with specific qualifications. This includes exceptions that are routinely approved with simple and consistent conditions or no conditions.
- Allowed by right: This category includes exceptions that produce similar impacts to what is otherwise allowed.

The goals of this project include:

- Reallocate staff hours to update land use related policies to promote equity in the distribution of Planning Division resources;
- Allocate more resources towards implementing master plans;
- Allocate more resources towards updating outdated zoning regulations and to address growth related issues.

Project Website:

Project Contact Info:

Project Status:

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Introduction

Salt Lake City is going through one of its largest periods of growth in its history. The Planning Division does not have the resources to respond to this growth. This results in the city's zoning ordinance is not being maintained in a timely manner, the code is not aligned with the adopted master plans, the city cannot proactively address the impacts of growth, and the ordinance cannot be updated to address historic equity issues. With limited resources to increase staffing, the only alternative is to reallocate staff resources to other things by changing current processes in the zoning ordinance. The increase in special exception applications indicate that exceptions are becoming more normal and that staff resources are being applied to the desires of individual property owners and not to broader planning needs of the city.

Eliminating the special exception chapter will reduce the total number of applications submitted to the city by approximately 12%. The estimated staff hours it takes to process special exception applications is the equivalent of 1.5 to 2 full time employees. The staff hours saved can be applied to addressing other code issues in a more-timely manner.

Background Information

Special Exceptions are minor changes to a standard or incidental use of property that are specifically authorized by the zoning ordinance. There are more than 40 authorized special exceptions in the zoning ordinance. They address everything from additions to existing building and fence height to how accessory buildings can be used. In 2010 thirty-seven special exception applications were submitted. In 2019 there were 149.

Special Exceptions require the equivalent of 1.5 full time employees to process. This is derived by multiplying the number of applications by the approximate average processing times. About 95% of all special exception applications are approved. 2.4% require approval by the Planning Commission. A total of six applications were denied in 2019, most of those were requests for extra fence height.

Special Exception applications are submitted from every City Council district, but 85% are submitted from the neighborhoods east of I-15. City Council District Three and City Council District Five account for 55% of all special exception applications. This is expected in Council District Three due to the Capitol Hill, Avenues, and South Temple Historic Districts falling wholly or partially in this district. However, City Council District Five has one small historic (Westmoreland). The geographic dispersion of special exceptions requires allocating more Planning Division resources to these districts.

The Special Exception application fee is \$259 and generates approximately \$38,500 in revenue per year. The typical processing time per application is about 20 hours for staff approvals. It

Special Exceptions by the Numbers

2010: 37 applications

2019: 149 applications

400%: The increase in applications since 2010

3,000: approximate staff hours spent processing special exceptions

12.5%: Total workload dedicated to special exceptions

85% of applications are east of I-15

2.4%: applications reviewed by Planning Commission in 2019.

95%: applications approved in 2019

52: Five-year average total processing time (days)

costs between \$538 and \$692 in staff salary to process an application depending on if the application is processed by an Associate, Principal, or Senior Planner. At the low end, the application fee covers about 48% of the processing cost and 37% at the high end. The cost increases dramatically when an item is required to be approved by the HLC or PC because the average staff time increases by 32 hours due to the need for a public hearing and everything that is entailed in the process. These applications cost between \$1,400 and \$1,800 and the application fee covers between 14% and 18%.

The Approval Process

The special exception process was intended to be a rather simple process. Some applications are not complete, which requires the applicant to provide additional information. The process requires a public comment period of 12 days. Staff review and routing to other departments for review is given two weeks to complete. Often these processes run concurrently if the plans comply with all other zoning requirements. After the review periods are complete, staff either requires modifications to the plans based on the input received, approves the project, or informs the applicant that the application is being referred to the PC or HLC. The average process takes about 18 staff hours per application and about 52 calendar days for a decision. The average is heavily skewed by controversial applications, which can add months to the process. Staff approvals average 35 days.

1. Application submitted
2. Staff Review
 - a. Application reviewed for completeness
 - b. Compliance with all other applicable regulations
 - c. Routed for Department review
3. Notice of Application: send to neighbors
4. Review of public comment
5. Determination: staff review, Planning Commission, or Historic Landmark Commission
 - a. Staff decision: approved.
 - b. PC or HLC, continue to step 6
6. Notice of public hearing
7. Staff Report produced
8. Public Hearing
9. Decision

Community Engagement

Engaging the community on this proposal will primarily be done through electronic means due to the necessity to practice social distancing protocols. This raises concern with digital equity and some populations being excluded. The Planning Division will work with the City's Civic Engagement team to identify methods that can be used to reduce the digital equity issues while practicing safe interactions with the community.

This proposal is a change to the zoning ordinance and requires advice and collaboration with the community on developing a final proposal. There is a possibility that the community does not support removing special exceptions from the code. Internally the Community and Neighborhoods Department would have to determine if that is an acceptable outcome and whether the time should be invested in continuing the project.

Objectives

- Provide a clear scope of work for stakeholders and how this proposal fits in with the city policies and goals.
- Present information in a way that is easy to digest and leads to productive conversations.
- Report back with findings and changes that are a result of the previous engagement activity.
- Address equity in allocation of city resources.

Stakeholders

- architects who have submitted multiple applications
- previous applicants
- neighbors who have supported or not supported special exception applications
- recognized organizations
- neighborhoods that see higher numbers of applications
- Historic preservation advocates
- City Departments

Engagement Opportunities

- A series of recorded webinar available for the public to participate at their convenience.
- A follow up webinar that responds to questions and comments from participants and from input received through the project website.
- Create monthly updates for the project.
- A final webinar that gives an overview of the final proposal.
- Project website: the project website will provide access to all documents and recordings of events that the Planning Division controls. It will also provide instructions on how to provide additional input.
- Recognized Organizations: The Division will prepare a shorter presentation for recognized organizations and be available to those organizations who request presentations.

- Assigned planners to respond to questions and comments in a timely fashion.
- The division may target organizations that have a geographic boundary where special exceptions applications are more frequent.
 - Reach out to architects who have gone through the special exception process for input.
- Project survey to help determine level of support for each special exception.
- Historic Landmark Commission public hearing
- Planning Commission Input and public hearing(s)

Decision Making Process and Timeline

2020 March-April	Background Research	complete
2020 April-June	Draft Proposal	80% complete
2020 July-August	Public Engagement	-
2020 September-October	Historic Landmark Commission	-
	Planning Commission	
2020 November-December	Transmittal Process	-
2021	City Council Process	-

Proposed Action for each Special Exception

Special Exceptions found in Chapter 21A.52 Special Exceptions

1. Accessory structure building height: changes to the accessory structure height regulations would allow for taller accessory buildings with an increase in setback from property lines. The height would be limited to 75% of the height of the principal structure.
2. Accessory structures on double frontage lots: regulations would be added to allow them in what is the rear yard of the property with setbacks to address safety issues associated with backing into a roadway.
3. Additional height for fences: A standard would be set for height. Additional height would be allowed by right only for specific instances, such as around outdoor recreation facilities and to secure sensitive or dangerous land uses.
4. Additional Building height in commercial districts: this is a general requirement to all commercial districts on sloping lots. It would be eliminated and extra height would rely on the specific zoning district requirements. In the future, regulations will be added to clarify height on sloping lots and how it should be measured.
5. Additional building in foothill zoning districts, including wall height. This would be deleted and rely on the specific building height requirements of the foothill zones.
6. Additional building height in residential zoning districts: this would be deleted in its entirety and rely on the height of the underlying zone or overlay district.
7. Any alternative to off street parking requirements: deleted. Modifications to parking requirements are being updated through a rewrite of the parking chapter.
8. Barbed wire fences: deleted and will be allowed in manufacturing zones, agricultural zones, and for specific land uses that need extra security.
9. Conditional home occupations: delete. This is a leftover special exception and home occupations are now allowed by right.
10. Dividing lots that contain two or more principal residential structures. Delete, will be allowed by right subject to specific standards and the subdivision plat process.
11. Front yard parking: delete. This will no longer be allowed.
12. Grade changes and retaining walls in excess of four feet in height: delete. Grade changes and retaining walls over 4 feet in height will be required to be tiered.
13. Ground mounted mechanical equipment, such as AC units, pool filtration systems, etc: deleted. Will be allowed by right if meets certain setback locations.
14. Hobby shop, art studios, and other uses of accessory buildings: deleted. Will be allowed as accessory use by right.
15. Inline additions to residential and commercial buildings that do not meet current setback or height requirements: TBD.
16. Home day care and home preschools in residential districts: deleted, being addressed through a text change focusing on day care facilities.
17. Outdoor dining in required yards: delete. Outdoor dining standards being updated to address buffering requirements when next to residential zones.
18. Razor wiring fencing: delete. Delete; will be allowed by right in some zoning districts and for some uses that require higher levels of security.
19. Replacement or rebuilding of a noncomplying building segment or full replacement of a noncomplying accessory structure. Delete. Noncomplying building requirements being updated to allow this by right.

20. Underground building encroachments into required yards. Delete. This will be added as a permitted activity to the allowed encroachments table with standards.
21. Window mounted AC units. Delete; will be allowed by right.
22. Vehicle and equipment storage in manufacturing and CG zones without hard surfacing: delete, will be made permitted with standards to reduce impacts.
23. Ground mounted utility boxes: will be changed to permitted with standards that require the boxes to be located on private property when serving a specific development. Only boxes necessary to provide broader utilities, such as burying of power lines, will be allowed in the ROW.
24. Legalization of existing dwelling units. Will be moved to the “determination of non-complying use” process.
25. Designation and location of vintage signs: will be made permitted through the zoning certificate process.
26. Additional height for sports related outdoor recreation fields: will be an allowed height encroachment with standards for screening lights and spacing from residential uses.

Special Exceptions found elsewhere in the Zoning Ordinance

- A. Recreation equipment height or heights for public utility buildings in the OS zone: TBD. Options may include: exempt from height restrictions, allow as specific height encroachments, allow with additional setback if impacts are created.
- B. Fence and wall height over 6 feet in height associated with homeless resource center. Delete the special exception, but clarify that the PC may approve a taller fence to mitigate a detrimental impact.
- C. Enlargement of structure with a legal, nonconforming use(c)(3): delete as special exception and update standards for enlarging a nonconforming use.
- D. Horizontal inline additions: TBD
- E. Any alteration to an SFD or two-family dwelling in a zoning district that does not allow the uses other than M1 or M2: delete the special exception and make by right.
- F. Accessory building height: delete the special exception and add standards for additional height up to a % of the principal building with increased setbacks.
- G. Amateur HAM radio antennae in excess of 75 feet: delete the special exception and rely on federal communication standards. Antennae of this type would still be allowed up to 75 feet in height.
- H. Electrical equipment exceeding the permitted size for cell towers. Delete as a special exception, require the electrical equipment to be in certain areas if over a certain size.
- I. Electrical security fences: delete the special exception. This would not be retained in the code.
- J. ADA ramps, covered: Delete special exception, allow as a reasonable accommodation under fair Housing Act.
- K. Above ground utility boxes over a certain size: See item 23 in the above list
- L. Front yard parking for single family or two family uses. Delete, not allow.
- M. Parking exceeding the maximum: Delete, rely on updated parking chapter.
- N. Alternative parking requirements: Delete; rely on updated parking chapter.
- O. Historic District signs: Delete special exception, authorize HLC to approve alternative signs in historic districts or on landmark sites
- P. HLC bulk modification: delete special exception; authorize through other HLC processes (new construction, additions, alterations)

- Q. Grade changes of more than 6 feet within the buildable area in FR and FP districts: delete special exception. If grade change over 6 feet is required, would have to be tiered.
- R. Grade changes or retaining walls of more than 6 feet to allow driveways or parking areas in FR and FP: delete special exception; add standards to allow as encroachments for driveways and walkways.
- S. Garages built into hillsides in a required yard in the Yalecrest Overlay District: TBD, but likely to be allowed by right with standards.






Staff allocation transmittal_6_25_2020

Final Audit Report

2020-07-10

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