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WHEN RECORDED PLEASE RETURN TO:

SOUTH SALT LAKE CITY  
220 E. MORRIS AVE SUITE 200  
SOUTH SALT LAKE CITY, UT 84115

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Book - 10860 Pg - 1571-1582  
RASHELLE HOBBS  
RECORDER, SALT LAKE COUNTY, UTAH  
CITY OF SOUTH SALT LAKE  
220 E MORRIS AVE  
SLC UT 84115  
BY: DSP, DEPUTY - WI 12 P.

**CONDITIONAL USE PERMIT FIRST AMENDED CONDITIONS OF APPROVAL**

Location: 3380 South 1000 West  
Use: Homeless Shelter  
Zone: A-1  
APN: 152637702  
Fee Title Owner: Shelter the Homeless  
File Number:  
Date: 7 November 2019

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Permit Issued to: Shelter the Homeless  
310 South Main St.  
Salt Lake City, UT 84101

**Conditions of Approval:**

1. Prior to recording any notice or document on the property subdivided as Lot 1, the Applicant shall record this Phase II CUP on Lot 1 of the Shelter the Homeless Plat;
2. A list of conditions of subdivision and Phase I CUP approval are attached hereto as Exhibit J. The Applicant must comply with all uncompleted conditions of subdivision approval and Phase I CUP approval, including the following items that overlap both subdivision and Phase I CUP approvals and are modified, in part as follows:
  - a. Because the only UTA bus stop in the area is on the north side of 3300 South, near 1000 West, and because the 3300 South and 900 West intersection has the highest incidence of auto/pedestrian casualties in South Salt Lake City, the Applicant shall identify and recommend to its residents safe routes to the facility from the UTA bus stop on the eastbound lane of 3300 South and shall work with UDOT to ensure that a pedestrian triggered, lighted crosswalk at 3300 South and

1000 West, or such other UDOT-endorsed solution is installed and operable as soon as practicable;

- b. Applicant shall install and monitor 24-hour CCTV for the facility site, including property lines bordering the adjacent open space and Jordan River Trail as well as inside the facility (excluding the restrooms/shower) in such a manner that minimizes unmonitored blind spots; and
  - c. Applicant shall record, shall provide adequate electronic storage capacity for, and shall maintain the integrity of, all information recorded from each livestream of the CCTV footage for at least 21 days from the date of each live recording for the benefit and use of the Applicant and the South Salt Lake Police Department.
3. The Applicant may occupy and operate an emergency homeless shelter of up to 79,055 gross square feet (70,599 net occupiable area), plus parking, on Lot 1 of the HRC Plat, subject to the following conditions:
- a. The proposed facility is limited to a population of up to 300 individuals who may receive shelter at the facility for a period averaging no more than 90 days, unless the Mayor of South Salt Lake City declares an emergency, justifying a specified temporary extension of the average period of stay;
  - b. The Applicant shall track the average length of stay of its residents and shall report that average to South Salt Lake City staff on a quarterly basis;
  - c. If the average length of stay exceeds 50 days, the Applicant and South Salt Lake City staff will cooperate in good faith to implement changes to the Coordinated Entry System and the Applicant's practices and procedures to reduce the average length of stay;
  - d. All individuals housed at the facility must be referred to the facility through the Coordinated Entry System, or by the South Salt Lake City Police Department. If the Applicant staffs the Waiting and Intake area with qualified third-party Coordinated Entry System personnel, the Coordinated Entry System referral may occur from the Waiting and Intake area at the 1000 West facility; if after evaluation by a qualified third-party Coordinated Entry System staff member at the 1000 West facility, a homeless person that arrived at the 1000 West facility is referred to a separate facility within the Continuum of Care, 1000 West facility personnel may provide that person with limited services while that person remains in the Waiting and Intake area and awaits transport to the proper facility within the Continuum of Care. (This service shall be terminated if it effects the support of homeless campsites in South Salt Lake City in any manner);
  - e. No walk-in or non-current resident may receive any benefit or service from the facility except as otherwise specifically provided herein;

- f. Except as otherwise specifically authorized herein, all persons must enter the secured area site with valid entry identification and must enter the secured areas of the facility through the secure Waiting and Intake Area;
- g. The Waiting and Intake Area must be staffed by the facility operator and either licensed, insured, and bonded private security personnel or current law enforcement officers;
- h. Except as otherwise specifically provided herein, all persons entering or reentering the secure areas of the site and the facility must be registered, provided and display their Coordinated Services Card, and (excluding the operator's full time staff, security personnel, 4<sup>th</sup> Street Clinic personnel, and qualified delivery personnel who do not penetrate the secure area of the facility) shall be searched for weapons and Contraband;
- i. To ensure compliance with the foregoing conditions of approval, the Applicant must:
  - i. Verify that each new resident is currently referred to the 1000 West facility through the Coordinated Entry System or the South Salt Lake City Police Department;
  - ii. Facilitate registration of convicted sex offenders in accordance with state law;
  - iii. Create a Coordinated Services Card or other identification device for each resident;
  - iv. Maintain a daily record of all current residents, complete with photo identification (or in rare circumstances, the functional equivalent of photo identification). This daily record of residents will be made available to South Salt Lake City personnel to the greatest extent allowed under the Housing and Urban Development's 2004 Homeless Management and Information Systems (HMIS) Data and Technical Standards Final Notice, 69 Fed. Reg. 146 (July 30, 2004), <https://www.hudexchange.info/resource/1318/2004-hmis-data-and-technical-standards-final-notice/>. The Applicant will provide a monthly Safety and Security Report to South Salt Lake City law enforcement;
  - v. Verify the identity of each person entering or reentering the facility;
  - vi. With the assistance of current law enforcement officers or licensed, insured, and bonded private security personnel, use a metal detector and search each Guest and their personal belongings upon entry, and each reentry, for weapons and Contraband. (Applicant may propose a reasonable protocol, accepted by the South Salt Lake City Police

Department, that will provide limited exceptions to this condition for 4<sup>th</sup> Street Clinic personnel, staff, volunteers, and regularly scheduled deliveries by qualified drivers who do not penetrate the secure areas within the facility);

- vii. Refer all persons with obvious Contraband to the South Salt Lake City Police Department for disposition;
- viii. Refer all corrosives and explosives to the South Salt Lake City Fire Department for handling and safe disposition;
- ix. Refer all persons with known outstanding warrants to the South Salt Lake City Police Department to facilitate their required participation in the judicial system;
- x. Confiscate any unlabeled prescription medication or any prescription medication issued to a person other than the person in possession.
- xi. To discourage/prevent both substance abuse and the distribution of the prescribed medication in an active drug market, store each resident's prescribed controlled substance medication in: (A) secured storage lockers assigned to individual residents within a video monitored and easily-visible portion of the secured area of the facility, outside of the dormitory area; or (B) the facility's medical commissary;
- xii. Provide and manage a secured room for separated storage of residents' personal belongings;
- xiii. Refer, and facilitate transport of, persons who are a danger to themselves or others to law enforcement or off-site medical personnel;
- xiv. Facilitate transportation of obviously active, illicit drug users to an appropriate and available drug treatment facility, detoxification facility, or other form of care, housing, or shelter;
- xv. Prohibit entry onto the site and within the facility in excess of the maximum intensity of use authorized by this permit (no system "overflow" use at this facility);
- xvi. Report any person who is intoxicated to the extent that the person presents a reasonable danger to himself or others ("publicly intoxicated") to the South Salt Lake City Police or facilitate transport of publicly intoxicated residents to an appropriate facility within the Continuum of Care, away from the 1000 West shelter;
- xvii. Inform each person of the facility's services, amenities, procedures, Guest Expectations, Shelter Guidelines, and List of Prohibited Items (together,

“Standards”) within and around the facility, and the consequences of violating the Standards, attached hereto;

- xviii. Enforce the attached Expectation Protocols);
  - xix. With the attached Standards and Expectation Protocols operating as a baseline, regularly update and improve on the Standards and Expectation Protocols, based on input from service providers, the operator, private security and law enforcement regarding the efficacy of the Standards and Expectation Protocols in maintaining a safe shelter environment and preventing the proliferation of an illegal drug market or other crime or degradation in the shelter vicinity (quarter mile radius); and
  - xx. Ensure that any and all persons in occupying the facility participate in safety protocol training and monthly emergency drills.
- j. Applicant shall ensure that:
- i. All persons check oversized or excess belongings into secure, limited access storage for the duration of their stay at the facility, subject to the following:
    - I. No weapons of any kind shall be allowed in the facility;
    - II. Staff must provide direct supervision of the client storage area at all times;
    - III. Only authorized staff may access the storage area, residents will be supervised while accessing their individual storage container through a check in/check out protocol;
    - IV. All residents accessing their storage bin must be rescreened/ searched prior to returning to the secure area of the building; and
    - V. All residents must deposit all prescribed controlled substance medication into the medical commissary or other similarly separate and secured area for access by the prescribed resident to the medication and monitor each resident’s consumption of secured prescribed medication to discourage/prevent both substance abuse and the distribution of the prescribed medication in an active drug market;
  - ii. The operator must relocate any person who is in obvious need of specialized professional residential:
    - I. substance abuse treatment; or

II. mental health treatment

from the 1000 West Shelter to another facility within the Continuum of Care as soon as possible;

- iii. Each resident is assigned a case manager to assist the resident's transition from emergency shelter into housing;
  - iv. The Applicant shall report resident behavior associated with obvious illegal drug use to the South Salt Lake City Police Department;
  - v. No person may receive meals, soft goods or services at the 1000 West facility that is not a current, registered overnight guest at the 1000 West facility. (Except as otherwise provided herein, no services of any kind are allowed for persons who are not properly allowed entry into the 1000 West facility as residents);
  - vi. No person in excess of the maximum intensity of use authorized by this permit shall be allowed entry into the facility or sheltered on site. (There is no broader homeless system "overflow" use permitted at this facility);
  - vii. The facility shall be open as emergency shelter for properly registered, compliant guests throughout all hours of the day and the night for an average period of stay of up to 90 days, which limitation may be extended for a specified period upon declaration of emergency by the Mayor of South Salt Lake City; and
  - viii. All staff shall cooperate fully with lawful requests from public safety personnel and the applicable Court systems;
- k. At all times, the Applicant shall employ and ensure the presence of two (2) onsite security personnel that are state-licensed, insured, and bonded private security guards (or off-duty public safety officers) and shall require such security personnel to patrol the site and, as time allows, regularly patrol the surrounding neighborhood (quarter mile perimeter), to prevent loitering near the facility and the potential for adverse offsite impacts from the shelter use;
- l. The Applicant shall ensure that the operator's staff to resident ratio at the facility is at least 1 staff member per 40 residents from 6 a.m. to 10 p.m. and at least 2 staff members from 10 p.m. to 6 a.m. The staff to resident ratio does not include coordinated entry system personnel nor security personnel;
- m. The Applicant shall subject all operators and service providers, and their employees to pre-employment background checks and shall ensure, at a minimum, that all volunteers and employees are trained, periodically re-trained in, and adhere to, the attached Standards and Expectation Protocols, as well as

the facility's operating rules and procedures, are not sexual predators, are reasonably capable of identifying drug and alcohol abuse, and are well-versed in public health and safety procedures;

- n. The Applicant shall ensure that staff informs all residents of the emergency exit procedure and performs emergency exit drills at least once a month;
- o. The Applicant shall coordinate with law enforcement agencies, homeless outreach teams, the Salt Lake County Health Department and others to prevent adverse offsite impacts associated with the operation of the shelter;
- p. The Applicant shall provide comprehensive on-site services for its residents (including, at a minimum, three meals per day, clean clothing, access to health care, periodic men's tonsorial services, and case management);
- q. The Applicant shall enforce the baseline minimum Standards and Expectation Protocols attached hereto, and as they may be further revised to improve the health and safety of residents and the public, based on collaboration with service providers, the operator, private security and law enforcement personnel to maintain a safe shelter environment and to prevent the proliferation of an illegal drug market or other crime arising as an adverse offsite impact of the shelter's operation;
- r. The Applicant shall facilitate van service/transportation for facility residents from Coordinated Entry System points of entry and to and from off-site activities, to enhance residents' employment opportunities, to resolve obligations to the judicial system, and to facilitate rapid rehousing throughout the Salt Lake Valley;
- s. The Applicant shall enforce (outdoor) quiet hours on the entire site from 10:00 p.m. to 7:00 a.m.;
- t. The Applicant shall limit all food, client service and soft goods deliveries to the hours between 8:00 a.m. and 5:00 p.m.;
- u. The Applicant shall minimize the waste stream to the greatest extent practicable and shall schedule waste pickup between the hours of 8:00 a.m. and 5:00 p.m.;
- v. The Applicant shall regularly sanitize soft goods and disinfect hard surfaces in the facility;
- w. The Applicant may allow private donations on site, to the extent that the Applicant limits delivery to the hours of 8:00 a.m. to 7:00 p.m. and manages the process to prevent the proliferation of on-site waste generation or any outdoor storage or accumulation of donated items.
- x. The Applicant shall convene regular coordinating meetings with neighboring property owners and residents;

- y. The Applicant shall coordinate with the City of South Salt Lake and adjust its operating practices to new information and circumstances, to prevent adverse offsite impacts and transferring the statewide burden of homeless services to the residents of the City of South Salt Lake;
- z. The Applicant shall not allow anyone to store obviously stolen goods or illegal drugs on or near the facility property;
- aa. The Applicant will confiscate from its residents and will properly dispose of any grocery cart brought to, or lingering in the vicinity (quarter mile radius) of, the facility;
- bb. The Applicant has complied, and must maintain compliance, with the required amenities for Urban Style Multifamily housing detailed in the City's design guidelines, by designating certain floor area within the shelter and patio space outside of the shelter on a detailed floor plan.
- cc. Similarly, the Applicant shall provide certain specific on-site services for homeless residents in certain designated areas on a detailed floor plan. The Applicant must provide a comprehensive array of wrap-around support services in the facility, offered only to residents, to provide life skills, and physical and emotional wellness training, AA and CA meetings, case management, tonsorial services, non-complex medical and behavioral health services, as needed, housing support to transition residents from the facility, and may provide job skills, job search and time management training;
- dd. As proposed, the Applicant has committed the following area to specific required amenities and resident services mitigation efforts:

Use	Level	SF
Intake Area (resident services)	1	3,153
Resident Storage (resident services)	1	2,235
Courtyard (resident recreation)	1	5,261
Resident Services (resident transition services)	1	5,827
Clinic (resident health)	1	1,915
Dining & Kitchen (resident services)	1	8,056
Donation (resident services)	1	3,374
Commons (resident recreation)	1	4,752
Administration (resident services)	2	5,565
Sleeping & Hygiene (resident services)	2	17,293
Program Space (resident recreation)	2	5,365
Resident Laundry (resident services)	2	273
Balcony (resident recreation)	2	338
Mechanical, Janitorial Circulation (resident health)	1	5,150
Mechanical, Janitorial Circulation (resident health)	2	2,042
Total		70,599



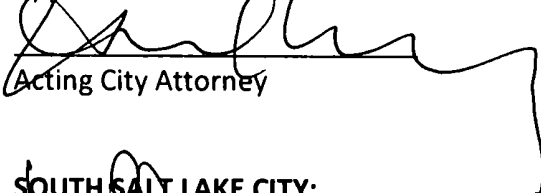
- ee. These space allocations are not fixed for all time and may be modified upon the Applicant's demonstration to the Community Development Director that the proposed modification will not violate the City's design standards nor diminish the Applicant's efforts to substantially mitigate the potential for adverse effects of the shelter on its residents or the community.
  - ff. The Applicant shall offer its residents at least three nutritious meals per day;
4. The Applicant shall promptly report to the South Salt Lake Police Department the identity and circumstances of any resident leaving the facility who the operator/staff reasonably believes presents a danger to himself or others;
  5. The Applicant shall instruct its private security provider to inform:
    - a. Any persons loitering near the facility that there is no loitering allowed near the facility, or in the surrounding neighborhoods/vicinity (quarter mile radius); and
    - b. The South Salt Lake City Police if the persons loitering near the facility do not heed security personnel's warning;
  6. The Applicant shall not allow any portion of the site or facility to be occupied by animals except as required by the reasonable accommodation provision of the Americans with Disabilities Act or other federal or state law;
  7. The Applicant shall install and staff a 24-hour phone number dedicated to reporting and resolving disturbances caused by the homeless population in the vicinity (quarter mile radius) of the shelter;
  8. The Applicant shall develop and implement a dispute resolution system intended to de-escalate dangerous or volatile situations that may arise at the facility;
  9. The Applicant shall not allow any person to use or occupy any vehicle, outdoor area, tent, or enclosure located on the shelter site or within its required off-site parking area, as a shelter for any period of time.
  10. The Applicant, and all facility staff and service providers, shall allow for and facilitate periodic, unannounced searches by a canine accompanied by public safety personnel.
  11. The Applicant shall post notice within the facility that all persons are subject to unannounced canine searches, as a condition of their occupancy;
  12. The Applicant, and all facility staff and service providers, shall fully cooperate with law enforcement to encourage 1000 West facility residents to comply with lawful searches, lawful requests from law enforcement and to participate in the judicial system;

13. The Applicant and all facility staff and service providers shall, in coordination with the South Salt Lake City Court, facilitate transportation of residents to and from and encourage residents to attend all required court appearances;
14. The Applicant and all facility staff and service providers shall appear and testify, when subpoenaed, for any applicable court matter involving the 1000 West facility or its residents in any manner;
15. Regularly, and at least on a quarterly basis, the Applicant shall review actual public safety call volumes, identity of residents who need additional targeted services, and implement additional prevention efforts to mitigate the impact and severity of circumstances in the vicinity (quarter mile radius) of the facility that burden South Salt Lake City public safety resources.
16. These permit conditions have been mutually negotiated by both parties; and
17. The Applicant and the South Salt Lake City shall execute and record the Conditions of Approval imposed by this permit with the County Recorder's Office prior to occupancy.

**Exhibits (available on file with South Salt Lake City Community Development Department):**

- EXHIBIT A: Legislative Audits (Shelter the Homeless/Homeless Services) (3)
- EXHIBIT B: CUP Phase I, CUP Phase I Application and Supporting Materials
- EXHIBIT C: Site Plan
- EXHIBIT D: Matrix analysis of mitigating conditions of approval
- EXHIBIT E: CUP Phase II Application and Supporting Materials
- EXHIBIT F: Subdivision Plat and Conditions of Approval
- EXHIBIT G: Standards
- EXHIBIT H: Expectation Protocols
- EXHIBIT I: Public promises re: shelter operations
- EXHIBIT J: Conditions of Subdivision and Phase I CUP approvals

Approved as to form:



Acting City Attorney

**SOUTH SALT LAKE CITY:**

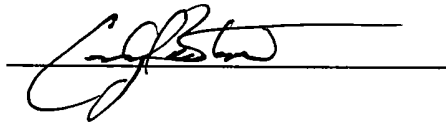


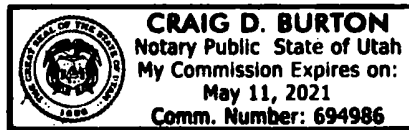
Laura Vernon, Planning Commission Chair

State of Utah )  
 ) ss.  
County of Salt Lake )

On this 14<sup>th</sup> day of NOVEMBER, in the year 2019, before me, CRAIG D. BURTON a notary public, personally appeared Laura Vernon, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged she executed the same.

Witness my hand and official seal.





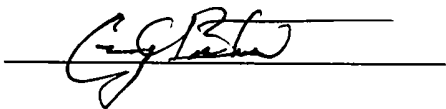
APPLICANT:

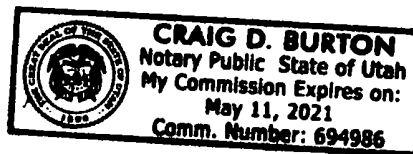
  
Preston Cochrane, Executive Director, STH

State of Utah )  
 ) ss.  
County of Salt Lake )

On this 7<sup>th</sup> day of NOVEMBER, in the year 2019, before me, CRAIG D. BURTON a notary public, personally appeared Preston Cochrane, proved on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.







*DocQuery*

Parcel Number • 15-26-377-021-0000

**Active Parcel Number**

**Acreage • 2.3600**

**Address • 3380 S 1000 W • SOUTH SALT LAKE • 84119**

**Owner(s) of Record**

SHELTER THE HOMELESS, INC.

**Property Description For Taxation Purposes Only**

LOT 1, HRC SUBDIVISION.