



COUNCIL STAFF REPORT

CITY COUNCIL *of* SALT LAKE CITY

TO: City Council Members

FROM: Nick Tarbet, Policy Analyst

DATE: February 19, 2019

**RE: Eleemosynary/Congregate Care Facility
Text Amendment
PLNPCM2016-00024**

PROJECT TIMELINE:

Briefing: February 19, 2019

Set Date: February 19, 2019

Public Hearing: March 26, 2019

Potential Action: April 2, 2019

ISSUE AT-A-GLANCE

The Council will be briefed on a proposal that would create a land use classification to address short-term housing for the terminally ill and seriously ill. The proposal includes reviewing compatibility concerns for how this land use, and others like it, would impact the adjacent residential neighborhoods, particularly the Institutional Zoning District.

The proposed changes would:

1. Rename “Eleemosynary” to “Dwelling, Congregate Care facility” and amend the land use definition.
2. Create two sizes (small /large) of Congregate Care facilities and reorganize the districts where both are allowed.
3. Remove the 25-person cap in the definition of Assisted Living Facilities.
4. Remove the 25-person cap in the qualifying provisions of the Institutional zoning district for Congregate Care and Assisted Living Facilities
5. Make Congregate Care and Assisted Living Facilities a conditional use.
6. Remove the 800-foot distance requirements between facilities to become compliant with Federal fair housing law.
7. Create a new parking requirement for proposed small Congregate Care facilities.

The Planning Commission forwarded a positive recommendation to the City Council.

Goal of the briefing: To review the proposed text amendment, determine if the Council supports moving forward with the proposal and direct staff to prepare for a public hearing.

POLICY QUESTIONS

1. The Council initiated this petition to review and address concerns about this type of land use located in the Institutional zoning district. Planning Staff has recommended making Congregate Care and Assisted Living Facilities a conditional use.
 - **Does the Council feel the conditional use process will adequately address compatibility concerns?**

ADDITIONAL INFORMATION

The Council initiated a legislative action on December 2015 to develop a land use classification for temporary housing for terminally and seriously ill, similar to the services the Inn Between provides. Additionally, the Council requested a review of compatibility concerns for how this land use and other similar facilities located in the Institutional zoning district.

Planning staff presented this topic to the Planning Commission during three different meetings: March 8, 2017, May 10, 2018 and June 14, 2017. During the first two meetings the Planning Commission requested modifications to the proposed text amendment.

Through this series of refinement, the Planning Commission ultimately forwarded a positive recommendation. The following outline describes the key changes and at which meeting the key changes were included in the final recommendation.

- 1. Rename “Eleemosynary” to “Dwelling, Congregate Care facility” and redefine the land use definition**
 - May 10 Planning Commission briefing – Staff recommends renaming/redefinition to bring clarify the uses’ meaning (*May 10 Planning Commission Staff Report, pages 4-5*)
 - Better explanation of who is housed there--clients and families who suffer from life-threatening illnesses or injury.
 - Further clarify that it is not a homeless shelter nor other defined uses.
- 2. Create two sizes (small /large) of Congregate Care facilities and reorganize the districts where both are allowed.**
 - May 10 Planning Commission briefing – Staff recommends creating two classes-small and large (*May 10 Planning Commission Staff Report, pages 5-6*)
 - Creating two classes would allow smaller facilities, up to 6 clients, in lower density residential zoning districts and other zoning districts; and allow larger facilities, 7 clients or more, in higher density and mixed-use zoning districts.
 - Currently there is no occupancy limit on an eleemosynary facility other than the 25-person cap in the Institutional zone.
- 3. Remove the 25-person cap in the definition of Assisted Living Facilities**
 - An error was made in codification as a 25-person cap was inadvertently placed in the definition of “Assisted Living Facility (Large)”. (*March 8 Planning Commission Staff Report, pages 4-5*)
 - The error in the definition results in city-wide occupancy limitation/cap. The City Council’s intent was to place a 25-person cap only in the Institutional zoning district.

- The cap in the definition should be removed.
4. **Remove the 25-person cap in the qualifying provisions of the Institutional zoning district for Congregate Care and Assisted Living Facilities**
 - Planning Commission requested removal of the 25 Cap for the Proposed Congregate Care and Assisted Living Facilities in the Institutional Zoning District and make them conditional uses (*June 14 Planning Commission Staff Report, page 3*)
 - Planning Commission was concerned about the arbitrary nature of the cap
 5. **Make Congregate Care and Assisted Living Facilities as conditional use.**
 - Planning Commission requested Congregate Care and Assisted Living Facilities in the Institutional Zoning District be allowed as a conditional use (*June 14 Planning Commission Staff Report, page 3*)
 - Planning Commission felt the conditional use process could address the impacts of congregate care and assisted living facilities
 6. **Remove the 800-foot distance requirements between facilities to become compliant with Federal fair housing law.**
 - Eliminate the 800-foot distance requirement from group homes, residential support and eleemosynary facilities to become in compliance with federal law. (*March 8 Planning Commission Staff Report, page 5*)
 - It has been determined that current distance requirements for these residential uses is in violation of the Fair Housing Act. The reason is that they apply to facilities or housing that serve disabled persons, a protected class under the act. The federal Fair Housing Act prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. (*May 10 Planning Commission Staff Report, page 2-3*)
 - The distance requirements are proposed to be removed as a qualifying provision in the land use chart.
 7. **Create a new parking requirement for proposed small Congregate Care facilities.**
 - Proposal requirement is: 3 parking spaces per facility and 1 parking space for every 2 support staff present during the busiest shift. (*June 14 Planning Commission Staff Report, page 3*)
 - The intent is to simplify the requirement and require a reasonable amount of on-site parking that would still allow a small facility to be compatible with the neighborhood.

Public Input

Pages 2-4 of the Transmittal letter outlines the public engagement process. The summary notes two open houses were held, two community councils were briefed, and three planning commission meetings were held about the proposed text amendment from April 2016 to June 2017.



CITY COUNCIL TRANSMITTAL


David Litvack, Deputy Chief of Staff

Date Received: November 16, 2018
Date sent to Council: November 20, 2018

TO: Salt Lake City Council
Erin Mendenhall, Chair

DATE: November 16, 2018

FROM: Mike Reberg, Director Department of Community & Neighborhoods

SUBJECT: Petition PLNPCM2016-00024 Eleemosynary (proposed Congregate
Care) Zoning Text Amendment

STAFF CONTACT: Katia Pace, Principal Planner
(801) 535-6354 or katia.pace@slcgov.com

DOCUMENT TYPE: Ordinance

RECOMMENDATION: That the City Council adopt the Planning Commission's recommendation
to approve the proposed text amendments.

BUDGET IMPACT: None

BACKGROUND/DISCUSSION: On December 17, 2015 the Salt Lake City Council initiated a legislative action requesting the Planning Division develop a land use classification for temporary housing for the terminally and seriously ill (similar to the INN Between land use.) They asked for a review of compatibility concerns for how this land use and similar facilities located in the Institutional zoning district may impact adjacent residential neighborhoods.

When analyzing the City Council's request, Planning identified two additional issues related to the land uses that provide support services. One is an unintended error in the definition of "Assisted Living Facilities" from a previous text amendment and the other is a legal issue relating to the Fair Housing Act (FHA) which prohibits spacing requirements for specialty housing types.

In response to the City Council's request and related issues, Planning Division Staff prepared a draft ordinance that:

1. Removes 25 person cap in the definition of "Assisted Living Facility;"
2. Removes the 800 foot distance requirements that violate the Fair Housing Act;
3. Renames "Eleemosynary" to "Dwelling, Congregate Care facility";
4. Redefines the proposed "Dwelling, Congregate Care facility" land use definition;
5. Creates two sizes of "Dwelling, Congregate Care facility", (small) and (large);
6. Reorganizes the districts where the proposed "Dwelling, Congregate Care facility (large) and (small)" are allowed;
7. Removes the 25 person cap in the qualifying provisions of the Institutional zoning district for the proposed "Dwelling, Congregate Care facility" and "Assisted Living Facility" and make these land uses allowed as conditional use in this zoning district;
8. Creates a new parking requirement for the proposed "Dwelling, Congregate Care facility (small)"

On June 14, 2017 the Planning Commission passed a motion to transmitt a positive recommendation of the Eleemosynary (proposed Congregate Care) Text Amendment (PLNPCM2016-00024) to the City Council.

ADDITIONAL INFORMATION: Changes to Section 21A.33.035, Table of Permitted and Conditional Uses for Transit Station Area (TSA) Districts, was added to the draft ordinance for this text amendment. These changes were not part of the staff report reviewed by the Planning Commission on June 14, 2017, when a recommendation to the City Council was made. At the time, the TSA land use table listed only prohibited uses and the eleemosynary land use was not listed as a prohibited use in the TSA zoning district.

The ordinance changing the land use table for the TSA, eliminating the "list of prohibited uses" in favor of the standard land use table, was adopted on June 26, 2017 after the Planning Commission made their recommendation to the City Council concerning this text amendment.

By including this table in this text amendment the eleemosynary use, or congregate care facility (small) and (large) as it is proposed to be called and divided, would continue to be allowed, as a permitted and conditional use, in TSA zoning districts.

By including this table in this text amendment, eleemosynary uses would continue to be allowed either as permitted (for small facilities) and conditional use (for large facilities) in the TSA zoning districts.

PUBLIC PROCESS: The Planning Division sent out notices of the Open Houses and Planning Commission meetings to the Planning Division Listerve of over 1500 people, property owners and residents within a 300 foot radius of the INN Between and published the notice in the newspaper. Furthermore, email notices were sent to representatives of eleemosynary facilities located in Salt Lake City and organizations and citizens interested in this text amendment. Most

of the comments from the public came from property owners adjacent to the INN Between at 340 Goshen Street. Comments can be found as part of Exhibits 3, 4, and 5 either in the Staff Report or as comments made in the Planning Commission public hearing.

The following is a chronological list of the public process for the proposed amendment:

- **April 21, 2016 - Open House:** community wide open house. Comments from the Open House are incorporated in the March 8, 2017 Staff Report.
- **April 27, 2016 - Poplar Grove Community Council:** Community Council invited the INN Between and Planning Staff to speak. Community Council did not vote on this issue, some community members voiced concerns about the INN Between, other members expressed support for the proposed amendment.
- **December 15, 2016 - Open House:** Planning held an additional open house because of the proposal to remove the 25 person cap in the definition of “Assisted Living Facility” and to remove the 800 foot distance requirements that was added to the petition.
- **January 25, 2017 - Poplar Grove Community Council:** Staff met with the Community Council to give an update on the proposal to remove the 25 person cap in the definition of “Assisted Living Facility” and to remove the 800 foot distance requirements in the petition. Community Council did not vote on this issue, some community members voiced concerns about the INN Between, other members expressed support for the proposed amendment.
- **March 8, 2017 – Planning Commission:** The Planning Commission held a public hearing and tabled the petition to allow staff to return with further information and research.
- **May 10, 2017 – Planning Commission:** The Planning Commission held a public hearing and tabled the petition and directed Planning Staff to make additional changes to the proposed text amendment.
- **June 14, 2017 – Planning Commission:** The Planning Commission held a public hearing and passed a motion unanimously to recommend that the City Council approve the proposed amendments.

EXHIBITS:

1. Project Chronology
2. Notice Of City Council Hearing
3. Planning Commission – March 8, 2017
 - A) Original Notice & Postmark
 - B) Staff Report
 - C) Public Hearing Comments
 - D) Agenda & Minutes
4. Planning Commission – May 10, 2017
 - A) Original Notice & Postmark
 - B) Staff Report
 - C) Public Hearing Comments
 - D) Agenda & Minutes
5. Planning Commission – June 14, 2017
 - A) Original Notice & Postmark
 - B) Staff Report
 - C) Public Hearing Comments
 - D) Agenda & Minutes
6. Original Petition
7. Mailing List

SALT LAKE CITY ORDINANCE

No. _____ of 2018

(Amending various sections of the *Salt Lake City Code* pertaining to eleemosynary, residential support, group home, assisted living facility, and congregate care facility uses)

An ordinance amending various sections of the *Salt Lake City Code* pertaining to eleemosynary, residential support, group home, assisted living facility, and congregate care facility uses, pursuant to Petition No. PLNPCM2016-00024.

WHEREAS, the Salt Lake City Planning Commission held public hearings on May 10, 2017 and June 14, 2017 to consider a request made by the Salt Lake City Council (“Applicant”) (Petition No. PLNPCM2016-00024) to amend Chapter 21A.33 (Zoning: Land Use Tables) and Sections 21A.44.030 (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required), 21A.60.020 (Zoning: List of Terms: List of Defined Terms), and 21A.62.040 (Zoning: Definitions: Definitions of Terms) pertaining to eleemosynary, residential support, group home, assisted living facility, and congregate care facility uses; and

WHEREAS, at its June 14, 2017 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the city council finds after holding a public hearing on this matter, that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Residential Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Uses “Dwelling, group home (large)”, “Dwelling, group home (small)”, “Dwelling, residential support (large)”, and “Dwelling, residential support (small)”, and adding the Uses “Dwelling, congregate care facility (large)” and “Dwelling, congregate care facility (small)”. That the Table of Permitted and Conditional Uses for Residential Districts is amended to modify the uses “Dwelling, group home (large)”, “Dwelling, group home (small)”, “Dwelling, residential support (large)”, and “Dwelling, residential support (small)”, and adding the Uses “Dwelling, congregate care facility (large)” and “Dwelling, congregate care facility (small)” and all associated information on each of those rows of the table to read as follows:

	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Dwelling, congregate care facility (large)												C	C	C		C	C	C	C
Dwelling, congregate care facility (small)	C	C	C	C	C	C	C		C	C	C	P	P	P	P	P	P	P	P
Dwelling, group home (large) ¹⁴											C	C	C	C	C ¹⁸ ₁₄	C	C	C	C ¹⁸ ₁₄
Dwelling, group home (small) ¹⁵	P	P	P	P	P	P	P		P	P	P	P	P	P	P ¹⁹ ₁₅	P	P	P	P ¹⁹ ₁₅
Dwelling, residential support (large) ¹⁶													C	C			C	C	C ²⁰ ₁₆
Dwelling, residential support (small) ¹⁷												C	C	P		C	C	P	P ²¹ ₁₇

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Residential Districts are amended to delete qualifying provisions 14 through 17 to reflect changes to that table as shown above.
- The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 2. Amending the Text of Salt Lake City Code Section 21A.33.030. That Section 21A.33.030 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Commercial Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Commercial Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Dwelling:							
Assisted living facility (large)		P		P	P	P	
Assisted living facility (small)		P		P	P	P	
<u>Congregate care facility (large)</u>		<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	
<u>Congregate care facility (small)</u>		<u>P</u>					

	Group home (large) ¹⁷		P		C		C	
	Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage ¹⁸	P	P	P	P	P	P	P
	Living quarter for caretaker or security guard	P	P	P	P	P	P	
	Manufactured home							P
	Multi-family		P	P	P	P	P	P
	Residential support (large) ¹⁹				C		C	
	Residential support (small) ²⁰				C		C	
	Rooming (boarding) house		P	P	P	P	P	
	Single-family attached							P
	Single-family detached							P
	Single room occupancy							
	Twin home							P
	Two-family							P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Commercial Districts are amended to delete qualifying provisions 17 through 20 to reflect changes to that table as shown above.

The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 3. Amending the Text of Salt Lake City Code Section 21A.33.035. That Section 21A.33.035 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Transit Station Area Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Transit Station Area Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

	TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
	Core	Transition	Core	Transition	Core	Transition	Core	Transition
Dwelling:								
Artists' loft/studio	P	P	P	P	P	P	P	P
Assisted living facility (large)	P	P	P	P	P	P	P	P
Assisted living facility (small)	P	P	P	P	P	P	P	P
Congregate care facility (large)	C	C	C	C	C	C	C	C
Congregate care facility (small)	P	P	P	P	P	P	P	P
Group home (large) ³	P ³	P ³	P ³	P ³	P ³	P ³	P ³	P ³
Group home (small) ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Living quarter for caretaker or security guard	P	P	P	P	P	P	P	P

Manufactured home	P	P	P	P	P	P	P	P	P
Multi-family	P	P	P	P	P	P	P	P	P
Residential support (large) ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Residential support (small) ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶	P ⁶
Rooming (boarding) house	P	P	P	P	P	P	P	P	P
Single-family attached	P	P	P	P	P	P	P	P	P
Single-family detached		P		P		P		P	
Single room occupancy	P	P	P	P	P	P	P	P	P
Twin home	P	P	P	P	P	P	P	P	P
Two-family	P	P	P	P	P	P	P	P	P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Transit Station Area Districts are amended to delete qualifying provisions 3 through 6 to reflect changes to that table as shown above. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 4. Amending the Text of Salt Lake City Code Section 21A.33.050. That Section 21A.33.050 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Downtown Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.

- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Downtown Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

	D-1	D-2	D-3	D-4
Dwelling:				
Artists’ loft/studio	P	P	P	P
Assisted living facility (large)	P	P	P	P
Assisted living facility (limited capacity)		P	P	P
Assisted living facility (small)	P	P	P	P
<u>Congregate care facility (large)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Congregate care facility (small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group home (large) ¹²		C	C	
Group home (small) ¹³	P	P	P	P
Multi-family	P	P	P	P
Residential support (large) ¹⁴		C	C	
Residential support (small) ¹⁵		C	C	

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Downtown Districts are amended to delete qualifying provisions 12 through 15 to reflect changes to that table as shown above. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 5. Amending the Text of Salt Lake City Code Section 21A.33.060. That Section 21A.33.060 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses in the Gateway District is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses in the Gateway District is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

Use		G-MU
Dwelling:		
	Assisted living facility (large)	P
	Assisted living facility (limited capacity)	P
	Assisted living facility (small)	P
	<u>Congregate care facility (large)</u>	<u>C</u>
	<u>Congregate care facility (small)</u>	<u>P</u>
	Group home (large) ⁶	C
	Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage ⁷	P
	Living quarters for caretaker or security guard	P
	Multi-family	P
	Residential support (large) ⁸	C
	Residential support (small) ⁹	C
	Single-family (attached)	P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses in the Gateway District are amended to delete qualifying provisions 6 through 9 to reflect changes to that table as shown above. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 6. Amending the Text of *Salt Lake City Code* Section 21A.33.070. That Section 21A.33.070 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Special Purpose Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Special Purpose Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

Use	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																	
Assisted living facility (large)													P ⁺⁶ C	P			P
Assisted living facility (limited capacity)													P	P			P
Assisted living facility (small)													P	P			P
Congregate care facility (large)													C	C			C
Congregate care facility (small)													P	P			P
Group home (large) ⁺⁷																	C
Group home (small) ⁺⁸			P		P	P											P
Living quarters for caretaker or security guard	P	P		P							P		P	P			P
Manufactured home					P	P											P
Mobile home															P		
Multi-family														P			P
Residential support (large) ⁺⁹																	C
Residential support (small) ⁺⁹																	P
Rooming (boarding) house																	P
Single-family (attached)																	P
Single-family (detached)			P		P	P											P
Twin home and two-family																	P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Special Purpose Districts are amended to delete qualifying provisions 16 through 21 to reflect changes to that table as shown above as well as the deletion of Eleemosynary facility from the table. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 7. Amending the Text of Salt Lake City Code Section 21A.33.080. That Section 21A.33.080 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in Form Based Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses in Form Based Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses in Form Based Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

Dwelling:					
	Assisted living facility (limited capacity)	P	P	P	P
	Assisted living facility (small)		P	P	P
	Congregate care facility (large)		C	C	C
	Congregate care facility (small)	C			
	Group home (large)		P	P	P
	Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P	P	P
	Multi-family		P	P	P

	Residential support (large)		P		
	Residential support (small)		P		
	Rooming (boarding) house		P		
	Single-family attached	P	P		P
	Single-family detached	P			
	Single-family detached (cottage development building form only)		P		P
	Single room occupancy		P		
	Two-family	P			

SECTION 8. Amending the Text of Salt Lake City Code Section 21A.44.030. That Subsection 21A.44.030.G.1 (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required: Minimum Off Street Parking Requirements: Table 21A.44.030) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That Table 21A.44.030 is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Adding the Uses “Congregate care facility (large)” and “Congregate care facility (small)”. That Table 21A.44.030 is amended to add the uses “Congregate care facility (large)” and “Congregate care facility (small)” (to be inserted in alphabetical order) and all associated information on the relevant rows of the table in the “Residential” use category to read as follows:

<u>Congregate care facility (large)</u>	<u>1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff present during the busiest shift</u>
<u>Congregate care facility (small)</u>	<u>3 parking spaces per facility and 1 parking space for every 2 support staff present during the busiest shift</u>

SECTION 9. Amending text of Salt Lake City Code Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms), shall be, and hereby is, amended as follows:

- a. Deleting the Term “Eleemosynary facility”. That Section 21A.60.020 of the Salt Lake City Code is amended to delete the term “Eleemosynary facility”.
- b. Adding the Term “Congregate care facility (large)”. That Section 21A.60.020 of the Salt Lake City Code is amended to add the term “Congregate care facility (large)” (to be inserted in alphabetical order).
- c. Adding the Term “Congregate care facility (small)”. That Section 21A.60.020 of the Salt Lake City Code is amended to add the term “Congregate care facility (small)” (to be inserted in alphabetical order).

SECTION 10. Amending text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended as follows:

- a. Deleting the definition “ELEEMOSYNARY FACILITY”. That Section 21A.62.040 of the Salt Lake City Code is amended to delete the definition “ELEEMOSYNARY FACILITY”.
- b. Adding a definition of the term “Dwelling, congregate care facility (large)”. That Section 21A.62.040 of the Salt Lake City Code is amended to add a new definition of “DWELLING, CONGREGATE CARE FACILITY (LARGE)”, which definition shall be inserted in alphabetical order and shall read as follows:

DWELLING, CONGREGATE CARE FACILITY (LARGE): A facility that provides temporary housing and assistance to seven (7) or more individuals, and/or their

family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. The term “congregate care facility (large)” does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

- c. Adding a definition of the term “Dwelling, congregate care facility (small)”. That Section 21A.62.040 of the Salt Lake City Code is amended to add a new definition of “DWELLING, CONGREGATE CARE FACILITY (SMALL)”, which definition shall be inserted in alphabetical order and shall read as follows:

DWELLING, CONGREGATE CARE FACILITY (SMALL): A facility that provides temporary housing and assistance to up to six (6) individuals, which includes any family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. The term “congregate care facility (small)” does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

- d. Amending the definition of the term “Dwelling, assisted living facility (large)”. That Section 21A.62.040 of the Salt Lake City Code is amended to modify the definition of the term “DWELLING, ASSISTED LIVING FACILITY (LARGE)”, which definition shall read as follows:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more to twenty five (25) individuals, licensed by the sState of Utah under tTitle 26, eChapter 21 of the Utah eCode or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah eCode sSection 26-21-2 or its successor.

SECTION 11. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2018.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2018.

Published: _____.

HB_ATTYY-#69618-v1-Ordinance_amending_eleemosynary_and_related_provisions.docx

SALT LAKE CITY ORDINANCE

No. _____ of 2018

(Amending various sections of the *Salt Lake City Code* pertaining to eleemosynary, residential support, group home, assisted living facility, and congregate care facility uses)

An ordinance amending various sections of the *Salt Lake City Code* pertaining to eleemosynary, residential support, group home, assisted living facility, and congregate care facility uses, pursuant to Petition No. PLNPCM2016-00024.

WHEREAS, the Salt Lake City Planning Commission held public hearings on May 10, 2017 and June 14, 2017 to consider a request made by the Salt Lake City Council (“Applicant”) (Petition No. PLNPCM2016-00024) to amend Chapter 21A.33 (Zoning: Land Use Tables) and Sections 21A.44.030 (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required), 21A.60.020 (Zoning: List of Terms: List of Defined Terms), and 21A.62.040 (Zoning: Definitions: Definitions of Terms) pertaining to eleemosynary, residential support, group home, assisted living facility, and congregate care facility uses; and

WHEREAS, at its June 14, 2017 hearing, the planning commission voted in favor of forwarding a positive recommendation on said petition to the Salt Lake City Council; and

WHEREAS, the city council finds after holding a public hearing on this matter, that adopting this ordinance is in the city’s best interests.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

SECTION 1. Amending the Text of *Salt Lake City Code* Section 21A.33.020. That Section 21A.33.020 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Residential Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Residential Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Uses “Dwelling, group home (large)”, “Dwelling, group home (small)”, “Dwelling, residential support (large)”, and “Dwelling, residential support (small)”, and adding the Uses “Dwelling, congregate care facility (large)” and “Dwelling, congregate care facility (small)”. That the Table of Permitted and Conditional Uses for Residential Districts is amended to modify the uses “Dwelling, group home (large)”, “Dwelling, group home (small)”, “Dwelling, residential support (large)”, and “Dwelling, residential support (small)”, and adding the Uses “Dwelling, congregate care facility (large)” and “Dwelling, congregate care facility (small)” and all associated information on each of those rows of the table to read as follows:

	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Dwelling, congregate care facility (large)												C	C	C		C	C	C	C
Dwelling, congregate care facility (small)	C	C	C	C	C	C	C		C	C	C	P	P	P	P	P	P	P	P
Dwelling, group home (large)											C	C	C	C	C ¹⁴	C	C	C	C ¹⁴
Dwelling, group home (small)	P	P	P	P	P	P	P		P	P	P	P	P	P	P ¹⁵	P	P	P	P ¹⁵
Dwelling, residential support (large)													C	C			C	C	C ¹⁶
Dwelling, residential support (small)												C	C	P		C	C	P	P ¹⁷

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Residential Districts are amended to delete qualifying provisions 14 through 17 to reflect changes to that table as shown above.
- The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 2. Amending the Text of *Salt Lake City Code* Section 21A.33.030. That Section 21A.33.030 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Commercial Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Commercial Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Commercial Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

	CN	CB	CS ¹	CC	CSHBD ¹	CG	SNB
Dwelling:							
Assisted living facility (large)		P		P	P	P	
Assisted living facility (small)		P		P	P	P	
Congregate care facility (large)		C		C	C	C	
Congregate care facility (small)		P					

	Group home (large)		P		C		C	
	Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage	P	P	P	P	P	P	P
	Living quarter for caretaker or security guard	P	P	P	P	P	P	
	Manufactured home							P
	Multi-family		P	P	P	P	P	P
	Residential support (large)				C		C	
	Residential support (small)				C		C	
	Rooming (boarding) house		P	P	P	P	P	
	Single-family attached							P
	Single-family detached							P
	Single room occupancy							
	Twin home							P
	Two-family							P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Commercial Districts are amended to delete qualifying provisions 17 through 20 to reflect changes to that table as shown above. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 3. Amending the Text of Salt Lake City Code Section 21A.33.035. That Section 21A.33.035 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Transit Station Area Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Transit Station Area Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Transit Station Area Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

		TSA-UC		TSA-UN		TSA-MUEC		TSA-SP	
		Core	Transition	Core	Transition	Core	Transition	Core	Transition
Dwelling:									
	Artists’ loft/studio	P	P	P	P	P	P	P	P
	Assisted living facility (large)	P	P	P	P	P	P	P	P
	Assisted living facility (small)	P	P	P	P	P	P	P	P
	Congregate care facility (large)	C	C	C	C	C	C	C	C
	Congregate care facility (small)	P	P	P	P	P	P	P	P
	Group home (large)	P	P	P	P	P	P	P	P
	Group home (small)	P	P	P	P	P	P	P	P
	Living quarter for caretaker or security guard	P	P	P	P	P	P	P	P

	Manufactured home	P	P	P	P	P	P	P	P
	Multi-family	P	P	P	P	P	P	P	P
	Residential support (large)	P	P	P	P	P	P	P	P
	Residential support (small)	P	P	P	P	P	P	P	P
	Rooming (boarding) house	P	P	P	P	P	P	P	P
	Single-family attached	P	P	P	P	P	P	P	P
	Single-family detached		P		P		P		P
	Single room occupancy	P	P	P	P	P	P	P	P
	Twin home	P	P	P	P	P	P	P	P
	Two-family	P	P	P	P	P	P	P	P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Transit Station Area Districts are amended to delete qualifying provisions 3 through 6 to reflect changes to that table as shown above. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 4. Amending the Text of *Salt Lake City Code* Section 21A.33.050. That Section 21A.33.050 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Downtown Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Downtown Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.

- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Downtown Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

	D-1	D-2	D-3	D-4
Dwelling:				
Artists’ loft/studio	P	P	P	P
Assisted living facility (large)	P	P	P	P
Assisted living facility (limited capacity)		P	P	P
Assisted living facility (small)	P	P	P	P
Congregate care facility (large)	C	C	C	C
Congregate care facility (small)	P	P	P	P
Group home (large)		C	C	
Group home (small)	P	P	P	P
Multi-family	P	P	P	P
Residential support (large)		C	C	
Residential support (small)		C	C	

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Downtown Districts are amended to delete qualifying provisions 12 through 15 to reflect changes to that table as shown above. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 5. Amending the Text of Salt Lake City Code Section 21A.33.060. That Section 21A.33.060 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in the Gateway District) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses in the Gateway District is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses in the Gateway District is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

Use		G-MU
Dwelling:		
	Assisted living facility (large)	P
	Assisted living facility (limited capacity)	P
	Assisted living facility (small)	P
	Congregate care facility (large)	C
	Congregate care facility (small)	P
	Group home (large)	C
	Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage	P
	Living quarters for caretaker or security guard	P
	Multi-family	P
	Residential support (large)	C
	Residential support (small)	C
	Single-family (attached)	P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses in the Gateway District are amended to delete qualifying provisions 6 through 9 to reflect changes to that table as shown above. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 6. Amending the Text of *Salt Lake City Code* Section 21A.33.070. That Section 21A.33.070 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses for Special Purpose Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses for Special Purpose Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses for Special Purpose Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

Use	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																	
Assisted living facility (large)													C	P			P
Assisted living facility (limited capacity)													P	P			P
Assisted living facility (small)													P	P			P
Congregate care facility (large)													C	C			C
Congregate care facility (small)													P	P			P
Group home (large)																	C
Group home (small)			P		P	P											P
Living quarters for caretaker or security guard	P	P		P							P		P	P			P
Manufactured home					P	P											P
Mobile home															P		
Multi-family														P			P
Residential support (large)																	C
Residential support (small)																	P
Rooming (boarding) house																	P
Single-family (attached)																	P
Single-family (detached)			P		P	P											P
Twin home and two-family																	P

- c. Amending the Qualifying Provisions. That the qualifying provisions for the Table of Permitted and Conditional Uses for Special Purpose Districts are amended to delete qualifying provisions 16 through 21 to reflect changes to that table as shown above as well as the deletion of Eleemosynary facility from the table. The codifier is instructed to renumber all qualifying provisions affected by this amendment to the table as well as the list of qualifying provisions that follows the table.

SECTION 7. Amending the Text of Salt Lake City Code Section 21A.33.080. That Section 21A.33.080 (Zoning: Land Use Tables: Table of Permitted and Conditional Uses in Form Based Districts) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That the Table of Permitted and Conditional Uses in Form Based Districts is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Amending the Use Category “Dwelling”. That the Table of Permitted and Conditional Uses in Form Based Districts is amended to modify the use category “Dwelling” and all associated information on the relevant rows of the table to read as follows:

Dwelling:					
	Assisted living facility (limited capacity)	P	P	P	P
	Assisted living facility (small)		P	P	P
	Congregate care facility (large)		C	C	C
	Congregate care facility (small)	C			
	Group home (large)		P	P	P
	Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P	P	P
	Multi-family		P	P	P

	Residential support (large)		P		
	Residential support (small)		P		
	Rooming (boarding) house		P		
	Single-family attached	P	P		P
	Single-family detached	P			
	Single-family detached (cottage development building form only)		P		P
	Single room occupancy		P		
	Two-family	P			

SECTION 8. Amending the Text of Salt Lake City Code Section 21A.44.030. That Subsection 21A.44.030.G.1 (Zoning: Off Street Parking, Mobility and Loading: Number of Off Street Parking Spaces Required: Minimum Off Street Parking Requirements: Table 21A.44.030) of the Salt Lake City Code shall be, and hereby is, amended as follows:

- a. Deleting the Use “Eleemosynary facility”. That Table 21A.44.030 is amended to delete the use “Eleemosynary facility” and all associated information on that row of the table.
- b. Adding the Uses “Congregate care facility (large)” and “Congregate care facility (small)”. That Table 21A.44.030 is amended to add the uses “Congregate care facility (large)” and “Congregate care facility (small)” (to be inserted in alphabetical order) and all associated information on the relevant rows of the table in the “Residential” use category to read as follows:

	Congregate care facility (large)	1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff present during the busiest shift
	Congregate care facility (small)	3 parking spaces per facility and 1 parking space for every 2 support staff present during the busiest shift

SECTION 9. Amending text of Salt Lake City Code Section 21A.60.020. That Section 21A.60.020 of the *Salt Lake City Code* (Zoning: List of Terms: List of Defined Terms), shall be, and hereby is, amended as follows:

- a. Deleting the Term “Eleemosynary facility”. That Section 21A.60.020 of the Salt Lake City Code is amended to delete the term “Eleemosynary facility”.
- b. Adding the Term “Congregate care facility (large)”. That Section 21A.60.020 of the Salt Lake City Code is amended to add the term “Congregate care facility (large)” (to be inserted in alphabetical order).
- c. Adding the Term “Congregate care facility (small)”. That Section 21A.60.020 of the Salt Lake City Code is amended to add the term “Congregate care facility (small)” (to be inserted in alphabetical order).

SECTION 10. Amending text of Salt Lake City Code Section 21A.62.040. That Section 21A.62.040 of the *Salt Lake City Code* (Zoning: Definitions: Definitions of Terms), shall be, and hereby is, amended as follows:

- a. Deleting the definition “ELEEMOSYNARY FACILITY”. That Section 21A.62.040 of the Salt Lake City Code is amended to delete the definition “ELEEMOSYNARY FACILITY”.
- b. Adding a definition of the term “Dwelling, congregate care facility (large)”. That Section 21A.62.040 of the Salt Lake City Code is amended to add a new definition of “DWELLING, CONGREGATE CARE FACILITY (LARGE)”, which definition shall be inserted in alphabetical order and shall read as follows:

DWELLING, CONGREGATE CARE FACILITY (LARGE): A facility that provides temporary housing and assistance to seven (7) or more individuals, and/or their

family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. The term “congregate care facility (large)” does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

- c. Adding a definition of the term “Dwelling, congregate care facility (small)”. That Section 21A.62.040 of the Salt Lake City Code is amended to add a new definition of “DWELLING, CONGREGATE CARE FACILITY (SMALL)”, which definition shall be inserted in alphabetical order and shall read as follows:

DWELLING, CONGREGATE CARE FACILITY (SMALL): A facility that provides temporary housing and assistance to up to six (6) individuals, which includes any family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. The term “congregate care facility (small)” does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, assisted living facilities, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

- d. Amending the definition of the term “Dwelling, assisted living facility (large)”. That Section 21A.62.040 of the Salt Lake City Code is amended to modify the definition of the term “DWELLING, ASSISTED LIVING FACILITY (LARGE)”, which definition shall read as follows:

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more individuals, licensed by the State of Utah under Title 26, Chapter 21 of the Utah Code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah Code Section 26-21-2 or its successor.

SECTION 11. Effective Date. This Ordinance shall become effective on the date of its first publication.

Passed by the City Council of Salt Lake City, Utah this _____ day of _____, 2018.

CHAIRPERSON

ATTEST:

CITY RECORDER

Transmitted to Mayor on _____.

Mayor's Action: _____ Approved. _____ Vetoed.

MAYOR

CITY RECORDER

(SEAL)

Bill No. _____ of 2018.

Published: _____

HB_ATT-#69618-v2-Ordinance_amending_elecmotynary_and_related_provisions.docx

APPROVED AS TO FORM
Salt Lake City Attorney's Office

Date: MAY 30, 2018

By: [Signature]
Paul C. Nielsen, Salt Lake City Attorney

TABLE OF CONTENTS

1. PROJECT CHRONOLOGY
2. NOTICE OF CITY COUNCIL HEARING
3. PLANNING COMMISSION – MARCH 8, 2017
 - A) ORIGINAL NOTICE & POSTMARK
 - B) STAFF REPORT
 - C) PUBLIC HEARING COMMENTS
 - D) AGENDA & MINUTES
4. PLANNING COMMISSION – MAY 10, 2017
 - A) ORIGINAL NOTICE & POSTMARK
 - B) STAFF REPORT
 - C) PUBLIC HEARING COMMENTS
 - D) AGENDA & MINUTES
5. PLANNING COMMISSION – JUNE 14, 2017
 - A) ORIGINAL NOTICE & POSTMARK
 - B) STAFF REPORT
 - C) PUBLIC HEARING COMMENTS
 - D) AGENDA & MINUTES
6. ORIGINAL PETITION
7. MAILING LIST

1. PROJECT CHRONOLOGY

PROJECT CHRONOLOGY

PLNPCM2016-00024 Congregate Care Facilities

January 11, 2016	Petition PLNPCM2016-00024 was assigned to Katia Pace
April 21, 2016	Planning Division Open House was held
April 27, 2016	Poplar Grove Community Council invited planning staff to speak
November 2, 2017	Removal of 800 feet distance requirement was added to the text amendment
December 15, 2016	Second Planning Division Open House was held
January 6, 2017	Removal of 25 cap in the Assisted Living Facility definition was added to the text amendment.
January 25, 2017	Poplar Grove Community Council invited planning staff for an update
March 8, 2017	Public hearing with Planning Commission - commission tabled the petition and asked for further information and research
May 10, 2017	Public hearing with Planning Commission – commission tabled the petition and asked for changes to be made
June 14, 2017	Public hearing with Planning Commission – commission forwarded a positive recommendation to the City Council
June 28, 2017	Minutes from June 14, 2017 public hearing ratified
June 28, 2017	Ordinance requested of City Attorney's Office

2. NOTICE OF CITY COUNCIL HEARING

NOTICE OF PUBLIC HEARING

The Salt Lake City Council is considering Petition **PLNPCM2016-00024 Congregate Care Facilities Text Amendment** - A request by the City Council to the Planning Division to develop a land use that would address the need for short-term housing for the terminally and seriously ill based on the model of the INN Between. Part of the request includes review of how this land use, and others like it, would impact the adjacent residential neighborhoods particularly with regard to the Institutional zoning district. The proposed changes might affect sections 21A.33 Land Use Tables, 21A.44 Off Street Parking, Mobility and Loading and 21A.62 Definitions. Related provisions of Title 21A Zoning may also be amended as part of this petition.

Two related issues were added to this text amendment. One is to remove a 25 cap in the definition of "Assisted Living Facilities" that was placed as an unintended error and the other is to remove the 800 foot distance requirement because of a legal issue relating to Fair Housing Act (FHA) which prohibits spacing requirements for specialty housing types.

As part of their study, the City Council is holding an advertised public hearing to receive comments regarding the petition. During this hearing, anyone desiring to address the City Council concerning this issue will be given an opportunity to speak. The hearing will be held:

DATE:

TIME: 7:00 p.m.

PLACE: Room 315
City & County Building
451 South State Street
Salt Lake City, Utah

If you have any questions relating to this proposal or would like to review the file, please call Katia Pace at 801-535-6354 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday or via e-mail at katia.pace@slcgov.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the City Council Office at council.comments@slcgov.com, 801-535-7600, or relay service 711.

3. PLANNING COMMISSION - MARCH 8, 2017

A) ORIGINAL NOTICE & POSTMARK



Salt Lake City Planning Division

451 S State Street, Room 406, PO Box 145480, Salt Lake City, Utah 84114-5480

Salt Lake City Planning Commission

Wednesday, March 8, 2017 5:30 p.m.

City and County Building 451 S State Street, Room 326

Eleemosynary Text Amendment - Salt Lake City Council is requesting Text Amendment to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is also reviewing the removal of the distance requirement for land uses that are residential in character. The proposed changes might affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com). Case number **PLNPCM2016-00024**

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757.



SALT LAKE CITY PLANNING DIVISION
451 S STATE STREET ROOM 406
PO BOX 145480
SALT LAKE CITY UT 84114-5480

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Salt Lake City Planning Katia Pace
PO Box 145480
Salt Lake City UT 84114



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CUSTOMER NAME AND ADDRESS		ACCOUNT NUMBER	
PLANNING DIVISION,		9001394298	
PO BOX 145480		DATE	
SALT LAKE CITY UT 84114		2/27/2017	
ACCOUNT NAME			
PLANNING DIVISION,			
TELEPHONE		ORDER # / INVOICE NUMBER	
8015357759		0001138793 /	
PUBLICATION SCHEDULE			
START 02/25/2017		END 02/25/2017	
CUSTOMER REFERENCE NUMBER			
Planning Comm. PH- 3/8/17			
CAPTION			
Notice of Public Hearing On Wednesday, March 8, 2017, the Salt Lake City Planning Comm			
SIZE			
47 LINES		2 COLUMN(S)	
TIMES		TOTAL COST	
2		122.50	

National of Public Interest

On Wednesday, March 8, 2017, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petition:

1. Easementary Test Amendment - This is a request by the Salt Lake City Council to ensure that Salt Lake City has the authority to allow for temporary easements for persons who are driving through residential neighborhoods at night and that their land use, and land use like it, are compatible with the residential neighborhood adjacent to the I-15 (Interstate) zoning district. As part of this project the city is also reviewing its general use distance requirement for land uses that are residential in character. The proposed changes might affect sections 21A.03 Land Use Tables and 21A.06 Definitions. Related provisions at Title 21A-Land use may also be affected. Staff contact: Karlis Pook at (801) 575-6354 or karp.pook@slcgov.org.

2. Northwest Quadrant Zoning - AG Test Amendment - The staff by March 2010 will prepare the procedural and use classifications from the Agricultural (AG) zoning district. The changes will be consistent with the recently adopted Northwest Quadrant Master Plan. All of the parcels in the city zoned AG are located within the Northwest Quadrant. This proposed amendment to the AG zone is part one of a series of zoning test changes that will be implemented. Staff update from: Plan of ID#1: 835-7-05 or 835-7-06. zoning@cityofseattle.gov. Fax: 206-461-7000.

The public hearing will begin at 5:30 p.m. in room 306 of the City County Building, 411 South State Street, Salt Lake City, UT.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodations, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests of **most** business days in advance. To make a request, please contact the Planning Office at 801-535-7737, or relay service 711. 1138292 **IPAG**

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF Notice of Public Hearing On Wednesday, March 8, 2017, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to t FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101: 46-3-104.

PUBLISHED ON Start 02/25/2017 End 02/25/2017

DATE 2/27/2017

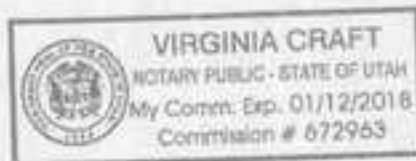
SIGNATURE _____

STATE OF UTAH

COUNTY OF SALT LAKE

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 27TH DAY OF FEBRUARY IN THE YEAR 2017

BY ANN DARTNELL



Virginia Giff
NOTARY PUBLIC SIGNATURE

3. PLANNING COMMISSION - MARCH 8, 2017

B) STAFF REPORT



Staff Report

PLANNING DIVISION

DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Katia Pace
(801) 535-6354 or katia.pace@slcgov.com

Date: March 8, 2017

Re: PLNPCM2016-00024: Eleemosynary Text Amendment

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Citywide
PARCEL ID: Not Applicable
MASTER PLAN: Not Applicable

REQUEST:

Salt Lake City Council is requesting a text amendment to ensure that Salt Lake City has a land use classification for short-term housing for the terminally and seriously ill and analyze how this land use, and others like it, would impact the residential neighborhoods that are adjacent to the Institutional zoning district. In addition to the initial City Council request, Planning Staff also analyzed existing zoning regulations related to housing that provides special support services.

Through this request, planning proposes the following changes:

1. Retain "Eleemosynary" land use;
2. Split "Eleemosynary Facility" into 2 classes (small) and (large);
3. Change zoning districts where the "Eleemosynary" land use would be allowed;
4. Remove cap of 25 persons in the definition of "Assisted Living Facility;"
5. Make "Assisted Living Facility" and "Eleemosynary Facility" a conditional use in the institutional zone; and
6. Remove the 800 foot distance requirements that violate the Fair Housing Act.

RECOMMENDATION:

Based on the findings in the staff report, Planning Staff finds the proposed amendment adequately meets the standards for general text amendments and therefore recommends that the Planning Commission transmit a positive recommendation to the City Council to adopt the proposed changes as explained in this staff report.

Staff recommends the following motion:

Based on the findings and analysis in the staff report and testimony provided, I move that the Planning Commission transmit a positive recommendation for PLNPCM2016-00026 to adopt the proposed changes to the definition of the Eleemosynary Facility, change the zoning districts where the eleemosynary land use is allowed, remove the 25 person cap in the definition of Large Assisted Living Facilities, make Assisted Living Facilities a conditional use in the Institutional zone, and remove the distance requirement for land uses such as Group Homes, Residential Support and Eleemosynary Facilities

PROJECT BACKGROUND:**Original Request**

Early in 2016 the Salt Lake City Council issued a legislative action asking the Planning Division to come up with a land use that would address the need for short-term housing for the terminally and seriously ill and analyze how this land use, and others like it, would impact the residential neighborhoods that are adjacent to the Institutional zoning district.

The request from the Salt Lake City Council came after the INN Between requested permission from the city to start Utah's first hospice house for the homeless to provide a safe and comfortable place where homeless men and women can experience the end of life and receive professional hospice services.

Salt Lake City has identified the need for places that can offer a living space for people who are terminally ill or need to recover from a serious life threatening illness or injury. Often patients need to leave a hospital or a clinic and don't have a place to go, a family member to take care of them, or live far away from a hospital or a medical facility. This service reduces hospital stays and emergency room visits; give hospitals and clinics a safe place to which they can discharge patients; and decrease the need for family members to take on the entire burden of care.

Additional Proposal - Distance Requirement

In addition to the request above, the Planning Division proposes to eliminate an 800 foot distance requirement from group homes, residential support and eleemosynary facilities to become in compliance with federal law.

Recent applications for new group homes, have caused the city to re-examine the ordinance requiring group homes, residential support and eleemosynary facilities to be located 800-feet from each other. The city's spacing requirements violate the Fair Housing Act because the spacing requirement applies to facilities that serve disabled persons, a protected class under the Act.

The Fair Housing Act defines a person with a disability to include individuals with a physical or mental impairment that substantially limits one or more major life activities. The term "physical or mental impairment" includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

PROJECT DESCRIPTION:

In response to the petition, Planning analyzed zoning regulations related to housing that provides special support services. The changes are described in further detail below.

1. Retain “Eleemosynary” land use;
2. Split “Eleemosynary Facility” into 2 classes (small) and (large);
3. Change zoning districts where “Eleemosynary” land use would be allowed;
4. Remove cap of 25 persons in the definition of “Assisted Living Facility;”
5. Make “Eleemosynary Facility” and “Assisted Living Facility” a conditional use in the institutional zone; and
6. Remove the 800 foot distance requirements that violate the Fair Housing Act.

1. Retain Eleemosynary Facility Land Use

In considering a new land use, planning staff realized that the eleemosynary land use would allow short-term housing for the terminally and seriously ill and therefore a “new” land use would not be necessary. An Eleemosynary facility is defined in the Zoning Ordinance as:

Eleemosynary Facility: a facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

2. Split the Eleemosynary Land Use into Small and Large Facilities

Planning staff studied how to reduce the impact of eleemosynary land use within residential neighborhoods and came up with the proposal to split the eleemosynary land use into large and small. Additional information about the impacts on residential neighborhoods can be found on the Key Issues section of this staff report.

Right now eleemosynary facilities are allowed without a maximum occupancy in low density residential zoning districts all the way to higher density commercial zoning districts. The split would allow smaller facilities, up to 6 clients, in lower residential zoning districts and other zoning districts; and allow larger facilities, 7 clients or more, in more intense zoning districts. The distinction between large and small would follow a similar format as other land uses like it.

The new definitions would read:

Eleemosynary Facility (Large): a facility, occupied by seven (7) or more clients, operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

Eleemosynary Facility (Small): a facility, occupied by up to six (6) clients, operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless

shelters, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

The word clients, referring to the occupancy, would be used in the definition instead of individuals as in other land uses because in an eleemosynary facility an individual might be accompanied by a family member.

3. Change Zoning Districts Where Eleemosynary Land Use Would Be Allowed

By splitting the land use between large and small the eleemosynary land use would need to be redistributed. Smaller facilities, up to 6 clients, would be allowed in lower residential zoning districts and other zoning districts. Larger facilities, 7 clients or more, would be allowed in more intense zoning districts.

	CONDITIONAL USE	PERMITTED USE
Existing Eleemosynary Facility	FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, R-MU-35, CC, CSHBD, and CG.	RMF-45, RMF-75, R-MU-45, R-MU, RO, TC-75, D-1, D-2, D-3, D-4, G-MU, RP, FP, AG, AG-2, AG-5, PL, PL-2, I, UI, MU, FB-UN2, FB-SC, FB-SE, and TSA.
Large Eleemosynary Facility	RMF-35, R-MU-35, CC, CSHBD, CG, and I.	RMF-45, RMF-75, R-MU-45, R-MU, CB, TC-75, D-1, D-2, D-3, D-4, G-MU, UI, MU, FB-UN2, FB-SC, FB-SE and TSA.
Small Eleemosynary Facility	FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30,	RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CC, CSHBD, CG, TC-75, D-2, D-3, D-4, G-MU, I, UI, MU, FB-UN2, FB-SC, FB-SE, and TSA.

4. Remove the 25 Person Cap in the definition of “Assisted Living”

On December of 2015 the Salt Lake City Council approved a text amendment to allow assisted living facilities in more zoning districts as part of the City’s “Aging in Place” initiative. In addition, the definition of Assisted Living Facilities as well as other land use definitions changed to make the city’s definitions match the Utah Code’s definitions.

Along with these changes a 25 person cap was placed in the definition of Large Assisted Living Facility and in the qualifying provision for the Institutional zone. The cap in the definition was an inadvertent mistake, as a result it made the occupancy requirement apply citywide. The City Council’s intent was to place a 25 person cap for assisted living facilities in the qualifying provision for the Institutional zoning district only. The cap in the qualifying provision should stay but the cap in the definition should be removed.

The current definition reads:

Assisted Living Facilities (Large): a residential facility, occupied by seventeen (17) to **twenty five (25) individuals**, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.”

The new definition would read:

Assisted Living Facilities (Large): a residential facility, occupied by seventeen (17) to **or more individuals**, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.”

Eleemosynary Facility has a 25 persons cap listed as a qualifying provision. Other zoning districts where eleemosynary facilities are allowed don't have a restriction in occupancy. This occupancy restriction was placed as a measure for compatibility with residential neighborhoods and intended for the Institutional zone only. This occupancy restriction should stay, but the word in the qualifying provision should change from “persons” to “clients,” to be consistent with the proposed definition change.

5. Make Eleemosynary and Assisted Living Facilities a Conditional Use in the Institutional zoning district

Among these proposed changes, large eleemosynary and assisted living facilities would change from being allowed as a permitted use to a conditional use in the Institutional zoning district. This change is being proposed to promote additional review to ensure compatibility with any adjacent residential neighborhood.

Standards from Conditional Use Process

Under Section 21A.54.080 conditional use standards requires additional review to mitigate impacts. It ensures that the use is compatible with surrounding uses and that it complies with regulations and master plans. In addition, it assures that anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions. See Attachment G for a list of potential detrimental effects.

6. Remove the 800 foot Distance Requirement

The Planning Division proposes to eliminate an 800 foot distance requirement from group homes, residential support and eleemosynary facilities to become in compliance with federal law.

This requirement is found on the qualifying provisions at the end of the following permitted and conditional use tables:

- Chapter 21A.33.020: Table of Permitted and Conditional Uses for Residential Districts
- Chapter 21A.33.030: Table of Permitted and Conditional Uses for Commercial Districts
- Chapter 21A.33.050: Table of Permitted and Conditional Uses for Downtown Districts
- Chapter 21A.33.060: Table of Permitted and Conditional Uses in the Gateway District
- Chapter 21A.33.070: Table of Permitted and Conditional Uses for Special Purpose Districts

KEY ISSUES:

The key issues listed below have been identified through the analysis of the project, neighbor and community input, and department review comments.

Issue 1. Impact on Residential Neighborhoods from Institutional Land Uses

Eleemosynary and assisted living facilities, hospitals and nursing homes are institutional land uses allowed in the Institutional zoning district. Planning finds that eleemosynary and assisted living facilities are land uses that are typically associated with hospitals, nursing homes, and other institutional land uses and allowing them in the Institutional zoning district is appropriate. Allowing assisted living facilities in the Institutional zones can be considered part of the “Aging in Place” effort.

Institutional zoning districts are often located surrounded by residential neighborhoods that can be impacted by institutional land uses.

Some of the impacts on residential neighborhoods are traffic, parking and incompatible architectural appearance. Other potential impacts such as behavioral impact are for the most part programming issues that are not easily addressed through zoning.

The Salt Lake City zoning ordinance provides ways to mitigate some of the potential impacts on adjacent residential neighborhoods to institutional land uses. The list below provide a summary of the zoning requirements related to this topic.

Traffic & Parking Impacts

Under the Institution section of the zoning ordinance (Section 21A.32.080) controls are set for traffic and parking:

Traffic and Parking Impact: A traffic and parking study is required to be submitted to the city whenever an expansion of an existing use or an expansion of the mapped district is proposed. New institutional uses or expansions/intensifications of existing institutional uses shall not be permitted unless the traffic and parking study provides clear and convincing evidence that no significant impacts will occur.

Additional parking requirements are listed on Section 21A.44.030 for assisted living and eleemosynary facilities:

Required parking for Eleemosynary Facilities: 1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff present during the busiest shift.

Required parking for Assisted Living Facilities: 1 parking space for each 4 employees, plus 1 parking space for each 6 infirmary or nursing home beds, plus 1 parking space for each 4 rooming units, plus 1 parking space for each 3 dwelling units.

Incompatible Architectural Appearance

Under Section 21A.32.080, the purpose of the Institutional district is to regulate the development of larger public, semipublic and private institutional uses in a manner harmonious with surrounding uses. Some of the requirements that address the issue of compatibility in the Institutional zone are:

Maximum Building Height: Building height is limited to thirty five feet (35'). Building heights in excess of thirty five feet (35') but not more than seventy five feet (75') may be approved through the conditional building and site design review process; provided, that for each foot of height over thirty five feet (35'), each required yard setback shall be increased one foot (1').

Minimum Open Space: A minimum open space not be less than forty percent (40%) of the lot area is required.

Landscape Yard Requirements: The following landscape yards are required:

1. Front Yard: Twenty feet (20').
2. Corner Side Yard: Twenty feet (20').
3. Interior Side Yard: Eight feet (8').
4. Rear Yard: Eight feet (8').

Lighting: All uses and developments are required to provide adequate lighting so as to assure safety and security. Light sources shall be shielded to minimize light spillover onto adjacent properties.

Issue 2. Safety of Eleemosynary Clients

Salt Lake City wants to guarantee that health and safety is not compromised for persons that are seriously ill and live in group situations that may have limited mobility. Institutional housing types listed in the Salt Lake City zoning ordinance such as Assisted Living Facilities, Group Homes, and Residential Support are required to be licensed by the State of Utah.

Utah State Licensing does not license eleemosynary facilities, consequently these facilities are not regulated for safety through licensing as the other facilities listed above. Zoning is not the tool to address safety concerns. However, under Section 18.50.020.B of the Salt Lake City Building Code the city requires that any building undergoing a change which intensifies the use, is required to make building code upgrades. Code upgrades to an eleemosynary facility, according to plan and fire examiners, would include the following:

- Smoke barriers, a minimum of two smoke compartments to meet the square feet area of refuge as required in the NFPA 101 Life Safety Code;
- Automatic fire sprinkler system; and
- Automatic fire alarm, detection system that is interconnected to a remote station.

Other requirements such as ADA compliance would also be required.

Issue 3. Nonconforming Use

If the proposed text amendment is adopted there are potential consequences such as making existing eleemosynary facilities become a nonconforming use because of the change of zoning districts where they are allowed. Under Section 21A.38.040, the consequence of becoming a nonconforming use is the limit to enlargement, alteration, restoration, or replacement that would increase the level of nonconformity. Planning staff is not aware of any facility that would become a nonconforming use if these proposed changes were adopted.

ATTACHMENTS:

- A.** Petition to Initiate
- B.** Proposed Ordinance Changes
- C.** Analysis of Standards
- D.** Salt Lake City Master Plans
- E.** Public Process and Comments
- F.** Existing Land Use - I and UI Zoning Districts
- G.** Conditional Use Standards and List of Detrimental Effects
- H.** Motions

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

ATTACHMENT A: PETITION TO INITIATE

From: Shepard, Nora
Sent: Thursday, December 17, 2015 2:54 PM
To: Coffey, Cheri; Oktay, Michaela; Norris, Nick; Pace, Katia
Subject: FW: Assisted Living Facility Regulations

Nora Shepard, AICP
Planning Director

PLANNING DIVISION
COMMUNITY and ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7226
FAX 801-535-6174

PLNPCM2016-00024

From: Solorio, Kory
Sent: Thursday, December 17, 2015 2:20 PM
To: Tarbet, Nick; Love, Jill; Fullmer, Brian; Nielson, Paul; Paterson, Joel; Shepard, Nora
Cc: Mansell, Cindi; Crandall, Scott; Plane, Margaret
Subject: Assisted Living Facility Regulations

Hello,

On December 8, 2015 the Council adopted the following legislative actions. Please take appropriate action.

Also, please forward this email to anyone else who needs to be involved.

Thank you,

- Develop a definition/land use classification for the Inn Between Model
- Review of assisted living facilities and other similar facilities that provide assistance, for compatibility concerns in the Institutional Zone
- Review of administrative review process: How to tighten the standards of the administrative review process and return with proposals for consideration

Kory Solorio, CMC
Assistant City Recorder
451 South State Street, Room 415
(801)535-6226 office
(801)535-7681 fax

ATTACHMENT B: PROPOSED ORDINANCE CHANGES

PROPOSED CHANGES

1. Split the eleemosynary land use into large and small

In order to address the issues about the compatibility between certain institutional land uses adjacent to residential neighborhoods, the Planning Division proposes to split eleemosynary facilities between small and large facilities. The new definitions would read:

Eleemosynary Facility (Large): a facility, occupied by seven (7) or more clients, operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

Eleemosynary Facility (Small): a facility, occupied by four (4) to six (6) clients, operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.

Reference to zoning ordinance to be changed:

- *Chapter 21A.62*

2. Change zoning districts where eleemosynary facilities would be allowed

By splitting the land use between large and small the eleemosynary land use would need to be redistributed. Eleemosynary facilities would be allowed in the following zoning districts:

Proposed Large Eleemosynary Facilities allowed as a Conditional Use:

RMF-35, R-MU-35, CC, CSHBD, CG, and I.

Proposed Large Eleemosynary Facilities allowed as a Permitted Use:

RMF-45, RMF-75, R-MU-45, R-MU, CB, TC-75, D-1, D-2, D-3, D-4, G-MU, UI, MU, FB-UN2, FB-SC, FB-SE and TSA.

Proposed Small Eleemosynary Facilities allowed as a Conditional Use:

FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30,

Proposed Small Eleemosynary Facilities allowed as a Permitted Use:

RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CC, CSHBD, CG, TC-75, D-2, D-3, D-4, G-MU, I, UI, MU, FB-UN2, FB-SC, FB-SE, and TSA.

Reference to zoning ordinance to be changed:

- *Chapter 21A.33.020: Table of Permitted and Conditional Uses for Residential Districts*
- *Chapter 21A.33.030: Table of Permitted and Conditional Uses for Commercial Districts*
- *Chapter 21A.33.050: Table of Permitted and Conditional Uses for Downtown Districts*
- *Chapter 21A.33.060: Table of Permitted and Conditional Uses in the Gateway District*
- *Chapter 21A.33.070: Table of Permitted and Conditional Uses for Special Purpose Districts*

3. Remove the 25 person cap on Large Assisted Living Facilities

Remove the restriction located in the definition. The new definitions would read:

Dwelling, Assisted Living Facility (Large): A residential facility, occupied by seventeen (17) or more individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.

Reference to zoning ordinance to be changed:

- *Chapter 21A.62*

4. Make Assisted Living Facilities a Conditional Use

Assisted Living Facilities would change from a permitted use to be allowed as a conditional use in the Institutional zoning district.

Reference to zoning ordinance to be changed:

- *Chapter 21A.33.070: Table of Permitted and Conditional Uses for Special Purpose Districts*

5. Remove distance requirement

Remove the 800 foot distance requirement for Group Homes, Residential Support and Eleemosynary Facility.

Reference to zoning ordinance to be changed:

- *Chapter 21A.33.020: Table of Permitted and Conditional Uses for Residential Districts*
Qualifying provisions:
 - 14. No large group home shall be located within 800 feet of another group home.
 - 15. No small group home shall be located within 800 feet of another group home.
 - 16. No large residential support shall be located within 800 feet of another residential support.
 - 17. No small residential support shall be located within 800 feet of another residential support.
- *Chapter 21A.33.030: Table of Permitted and Conditional Uses for Commercial Districts*
Qualifying provisions:
 - 20. No large group home shall be located within 800 feet of another group home.
 - 21. No small group home shall be located within 800 feet of another group home.
 - 22. No large residential support shall be located within 800 feet of another residential support.

23. No small residential support shall be located within 800 feet of another residential support.

- *Chapter 21A.33.050: Table of Permitted and Conditional Uses for Downtown Districts*
Qualifying provisions:

12. No large group home shall be located within 800 feet of another group home.

13. No small group home shall be located within 800 feet of another group home.

14. No large residential support shall be located within 800 feet of another residential support.

15. No small residential support shall be located within 800 feet of another residential support.

- *Chapter 21A.33.060: Table of Permitted and Conditional Uses in the Gateway District*
Qualifying provisions:

6. No large group home shall be located within 800 feet of another group home.

7. No small group home shall be located within 800 feet of another group home.

8. No large residential support shall be located within 800 feet of another residential support.

9. No small residential support shall be located within 800 feet of another residential support.

- *Chapter 21A.33.070: Table of Permitted and Conditional Uses for Special Purpose Districts*
Qualifying provisions:

Qualifying provisions:

17. No large group home shall be located within 800 feet of another group home.

18. No small group home shall be located within 800 feet of another group home.

19. No large residential support shall be located within 800 feet of another residential support.

20. No small residential support shall be located within 800 feet of another residential support.

21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.

ATTACHMENT C: ANALYSIS OF STANDARDS

21A.50.050 Standards for General Amendments

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

Criteria	Finding	Rationale
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	There are various adopted planning documents that support a variety of housing needs and social service needs (see Attachment D.) Allowing land uses that can provide special housing needs and social services throughout the city helps implement the city master plan's visions. The proposed text amendment does support the general policies for the provision of a variety of housing and social service opportunities within the City.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	<p>The purpose statement of the zoning districts where eleemosynary facilities are proposed to be allowed as permitted or conditional use have a residential component/need that this land use will satisfy.</p> <p>Chapter 21A.02 Title, Authority, Purpose and Applicability: The purpose of this title 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.</p> <p>Chapter 21A.24 Residential Districts: The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.</p> <p>Chapter 21A.26 Commercial Districts: The commercial districts are intended to enhance the economic vitality of the specific commercial districts and the city as a whole, encourage sustainable and profitable businesses, create dynamic and vital business districts, and implement the adopted development policies of the city.</p> <p>Chapter 21A.27 Form Based Districts: The purpose of the form based districts is to create urban neighborhoods that provide people oriented places; options for housing types; options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit; transportation options;; and increased desirability as a place to work, live, play, and invest through higher quality form and design.</p>

		<p>Chapter 21A.30 Downtown Districts: The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial core of the city and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.</p> <p>Chapter 21A.31 Gateway Districts: The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted gateway development master plan through district regulations that reinforce the mixed use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high density residential.</p> <p>Chapter 21A.32 Special Purpose Districts: Certain geographic areas of the city contain land uses or platting patterns that do not fit traditional zoning classifications (e.g., residential, commercial, industrial) or uniform bulk regulations. These areas currently contain special land uses (e.g., airports or medical centers) which have a unique character, or contain mixed land uses which are difficult to regulate using uniform bulk and density standards. Because these areas have unique land uses, platting patterns and resources, special districts are needed to respond to these conditions. These special purpose districts are further intended to maintain the integrity of these areas, allow for greater flexibility in site design, and achieve the specialized goals for these areas</p>
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Complies	The proposed text amendment does not affect any overlay zoning districts. Any specific development proposal would have to comply with applicable Overlay Zone requirements.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	The proposed amendment implements current planning practices. Other larger urban areas have similar uses as the eleemosynary facilities that support related facilities that serve the region.

ATTACHMENT D: SALT LAKE CITY MASTER PLANS

Plan Salt Lake, adopted 2015

- *Vision* - We expect that our government will be open, fair, and responsive to the needs of the City. We expect that all people will be treated equitably, with dignity and respect, and be free from discrimination and that these tenets will be followed as we see demographic changes.
- *Neighborhoods Guiding Principle* - Neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein.
- *Housing Guiding Principle* - 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

City Council Philosophy Statements, adopted 2012

- *Neighborhood Quality Of Life* - We value a balance of residential types in the City including housing for all income levels, ages and accessibility needs.
- *Comprehensive Housing Policy* - Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households;
 - *Policy Statements #5 – Zoning*: The City should evolve its zoning regulations to effectively address the City's changing housing needs.
 - *Policy Statements #8 – Homeless, Transitional and Special Needs*: The provision and permanent housing options for those who have no other option is a fundamental responsibility of government in modern day society. The City will work with Salt Lake County, the State of Utah, and community partners to assist in providing temporary and permanent housing options to city residents.

Salt Lake City Housing Plan, adopted 2000

- Promote diverse and balanced communities by offering wide range of housing throughout the city.

Creating Tomorrow Together, prepared 1998

- *Social Environment Subcommittee* - We envision Salt Lake City as the best place in America for families. We stress the importance of children to our communities. When the needs of our children, all children, are properly addressed, the needs of the entire community are met. We also stress the importance of the elderly, the disabled, and in fact, we stress the importance of all our citizens. The best place in America for families must be a place where everyone is valued for the unique strengths they bring to our community.

Avenues Master Plan, adopted 1979

Health Services – Guidelines for Redevelopment for Low Density Housing

- Intensity of any new use, whether new occupancy of existing buildings, or redevelopment and new construction, must be less intensive than present use levels with regard to the number of persons occupying the site, parking needs, and estimated traffic generation.
- Any use involving additions or expansion of existing buildings, or construction of a new building(s) will be limited to low density housing.
- The design and scale of new construction should have a low density residential appearance and must be compatible with surrounding low density residential uses.
- There should be no variance from building height limits imposed by view protection provisions of the "F-1" Overlay Zone. Structures should be limited to two stories in height.

- New structures adjacent to public streets should be oriented to the street with a sense of entry through front facades.

Health Services – Guidelines for Either Redevelopment or a New Use of Existing Structures

- Intensity of any new use, whether new occupancy of existing buildings, or redevelopment and new constructions, must be less intensive than present use levels with regards to the number of persons occupying the site, parking needs, and estimated traffic generation.
- Sufficient parking to meet realistic needs must be provided on site without encroaching into required yard areas (even if realistic needs require a reasonable number of spaces in addition to those required by base zoning requirements.)
- Parking lots should be designed to encourage parking on them rather than on streets. Site design should include appropriate fencing, sidewalk locations, lighting, landscaping, etc.
- Parking lots must have adequate lighting.
- Signage should be minimal, and compatible with the residential setting. Signs must be in compliance with all zoning requirements.
- The amount and style of landscaping should be consistent with the residential character of the area. Sufficient open space should be provided to create a sense of spaciousness rather than crowding.
- Landscaping should be used to “break-up” parking lots.
- Existing large trees should be preserved.
- Any project must comply with reasonable requirements with respect to traffic generation, hours of operation, and night time activities, to minimize any potential adverse impacts on the surrounding residential area.

Capitol Hill Master Plan, adopted 1999

Institutional

- Amend the Urban Institutional zone to decrease the maximum height of new development to fifty feet where adjacent to residential properties.
- Develop design guidelines to encourage design of building, landscape and parking facilities on the block bounded by North Temple, 200 North, Main and State Streets, to ensure that any development will support and enhance the residential neighborhood to the north as well as maintain view corridors to the Capitol from the south. The design guidelines should include provisions to:
 - Require varied, stepped massing of a building, or multiple buildings, in order to discourage a monolithic appearance.
 - Eliminate blank walls along street faces and where adjacent to residential properties.
 - Require detailing and façade relief to provide for an architecturally interesting design.
 - Require a minimum percentage of glass on the ground level of a building to encourage pedestrian interaction.

Central Community Master Plan, adopted 2001

Institutional policies

- Minimize adverse impacts from existing uses.
- Minimize the expansion of institutional uses in residential neighborhoods.
- INSLU-1.1: Ensure that transportation and vehicle circulation impacts are mitigated when expansion or intensification of an institutional land use occurs.
- INSLU-4.3: Ensure City and encourage Federal State and County entities that the architecture of new government or public buildings complements and enhances the urban design of the community.

Housing policy

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.

Blocks 4 & 5 East Waterloo Subdivision Master Plan, adopted 1992

- Blocks 4 & 5 of the East Waterloo subdivision should continue as a viable residential environment. Special use residential uses and appropriate provided they blend with the residential fabric of the neighborhood. The Master Plan amendment to accommodate special use residential at this location is consistent with city policy of providing housing opportunities for all segment of the population. Site planning, building scale and design, and transitioning treatments are all important elements of land use compatibility for these blocks.

East Bench Master Plan, adopted 1987

- Limit institutional growth in the University of Utah/Research Park area to the capacity of 1300 East and Foothill Drive and other major streets serving these institutions.

Northwest Community Plan, 1990

Assisted Housing

- Assisted housing should be spread throughout city.
- Assisted housing project should be required to have compatibly designed buildings which fit with the character of the surrounding neighborhood.

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

April 21, 2016 - Open House: On April 29, 2016, a community wide Open House was held regarding the proposed text amendment. Attendees at the Open House were mostly residents adjacent to the INN Between at 340 Goshen Street.

December 15, 2016 - Open House: A community wide Open House was held regarding the proposed text amendment. Attendees at the Open House were mostly representatives of the INN Between at 340 Goshen Street.

April 27, 2016 - Poplar Grove Community Council: Community Council invited the INN Between and Planning staff to speak.

January 25, 2017 - Poplar Grove Community Council: Staff met with the community council again to give an update on this project.

Public Hearing Notice: A notice of the public hearing for this text amendment includes:

- Public hearing notice published in newspaper February 23, 2017.
- Public hearing notice posted on City and State websites February 23, 2017.
- Public hearing notice emailed to the Planning Division listserv February 23, 2017.

Public Comments: Copies of the comments received at both open houses and emails are attached to this section of the document.



Department of Community
and Economic
Development

SALT LAKE CITY PLANNING

OPEN HOUSE PUBLIC COMMENT FORM

April 21, 2016

Housing for Terminally/Acutely Ill
ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name:

Dyani Schnider

Address:

[Redacted Address]

Zip Code

84104

Phone:

[Redacted Phone]

E-mail

[Redacted Email]

Comments:

The issue arises in defining what hospice means. All people are recovering from something. Also, will their family be allowed to stay there? That doesn't follow the rules which is one thing I don't like. Can they wander around the neighborhood? That seems like a bad idea too. The rules seem loosely interpreted by the hospices, which can severely affect the surrounding neighborhood.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at katia.pace@slcgov.com. Please provide your comments by April 28, 2016.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

If the ~~neighbor~~ amount of residents increase, stricter rules for any²⁰ comings and goings or misconduct needs to go up as well. →

Look into neighborhood sometimes, so higher fences - inpatient exposure to people at the facility. You can't control kids a fence is a precaution.

Something needs to be figured out that will grow with residents in the facility, also regarding the density of the surrounding neighborhood. Also, it's not just about the number of people, but the type of people. If it's a homeless hospice, that is different than an apartment. They can be unpredictable, so higher person per sq. foot ratio can be dangerous.

The hospice will want to grow in size over time, and the regulation/zoning should keep check on them with that growth.

If residents have family staying there, that should count for the capacity limit but with some sort of extra weight because the family would be more active and not confined to ~~the~~ a sick bed.



PLANNING DIVISION
COMMUNITY and
NEIGHBORHOODS

SALT LAKE CITY PLANNING

OPEN HOUSE PUBLIC COMMENT FORM

December 15, 2016

Recuperative Housing
ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name:

Kirk Huffer

Address:

[REDACTED]

SLC

Zip Code 84106

Phone:

E-mail

Comments:

NEEDED NEW DESIGNATION WITHIN THE CASE. FEEL
POSITIVE ABOUT ITS USE NOW AND INTO THE FUTURE.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at katia.pace@slcgov.com. Please provide your comments by January 6, 2017.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480



PLANNING DIVISION
COMMUNITY and
NEIGHBORHOODS

SALT LAKE CITY PLANNING

OPEN HOUSE PUBLIC COMMENT FORM

December 15, 2016

Recuperative Housing
ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name: Kim Connor

Address: _____

Zip Code _____

Phone: [REDACTED] E-mail _____

Comments: _____

... who don't have a place to go or whose who
cannot afford the cost of a nursing
home.

Define Social Hospice model
Look @ Mother Theresa House in Lansing MI
& other hospices in Lansing.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at kalia.pace@slcgov.com. Please provide your comments by January 6, 2017.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

From: Natalie hart [REDACTED]
Sent: Tuesday, April 5, 2016 3:13 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: The Inn Between

I learned recently that the Inn Between found the loophole that they were looking for to be able to expand their homeless facility in my neighborhood. This is very disappointing. I was just beginning to feel hopeful about my neighborhood. I was starting to see more owner occupied homes with people making improvements to their homes and yards. My neighborhood was still fragile, but i could see it turning a corner and becoming a true asset to our city. But now, there is a homeless shelter operating less than a block from my house. The Inn Between has been dishonest with our community from the very beginning, promising this would be a small shelter for the terminally ill who would otherwise die in the streets. This message has played on the hearts of the public and has garnered a lot of support for their cause, but not only is it a lie (when the Inn Between couldn't get licensed to provide end-of-life care, they quickly switched gears and became a shelter for anyone needing a break from the streets), it is also at the sacrifice of my neighborhood and the families who live there. It was a hard enough blow to our community to have a homeless shelter open, but now to find out that they have somehow circumnavigated the city ordinance that prevented their expansion is incredibly frustrating.

The Inn Between seems to have more compassion for the child rapists that they are harboring there than for the children who are being put at risk having those rapists and molesters (and yes, there are literal child rapists and molesters) living along their pathway to and from school and they certainly have no regard for the community. The West side neighborhoods deserve equal consideration, and yet we have become the city's dumping ground once again.

From: Natalie hart [REDACTED]
Sent: Monday, April 18, 2016 12:03 PM
To: Pace, Katia
Subject: Upcoming city planning meeting

I don't know if i will be able to attend the open house on April 21st, so please consider the following comment:

I am very concerned regarding the land use classification as it relates to the Inn Between. I learned recently that the Inn Between found the loophole that they were looking for to be able to expand their homeless facility in my neighborhood. This is very disappointing. I was just beginning to feel hopeful about my neighborhood. I was starting to see more owner occupied homes with people making improvements to their homes and yards. My neighborhood was still fragile, but i could see it turning a corner and becoming a true asset to our city. But now, there is a homeless shelter operating less than a block from my house. The Inn Between has been dishonest with our community from the very beginning, promising this would be a small shelter for the terminally ill who would otherwise die in the streets. This message has played on the hearts of the public and has garnered a lot of support for their cause, but not only is it a lie (when the Inn Between couldn't get licensed to provide end-of-life care, they quickly switched gears and became a shelter for anyone needing a break from the streets), it is also at the sacrifice of my neighborhood and the families who live there. It was a hard enough blow to our community to have a homeless shelter open, but now to find out that they have somehow circumnavigated the city ordinance that prevented their expansion is incredibly frustrating.

The Inn Between seems to have more compassion for the child rapists that they are harboring there than for the children who are being put at risk having those rapists and molesters (and yes, there are literal child rapists and molesters) living along their pathway to and from school and they certainly have no regard for the community. The West side neighborhoods deserve equal consideration, and yet we have become the city's dumping ground once again.

Thank you,

Natalie Hart
[REDACTED]

From: [REDACTED]
Sent: Monday, April 18, 2016 8:54 AM
To: Pace, Katia
Subject: Re: SLC Open House Invitation

It is definitely interesting that so many people in favor of the Inn Between are from people outside of the district, and, I can only surmise, from people with little clinical and peer-reviewed research knowledge regarding the population. Likely these are also people who did not attend the original planning meetings in our community. If these people knew the research on this population, they would know how bad of an idea it is expanding the facility in a residential neighborhood; they would know that the population has a majority prevalence of severe and persistently mentally ill diagnoses and vast majority prevalence of criminal histories. More importantly, though, they would know the disingenuous nature of the Inn Between staff. At the same meeting where they first pronounced the facility would serve a limited number of individuals who were terminally ill, they later admitted that definition extended to those merely needing a respite. Those two definitions are not compatible; the latter is the definition of a homeless shelter. While they have a good purpose, they have implemented it horribly; they have stepped on community member's opinions at every turn. I urge zoning and the council to consider the opinions of those in the district. The issue of discrimination is prevalent. There is discrimination, but it is once again against the residents of the west side of this city. Please do the right thing and protect our community.

From: [REDACTED]
Sent: Monday, April 18, 2016 2:06 PM
To: Pace, Katia
Subject: LOW IMPACT?

Katia,

I want you to have the whole picture, so here are more conversations between myself, Kim Correa, (Director of Inn Between), and some neighbors. Low Impact? It has been my worst nightmare for over a year now, from when they first put up their sign, and I googled, The Inn Between.

Dionn: What is the Inn Between? Why are all these people back in the alley smoking? It is against the law to smoke within 25ft of buildings. It is ruining my child's birthday party. Your Facebook page says that you are a homeless shelter. I live behind you. I would not support a homeless shelter moving in that building.

Kim: We are a hospice, for homeless. Which house is yours? Is it the one with all the garbage in the yard? We will be low impact.

Dionn: I can assure you my yard does not have garbage in it; and really? What difference does that make? Why would they allow a homeless shelter in that building, so close to Franklin Elementary? A homeless shelter is not allowed in our zone. This is a residential neighborhood, with an elementary school a stone's throw away. How many people will be there? Low impact? Already, on me and my family personally, and my friends on Bothwell St., we disagree. Of course, it is not the resident who is sick in bed that worries us. It is people hanging out in the alley, smoking, traffic, visitors. Worst case scenario, increased crime. The bigger you grow the more all that grows. What WOULD be the max capacity if you can occupy that huge school, if we are measuring impact? Is it still under the stipulation that if the residents can't care for themselves, they would have to be moved to a skilled facility? I have gone through hospice, with both of my parents. They could not care for themselves, and needed professional care.

Kim: Dionn, with all due respect, The INN Between is nothing like a homeless shelter. We are a home. Our program is much lower impact than the school was, with its hundreds of children and morning and afternoon drop-offs and pickups. I have requested a crime report and will be happy to share it. I believe that our presence and cameras actually deter crime around our building. Our program has not negatively impacted home sales or property values according to MLS data. Finally, we are happy stipulating to 25 beds as part of our occupancy, as I have expressed to the City. This is a standard practice and does not require a zoning change.

Dionn: Kim, You have not been here long enough nor had enough occupants to pull data. The school was empty in the afternoon and on weekends. Not once in 20 YEARS of living behind the Guadalupe School did I have to deal with people hanging out in the alley and the strong smell of cigarette smoke. Put the hang out/smokers area elsewhere if you want to claim to be a good neighbor. Now it's like a mullet. Clean cut business in the front, party in the back. (Which is my backyard)

Kim: Dionn, you and I discussed the smoking several weeks ago and I explained that the rear carport is the only covered spot we have, so it's the only spot suitable during inclement weather.

During our conversation, I suggested that since you have a keen interest in this issue, you could help solve it by calling some awning companies to see if one would donate a patio cover for the South or East side of the building.

In the meantime, we cleaned out the garage and have designated it as a smoking area. We are open to other solutions. I agree that smoking is unpleasant, but people have a right to smoke on their own property and, unfortunately, on public sidewalks. Personally, I would love to get our residents to quit.

Dionn: In other words, my family's quality of life and environment has to be compromised. Your agenda is more important than mine, which is simply having a backyard to enjoy, and fresh air to breathe. Every time I open my favorite window, I get smoke lofting in. Every time I go out in my backyard, my sanctuary, I have the same crowd you see on Rio Grande St.,

hanging out smoking. I never get a break from it, and it is GROSS. And this is low impact? I will be getting the Health Dept. and Truth for Tobacco involved. And yes! That would be perfect! Have them go out front to the sidewalk! Just because I support homeless services does not mean I want a mini Road Home in my backyard. They should be able to do this without profoundly, negatively, affecting my life and my home.

Kyle Lamalfa, Andrew Johnston, Jackie Biskupski, I hope you are reading all this.

Just keep bombarding the west side with the homeless.

We, (I was not alone on the "petition") put together a petition. We called it as we saw it then, and I'm calling it as I'm SEEING it now. You are the one misleading everyone. The residents can't even be there if they can't care for themselves, they have to be moved to a skilled facility. Who is paying for that? Back to square one. You sold us all on a hospice, but now it's a "home" for sick homeless = homeless shelter. You can paint a real pretty picture in the front, and are a terrific sales woman. I don't doubt at all that you are doing amazing things inside the building. I am supportive of that, and would love to be a part of it. BUT, I can't get on board with what I am experiencing now. You are naive and in denial if you think it's all roses in the back and that people from the road home are not walking down and riding their bikes back there. As for the smokers, I could care less what caliber of person's smoke I smell. I did notice that you moved the hang out into the garage yesterday, and I appreciate that very much. But, come warm weather, I predict the same problems, unless you can come up with a more permanent solution without expecting ME to pay for it, or ME to get someone to donate it, which is ridiculous.

Jade: So I'm a little confused... Was the item from Tuesday's City Council meeting positive or negative for the Inn Between?

Dionn: If you ask the people who actually live next door to them, it was a great decision. I am desperately trying to protect our neighborhood from people like this guy, Robin Marcus Smith, who is a resident there.

http://www.heraldextra.com/afcitizen/is-this-man-the-most-dangerous-man-in-am-fork/article_b8133834-86cb-11e2-9452-001a4bcf887a.html he's the one who sings songs on the news and at the council meeting; and Jay Martin Evans, both child molesters. Jay is on the Sex Offender Registry, but is not registered at the Inn Between address. What is ever scarier, I don't know the names of the other residents, let alone, who else they will bring in. I realize that these types of people need a place to be until they die, and that place is jail, not a residential neighborhood, right next to elementary schools. The decision 25cap and 800 ft protects ALL neighborhoods in ALL districts from places like this. Please email or call the Mayor's office to let them know they made the right decision. By the way, the individual in the link is not on hospice. He is there to recover from an injury sustained I can only imagine how.

Kim: The INN Between is an interfaith community project, and our board members believe that everyone deserves a safe place to heal or to die with dignity. We are committed to taking care of people who others turn away. This is the humanitarian and the Christian thing to do.

Dionn: They will take in anybody, regardless of the threat to the community. (But hey, he feels bad, and is sorry) There are not enough years to make this okay. What if it was any of your children? Like I said before, yes I am very aware of the sex offenders and criminals in the area, that does not mean that we need more. This individual did not have one child molesting event back in the day; regret it, and then go on to do great things in life. There are no excuses for the, I think it was, 43+ mugshots I counted on mugshots.com, all different events. Also, yes, lucky for him, this individual is not on the Utah State Sex Offender Registry; because I believe it was 2006 when the law was passed that would have kept him on there for life, another terrifying flaw in the system. Also, anyone can call 801-799-3000, like I did, and speak to the Sex Offender Officer to find that the SODOMY charge is still there, in addition to KIDNAPPING. Also, I thought this is a homeless shelter hospice, not a homeless shelter recovery for criminals.

Kim: Hi Jade, The City Council's decision was not good for The INN Between. The combination of a 25 bed limit and the new restriction that requires 800' between Eleemosynary Facility buildings effectively prevents us from using the Guadalupe School Building for client services, meaning that we can only use the Convent with its 12 bedroom capacity, which is not enough to meet community need. We are asking people who support our cause to email Mayor Becker at mayor@slcgov.com and ask him to "VETO the Assisted Living Facility" proposal.

Dionn: The zoning put a cap of 25, which as it is, is too many for this struggling, already has enough child molesters and criminals neighborhood. I know that not all Inn residents are in this category. But the fact that they do not care who they take in, (because it's the Christian thing to do) regardless of the threat to community, concerns me a great deal. And it should all of you as well.

Diana Oaks-Poplar Grove neighbor: The concept of "The Inn Between" is beautiful and compassionate and I do support it. However, Dionn is correct that steps should be taken to mitigate the risk to those who actually LIVE near the facility. Frankly, those who don't live in the neighborhood ought to be supportive of ensuring that protective measures are in place for the children and families who are shouldering the potential risk. Isn't that what you would want if it was in your community? Poplar Grove (and the west side in general) house far more than their fair share of services to the disenfranchised members of society. She is not spewing hatred, she is speaking wisdom!

Joe- Poplar Grove Neighbor: I'm okay with your efforts to get it regulated and even moved. I do care the impact on our neighborhood. I don't have kids, so I can't speak to that. I know that if it affected me more directly, I'd be all over it like you are. You're right though, people who don't live in the neighborhood don't really have room to talk about how it affects the neighborhood.

Dionn: The zoning proposal of 25 needs to stick. If they allow more people, that's more staff, more visitors, more criminals (residents) in my backyard SMOKING. It drives me crazy! In 20 years, I have never had this problem. I love my home. This has been so stressful for me; I can't even sleep at night! I may sound crazy and irrational to some, but I have been driven there!! There is no doubt that this has brought out the worst in me, I feel like a crazy mama bear. My little daughter has asthma. Our quality of life should not have to be jeopardized to accept them! I know I can't protect my kids from the world, but I should be able to protect them in my home. We should be able to enjoy our own private backyard. She (Kim@ Inn) needs to build some kind of smoking area in the north end, where it is neutral, and there is, for a lack of better description, more smoke buffering room. I definitely agree that the school should not be empty; it needs to be a school, like a charter school perhaps. Something GOOD for our neighborhood, not something that will surely bring it down. Plus, the fact that they are not licensed is not okay with me at all. There is no one holding them accountable. No one to make sure they are following the rules (wait, what rules, there are none) No one to complain to or enforce no loitering and smoking in my "bubble". It's just insane to me that this was ever allowed to open.

Thank you for taking the time to read through all of this. I know it's a lot.

Dionn Nielsen
Home Owner, Bothwell St.

From:
Sent: Tuesday, April 19, 2016 1:45 PM
To: Pace, Katia; City Council Liaisons; Johnston, Andrew
Cc: Paterson, Joel; Coffey, Cheri
Subject: Re: Open House Invite

Thank you Katia. We are not zoned for a homeless shelter here for a reason. We have Franklin Elementary in very close proximity, Neighborhood House just down the street, and all of our private homes. I see several small children who have to walk alone to Franklin and Neighborhood House everyday. A homeless shelter will not only make our neighborhood unsafe, it will hurt our property values, and make our homes difficult to sell. It has already greatly diminished our quality of life. I beg you not to doom this already fragile neighborhood. There are other places to do this.

Also, when I spoke to Mayor Biskupski, she said she wouldn't put homeless shelters west of the freeway...

From: KENDALL ROBERT MCMILLAN [REDACTED]
Sent: Tuesday, April 19, 2016 9:40 PM
To: Pace, Katia
Subject: Open house discussion

Katia,

I am unable to attend the open house session on April 21st, but it involves a property that is adjacent to my home at 1057 west 300 south and would like to make a comment regarding item 2 of the discussion (PLNPCM2016-00024). Specifically the wording of the clause: "Create a land use classification for housing to homeless individuals on a temporary basis who are dying or recovering from an acute illness or injury." I am not against providing care for those that are terminally ill, but I believe that the term "acute illness or injury" is too vague. My work is in the research of injury biomechanics and I have some familiarity with medical terminology. An acute condition could be classified as anything from a broken bone to the common cold. It is my belief that the terminology of this clause needs to be changed to reflect the severity of illness or injury necessary for hospice care. An example of this would be to use the Abbreviated Injury Scale (AIS) Score-Code of 4 (Severe) or above for care. This would limit access to the individuals that actually needed the extra care that a hospice can provide. This would be beneficial to the hospice facility as well as residents. It is my concern that under the current clause, the hospice facility would quickly be overwhelmed with individuals that did not need to be there. This would cause those with a true need for care to be turned down due to the facilities limitations. This in turn could also lead to a gathering of individuals whose intentions are to take advantage of the good intentions of the staff at this hospice facility. This is a cause for concern not only because I do not want illegal activities near my home, but because there is a public elementary school less than a block away from the proposed facility and it would be terrible for anything to endanger the children there. I work with medical professionals at the University of Utah and if you need a professional medical reference, or help in changing the wording of the clause to reflect the true intentions of the petition I can talk with some of my colleagues about creating a more accurate medical definition for the clause. If this is not possible I ask the City Council to reject the current petition. Please relay my comments to the City Council at the meeting.

If you would like to contact me for any reason please email me at [REDACTED]

Thank you,

Kendall McMillan

From: Allison Ginn [REDACTED]
Sent: Thursday, April 21, 2016 5:53 PM
To: Pace, Katia
Subject: Comments in lieu of participation at Open House

Katia-

I was unable to make the Open House today. I am sure you will receive quite a bit of feedback from the community. Much of it will be negative and I would like to make note that not everyone in Poplar Grove staunchly opposes this project.

I live one block east of the Inn Between. I walk past both the north and south ends of the property nearly every day. I have never seen or heard anything inappropriate on the property. In fact, I wasn't even aware that the Inn Between was a homeless hospice until recently.

While I don't totally embrace the project, I do recognize that the Inn Between is seeking to fill a current void in services to portions of the homeless population in SLC. To that end, I think that a proposal to create and regulate the use of the old Guadalupe school is a positive step. I would rather see the building put to use than sit derelict.

I am sure that there are common sense solutions to assuage the fears of the neighbors. Because the old Guadalupe school is located next door to Franklin Elementary, I assume that there could be some provisions to ensure that registered sex offenders or violent felons would not be admitted to ambulatory care.

The other main fears I have heard from neighbors are concerns that the hospice will become a homeless shelter. Proper language in the land use classification should avoid this situation.

Thank you for your work on this issue.

Allison Ginn
352 S 1000 W

From: Chandler Wood [REDACTED]
Sent: Thursday, April 21, 2016 4:20 PM
To: Pace, Katia
Subject: Zoning for The Inn Between

Hello,

Regarding the zoning for The Inn Between, I feel like we are on a slippery slope and they would rather be reactive to issues that occur than proactively try to prevent them.

As someone who has property adjacent to this facility, I do not feel comfortable with how much we have been lied to and misled by the proprietors of this establishment, all in the name of comfort for the impoverished.

Initially we were told that this would be for respite care and terminally ill ONLY, and that it would never be anything different. Our fear at the time was that this would become little more than a homeless shelter in a residential area next to a school. Our fears are now coming true, it's a slippery slope and bad precedent to set going forward.

I understand the comfort of these people is important, but what about my comfort as a hard working contributor to society that just wanted to sleep soundly in my little piece of the American dream? I know it sounds selfish, but there are plenty of other places to put homeless facilities that don't encroach on our comfort and happiness in life. Unfortunately I can't easily just up and move, though I would like to if plans for this to be re zoned go forward. As much as you want to care for the homeless, you also have a responsibility to the contributing tax paying citizens of your city that want too have a little peace of mind.

Thank you.

From: Kort Prince [REDACTED]
Sent: Friday, April 22, 2016 8:49 AM
To: Pace, Katia
Subject: The Inn Between Open House

Dear City Council:

I sincerely regret that I was not able to attend the open house because of work and I apologize that my response is late, but I was only made aware of the open house yesterday. I still sincerely hope you will consider my words and those of the people in the immediate vicinity of The Inn Between. You no doubt heard from impassioned "community members" who neither live near nor are impacted by the placement of this homeless shelter (which is, in fact, what it really is despite the euphemisms). You know doubt heard from them because The Inn Between staff recruited and encouraged volunteers from outside our community to parrot their own views.

On the surface it seems hard to argue with the goals and objectives of those who seek to expand this facility. While the cause is good, it is possible to be blinded by your passions and the realities of what they really entail. The staff from the Inn Between has repeatedly ignored the community members in the area in which they operate, and they have made it clear that they lack both sincerity and veracity. At the same meeting where they first pronounced the facility would serve a limited number of individuals who were terminally ill, they later admitted that definition extended to those merely needing a respite. Those two definitions are not compatible; the latter is the definition of a homeless shelter. In fact, point two on the open house flyer admits the facility wishes to serve those with an acute illness or injury. I hope the council will seriously consider how the proven disingenuous staff of The Inn Between will use that broad definition (i.e., "injury") to house anyone they want.

In conducting a "review" of how the reclassification would impact the community, I also hope the council will seriously consider the peer-reviewed research regarding the homeless population. The research is unambiguous in showing the population has a majority prevalence of severe and persistent mental illness and a vast majority prevalence of criminal histories. These facts are all a review needs to consider when deciding to allow such a facility next to a school and in a residential neighborhood.

I have to admit that I have no idea why this reclassification is even being considered. The Inn Between continues to try to circumvent the zoning laws (which are there for a reason), and they continue to ignore the sincere and legitimate objections of those individuals in the surrounding community. It is, in reality, our community. It is the community of those who have decided to make a home and a life in a wonderful area. It is not the right of The Inn Between or members of communities outside of ours to perpetuate the injustice this facility has imposed. They continue to operate and

expand with impunity, and they are uninvited guests operating outside the bounds of what is permissible by law.

The west side of Salt Lake needs to stop being considered an afterthought. It is, quite frankly, shameful that our objections are ignored and we are made the dumping ground for all of Salt Lake's troubled populations. I am asking the City Council to please consider the population that lives in the surrounding area. Please stop The Inn Between from ignoring us and from further infringement on both our rights and the safety and beauty of our neighborhood.

Sincerely,

Kort Prince

From: [REDACTED]
Sent: Friday, April 22, 2016 9:43 AM
To: Pace, Katia
Subject: Follow up from Open House
Attachments: My advice to anyone near these proposed facilities.docx

Hi Katia,

Let me start with apologizing for being so over the top upset at the meeting. This has been very frustrating for me, and has made me an emotional wreck. Having said that, I want you to know that everything that I said was true and based on facts; and believe it or not, I actually held back a lot! Thank you for being so kind and patient with me.

Please, do not let them have 45 in that school. That makes 61 people in that building. Please, that is way too many for that unlicensed, unregulated facility. I did the math, and we only have 35 on our entire street. Not one side of the street, the entire, both sides of the street! If my ex takes my precious daughter because of that place, that makes 34.

We would support appreciate you defining who can be in that school, but the cap needs to stay at 25, which is still too many; $25+16$, = a ridiculous, 41 + all of the other people that entails. Again, I ask, who is liable, when something goes wrong? You heard my neighbors and his son's testimony. It's pretty clear that as it is now, they do not have a handle on the residents, guests and visitors.

What makes this all so extra frustrating, we thought this was over. We have already been through all of this stress; it was supposed to be a done deal, 12/8/2015. Now, we have to worry about ANOTHER public hearing, with the Inn Between parading all of their supporters, (people who don't live here), more lies and manipulation. Ugh, I just don't know how much more I can take!

I will attach the statement I forgot to leave with you. I know I may not be the best representation because I get so upset, but you need to know that I do represent all of my friends and neighbors on Bothwell. We have had several street meetings, and they all agree with everything I have said, and have asked me to speak on their behalf.

Thank you again for your consideration,

Dionn Nielsen, and Home Owners on Bothwell

The Inn Between:

We were ALL told this would only be a hospice, and it has garnered a lot of support and sympathy. But now it has become “a place for homeless who need to recover from illness or injury”; which, sadly, is a category most homeless would fall into. Heck, couldn't we all fall into that category? So now, just like I was afraid of, the Inn Between **is a HOMELESS SHELTER**, which is not allowed in our zone; and for good reason! We have Franklin Elementary school a stone's throw away, Neighborhood House down the street, and row after row of private homes, just a few feet away. A homeless shelter is not appropriate in this neighborhood or any residential neighborhood for that matter; I see plenty of empty buildings, NOT near homes and schools, on 300 W for example, with AVAILABLE signs posted all over them. Putting one near my home has been a disaster, as my family's environment and quality of life and has been greatly compromised. For an entire year now, I am exhausted from begging them to stop smoking and loitering in the back of their building, where what USED to be the best part about my house is, my no longer private back yard. I even asked one of the residents to please smoke out front where it is plenty of feet away from me and my daughter who has asthma; also, where it is legal to smoke, and where it would not bother anyone. He told me that the Inn Between owners told him not to smoke out front because of the image. Okay? THAT SPEAKS VOLUMES. What about the image we have now from every window in our homes??

Most people, with any knowledge of the homeless population know how bad of an idea it is to put a homeless shelter in a residential neighborhood. They know that the majority of the population has severe mentally ill diagnoses and a prevalence of criminal histories.

These facilities need to be state licensed, so that someone is held accountable when something goes wrong, which we think is just a matter of time, considering the sex offenders that have lived there, flying under the radar. The last name of a resident I looked up, (Jay Martin Evans) is on the sex offender registry, but the Inn Between address was not listed. Yes, I heard that he did pass away, but **he was living there**. Isn't there a rule on how many feet sex offenders can live next to an elementary school?

They have made it very clear that they will continue to house these types of criminals, because as they say, “are committed to taking care of people who others turn away. “

They will take in anybody, regardless of the threat to the community, which is terrifying.

I can't help but notice that almost every person in support of allowing the Inn Between to operate and expand without regulation is people living outside of district 2 where the Inn Between is located. It would be an entirely different tune if it were located in their back yards, as it is **literally** in mine.

I will never stop fighting this shelter's expansion in our neighborhood. I will never stop fighting to protect our kids, our property values, our investments, our American Dream. Please! Find more appropriate locations for these facilities!

More quotes from neighbors:

I strongly encourage a hospice program for the homeless to operate in Salt Lake City. A facility like this is a necessary piece of what Salt Lake needs. But now it appears you want to change zoning to accommodate a homeless shelter. That is very different. I have to insist that small urban neighborhoods on the west side of Salt Lake do and will care about their environment, as much if you were trying to open a homeless shelter in the avenues or federal heights. As we cater to those in need, there needs to be an understanding that the neighborhoods that welcome them do not have to compromise their environment in order to accept the facilities. The loss of property value for the homes around the facility will be tragic, and reflects total disregard for the homeowners by those involved in building permits.

My advice to anyone near these proposed facilities never let the city re-zone property anywhere near where you live, or soon you'll be agreeing to a full service homeless shelter.

ATTACHMENT F: EXISTING LAND USE - I & UI ZONING DISTRICTS

ATTACHMENT G: CONDITIONAL USE STANDARDS AND LIST OF DETRIMENTAL EFFECTS

Conditional Use Standards (Section 21A.54.080):

1. The use complies with applicable provisions of this title;
2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;
3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and
4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.

Determination of Detrimental Effects (Section 21A.54.080):

1. This title specifically authorizes the use where it is located;
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;
3. The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic;
7. The site is designed to enable access and circulation for pedestrian and bicycles;
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;
9. The location and design of off street parking complies with applicable standards of this code;
10. Utility capacity is sufficient to support the use at normal service levels;
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;
12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke;
13. The hours of operation and delivery of the use are compatible with surrounding uses;
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and
15. The proposed use does not undermine preservation of historic resources and structures.

ATTACHMENT H: MOTIONS

Based on the findings listed in the staff report, it is the Planning Staff's opinion that the project meets the applicable standards for zoning text amendment and therefore recommends that the Planning Commission forward a positive recommendation to the City Council.

Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report and testimony provided, I move that the Planning Commission transmit a positive recommendation for PLNPCM2016-00026 to adopt the proposed changes to the definition of the Eleemosynary Facility, change the zoning districts where the eleemosynary land use is allowed, remove the 25 person cap in the definition of Large Assisted Living Facilities, make Assisted Living Facilities a conditional use in the Institutional zone, and remove the distance requirement for land uses such as Group Homes, Residential Support and Eleemosynary Facilities.

Not Consistent with Staff Recommendation:

Based on the findings and analysis in the staff report and testimony provided, I move that the Planning Commission transmit a negative recommendation for PLNPCM2016-00026 to adopt the proposed changes to the definition of the Eleemosynary Facility, change the zoning districts where the eleemosynary land use is allowed, remove the 25 person cap in the definition of Large Assisted Living Facilities, make Assisted Living Facilities a conditional use in the Institutional zone, and remove the distance requirement for land uses such as Group Homes, Residential Support and Eleemosynary Facilities.

3. PLANNING COMMISSION - MARCH 8, 2017
C) PUBLIC HEARING COMMENTS

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: Bill P		
Address: Bathwell Street Salt Lake		
Case # or Subject: Homeless Shelter Cup In Between		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date 3/8/17
Name: Donn Nielsen		
Address:		
Case # or Subject: In Between		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: Michele Gilbert		
Address: [REDACTED]		
Case # or Subject: Eleemosynary		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date 3/8/17
Name: Kort Prince		
Address: [REDACTED]		
Case # or Subject: Eleemosynary text amendment		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: Larry Jackson		3/8/17
Address		
Case # or Subject: Eleemosynary		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: JAMES GIBERT		March 8, 2017
Address		
Case # or Subject: Eleemosynary		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: FRANCISCO Hernandez		
Address		
Case # or Subject: 1 Unit Between		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: SANDY TIMBOE		3/8/2017
Address		
Case # or Subject: Eleemosynary Society		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date 3/8/17
Name: Kim Carrea		
Address [REDACTED]		
Case # or Subject: Eleemosynary Facility		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date 3/8/17
Name: SELVAM RAJAVELU		
Address [REDACTED]		
Case # or Subject: PLNRCM 296-0024		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Name: Diana Oaks

Address: [REDACTED]

Case # or Subject: Zoning / The Inn Between

<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
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☒ I do not wish to speak, but I would like to submit the following comments:
(Use the back if necessary.)

Let me start by saying that I am not in any way against The Inn Between as it is currently running. Quite the opposite I am alarmed however at the proposed

~~to~~ to change the zoning to accommodate a much larger population, with apparently no restraints.

My concerns ^{are} related to the lack of transparency by the IB with regards to the background of their residents (such as sex offenders), their inability to mitigate the unpleasant aspects such as loitering and smoking with the moderate size they presently have and their proximity to a school and single family homes. I don't have any issues with the zoning changes in general but have deep concerns over what appears to be ~~not~~ bland to the IB for expansion.

Name: Dyani Wood

Address: [REDACTED]

Case # or Subject: Zoning change regarding elementary

<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
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☒ I do not wish to speak, but I would like to submit the following comments:
(Use the back if necessary.)

I think the removal of the 25 bed cap is unwise in a residential area. Any cap is better than none. In combination with

removing any distance requirements, removing a bed cap just doesn't seem right in any residential area, particularly so close to elementary schools.

Salt Lake City Public Meeting Comment Card (please print)		Date 3/8/17
Name: Chandler Wood		
<div style="background-color: black; height: 20px; width: 100%;"></div>		
Case # or Subject: Zoning Change for Flynn's Alley		
<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input checked="" type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.) Zoning is in place to protect the Safety and Comfort of the local area. Why Should this de facto Homeless Shelter be able to come in and make		

Changes to something in place to ensure
 our personal comfort and peace of mind?
 Instead, The Inn Between should be required
 to fit themselves into existing zoning, as
 they have come in to our neighborhood,
 not the other way around.
 This is a slippery slope towards allowing
 a full homeless shelter literally in our
 backyard. I respect what they are trying
 to do, but they are pushing the limits
 beyond the initial goals and promises. This
 is another way that The Inn Between has lied
 to the neighbors, and the zoning is the
 only thing holding them at bay.

3. PLANNING COMMISSION - MARCH 8, 2017

D) AGENDA & MINUTES

AMENDED SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building

451 South State Street

Wednesday, March 8, 2017, at 5:30 p.m.

(The order of the items may change at the Commission's discretion.)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 118 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR FEBRUARY 22, 2017

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

Administrative Matters

1. **Special Exception for Retaining Walls and Grade Changes at approximately 1452 Perry's Hollow Road** - J. Steen Price, represented by Russ Naylor, is proposing to change the grade and construct retaining walls at his home at the above listed address. A Special Exception is required since the grading and retaining wall exceed 4 feet in height. The property is zoned FR-3 and is in District 3 represented by Stan Penfold. (Staff Contact: Nora Shepard at (801)535-7226 or nora.shepard@slcgov.com.) Case number **PLNPCM2017-00053**.
2. **Zoning Amendment at approximately 1144 West 500 South and 1111 W Arapahoe** - Mayor Jackie Biskupski is requesting to correct zoning errors at the above listed address. The entire City Zoning Code was rewritten in 1995 and new zoning districts and maps were created to reflect the City's policy. These properties were inadvertently zoned Open Space despite the presence of residential structures on the sites. This proposal is to correct the zoning errors and zone the property for residential use. There is no specific development proposal for these sites at this time. The subject properties are within Council District 2 represented by Andrew Johnston. (Staff Contact: Doug Dansie at (801)535-6182 or doug.dansie@slcgov.com.) Case number **PLNPCM2016-00882**

Legislative Matters

3. **Eleemosynary Text Amendment** - Salt Lake City Council is requesting Text Amendment to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is also reviewing the removal of the distance requirement for land uses that are residential in character. The proposed changes might affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com.) Case number **PLNPCM2016-00024**

4. **Northwest Quadrant Zoning - AG Text Amendment** - Mayor Biskupski is requesting to remove the residential land use classifications from the Agricultural (AG) zoning district. The changes will be consistent with the recently adopted Northwest Quadrant Master Plan. All of the parcels in the city zoned AG are located within the Northwest Quadrant. This proposed amendment to the AG zone is part one of a series of zoning text changes for the Northwest Quadrant. (Staff contact: Tracy Tran at (801)535-7645 or tracy.tran@slcgov.com.) Case number **PLNPCM2017-00001**
4. **Northwest Quadrant Zoning** - AG Text Amendment - A request by the Mayor's office to remove the residential land uses and analyze the AG (Agricultural) zoning district. The changes would help implement the vision and goals of the recently adopted Northwest Quadrant Master Plan. All of the parcels in the city zoned AG are located within the Northwest Quadrant area of the city. This proposed amendment to the AG zone is part one of a series of zoning text changes for the Northwest Quadrant. Staff contact: Tracy Tran at (801) 535-7645 or tracy.tran@slcgov.com. Petition number **PLNPCM2017-00001**
5. **Street Closure at approximately 740 North 800 West** - Shellie Sepulveda of Salt Lake City's Real Estate Services Division, on behalf of The Good Samaritan Foundation is requesting to close a section of street located at the above listed address to allow for the development of a new Rose Park Refugee and Immigration Neighborhood Center. The subject property is located in the RMF-35 (Residential Multi-Family, Medium Density) zoning district and is within Council District 3, represented by Stan Penfold. (Staff Contact: Anthony Riederer at (801)535-7625 or anthony.riederer@slcgov.com.) Case number **PLNPCM2016-01008**

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, March 8, 2017

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:29:37 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Matt Lyon, Vice Chairperson Carolynn Hoskins; Commissioners Maurine Bachman, Weston Clark, Ivis Garcia, Andres Paredes and Sara Urquhart. Commissioner Emily Drown and Clark Ruttinger were excused.

Planning Staff members present at the meeting were Nick Norris, Planning Director; Doug Dansie, Senior Planner; Nora Shepard, Senior Planner; Katia Pace, Principal Planner; Anthony Riederer, Principal Planner; Tracy Tran, Principal Planner; Michelle Poland, Administrative Secretary and Paul Nielson, City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Maurine Bachman, Weston Clark, Ivis Garcia, Carolyn Hoskins and Sara Urquhart. Staff members in attendance were Nick Norris, Doug Dansie, Nora Shepard and Anthony Riederer.

The following sites were visited:

- **1452 Perry's Hollow Road**- Staff gave an overview of the proposal. The Commission asked do the properties abut each other in the gully. Staff stated yes, there is an undevelopable area in the bottom of the gully. The Commission asked if there was public access to the gully. Staff stated no.
-
- **740 North 800 West** - Staff gave an overview of the proposal. The Commission asked if the street was closed how it would end. Staff stated there will be a drive and street will be designed to accommodate. The Commission asked why here. Staff stated the location was close to the refugee community. The Commission asked was there some sort of zoning error. Staff stated we believe so, the city never owned the property. The Commission asked is the property in the flood plain. Staff stated they believed that it was given the proximity to Jordan River.

APPROVAL OF THE FEBRUARY 22, 2017, MEETING MINUTES. [5:32:38 PM](#)
MOTION [5:32:54 PM](#)

Commissioner Urquhart moved to approve the February 22, 2017, meeting minutes. Commissioner Hoskins seconded the motion. Commissioners Hoskins, Bachman, Clark, Garcia, Ruttinger and Urquhart voted “aye”. The motion passed unanimously.

[5:33:08 PM](#)

Commissioner Urquhart stated regarding Petition PLNPCM2016-00882 – Zoning Map Amendment, based on the analysis and findings listed in the Staff Report, testimony and the proposal presented, she moved that the Planning Commission forward a positive recommendation on to the City Council regarding the Zoning Map Amendment request to rezone the property from OS Open Space to R-1/5,000. Commissioner Hoskins seconded the motion. Commissioners Bachman, Clark, Garcia, Paredes and Urquhart voted “aye”. The motion passed unanimously.

[6:48:20 PM](#)

Eleemosynary Text Amendment - Salt Lake City Council is requesting Text Amendment to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is also reviewing the removal of the distance requirement for land uses that are residential in character. The proposed changes might affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com). Case number PLNPCM2016-00024

Ms. Katia Pace, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The capacity of the Ronald McDonald House.
- The cap of twenty five persons in a facility and where it needed to be removed from the code.
- The number of people allowed to stay in the different types of housing and the zones they were located in.
- The impact of Eleemosynarys on neighborhoods.
- The number of existing Eleemosynarys that would qualify as a large facility and a small facility.

PUBLIC HEARING [7:13:53 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Ms. Dionn Nielsen, Mr. Bill Pike, Mr. Selvam Rajavelu, Mr. Kort Prince, Ms. Michele Gilbert, Mr. Larry Jackson, Mr. James Gilbert, Ms. Kim Carrea, Ms. Sandy Timboe, Mr. Franciso Hernandez and Ms. Natalie Hart and Mr. Javier Hernandez.

The following comments were made:

- Against any expansion of the Inn Between facility.

- The Inn Between should not be compared to an eleemosynary facility or a hospice.
- Was not the area for this type of facility.
- The people using the Inn Between were not rent paying individuals.
- The cap of twenty five people was to protect the neighborhood.
- The Inn Between was becoming a homeless shelter and that was not the original purpose or proposal.
- The facilities and buildings for these facilities should be reviewed for the occupancy number prior to operation.
- The Inn Between is a stepping stone to become a special purpose shelter for the homeless.
- The impacts to the area are negative and the crime increases.
- The increase in people using the facility would increase the crime in the area.
- The facilities have created issues with parking.
- Don't want the issues with the homeless in their area.
- Why was the use that was granted for the In-between not being enforced
- Thankful for the work that went into the proposal except the cap on twenty five people.
- Cannot use the existing building because of the seismic issues.
- Programing at the Inn Between in a new building would better assist the people using the facility.
- Worried about the safety of the kids in the area.
- There are issues with homeless in the area and they impact the neighbors.
- No studies have been done to show the impacts of the facility on the neighborhoods.
- The twenty five person cap was the only thing keeping these facilities small.
- The place was not safe for kids and scary to walk through.

The Commission and Ms. Carria discussed who was staying at the facility, the regulations of the facility and the emergency calls to the area.

Chairperson Lyon read the following cards:

- Ms. Diana Oaks – Let me start by saying that I am not in any way against the Inn Between as it is currently running. Quite the opposite I am alarmed however, at the proposal to change the zoning to accommodate a much larger population, with apparently no restraints. My concerns are related to the lack of transparency by the Inn Between with regards to the background of their residences (such as sex offenders), their ability to mitigate the unpleasant aspects such as loitering and smoking with the moderate size they presently have and their proximity to a school and single family homes. I don't have any issues with the zoning change in general but have deep concerns over what appears to be court blanch to the Inn Between for expansion.

- Ms. D'yani Wood – I think the removal of the twenty five bed cap is unwise in a residential area. Any cap is better than none. In combination with removing any distance requirements, removing a bed cap just doesn't seem right in any residential area, particularly so close to an elementary schools.
- Mr. Chandler Wood- Zoning is in place to protect the safety and comfort of the local area. Why should this be defacto homeless shelter be able to come in and make changes to something in place to ensure our personal comfort and peace of mind? Instead, the Inn Between should be required to fit themselves into existing zoning, as they have come in to our neighborhood, not the other way around. This is a slippery slope towards allowing a full homeless shelter literally in our backyard. I respect what they are trying to do, but they are pushing the limits beyond the initial goals and promises. This is another way that the Inn Between has lied to the neighbors and the zoning is the only thing holding them at bay.

Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed the following:

- The location of the Inn Between and if the twenty five person cap would apply to that facility.
- How the proposed changes would affect the Inn Between and how they would be regulated under the new requirements.
- If the Inn Between was not using the facility as permitted; was there a place the neighbors could go to have their concerns addressed.
- What would be allowed under the new zoning.
- The proposed text amendments were not to approve the Inn Between but to change the language in the code.

The Commission stated they would like to review the following to help them better understand the purpose and use of the proposed changes:

- The language as it would look in the code and red lined.
- The definition of a homeless shelter in the code and how these facilities differ from other housing uses in the city.
- A permitted land use table.
- Examples of other facilities in the city and best practices.
- How these facilities affect the fair housing act as it related to the twenty five cap.
- The distance requirements for these facilities.
- More history of how the Inn Between came about and the impacts to neighborhoods.

MOTION [8:06:39 PM](#)

Commissioner Bachman stated regarding PLNPCM2016-00024: Eleemosynary Text Amendment, she moved that the Planning Commission table the petition to allow staff to return with further information and research as discussed.

Commissioner Hoskins seconded the motion. Commissioners Bachman, Hoskins, Clark, Garcia, Parades and Urquhart voted “aye”. The motion passed unanimously.

Commissioner Parades left for the evening. [8:08:05 PM](#)

[8:08:08 PM](#)

Northwest Quadrant Zoning - AG Text Amendment - A request by the Mayor's office to remove the residential land uses and analyze the AG (Agricultural) zoning district. The changes would help implement the vision and goals of the recently adopted Northwest Quadrant Master Plan. All of the parcels in the city zoned AG are located within the Northwest Quadrant area of the city. This proposed amendment to the AG zone is part one of a series of zoning text changes for the Northwest Quadrant. Staff contact: Tracy Tran at (801) 535-7645 or tracy.tran@slcgov.com. Petition number PLNPCM2017-00001

Ms. Tracy Tran, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- How the light industrial uses would be regulated in the Northwest Quadrant.
- The location of the duck hunting clubs.

PUBLIC HEARING [8:17:06 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Mr. Zachry Hartman and Mr. Adam Vaughmach.

The following comments were made:

- Would like the petition tabled until the M1 Zoning caught up and move them forward together.
- The added definitions for Agriculture uses were a must and benefited the landowners in the area.

Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed the following:

- Why the two zoning issues were brought forward separately.
- The biggest risk for landowners under the current zoning.
- Why it was important to move the proposal through now and not wait until the M1 Zoning was ready for review.
- A recommendation to approve the whole package at once could be added to the motion.

4. PLANNING COMMISSION – MAY 10, 2017

A) ORIGINAL NOTICE & POSTMARK



Salt Lake City Planning Division

451 S State Street, Room 406, PO Box 145480, Salt Lake City, Utah 84114-5480

Salt Lake City Planning Commission

Wednesday, May 10, 2017 5:30 p.m.

City and County Building 451 S State Street, Room 326

Eleemosynary (or Charitable Lodging) Text Amendment - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is proposing changes to the Eleemosynary land use, change to the definition of Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Eleemosynary Facilities. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801) 535-6354 or katia.pace@slcgov.com). Case number PLNPCM2016-00024.(Legislative Matter)



SALT LAKE CITY PLANNING DIVISION
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SALT LAKE CITY UT 84114-5480

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ACCOUNT NAME

PLANNING DIVISION,

TELEPHONE

8015357759

PUBLICATION SCHEDULE

START 04/28/2017 END 04/28/2017

CUSTOMER REFERENCE NUMBER

SLC Planning Commission Notice

CAPTION

PUBLIC NOTICE On Wednesday, May 10, 2017, at 5:30 p.m. in Room 326 of the City & C

SIZE

66 LINES

2 COLUMN(S)

TIMES

3

TOTAL COST

226.76

ACCOUNT NUMBER

9001394298

DATE

4/28/2017

ORDER # / INVOICE NUMBER

0001149488 /

PUBLIC NOTICE

On Wednesday, May 10, 2017, at 5:30 p.m. in Room 326 of the City & County Building 451 South State Street, Salt Lake City, UT, the Salt Lake City Planning Commission will hold a public hearing to consider making recommendations to the City Council regarding the following petitions:

1. 2200 West Zoning Map Amendment - Jeff Beck representing BIGG 2200 LLC is requesting approval from the City to change the zoning of the property located at approximately 1932 North 2200 West from SF Business Park to M-1 Light Manufacturing. In addition, the Salt Lake City Council is requesting the City study and make a recommendation on changing the zoning of the properties generally located along 2200 West between North Temple Street and 2100 North from SF Business Park to M-1 Light Manufacturing. The purpose of the zoning change is to implement City master plans and to maximize the economic development potential along the 2200 West corridor. The request also includes an amendment to the text of Title 21A - Zoning of the City Code as it relates to setback and landscaping requirements in the M-1 Light Manufacturing zoning district. Related provisions of Title 21A-Zoning may also be amended as part of these petitions. (Staff contact: Wayne Mills at (801) 535-7752, wayne.mills@slcgov.com or Daniel Schewerke at (801) 535-7163, dschewerke@slcgov.com) Case number: PUBPC2016-00788 and PUBPC2016-00870 (Legislative Matter)

Unrelated Business

2. Emergency (Emergency) Comprehensive Care Facility) Fee Amendment - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that the land use and land use like it, are compatible with the residential neighborhood adjacent to the (institutional) zoning district. As part of this project the city is proposing changes to the regulations governing Emergency land use, change to the definition of Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Emergency Facilities. A public hearing will be held on this issue on March 8, 2017. The Commission tabled its decision and directed staff to submit additional information for the Commission to review. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Kaitia Pace at (801) 535-5354 or kaitia.pace@slcgov.com) Case number: PUBPC2016-00024 (Legislative Matter)

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711. 11-09-080

UPA&P

AFFIDAVIT OF PUBLICATION

AS NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP LEGAL BOOKER, I CERTIFY THAT THE ATTACHED ADVERTISEMENT OF PUBLIC NOTICE On Wednesday, May 10, 2017, at 5:30 p.m. in Room 326 of the City & County Building 451 South State Street, Salt Lake City, UT, the Salt Lake City FOR PLANNING DIVISION, WAS PUBLISHED BY THE NEWSPAPER AGENCY COMPANY, LLC dba UTAH MEDIA GROUP, AGENT FOR DESERET NEWS AND THE SALT LAKE TRIBUNE, DAILY NEWSPAPERS PRINTED IN THE ENGLISH LANGUAGE WITH GENERAL CIRCULATION IN UTAH, AND PUBLISHED IN SALT LAKE CITY, SALT LAKE COUNTY IN THE STATE OF UTAH. NOTICE IS ALSO POSTED ON UTAHLEGALS.COM ON THE SAME DAY AS THE FIRST NEWSPAPER PUBLICATION DATE AND REMAINS ON UTAHLEGALS.COM INDEFINATELY. COMPLIES WITH UTAH DIGITAL SIGNATURE ACT UTAH CODE 46-2-101; 46-3-104.

PUBLISHED ON Start 04/28/2017 End 04/28/2017

DATE 4/28/2017

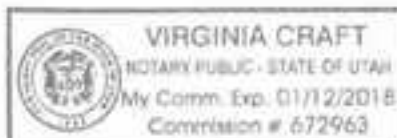
SIGNATURE

STATE OF UTAH)

COUNTY OF SALT LAKE)

SUBSCRIBED AND SWORN TO BEFORE ME ON THIS 28TH DAY OF APRIL IN THE YEAR 2017

BY ANN DARTNELL



Virginia Craft
NOTARY PUBLIC SIGNATURE

4. PLANNING COMMISSION – MAY 10, 2017

B) STAFF REPORT



Staff Report

PLANNING DIVISION

DEPARTMENT OF COMMUNITY & NEIGHBORHOODS

To: Salt Lake City Planning Commission

From: Katia Pace, Principal Planner
(801) 535-6354 or katia.pace@slcgov.com

Date: May 10, 2017

Re: PLNPCM2016-00024: Eleemosynary (proposed Congregate Care) Text Amendment

ZONING TEXT AMENDMENT

PROPERTY ADDRESS: Citywide

REQUEST:

Salt Lake City Council has requested a text amendment to develop a land use classification for temporary housing for the terminally and seriously ill (similar to the INN Between land use.) They asked for review of compatibility concerns for how this land use and similar facilities located in the Institutional zoning district may impact adjacent residential neighborhoods.

When analyzing the City Council's request, Planning identified two additional issues related to land uses that provide support services. One is an unintended error in the definition of "Assisted Living Facilities" from a previous text amendment and the other is a legal issue relating to Fair Housing Act (FHA) which prohibits spacing requirements for specialty housing types.

Due to the complexity of the issues and to avoid confusion, staff has separated the staff report into two parts and will address them in this order:

Part 1. Error correction & Fair Housing Act violations

1. Remove 25 person cap in the definition of "Assisted Living Facility;"
2. Remove the 800 foot distance requirements that violate the Fair Housing Act.

Part 2. Response to City Council's request

1. Develop a land use classification for short-term housing for the terminally and seriously ill. This request resulted in:
 - a. Identification of a current land use type to meet request,
 - b. Renaming of "Eleemosynary" to "Dwelling, Congregate Care facility" to clarify meaning;
 - c. Refinement of the land use definition;"
 - d. Creation of two sizes of "Dwelling, Congregate Care facility", (small) and (large); and,
 - e. Reorganization of districts where the proposed "Dwelling, Congregate Care facility (large) and (small)" are allowed.
2. Review of compatibility concerns for how this land use and similar facilities located in the Institutional zoning district may impact adjacent residential neighborhoods.

PART 1: Error Corrections & Fair Housing Act Violations

1. **Error Correction - Remove the 25 person cap in the definition of “Assisted Living Facility, (Large)”**

Background:

On December of 2015 the Salt Lake City Council approved a text amendment to allow assisted living facilities in more zoning districts as part of the City’s “Aging in Place” initiative.

Issue: As part of this text amendment an error was made in codification. A 25 person cap was inadvertently placed in the definition of “Assisted Living Facility (Large)”. The error in the definition results in city-wide occupancy limitation/cap. The City Council’s intent was to place a 25 person cap only in the Institutional zoning district. The qualifying provisions reflected this cap and should remain, but the cap in the definition should be removed.

The proposed definition should be changed as follows:

“DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) **or more** ~~to twenty five (25)~~ individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.”

2. **Fair Housing Act Violations - Remove 800 foot Distance Requirement**

Background:

The city has recently re-examined distance requirements between specialty housing land use types such as: group homes, residential support and eleemosynary facilities (proposed to be renamed to “congregate care”). These are the only three residential land uses that have distancing requirements and the current ordinance requires an 800 foot separation between these uses.

There are other distance requirements for non-residential land uses in the zoning ordinance. Planning Staff is not addressing nonresidential distance requirements since the Fair Housing Act does not exercise control over nonresidential land uses.

Issue: It has been determined that current distance requirements for these residential uses is in violation of the Fair Housing Act. The reason is that they apply to facilities or housing that serve disabled persons, a protected class under the act. The federal Fair Housing Act prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act.

The “Joint Statement of the Department of Housing and Urban Development and the Department of Justice” on the subject of “State and Local Land Use Laws and Practices and the Application of the Fair Housing Act¹” (see [Attachment G](#)) offers the following statements on how the Fair Housing Act applies to state and local land use and zoning:

¹ U.S. Department of Housing & Urban Development and U.S. Department of Justice, State and Local Land Use Laws and Practices and the Application of the Fair Housing Act, (Nov. 10, 2016).

- The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, family status, or national origin (commonly referred to as protected characteristics).
- The Fair Housing Act defines a person with a disability to include individuals with a physical or mental impairment that substantially limits one or more major life activities.
- The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.
- As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic.
- A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act.

Within the proposed ordinance, the distance requirements are proposed to be removed as a qualifying provision in the land use chart (see [Attachment B – Proposed Ordinance Changes.](#))

PART 2: Respond to City Council's Request

1. Develop a land use classification for short-term housing for the terminally and seriously ill.

Background:

The INN Between

In 2015 the INN Between started operating at the old convent next to the Guadalupe school at 340 S. Goshen Street and in the Institutional zoning district. The INN Between is Utah's first short term housing facility for individuals that are terminally ill or need to recover from a serious life threatening illness or injury and are receiving medical or hospice services. Often patients need to leave a hospital or a clinic and don't have a place to go, a family member to take care of them, or live far away from a hospital or a medical facility. A place that can offer a living space for these individuals reduces hospital stays and emergency room visits; gives hospitals and clinics a safe place to which they can discharge patients; and decreases the need for family members to take on the entire burden of care.

The INN Between was permitted in the Institutional zone as a "congregate care facility" but also met the definition of "eleemosynary" and "assisted living facility", other uses allowed in that zone.

The INN Between is not classified as a "Homeless Shelter", which is defined as emergency shelter. Homeless shelters are not allowed in the Institutional zoning district.

City Council Request

In January of 2016 the Salt Lake City Council issued a legislative action asking the Planning Division to develop a land use that would address the need for short-term housing for the terminally and seriously ill based on the model of the INN Between. Part of that request included review of how this land use, and others like it, would impact the adjacent to residential neighborhoods particularly with regard to the Institutional zoning district.

Issue 1. Identification of a Current Land Use Type

Planning staff's analysis has resulted in the determination that a new land use type is not necessary and creating a new land use may result in the issues of definition overlap.

The land use definition of "eleemosynary" in the zoning ordinance would reflect the Council's request. However, there are some modifications proposed:

- a. Rename "Eleemosynary" to "Dwelling, Congregate Care facility" to clarify the use's meaning;
- b. Refine the land use definition of "Dwelling, Congregate Care facility" to better define the use;
- c. Create two classes "Dwelling, Congregate Care facility", (small) and (large); and
- d. Reorganize the districts where Dwelling, Congregate Care facility (large) and (small) are allowed similar to other uses of similar impacts.

The following provides background and reasoning for these changes.

- a. **Confusing terminology - Rename "Eleemosynary" to "Congregate Care Facility"**
The term "eleemosynary" is confusing and lacks meaning to the layperson. The proposal is to rename the land use from "eleemosynary facility" to "dwelling, congregate care facility."

In December of 2015, "dwelling, congregate care facility" was deleted from the zoning ordinance in a comprehensive effort to clearly distinguish between several specialty housing

types, prevent confusion and unnecessary overlap of definitions. The definition of congregate care facility was too close to both the definition of assisted living and eleemosynary facility.

Switching the names will be a natural transition from a term that is not well recognized to a term that has recognition.

b. Refine the definition

The proposal is to simplify and clarify the definition of the proposed “congregate care facility” land use to include a better explanation of who is housed there--clients and families who suffer from life-threatening illnesses or injury. Further clarifying that it is not a homeless shelter nor other defined uses. The purpose of a homeless shelter is to provide temporary shelter and other homeless support services. A homeless shelter is not capable to care for individuals that are too ill or frail to recover from a physical illness or injury.

See below for proposed changes to the definition of “eleemosynary” to “congregate care facility.”

c. Create two occupancy classes to control density-- (Large) & (Small)

Currently, there is no occupancy limit on an eleemosynary facility when it is located in low density residential, high density residential or commercial zoning districts (with the exception of a 25 person cap in the Institutional Zone.)

Creation of two occupancy classes (large) and (small) is consistent with how the ordinance separates other similar land uses, such as group homes, assisted living or residential support based on occupancy and allowed in appropriate zones. Creating two classes accommodates this specialty housing citywide but also ensures that facilities are appropriately sized within neighborhoods, thus mitigating impacts.

Creating two classes would allow smaller facilities, up to 6 clients, in lower density residential zoning districts and other zoning districts; and allow larger facilities, 7 clients or more, in higher density and mixed use zoning districts.

The current definition reads:

“ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" does not include places of worship, social and community services organizations, homeless shelters, community dining halls, group home dwellings, residential support dwellings, and other similar facilities.”

The new definitions would read:

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY (LARGE): a facility operated by a nonprofit charitable organization or government entity to provide ~~that provides~~ temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members **seven (7) or more clients, and/or their family members, who are**

suffering from a life-threatening illness, or injury, while they are receiving medical treatment. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "**congregate care facility**" does not include places of worship, social and community services organizations, homeless shelters, **homeless resource centers**, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY (SMALL): a facility operated by a nonprofit charitable organization or government entity to provide **that provides** temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members **up to six (6) clients, and/or their family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment.** Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "**congregate care facility**" does not include places of worship, social and community services organizations, homeless shelters, **homeless resource centers**, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

d. Reorganize zoning districts

The proposal to split the land use between large and small would require the land use to be redistributed between zoning districts. The methodology used to redistribute the zoning districts is:

1. To allow the proposed congregate care facilities, large and small, in relatively the same zoning districts where the current eleemosynary facilities are allowed now;
2. To match where other specialty housing land uses such as residential support, group homes and assisted living facilities are allowed; and
3. To reflect where multi-family dwellings are allowed.

Congregate Care Facility, Large – Permitted and Conditional Use

By doing so, the proposed large congregate care facility would be allowed as a permitted use in the high density residential, commercial, downtown and institutional zoning districts. In the Institutional zoning district the maximum capacity would be capped to 25 people (additional explanation of the 25 cap is found on [page 8](#) of this staff report.)

The proposed large congregate care facility would be allowed as a conditional use only in the RMF-35 and RMU-35 zoning districts because these are medium density districts and the conditional use process would help mitigate adverse impacts of a large, 7 clients or more, facility. Also, that would correspond to how group homes and assisted living facilities are allowed as conditional use in these zoning districts.

Congregate Care Facility, Small – Permitted and Conditional Use

The proposed small congregate care facility would be allowed as a permitted use in the high density residential, commercial, downtown and institutional zoning districts, or same districts where the large facility would be allowed.

The proposed small congregate care facility would be allowed as a conditional use only in the lower density zoning districts. A small facility would allow up to 6 clients and would have a greater impact on the residential neighborhood than a single family dwelling

mostly because of traffic and parking. Another reason for being allowed as a conditional use is that it would correspond to how assisted living facilities are allowed in these zoning districts.

Inclusion and Removal of Zoning Districts

Three additional zoning districts, CC, CSHBD and CG, are being included to the list of districts where congregate care facility large and small are being permitted. The small congregate care facility would be allowed in the RB zoning district as a permitted use. Additionally, the proposal would remove this land use from the PL and PL-2 zoning districts. These proposed changes would be consistent with where other specialty housing such as assisted living facilities and group homes are allowed, and would reflect where multi-family dwellings are allowed (see [Attachment B – Proposed Ordinance Changes](#).)

	CONDITIONAL USE	PERMITTED USE
Existing Eleemosynary Facility	FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, and R-MU-35.	RMF-45, RMF-75, R-MU-45, R-MU, RO, CB, TC-75, D-1, D-2, D-3, D-4, G-MU, PL, PL-2, I*, UI, MU, FB-UN2, FB-SC, FB-SE, and TSA. *Institutional cap of 25 clients
(Proposed) Large Congregate Care Facility 7+ clients	RMF-35 and R-MU-35	RMF-45, RMF-75, R-MU-45, R-MU, RO, CB, CC, CSHBD, CG, TC-75, D-1, D-2, D-3, D-4, G-MU, I*, UI, MU, FB-UN2 and TSA. *Institutional cap of 25 clients
(Proposed) Small Congregate Care Facility 1-6 clients	FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, and RMF-30	RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, CB, CC, CSHBD, CG, TC-75, D-1, D-2, D-3, D-4, G-MU, I, UI, MU, FB-UN2, FB-SC, FB-SE, and TSA.

Planning staff is not aware of any facility that would become a nonconforming use if these proposed changes were adopted. A list of all assisted living and eleemosynary facilities can be found on [Attachment I](#).

2. Review of compatibility concerns for how eleemosynary (proposed congregate care facility) and similar facilities located in the Institutional zoning district may impact adjacent residential neighborhoods.

Background:

The City Council has expressed concerns about the impacts that specialty housing in the institutional zoning district may have on surrounding single-family neighborhoods.

Eleemosynary (proposed congregate care facility) and assisted living facilities are the only specialty housing allowed in the Institutional zoning district. There are two eleemosynary and two assisted living facilities in the Institutional zoning district citywide. These land uses are typically associated with hospitals, and nursing homes, which are commonly found in the Institutional zoning districts. Planning finds that allowing these land uses in the Institutional zoning district is appropriate. Furthermore, assisted living facilities in the Institutional zones can be considered part of the “Aging in Place” policies of the City.

Some of the cited impacts on residential neighborhoods included density, traffic, parking and incompatible architectural appearance. Other potential impacts such as behavioral impacts are for the most part programming issues that are not easily addressed through zoning.

The following is a discussion of the major residential impacts and how the city mitigates the impacts with existing regulations.

Issue 1. Density Impact

On December 2015 the Council chose to address the density concern by placing an occupancy limit of 25 persons on the eleemosynary (proposed congregate care facility) and assisted living facilities in the Institutional zoning district. The major consequence of the 25 cap is the inability of existing facilities to expand.

The INN Between is impacted by the 25 people cap because they have plans to build a 50 client capacity building on the vacant land that is part of their existing lot and subsequently demolish the old school and convent. Currently they have a facility that allows 16 clients. The existing cap prevents their plans from being realized.

Other specialty housing in the Institutional zoning district:

- Fisher House, an eleemosynary facility, located at 690 South Valdez Drive is a facility for 20 clients. This property is owned by the United States of America, a function of the VA Hospital, and as such it doesn't go through the city's permitting process.
- St. Joseph's Villa, an assisted living facility, located at 451 Bishop Federal Lane is a facility for 221 clients. This property has achieved maximum capacity and the city has discouraged any expansion that would take additional adjacent housing for the purpose of expanding.
- Sarah Daft Home, an assisted living facility, located at 737 South 1300 East is a facility for 39 clients. Planning is not aware of any plans for expansion.

Planning finds that this occupancy cap is an adequate tool used to reduce impacts on residential neighborhoods.

Issue 2. Traffic and Parking Impact

Although specialty housing impact on traffic and parking is considerably less than other institutional land uses such as schools and hospitals, there are still some impacts that should be mitigated. The zoning ordinance addresses some of these mitigation strategies through regulations.

The Institutional zoning district chapter (Section 21A.32.080) has a provision that does not allow expansion of an existing use unless a traffic and parking study provides clear and convincing evidence that no significant impacts will occur.

Also, the parking requirement for eleemosynary and assisted living facilities (Section 21A.44.030) takes in consideration the needs for each of the facilities by adequately requiring parking spaces for guests, staff and visitors. Consequently reducing impacts by preventing parking spillover onto residential streets.

Issue 3. Development/Architectural Impact

The Institutional district seeks to regulate the development of institutional uses in a manner harmonious with surrounding uses by regulating setbacks, open space, landscaping, lighting and building height.

Setbacks, open space and landscaping requirements provide buffers between the institutional and residential uses thus reducing noise and visual impacts at the same time creating visual compatibility with the residential neighborhood. Lighting regulations are meant to decrease light spillover on adjacent properties.

The maximum building height requirement is 35 feet, which is compatible even with the lowest density residential neighborhoods, 28 feet for the most part. If the height is proposed between 35 and 75 feet it would be approved through the conditional building and site design review process provided, that for each foot of height over thirty five feet (35'), each required yard shall be increased one foot (1')

The conditional building and site design review process is intended to help ensure that newly developed properties and redeveloped properties are designed to encourage pedestrian access, circulation and orientation while acknowledging the need for transit and automobile access.

ATTACHMENTS:

- A. [Petition to Initiate](#)
- B. [Proposed Ordinance Changes](#)
- C. [Analysis of Standards](#)
- D. [Salt Lake City Master Plans](#)
- E. [Public Process and Comments](#)
- F. [Land Use - I and UI Zoning Districts](#)
- G. [Joint Statement of the Department of HUD and Department of Justice](#)
- H. [Land Uses listed on the definition of Eleemosynary \(proposed Congregate Care\) Facility](#)
- I. [Eleemosynary \(proposed Congregate Care\) Facilities in Salt Lake City](#)

NEXT STEPS:

The City Council has the final authority to make changes to the text of the Zoning Ordinance. The recommendation of the Planning Commission for this request will be forwarded to the City Council for their review and decision.

ATTACHMENT A: PETITION TO INITIATE

From: Shepard, Nora
Sent: Thursday, December 17, 2015 2:54 PM
To: Coffey, Cheri; Oktay, Michaela; Norris, Nick; Pace, Katia
Subject: FW: Assisted Living Facility Regulations

Nora Shepard, AICP
Planning Director

PLANNING DIVISION
COMMUNITY and ECONOMIC DEVELOPMENT
SALT LAKE CITY CORPORATION

TEL 801-535-7226
FAX 801-535-6174

PLNPCM2016-00024

From: Solorio, Kory
Sent: Thursday, December 17, 2015 2:20 PM
To: Tarbet, Nick; Love, Jill; Fullmer, Brian; Nielson, Paul; Paterson, Joel; Shepard, Nora
Cc: Mansell, Cindi; Crandall, Scott; Plane, Margaret
Subject: Assisted Living Facility Regulations

Hello,

On December 8, 2015 the Council adopted the following legislative actions. Please take appropriate action.

Also, please forward this email to anyone else who needs to be involved.

Thank you,

- Develop a definition/land use classification for the Inn Between Model
- Review of assisted living facilities and other similar facilities that provide assistance, for compatibility concerns in the Institutional Zone
- Review of administrative review process: How to tighten the standards of the administrative review process and return with proposals for consideration

Kory Solorio, CMC
Assistant City Recorder
451 South State Street, Room 415
(801)535-6226 office
(801)535-7681 fax

ATTACHMENT B: PROPOSED ORDINANCE CHANGES

1. Changes to Land Use Tables and Qualifying Provisions.

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

	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸		C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	C ⁸	P	P	P	P	P ⁶
Alcohol, brewpub (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, dining club (2,500 square feet or less in floor area)															C ⁹ , ¹⁰	C ⁹	C ⁹	C ⁹	
Alcohol, social club (2,500 square feet or less in floor area)																C ⁹	C ⁹	C ⁹	
Alcohol, tavern (2,500 square feet or less in floor area)																		C ⁹	
Animal, veterinary office															C	C	C	P	P ⁶
Art gallery															P	P	P	P	P
Bed and breakfast inn															P		P	P	P
Bed and breakfast manor																		P	
Clinic (medical, dental)															P	P	P	P	P ⁶
Community garden	C	C	C	C	C	C	C		C	C	P	P	P	P	P	P	P	P	P
Community recreation center												C							
Crematorium																C	C	C	
Daycare center, adult														P	P	P	P	P	P

Daycare center, child														P	P	P	P	P	P
Dwelling, accessory guest and servant's quarter	P ₁₁	P ₁₁	P ₁₁																
Dwelling, accessory unit	P	P	P	P	P	P	P		P	P	P	P	P	P					
Dwelling, assisted living facility (large)												C	P	P		C	P	P	
Dwelling, assisted living facility (limited capacity)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P
Dwelling, assisted living facility (small)												P	P	P		P	P	P	
<u>Dwelling, congregate care facility (large)</u>												<u>C</u>	<u>P</u>	<u>P</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Dwelling, congregate care facility (small)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Dwelling; dormitory, fraternity, sorority						P ₁₂													
Dwelling, group home (large) ⁴⁴												C	C	C	C	C ₄₈ <u>14</u>	C	C	C ₄₈ <u>14</u>
Dwelling, group home (small) ⁴⁵	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P ₄₉ <u>15</u>	P	P	P ₄₉ <u>15</u>
Dwelling, manufactured home	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	
Dwelling, multi-family												P	P	P	P	P	P	P	P
Dwelling, residential support (large) ⁴⁶														C	C			C	C ₂₀ <u>16</u>
Dwelling, residential support (small) ⁴⁷													C	C	P		C	C	P ₂₄ <u>17</u>
Dwelling, rooming (boarding) house														C	P	C	C	C	P
Dwelling, single-family (attached)									P		P	P	P	P	P	P	P	P	P
Dwelling, single-family (detached)	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Dwelling, twin home and two-family							P		P	P ²	P	P			P	P	P	P	P
<u>Eleemosynary facility</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>		<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>

Financial institution																P	P	P	P ⁶
Funeral home																P	P	P	P
Governmental facility	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C ₆
Laboratory (medical, dental, optical)															P	P	P	P	P
Library															C	C	C	C	C
Mixed use development															P ¹	P	P	P	P
Mobile food business (operation on private property)																P	P	P	
Municipal service use, including city utility use and police and fire station	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Museum															P	C	P	P	P
Nursing care facility													P	P			P	P	
Office, excluding medical and dental clinic and office															P	P	P	P	P ⁶
Open space on lots less than 4 acres in size	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Park	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones)															C	C	C	C	C
Parking, park and ride lot shared with existing use				P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Place of worship on lots less than 4 acres in size	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Reception center																P	P	P	
Recreation (indoor)															P	P	P	P	P

Restaurant															P	P	P	P	P
Restaurant with drive-through facility																			
Retail goods establishment															P	P	P	P	
Retail goods establishment, plant and garden shop with outdoor retail sales area															P	P	P	P	
Retail service establishment															P	P	P	P	
School, music conservatory															P	C	C	P	
School, professional and vocational															P	C	C	P	P ⁶
School, seminary and religious institute	C	C	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	C
Seasonal farm stand															P	P	P	P	P
Studio, art															P	P	P	P	P
Theater, live performance															C ₁₃	C ₁₃	C ₁₃	C ₁₃	C ₁₃
Theater, movie															C	C	C	C	C
Urban farm	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P
Utility, building or structure	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵ _{,7}
Utility, transmission wire, line, pipe or pole	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵		P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵	P ⁵
Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title)																			

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's

footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.

7. Subject to conformance to the provisions in section 21A.02.050 of this title.

8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.

9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.

10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.

11. Accessory guest or servant's quarters must be located within the buildable area on the lot.

12. Subject to conformance with the provisions of section 21A.36.150 of this title.

13. Prohibited within 1,000 feet of a single- or two-family zoning district.

14. ~~No large group home shall be located within 800 feet of another group home.~~

15. ~~No small group home shall be located within 800 feet of another group home.~~

16. ~~No large residential support shall be located within 800 feet of another residential support.~~

17. ~~No small residential support shall be located within 800 feet of another residential support.~~

48. 14. Large group homes established in the RB and RO districts shall be located above the ground floor.

49. 15. Small group homes established in the RB and RO districts shall be located above the ground floor.

20. 16. Large residential support established in RO districts shall be located above the ground floor.

24. 17. Small residential support established in RO districts shall be located above the ground floor.

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

	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Accessory use, except those that are specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P	P	P	P ⁸	
Alcohol:								
Brewpub (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Brewpub (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Dining club (2,500 square feet or less in floor area)	C ^{12,13}	C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Dining club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Distillery						P ¹⁹		
Social club (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Social club (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Tavern (2,500 square feet or less in floor area)		C ^{12,13}	P ¹²	P ¹²	P ¹²	P ¹²	P ¹²	
Tavern (more than 2,500 square feet in floor area)			P ¹²	C ¹²	P ¹²	P ¹²	P ¹²	
Ambulance service (indoor)			P	P	P	P	P	
Ambulance service (outdoor)			P ⁷	P ⁷	P ⁷	P		
Amusement park			P			P		
Animal:								
Cremation service				P		P		
Kennel						P		
Pet cemetery						P ⁴		
Veterinary office	C	P	P	P	P	P	C	
Antenna, communication tower		P	P	P	P	P	P	
Antenna, communication tower, exceeding the maximum building height in the zone		C	C	C	C	C	C	
Art gallery	P	P	P	P	P	P	P	P
Auction (outdoor)				P		P		

Auditorium			P	P	P	P	P	
Bakery, commercial						P		
Bed and breakfast	P	P	P	P	P	P	P	P ¹⁷
Bed and breakfast inn	P	P	P	P	P	P	P	
Bed and breakfast manor	C ³	C ³		P	P	P	P	
Blacksmith shop						P		
Blood donation center				C		P		
Brewery						P		
Bus line station/terminal				P		P	C	
Bus line yard and repair facility						P		
Car wash			P	P		P	C	
Car wash as accessory use to gas station or convenience store that sells gas			P	P	P	P	C	
Check cashing/payday loan business				P ¹⁰		P ¹⁰		
Clinic (medical, dental)	P	P	P	P	P	P	P	
Community correctional facility, large								
Community correctional facility, small						C ^{9,14}		
Community garden	P	P	P	P	P	P	P	P
Contractor's yard/office				C		P		
Crematorium			C	C	C	C	C	
Daycare center, adult	P	P	P	P	P	P	P	
Daycare center, child	P	P	P	P	P	P	P	
Daycare, registered home daycare or preschool								P
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	
Assisted living facility (small)		P		P	P	P	P	
<u>Congregate care facility (large)</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Congregate care facility (small)</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Group home (large) ²⁰		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage ²⁴	P	P	P	P	P	P	P	P
Living quarter for caretaker or security guard	P	P	P	P	P	P	P	

Manufactured home								P
Multi-family		P	P	P	P	P	P	P
Residential support (large) ²²				C		C	C	
Residential support (small) ²³				C		C	C	
Rooming (boarding) house		P	P	P	P	P	P	
Single-family attached								P
Single-family detached								P
Single room occupancy							P ⁶	
Twin home								P
Two-family								P
Eleemosynary facility		P					P	
Equipment rental (indoor and/or outdoor)				P		P		
Farmers' market			C	C	P	P	C	
Financial institution	P	P	P	P	P	P	P	
Financial institution with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Flea market (indoor)			P	P	P	P	C	
Flea market (outdoor)						P		
Funeral home			P	P	P	P	C	
Gas station		C	P	P	P	P		
Government facility		C	C	C	C	C	C	C
Government facility requiring special design features for security purposes	P	P	P	P	P	P	P	
Homeless shelter						C		
Hotel/motel		C		P	P	P	C	
House museum in landmark sites (see subsection 21A.24.010T of this title)								C
Impound lot						C ¹⁴		
Industrial assembly						P		
Intermodal transit passenger hub						P		
Laboratory (medical, dental, optical)			P	P		P		
Laboratory, testing			P	P		P	P	
Large wind energy system		P		P		P	P	
Laundry, commercial						P		

Library	P	P	P	P	P	P	P	C
Limousine service (large)						P		
Limousine service (small)		C		C		P		
Manufactured/mobile home sales and service						P		
Mixed use development	P	P	P	P	P	P	P	P ¹⁵
Mobile food business (operation on private property)	P	P	P	P	P	P	P	
Municipal service uses, including city utility uses and police and fire stations		C	C	C	C	C	C	C
Museum	P	P	P	P	P	P	P	P
Nursing care facility		P		P		P	P	
Office	P	P	P	P	P	P	P	P ¹⁸
Office, single practitioner medical, dental, and health								P
Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title)								C
Open space	P	P	P	P	P	P	P	
Open space on lots less than 4 acres in size								P
Park	P	P	P	P	P	P	P	
Parking:								
Commercial				C	P	P	C	
Off site	C	P	P	P	P	P	C	
Park and ride lot		C	C	P		P	C	
Park and ride lot shared with existing use		P	P	P	P	P	P	
Place of worship on lot less than 4 acres in size	P	P	P	P	P	P	P	C
Radio, television station			P	P	P	P	P	
Reception center		P	P	P	P	P		
Recreation (indoor)	P	P	P	P	P	P	P	P
Recreation (outdoor)			C	C		P	C	
Recreational vehicle park (minimum 1 acre)				C				
Recycling collection station	P	P	P	P	P	P		
Research and development facility							P	
Restaurant	P	P	P	P	P	P	P	
Restaurant with drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	

Retail goods establishment	P	P	P	P	P	P	P	P ¹⁶
Plant and garden shop with outdoor retail sales area	P	P	P	P	P	P	P	P
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Retail service establishment	P	P	P	P	P	P	P	P ¹⁶
Furniture repair shop	C	P	P	P	P	P	P	
With drive-through facility		P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹	
Reverse vending machine	P	P	P	P	P	P	P	
Sales and display (outdoor)	P	P	P	P	P	P	C	
School:								
College or university		P	P	P	P	P	P	
Music conservatory		P	P	P	P	P	P	
Professional and vocational		P	P	P	P	P	P	
Seminary and religious institute		P	P	P	P	P	P	C
Seasonal farm stand	P	P	P	P	P	P	P	
Sexually oriented business						P ⁵		
Sign painting/fabrication						P		
Small brewery				C		P		
Solar array						P		
Storage (outdoor)				C		P		
Storage, public (outdoor)				C		P		
Storage, self				P		P	C	
Store:								
Department			P		P			
Mass merchandising			P		P	P		
Pawnshop						P		
Specialty			P	P	P	P		
Superstore and hypermarket			P			P		
Warehouse club						P		
Studio, art	P	P	P	P	P	P	P	P
Studio, motion picture						P		
Taxicab facility						P		

Theater, live performance		P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	P ¹⁴	
Theater, movie		C	P	P	P	P	P	
Urban farm	P	P	P	P	P	P	P	
Utility, building or structure	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Utility, transmission wire, line, pipe, or pole	P ²	P ²	P ²	P ²	P ²	P ²	P ²	P ²
Vehicle:								
Auction						P		
Automobile repair (major)				P		P	C	
Automobile repair (minor)	C	P	P	P	P	P	P	
Automobile sales/rental and service				P		P		
Automobile salvage and recycling (indoor)						P		
Boat/recreational vehicle sales and service				P		P		
Truck repair (large)						P		
Truck sales and rental (large)				P		P		
Vending cart, private property					P			
Warehouse				P		P		
Welding shop						P		
Wholesale distribution				P		P		
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)								C
Woodworking mill						P		

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan

businesses.

11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.
16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district, except for single practitioner medical, dental and health offices.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.
- ~~20. No large group home shall be located within 800 feet of another group home.~~
- ~~21. No small group home shall be located within 800 feet of another group home.~~
- ~~22. No large residential support shall be located within 800 feet of another residential support.~~
- ~~23. No small residential support shall be located within 800 feet of another residential support.~~

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

	D-1	D-2	D-3	D-4
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P
Adaptive reuse of a landmark site	P	P	P	P ⁴
Alcohol:				
Brewpub (indoor)	P ⁶	P ⁶	P ⁶	P ⁶
Brewpub (outdoor)	P ⁶	P ⁶	P ⁶	P ⁶
Dining club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
Dining club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
Social club (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
Social club (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
Tavern (indoor)	P ⁶	C ⁶	C ⁶	P ⁶
Tavern (outdoor)	P ⁶	C ⁶	C ⁶	P ⁶
Animal, veterinary office		P	P	
Antenna, communication tower	P	P	P	P
Antenna, communication tower, exceeding the maximum building height	C	C	C	C
Art gallery	P	P	P	P
Bed and breakfast	P	P	P	P
Bed and breakfast inn	P	P	P	P
Bed and breakfast manor	P	P	P	P
Blood donation center		P		
Bus line station/terminal	P ⁷	P ⁷	P ⁷	P ⁷
Bus line yard and repair facility		P		
Car wash		P ³		
Check cashing/payday loan business	P ⁵			
Clinic (medical, dental)	P	P	P	P
Community garden	P	P	P	P
Convention center				P
Crematorium	P	P	P	
Daycare center, adult	P	P	P	P
Daycare center, child	P	P	P	P

Dwelling:				
Artists' loft/studio	P	P	P	P
Assisted living facility (large)	P	P	P	P
Assisted living facility (limited capacity)		P	P	P
Assisted living facility (small)	P	P	P	P
<u>Congregate care facility (large)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group home (large) ¹²		C	C	
Group home (small) ¹³	P	P	P	P
Multi-family	P	P	P	P
Residential support (large) ¹⁴		C	C	
Residential support (small) ¹⁵		C	C	
Eleemosynary facility	P	P	P	P
Exhibition hall				P
Farmers' market			P	
Financial institution	P	P	P	P
Financial institution with drive-through facility		P ⁸		P ⁸
Funeral home	P	P	P	
Gas station		P	P ⁷	P ⁷
Government facility	C	C	C	C
Government facility requiring special design features for security purposes			P ⁷	P ⁷
Heliport, accessory	C	C		C
Homeless shelter		C	C	
Hotel/motel	P	P	P	P
Industrial assembly		C	C	
Laboratory (medical, dental, optical)	P	P	P	P
Laundry, commercial		P		
Library	P	P	P	P
Limousine service		P		
Manufacturing and processing, food		P		
Mixed use development	P	P	P	P
Mobile food business (operation in the public right of way)	P	P	P	P

Mobile food business (operation on private property)	P	P	P	P
Mobile food court	P	P	P	P
Museum	P	P	P	P
Office	P	P	P	P
Office, publishing company	P	P	P	P
Open space on lots less than 4 acres in size	P ⁷	P ⁷	P ⁷	P ⁷
Park	P	P	P	P
Parking, commercial	C	P	C	C
Parking, off site	P	P	P	P
Performing arts production facility	P	P	P	P
Place of worship	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Radio, television station	P	P		P
Railroad, passenger station	P	P	P	P
Reception center	P	P	P	P
Recreation (indoor)	P	P	P	P
Recreation (outdoor)		P		
Restaurant	P	P	P	P
Restaurant with drive-through facility		P ⁸		
Retail goods establishment	P	P	P	P
Retail service establishment	P	P	P	P
Retail service establishment, upholstery shop		P	P	
Sales and display (outdoor)	P	P	P	P
School:				
College or university	P	P	P	P
K - 12 private			P	P
K - 12 public			P	P
Music conservatory	P	P	P	P
Professional and vocational	P	P	P	P
Seminary and religious institute	P	P	P	P
Small brewery		C		
Social service mission and charity dining hall		C	C	
Stadium	C	C		C

Storage, self		P	P	
Store:				
Department	P	P		P
Fashion oriented department	P ²			
Mass merchandising	P	P		P
Pawnshop		P		
Specialty	P	P		P
Superstore and hypermarket		P		
Studio, art	P	P	P	P
Theater, live performance	P ⁹	P ⁹	P ⁹	P ⁹
Theater, movie	P	P	P	P
Utility, buildings or structure	P ¹	P ¹	P ¹	P ¹
Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹
Vehicle:				
Automobile repair (major)		P	P ⁷	P ⁷
Automobile repair (minor)		P	P ⁷	P ⁷
Automobile sales/rental and service	P ¹⁰	P	P ¹⁰	
Vending cart, private property	P	P	P	P
Vending cart, public property				
Warehouse		P		
Warehouse, accessory		P	P	
Wholesale distribution		P		
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)				

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.

9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, or brewpub, the place of worship must submit a written waiver of spacing requirement as a condition of approval.
- ~~12. No large group home shall be located within 800 feet of another group home.~~
- ~~13. No small group home shall be located within 800 feet of another group home.~~
- ~~14. No large residential support shall be located within 800 feet of another residential support.~~
- ~~15. No small residential support shall be located within 800 feet of another residential support.~~

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

	G-MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P
Adaptive reuse of a landmark site	P
Alcohol:	
Brewpub (indoor)	P ²
Brewpub (outdoor)	P ^{2,5}
Dining club (indoor)	P ²
Dining club (outdoor)	P ^{2,5}
Social club (indoor)	P ²
Social club (outdoor)	P ^{2,5}
Tavern (indoor)	P ²
Tavern (outdoor)	P ^{2,5}
Ambulance service (indoor)	C
Amphitheater	P
Animal, veterinary office	P
Antenna, communication tower	P
Antenna, communication towers, exceeding the maximum building height	C
Art gallery	P
Artists' loft/studio	P
Auction (indoor)	P
Auditorium	P
Bed and breakfast	P
Bed and breakfast inn	P
Bed and breakfast manor	P
Botanical garden	P
Bus line station/terminal	P ³
Clinic (medical, dental)	P
Community garden	P
Crematorium	P
Daycare center, adult	P
Daycare center, child	P

Dwelling:	
Assisted living facility (large)	P
Assisted living facility (limited capacity)	P
Assisted living facility (small)	P
<u>Congregate care facility (large)</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>P</u>
Group home (large) ⁶	C
Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage ⁷	P
Living quarters for caretaker or security guard	P
Multi-family	P
Residential support (large) ⁸	C
Residential support (small) ⁹	C
Single-family (attached)	P
Eleemosynary facility	P
Equipment rental (indoor and/outdoor)	P
Farmers' market	P
Financial institution	P
Flea market (indoor)	P
Funeral home	P
Government facility	C
Government facility requiring special design features for security purposes	P ³
Heliport, accessory	C
Hotel/motel	P
Industrial assembly	C
Laboratory (medical, dental, optical)	P
Large wind energy system	P
Library	P
Mixed use development	P
Mobile food business (operation in the public right of way)	P
Mobile food business (operation on private property)	P
Mobile food court	P

Museum	P
Office	P
Open space	P
Park	P
Parking:	
Commercial	C
Off site	P
Park and ride lot	C
Park and ride lot shared with existing use	P
Performing arts production facility	P
Photo finishing lab	P
Place of worship	P
Radio, television station	C
Reception center	P
Recreation (indoor)	P
Recreation (outdoor)	C
Restaurant	P
Retail goods establishment	P
Retail goods establishment, plant and garden shop, with outdoor retail sales area	P
Retail service establishment	P
Retail service establishment, upholstery shop	C
School:	
College and university	P
K - 12 private	P
K - 12 public	P
Music conservatory	P
Professional and vocational	P
Seminary and religious institute	P
Seasonal farm stand	P
Small brewery	C
Social service mission and charity dining hall	C
Solar array	P

Stadium	C
Storage, self	P ³
Store:	
Department	P
Mass merchandising	P
Specialty	P
Superstore and hypermarket	P
Studio, art	P
Studio, motion picture	C
Theater, live performance	P ⁴
Theater, movie	P
Urban farm	P
Utility, building or structure	P ¹
Utility, transmission wire, line, pipe or pole	C
Vehicle:	
Automobile repair (minor)	P
Automobile sales/rental and service (indoor)	P
Boat/recreational vehicle sales and service (indoor)	P
Vending cart, private property	P
Vending cart, public property	P
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090 E of this title)	
Zoological park	C

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Subject to conformance with the provisions of section 21A.36.300, "Alcohol Related Establishments", of this title.
3. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
4. Prohibited within 1,000 feet of a single- or two-family zoning district.
5. Subject to the requirements set forth in section 21A.40.065, "Outdoor Dining", of this title.
- ~~6. No large group home shall be located within 800 feet of another group home.~~
- ~~7. No small group home shall be located within 800 feet of another group home.~~
- ~~8. No large residential support shall be located within 800 feet of another residential support.~~
- ~~9. No small residential support shall be located within 800 feet of another residential support.~~

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

	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Accessory use, except those that are otherwise specifically regulated elsewhere in this title	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P
Adaptive reuse of a landmark site																	P ²
Agricultural use		C		P	P	P	P			P							
Air cargo terminals and package delivery facility		P								P							
Airport										P							
Alcohol:																	
Brewpub (2,500 square feet or less in floor area)		P ₁₂															C ₁₂
Brewpub (more than 2,500 square feet in floor area)		P ₁₂															
Dining club (2,500 square feet or less in floor area)																	C ₁₂
Social club (2,500 square feet or less in floor area)																	C ₁₂
Tavern (2,500 square feet or less in floor area)																	C ₁₂
Ambulance service (indoor)	P	P															
Ambulance service (outdoor)	P ₁₀	P ₁₀															
Amphitheater												C					
Animal:																	
Kennel on lots of 5 acres or larger		C		P ⁸	P ⁸	P ⁸	P ⁸										
Pet cemetery				P ⁴	P ⁴	P ⁴	P ⁴	P ⁴ , ₅									
Stable (private)				P	P	P	P										

Stable (public)				P	P	P	P										
Veterinary office		P															P
Antenna, communication tower	P	P	C	P	P	P	P			P	P	C	P	P		P	
Antenna, communication tower, exceeding the maximum building height in the zone	C	C								P		P ₁₁	C	C		C	
Art gallery											P	P	P	P			P
Bed and breakfast													P ²	P			P
Bed and breakfast inn													P ²	P			P
Bed and breakfast manor													P ²	P			P
Botanical garden	P										P	P					
Cemetery								P									
Clinic (medical, dental)	P	P											P	P			P
Community garden	P	P	P	P	P	P	P	P			P	P	P	P	P		P
Convent/monastery													P	P			
Daycare center, adult	P	P									P	P	P	P			P
Daycare center, child	P	P								P	P	P	P	P			P
Dental laboratory/research facility	P	P											C	C			P
Dwelling:																	
Assisted living facility (large)													P ₁₆	P			P
Assisted living facility (limited capacity)													P	P			P
Assisted living facility (small)													P	P			P
<u>Congregate care facility (large)</u>													<u>P₁₆</u>	<u>P</u>			<u>P</u>
<u>Congregate care facility (small)</u>													<u>P</u>	<u>P</u>			<u>P</u>
Group home (large) ¹⁷																	C
Group home (small) ¹⁸			P	P	P	P											P
Living quarters for caretaker or security guard	P	P									P		P	P			P
Manufactured home				P	P	P											P

Mobile home															P		
Multi-family														P			P
Residential support (large) ¹⁹																	C
Residential support (small) ²⁰																	P
Rooming (boarding) house																	P
Single-family (attached)																	P
Single-family (detached)			P	P	P	P											P
Twin home and two-family																	P
Eleemosynary facility											P	P	P ^{16, 24}	P			P
Exhibition hall											C	P	C	P			
Extractive industry																P	
Fairground											C						
Farm stand, seasonal				P	P	P	P										P
Financial institution	P	P															P
Financial institution with drive-through facility	P ¹⁴	P ¹⁴															
Gas station		P ⁷															
Government facility	C	C								P	C	C	C ¹³	C		P	C
Government facility requiring special design features for security purposes																	C
Government office	P	P								P	P	P	P	P			P
Heliport	C	C								P		P	C	C			
Hospital, including accessory lodging facility	C												P	P			
Hotel/motel	C	C								P							P
Industrial assembly		P								P							
Jail											C						
Jewelry fabrication		P															

Large wind energy system	C	C		C	C	C	C			C			P	P			
Library											P	P	P	P			P
Light manufacturing		C								P							
Manufacturing, concrete or asphalt																P ₁₅	
Meeting hall of membership organization		P										P	P	P			P
Mixed use development																	P
Mobile food business (operation on private property)	P	P												P	P		P
Municipal service uses, including city utility uses and police and fire stations	C	C								P	C	C	C ₁₄	C		P	C
Museum	C							P			P	P	P	P			P
Nursing care facility													P	P			P
Office	P	P								P	P	P	P	P			P
Open space	P	P	P	P	P	P	P	P	P ⁹	P	P	P	P	P	P	P	P
Park	C							P			P	P		P			P
Parking:																	
Commercial		C															
Off site										P	P	P	P	P			C
Park and ride lot										P	C						
Park and ride lot shared with existing use	P	P								P	P		P	P		P	P
Performing arts production facility		P															P
Philanthropic use												P	P	P			P
Place of worship	P	P											P	P			P
Radio, television station		P ⁶										P					
Reception center											C	P	P	P			P
Recreation (indoor)		C						P			P	P	P	P			P
Recreation (outdoor)								P		P	P						
Research and development facility	P	P									P	P					C

Research facility (medical)	P												P	P			P
Restaurant		P ⁷															P
Restaurant with drive-through facility		P ^{7, 14}															P ³
Retail goods establishment		P ⁷										P					P
Retail, sales and service accessory use when located within a principal building												P					
Retail, sales and service accessory use when located within a principal building and operated primarily for the convenience of employees	P	P								P	P	P	P	P			P
School:																	
College or university												P	P	P			
K - 12 private											P	P	P	P			
K - 12 public											P	P	P	P			
Music conservatory													P	P			P
Professional and vocational	P	P								P			P	P			
Seminary and religious institute													P	P			C
Small brewery		C															
Solar array	P	P		P						P	P		P				
Stadium											C		C	C			
Storage, accessory (outdoor)		P								P						P	
Studio, art																	P
Theater, live performance	C ₁₅	C ₁₅									C ₁₅	C ₁₅	C ₁₅	C ₁₅			C ₁₅
Theater, movie												C					C
Transportation terminal, including bus, rail and trucking										P							
Urban farm	P	P	P	P	P	P	P	P			P	P	P	P			

Utility, building or structure	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Utility, transmission wire, line, pipe or pole	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹		P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹	P ¹
Vehicle, automobile rental agency		P								P							
Vending cart, private property	P	P															
Vending cart, public property								P									
Warehouse		P								P							
Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate)																	P
Wholesale distribution		P								P							
Wireless telecommunications facility (see section 21A.40.090 , table 21A.40.090E of this title)																	
Zoological park								P									

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.
16. Occupancy shall be limited to 25 persons **clients**.
17. ~~No large group home shall be located within 800 feet of another group home.~~
18. ~~No small group home shall be located within 800 feet of another group home.~~
19. ~~No large residential support shall be located within 800 feet of another residential support.~~

~~20. No small residential support shall be located within 800 feet of another residential support.~~

~~21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.~~

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

	FB-UN1	FB-UN2	FB-SC	FB-SE
Accessory use, except those that are specifically regulated in this chapter, or elsewhere in this title	P	P	P	P
Alcohol:				
Brewpub		P	P	C
Social club		P	P	C
Tavern, 2,500 square feet or less in floor area		P	P	C
Animal, veterinary office		P	P	P
Antenna, communication tower		P	P	P
Art gallery		P	P	P
Bed and breakfast	P	P	P	P
Bed and breakfast inn	P	P	P	P
Bed and breakfast manor	P	P	P	P
Clinic (medical, dental)		P	P	P
Community garden	P	P	P	P
Community recreation center		P	P	P
Daycare center, adult		P	P	P
Daycare center, child		P	P	P
Dwelling:				
Assisted living facility (limited capacity)	P	P	P	P
Assisted living facility (small)		P	P	P
<u>Congregate care facility (large)</u>		<u>P</u>		
<u>Congregate care facility (small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group home (large)		P	P	P
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage		P	P	P
Multi-family		P	P	P
Residential support (large)		P		
Residential support (small)		P		
Rooming (boarding) house		P		
Single-family attached	P	P		P

Single-family detached	P			
Single-family detached (cottage development building form only)		P		P
Single room occupancy		P		
Two-family	P			
Eleemosynary facility		P	P	P
Farmers' market		P	P	P
Financial institution		P	P	P
Food processing		P		
Funeral home		P	P	P
Health and fitness facility		P	P	P
Hotel/motel		P	P	
House museum in landmark site	P	P	P	P
Laboratory (medical, dental, optical)		P	P	P
Library		P	P	P
Mixed use developments including residential and other uses allowed in the zoning district		P	P	P
Museum		P	P	P
Nursing care facility		P	P	P
Office		P	P	P
Office and/or reception center in landmark site		P	P	P
Open space	P	P	P	P
Park	P	P	P	P
Parking, off site	P	P	P	P
Photo finishing lab			P	P
Place of worship		P	P	P
Plazas	P	P	P	P
Recreation (indoor)		P	P	P
Research and development facility		P	P	P
Research facility (medical/dental)		P	P	P
Restaurant		P	P	P
Retail goods establishment		P	P	P
Retail goods establishment, plant and garden shop with outdoor retail sales area		P	P	P

Retail service establishment		P	P	P
Sales and display (outdoor)		P	P	P
School:				
College or university		P	P	P
Music conservatory		P	P	P
Professional and vocational		P	P	P
Seminary and religious institute		P	P	P
Seasonal farm stand		P	P	P
Solar array		P	P	P
Store, specialty		P	P	P
Studio, art		P	P	P
Theater, movie		P	P	P
Urban farm	P	P	P	P
Utility, building or structure	P	P	P	P
Utility, transmission wire, line, pipe, or pole	P	P	P	P
Vending cart, private property		P	P	P
Wireless telecommunications facility		P	P	P

2. Changes to Chapter 21A.44.030: Schedule of Minimum Off Street Parking Requirements

**TABLE 21A.44.030
SCHEDULE OF MINIMUM
OFF STREET PARKING REQUIREMENTS³**

Residential:	
Bed and breakfast establishment	1 parking space per room
Community correctional facility	1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the busiest shift
Elderly care facility Congregate care facility	1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff present during the busiest shift
Fraternity, sorority or dormitory	1 parking space for each 2 residents, plus 1 parking space for each 3 full time employees. Note: The specific college or university may impose additional parking requirements
Group home	2 parking spaces per home and 1 parking space for every 2 support staff present during the busiest shift
Multiple-family dwellings ¹	2 parking spaces for each dwelling unit containing 2 or more bedrooms 1 parking space for 1 bedroom and efficiency dwelling ¹ / ₂ parking space for single room occupancy dwellings (600 square foot maximum)
Rooming house	1 parking space for each 2 persons for whom rooming accommodations are provided
Single-family attached dwellings (row house and townhouse) and single-family detached dwellings ²	2 parking spaces for each dwelling unit
Two-family dwellings and twin home dwellings	2 parking spaces for each dwelling unit
Institutional:	
Assisted living facility	1 parking space for each 4 employees, plus 1 parking space for each 6 infirmary or nursing home beds, plus 1 parking space for each 4 rooming units, plus 1 parking space for each 3 dwelling units
Auditorium; accessory to a church, school, university or other institution	1 space for each 5 seats in the main auditorium or assembly hall
Daycare, child and adult	2 spaces per 1,000 square feet of usable floor area
Funeral services	1 space per 4 seats in parlor plus 1 space per 2 employees plus 1 space per vehicle used in connection with the business
Homeless shelters	1 parking space for each employee

	Hospital	1.5 parking spaces per hospital bed
	Places of worship	1 parking space per 1,000 square feet of seating or congregation area
	Schools:	
	K - 8th grades	1 parking space for each 3 faculty members and other full time employees
	Senior high school	1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students
	College/university, general	1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students
	Vocational/trade school	1 space per 1 employee plus 1 space for each 3 students based on the maximum number of students attending classes on the premises at any time
	Recreation, cultural, and entertainment:	
	Art gallery/museum/house museum	1 space per 1,000 square feet of usable floor area
	Baseball or soccer field	10 spaces per field
	Bowling alley	2 spaces per lane plus 1 space for every 2 employees
	Club/lodge	3 spaces per 1,000 square feet of usable floor area
	Dance/music studio	1 space for every 1 employee
	Gym/health club/recreation facilities	3 spaces per 1,000 square feet of usable floor area
	Library	1 space per 1,000 square feet of usable floor area
	Sports arena/stadium	1 space per 1,000 square feet of seating area
	Swimming pool, skating rink or natatorium	1 space per 5 seats and 3 spaces per 1,000 square feet of usable floor area
	Tennis court	2 spaces per court
	Theater, movie and live	1 space per 4 seats
	Commercial/manufacturing:	
	Bus facility, intermodal transit passenger hub	1 space per 2 employees plus 1 space per bus
	Durable goods, furniture, appliances, etc.	1 space per 500 square feet of usable floor area
	General manufacturing	1 space per 3 employees plus 1 space per company vehicle
	Hotel or motel	1 parking space for each 2 separate rooms
	Radio/TV station	3 spaces per 1,000 square feet of usable floor area
	Warehouse	2 spaces per 1,000 square feet of usable floor area for the first 10,000 square feet plus $\frac{1}{2}$ space per 2,000 square feet for the remaining

		space. Office area parking requirements shall be calculated separately based on office parking rates
	Wholesale distribution	1 space per 1,000 square feet of usable floor area for the first 10,000 square feet, plus $\frac{1}{2}$ space per 2,000 square feet of floor area for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates
	Retail goods and services:	
	Auto repair	1 space per service bay plus 3 spaces per 1,000 square feet for office and retail areas
	Car wash	3 stacked spaces per bay or stall, plus 5 stacking spaces for automated facility
	Drive-through facility	5 stacking spaces on site per cashier, teller or similar employee transacting business directly with drive-through customers at any given time in addition to the parking required for that specific land use
	Outdoor display of merchandise for sale	1 parking space per 1,000 square feet of display area
	Restaurants, taverns and social clubs	2 spaces per 1,000 square feet of usable floor area
	Retail goods establishment	2 spaces per 1,000 square feet of usable floor area
	Retail service establishment	2 spaces per 1,000 square feet of sales floor area
	Retail shopping center over 55,000 square feet usable floor area	2 spaces per 1,000 square feet of usable floor area
	Office and related uses:	
	Financial establishments	2 spaces per 1,000 square feet of usable floor area
	General office	3 spaces per 1,000 square feet of usable floor area for the main floor plus $1\frac{1}{4}$ spaces per 1,000 square feet of usable floor area for each additional level, including the basement
	Laboratory	2 spaces per 1,000 square feet of usable floor area for the first 10,000 square feet plus $\frac{1}{2}$ space per 2,000 square feet for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates
	Medical/dental offices	5 spaces per 1,000 square feet of usable floor area
	Miscellaneous:	
	Kennels or public stables	1 space per 2 employees
	All other uses	3 spaces per 1,000 square feet of usable floor area

Notes:

1. Minimum parking requirements for affordable housing and senior housing: Buildings that have 10 or more residential units with at least 25 percent of the units as either affordable or senior housing shall be allowed to have a minimum of $\frac{1}{2}$ of a parking space provided for each dwelling unit.
2. For specific parking requirements for accessory dwelling units, see section [21A.40.200](#) of this title.
3. Requirements for buildings with more than 1 use shall be calculated separately for individual primary use as required and then combined.

3. Changes to Chapter 21A.60 List of Defined Terms

Eleemosynary facility. Congregate care facility.

4. Changes to Chapter 21A.62 Definitions

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more to ~~twenty five (25)~~ individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY (LARGE): a facility operated by a nonprofit charitable organization or government entity to provide that provides temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members seven (7) or more clients, and/or their family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "congregate care facility" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY (SMALL): a facility operated by a nonprofit charitable organization or government entity to provide that provides temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members up to six (6) clients, and/or their family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "congregate care facility" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

ATTACHMENT C: ANALYSIS OF STANDARDS

21A.50.050 Standards for General Amendments

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

Criteria	Finding	Rationale
1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;	Complies	There are various adopted planning documents that support a variety of housing needs and social service needs (see Attachment D.) Allowing land uses that can provide special housing needs and social services throughout the city helps implement the city master plan's visions. The proposed text amendment does support the general policies for the provision of a variety of housing and social service opportunities within the City.
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;	Complies	<p>The purpose statement of the zoning districts where eleemosynary (proposed congregate care facility) are proposed to be allowed as permitted or conditional use have a residential component/need that this land use will satisfy.</p> <p>Chapter 21A.02 Title, Authority, Purpose and Applicability: The purpose of this title 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.</p> <p>Chapter 21A.24 Residential Districts: The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.</p> <p>Chapter 21A.26 Commercial Districts: The commercial districts are intended to enhance the economic vitality of the specific commercial districts and the city as a whole, encourage sustainable and profitable businesses, create dynamic and vital business districts, and implement the adopted development policies of the city.</p> <p>Chapter 21A.27 Form Based Districts: The purpose of the form based districts is to create urban neighborhoods that provide people oriented places; options for housing types; options in terms of shopping, dining, and fulfilling daily needs within walking distance or conveniently located near mass transit; transportation options;; and increased desirability as a place to work, live, play, and invest through higher quality form and design.</p> <p>Chapter 21A.30 Downtown Districts: The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial</p>

		<p>core of the city and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.</p> <p>Chapter 21A.31 Gateway Districts: The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted gateway development master plan through district regulations that reinforce the mixed use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high density residential.</p> <p>Chapter 21A.32 Special Purpose Districts: Certain geographic areas of the city contain land uses or platting patterns that do not fit traditional zoning classifications (e.g., residential, commercial, industrial) or uniform bulk regulations. These areas currently contain special land uses (e.g., airports or medical centers) which have a unique character, or contain mixed land uses which are difficult to regulate using uniform bulk and density standards. Because these areas have unique land uses, platting patterns and resources, special districts are needed to respond to these conditions. These special purpose districts are further intended to maintain the integrity of these areas, allow for greater flexibility in site design, and achieve the specialized goals for these areas</p>
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards;	Complies	The proposed text amendment does not affect any overlay zoning districts. Any specific development proposal would have to comply with applicable Overlay Zone requirements.
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.	Complies	<p>The proposed amendment implements current planning practices. Other larger urban areas have similar uses as the eleemosynary (proposed congregate care facility) that support related facilities that serve the region.</p> <p>Staff researched how other communities throughout the country deal with land uses like the INN Between and found a study done by the National Health Care for the Homeless Council² describing different programs in the United States dealing with medical treatment of the homeless population.</p>

² [2015 Medical Respite Program Directory](#) – Descriptions of Medical Respite Programs in the United States (prepared by the National Health Care for the Homeless Council, Inc.)

ATTACHMENT D: SALT LAKE CITY MASTER PLANS

Plan Salt Lake, adopted 2015

- *Vision* - We expect that our government will be open, fair, and responsive to the needs of the City. We expect that all people will be treated equitably, with dignity and respect, and be free from discrimination and that these tenets will be followed as we see demographic changes.
- *Neighborhoods Guiding Principle* - Neighborhoods that provide a safe environment, opportunity for social interaction, and services needed for the wellbeing of the community therein.
- *Housing Guiding Principle* - 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

City Council Philosophy Statements, adopted 2012

- *Neighborhood Quality Of Life* - We value a balance of residential types in the City including housing for all income levels, ages and accessibility needs.
- *Comprehensive Housing Policy* - Promote a diverse and balanced community by ensuring that a wide range of housing types and choices exist for all income levels, age groups, and types of households;
 - *Policy Statements #5 – Zoning*: The City should evolve its zoning regulations to effectively address the City's changing housing needs.
 - *Policy Statements #8 – Homeless, Transitional and Special Needs*: The provision and permanent housing options for those who have no other option is a fundamental responsibility of government in modern day society. The City will work with Salt Lake County, the State of Utah, and community partners to assist in providing temporary and permanent housing options to city residents.

Salt Lake City Housing Plan, adopted 2000

- Promote diverse and balanced communities by offering wide range of housing throughout the city.

Creating Tomorrow Together, prepared 1998

- *Social Environment Subcommittee* - We envision Salt Lake City as the best place in America for families. We stress the importance of children to our communities. When the needs of our children, all children, are properly addressed, the needs of the entire community are met. We also stress the importance of the elderly, the disabled, and in fact, we stress the importance of all our citizens. The best place in America for families must be a place where everyone is valued for the unique strengths they bring to our community.

Avenues Master Plan, adopted 1979

Health Services – Guidelines for Redevelopment for Low Density Housing

- Intensity of any new use, whether new occupancy of existing buildings, or redevelopment and new construction, must be less intensive than present use levels with regard to the number of persons occupying the site, parking needs, and estimated traffic generation.
- Any use involving additions or expansion of existing buildings, or construction of a new building(s) will be limited to low density housing.
- The design and scale of new construction should have a low density residential appearance and must be compatible with surrounding low density residential uses.
- There should be no variance from building height limits imposed by view protection provisions of the "F-1" Overlay Zone. Structures should be limited to two stories in height.

- New structures adjacent to public streets should be oriented to the street with a sense of entry through front facades.

Health Services – Guidelines for Either Redevelopment or a New Use of Existing Structures

- Intensity of any new use, whether new occupancy of existing buildings, or redevelopment and new constructions, must be less intensive than present use levels with regards to the number of persons occupying the site, parking needs, and estimated traffic generation.
- Sufficient parking to meet realistic needs must be provided on site without encroaching into required yard areas (even if realistic needs require a reasonable number of spaces in addition to those required by base zoning requirements.)
- Parking lots should be designed to encourage parking on them rather than on streets. Site design should include appropriate fencing, sidewalk locations, lighting, landscaping, etc.
- Parking lots must have adequate lighting.
- Signage should be minimal, and compatible with the residential setting. Signs must be in compliance with all zoning requirements.
- The amount and style of landscaping should be consistent with the residential character of the area. Sufficient open space should be provided to create a sense of spaciousness rather than crowding.
- Landscaping should be used to “break-up” parking lots.
- Existing large trees should be preserved.
- Any project must comply with reasonable requirements with respect to traffic generation, hours of operation, and night time activities, to minimize any potential adverse impacts on the surrounding residential area.

Capitol Hill Master Plan, adopted 1999

Institutional

- Amend the Urban Institutional zone to decrease the maximum height of new development to fifty feet where adjacent to residential properties.
- Develop design guidelines to encourage design of building, landscape and parking facilities on the block bounded by North Temple, 200 North, Main and State Streets, to ensure that any development will support and enhance the residential neighborhood to the north as well as maintain view corridors to the Capitol from the south. The design guidelines should include provisions to:
 - Require varied, stepped massing of a building, or multiple buildings, in order to discourage a monolithic appearance.
 - Eliminate blank walls along street faces and where adjacent to residential properties.
 - Require detailing and façade relief to provide for an architecturally interesting design.
 - Require a minimum percentage of glass on the ground level of a building to encourage pedestrian interaction.

Central Community Master Plan, adopted 2001

Institutional policies

- Minimize adverse impacts from existing uses.
- Minimize the expansion of institutional uses in residential neighborhoods.
- INSLU-1.1: Ensure that transportation and vehicle circulation impacts are mitigated when expansion or intensification of an institutional land use occurs.
- INSLU-4.3: Ensure City and encourage Federal State and County entities that the architecture of new government or public buildings complements and enhances the urban design of the community.

Housing policy

- Encourage the creation and maintenance of a variety of housing opportunities that meet social needs and income levels of a diverse population.

Blocks 4 & 5 East Waterloo Subdivision Master Plan, adopted 1992

- Blocks 4 & 5 of the East Waterloo subdivision should continue as a viable residential environment. Special use residential uses and appropriate provided they blend with the residential fabric of the neighborhood. The Master Plan amendment to accommodate special use residential at this location is consistent with city policy of providing housing opportunities for all segment of the population. Site planning, building scale and design, and transitioning treatments are all important elements of land use compatibility for these blocks.

East Bench Master Plan, adopted 1987

- Limit institutional growth in the University of Utah/Research Park area to the capacity of 1300 East and Foothill Drive and other major streets serving these institutions.

Northwest Community Plan, 1990

Assisted Housing

- Assisted housing should be spread throughout city.
- Assisted housing project should be required to have compatibly designed buildings which fit with the character of the surrounding neighborhood.

ATTACHMENT E: PUBLIC PROCESS AND COMMENTS

April 21, 2016 - Open House: On April 29, 2016, a community wide Open House was held regarding the proposed text amendment. Attendees at the Open House were mostly residents adjacent to the INN Between at 340 Goshen Street.

December 15, 2016 - Open House: A community wide Open House was held regarding the proposed text amendment. Attendees at the Open House were mostly representatives of the INN Between at 340 Goshen Street.

April 27, 2016 - Poplar Grove Community Council: Community Council invited the INN Between and Planning staff to speak.

January 25, 2017 - Poplar Grove Community Council: Staff met with the community council again to give an update on this project.

March 8, 2017 – Planning Commission: The Planning Commission table the petition to allow staff to return with further information and research as discussed. The Commission stated that they would like to review the following to help them better understand the purpose and use of the proposed changes:

- Show the strike and underlined language
- Show the definition of a homeless shelter in the code
- Examples of other Eleemosynary Facilities in the city and best practices
- How the twenty five cap affect these facilities
- How distance requirements relates to compliance of the Fair Housing Act
- More history of how the Inn Between came about and the impacts to neighborhoods

Public Hearing Notice: A notice of the public hearing for this text amendment includes:

- Public hearing notice published in newspaper April 27, 2017.
- Public hearing notice posted on City and State websites April 27, 2017.
- Public hearing notice emailed to the Planning Division listserv April 27, 2017.

Public Comments: Copies of the comments received at both open houses and emails are attached to this section of the document.

RESPONSE TO PLANNING COMMISSION QUESTIONS

From Public Meeting held March 8, 2017

Contact: Kim Correa, Executive Director
[REDACTED]



OVERVIEW

This document strives to correct inaccurate statements made during the March 8, 2017 Planning Commission meeting which led to confusion about The INN Between's current operation and future plans and how this relates to the proposed changes to the Eleemosynary Facility Land Use Definition, which would be the use we would operate under if we were to launch a new program in another existing or newly constructed building.

CLARIFICATION OF INACCURATE STATEMENTS MADE DURING HEARING

1. The INN Between does not accept anyone with a minor illness, such as a cold or a "Band-aid" and people can not self-refer into our program. This is what differentiates The INN Between from a shelter. We require a medical professional's referral and only accept individuals who have a serious illness, injury or trauma or a life-threatening disease. These are individuals who are too sick to be in a "med bed" at the shelter, in a motel unsupervised, or out on the streets.
2. Neither The INN Between nor any of our residents have ever been cited by the Police for illegal activity. We demand that our residents obey all laws and comport themselves in a respectful manner as a condition of living in our home. Our property is generally very quiet, with little vehicle or foot traffic, and our residents rarely leave the property or receive visitors. We actively monitor our property and do not allow people to loiter. We also have security cameras that can and have been made available to the Police for investigating other crimes in the vicinity.
3. 70% of Utahns die at home, and our program emulates this experience for individuals who lack a home. The INN Between is not required to be licensed through the State (see attached letter of exemption) because:
 - a. our program does not provide medical care directly, and all medical care is provided by licensed home health and hospice agencies, primarily Intermountain Healthcare,
 - b. all our residents must be capable of independent living, specifically meaning they must be able to take care of their own Activities of Daily Living (ADLs) which include dressing, bathing, eating, toileting, etc.
4. Although The INN Between, is not a State licensed facility, our program receives oversight from several independent sources, ensuring that no malfeasance occurs. Independent agencies are obligated to report any inappropriate or abusive occurrences to Social Services, which can help the public feel confident that our residents are living in a safe environment. The independent sources include:
 - a. Intermountain Healthcare Home Health and Hospice Division, which must obey all medical regulations in providing home health and hospice care, as well as report any

- unsafe conditions to social services and other appropriate other government agencies. Intermountain has commented publicly about the excellent living conditions at The INN Between, even comparing our home to private homes that are in a deplorable and unclean state.
- b. Salt Lake County Health Department does an annual inspection.
 - c. Salt Lake County provides CDBG funding. As part of the application process, they thoroughly review our program and conduct an on-site assessment. As part of the funding process, they conduct an annual review and another on-site assessment.
 - d. State of Utah provides funding through the Pamela Atkinson Homeless Trust Fund, which requires significant program review during the application process and follow up audits and site visits..
 - e. Utah State Department of Health would become involved should any incident be reported.
 - f. Salt Lake City is likely to approve CDBG funding. They thoroughly reviewed our program during the application process and would do reviews and site visits if the grant is awarded.
 - g. More than 50 volunteers regularly donate their time to our program and would report anything they perceived to be inappropriate.
5. The INN Between has always strived to be transparent and minimize the impact our program might have on the neighborhood. To improve neighborhood relations, we have formed a Neighborhood Advisory Council, in conjunction with the Roman Catholic Diocese (the property owner). The NAC is chaired by neighbors and will hold regular public meetings in order to gather feedback and address concerns from the community. Information gathered will be used to inform decisions about future plans for the property, which includes St. Patrick's Parrish in addition to The INN Between.
6. The INN Between's current operations will not be affected by any future changes to the Eleemosynary Facility definition because we operate as a Congregate Care Facility, nonconforming (this land use was stricken from the tables in December 2015). Our current operation is limited by zoning to 16 residents, and we are also naturally limited because the the home is not large enough to hold any more residents.
7. The other building on our property, the former Guadalupe School, requires a seismic upgrade for a change of occupancy to Eleemosynary Facility. The seismic upgrade is over \$1,000,000 - cost prohibitive on a building with so many other structural issues (such as an inefficient boiler and cooling system, old plumbing, etc.). Therefore, we are not able to expand our bed capacity in the existing building.

IMPACT OF ELEEMOSYNARY FACILITY LAND USE DEFINITION CHANGES

1. It has been recommended that we construct a new building on the North end of the property which is currently vacant and somewhat blighted. The Roman Catholic Diocese supports this initiative. We would apply for zoning as an Eleemosynary Facility, Large.

2. If we are able to build a facility that has the capacity to meet future needs, we would be able to close our current operation and return that building to the Diocese. In all likelihood, the Diocese would demolish the existing buildings and create new buildings for St. Patrick's Parrish as well as make improvements to the on-site parking.
3. If the Eleemosynary Facility land use definition includes a capacity limit, then we may be forced to continue operating in the current building, in addition to any new construction.

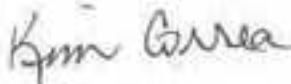
Therefore, we strongly oppose any capacity limit on the Eleemosynary Facility land use definition for the following reasons:

1. The Eleemosynary Facility land use has been in effect for 35+ years without having a capacity imposed. The capacity limit was imposed as a direct result of The INN Between's focus of serving homeless individuals, which is discriminatory in nature against individuals who are homeless.
2. This land use is used by, and changes to it can negatively impact, other nonprofit agencies that serve individuals who are suffering from and being treated for disease and injury, including Ronald McDonald House.
3. The capacity of any new Eleemosynary Facility building (independent of the nonprofit agency requesting the permit) does not need to be limited within the land use definition because it will naturally be limited by several forces including:
 - a. Lot size,
 - b. Maximum allowed height (35' in an I zone without a conditional design permit),
 - c. The Conditional Use Permit process, which includes public hearings to address and mitigate community concerns,
 - d. The IBC,
 - e. and, of course, the cost of the building (most agencies, including The INN Between, have very limited resources to construct a building).
4. Institutional zones are already designated as higher impact zones. Eleemosynary Facilities and programs like The INN Between actually represent a significantly lower impact on the surrounding neighborhood than traditional institutional uses such as school, assisted living facilities or hospitals.
5. Other land uses, like Group Home, Large, serve homeless individuals and are allowed in R zones without a capacity, for example, the outstanding program, The Other Side Academy, which houses 60 individuals, most of whom are homeless after having exited the jail/prison system.

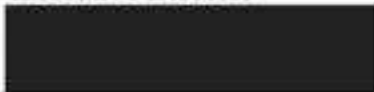
6. If a capacity limit is placed in an Institutional zone, which is already designated as a higher impact zone, then it should also be placed in an R zone, which is a low impact zone, as well as any other zone.
7. The capacity limit of 25 was specifically derived at through a conversation between myself and former Councilman Kyle LaMalfa. It is not founded on any rational basis having to do with building safety or life safety. It is inappropriate to force an arbitrary capacity limit on a land use definition.
8. A capacity limit on a land use definition, especially one that relates to homelessness, is not compliant with HUD fair housing guidelines.
9. The capacity limit will not likely stand up to scrutiny by the State's Ombudsman.

I would be honored to discuss this matter and address any of your concerns, as well as give you a tour of our facility so you can truly understand how our program operates and see for yourselves the relatively small impact it has on the neighborhood. Please feel free to call my mobile phone listed below to schedule a tour or discuss the matter.

Sincerely,



Kim Correa
Executive Director





State of Utah

GARY R. HERBERT
Governor

GREG BELL
Lieutenant Governor

Utah Department of Health

W. David Patton, Ph.D.
Executive Director

Division of Family Health and Preparedness

Marc E. Babitz, M.D.
Division Director

**Bureau of Health Facility Licensing,
Certification and Resident Assessment**

Joel Hoffman
Bureau Director

LC-836

June 30, 2015

Kim Correa
The INN Between
344 S. Goshen Street
Salt Lake City, UT 84104

Dear Ms. Correa

Re: LICENSE EXEMPTION FOR RESIDENTIAL BOARD AND CARE FACILITY

The Bureau of Health Facility Licensing and Certification has received and reviewed the information you submitted regarding the licensing of a residential board and care facility. From the information you submitted, we have determined a license is not required for the residential board and care facility services as described in your email. This letter serves as a written exemption to licensing rules pursuant to Utah Code Annotated, 26-21-7.

Please be aware that if the services that you have described change in the future, licensing may be required. Please feel free to call me at 801-273-2994 if you have any questions.

Sincerely,

Carmen Richins, Program Manager
Bureau of Health Facility Licensing and Certification





March 7, 2017

Katia Pace
Principal Planner
Salt Lake City Planning Division
451 S. State Street
Salt Lake City, UT 84111

Dear Katia,

Thank you for forwarding a copy of the proposed changes to the Eleemosynary Facility Land Use Definition. I know that a lot of work and research went into the recommendation, and the board of directors of The INN Between and I support the changes being proposed, with exception to the 25-bed cap.

On behalf of our board of directors, I am writing to share with the Planning Commission our perspective on the 25 bed cap being proposed.

The 25-bed cap was an arbitrary number arrived at between then Councilperson Kyle LaMalfa and me as a compromise to a heated political situation. It was not founded on building size, lot size, location or anything else related to the International Building Code.

We are aware that Ronald McDonald House, the other nonprofit that tends to utilize the Eleemosynary definition, has sighted land in a R-zone for future expansion. The City is also aware that The INN Between plans future expansion on our lot, which is in an I-zone.

If a 25-bed cap is to be placed on Eleemosynary Facility Large in an I-zone, to protect any surrounding R-zoned lots, then it only stands to reason that the cap should also be placed on R-zoned lots which are typically surrounded by other R-zoned lots. To arbitrarily place a cap on an I-zone and not R-zones or any other zones has the appearance of spot zoning, which is not permitted.

Even without a cap, future large Eleemosynary Facilities, which could include The INN Between, Ronald McDonald House, and other entities, would all be conditional use under the new definition and subject to the oversight of the Planning Commission.

From a big-picture perspective, having a cap on this land use may inhibit other nonprofit agencies from establishing much needed social model hospice houses that would serve average, low- to middle-income Utahns. The majority of Utahns cannot afford \$6,000 per month to place their terminally ill loved one in nursing home. Social model hospices are growing in other states, and there is a large need for similar programs right here in Utah, especially to fulfill Salt Lake City's priority of aging in place. The Eleemosynary Facility Large definition must allow for economies of scale in order to be economically viable for future businesses.

We have received information that the 25-bed cap is being put in place to ensure that the program can operate safely. Imposing an arbitrary cap is not the appropriate way to create oversight for a particular program or business. As the building size and capacity increase,

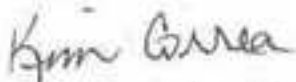
zoning would dictate things like fire barrier zones, like in hospitals, in order to ensure life safety. The Health Department mandates that individuals living in facilities like The INN Between be capable of independent living, which means they are capable of self-preservation in the event of a fire by moving themselves to a fire free zone or exiting the building.

I would like to reassure the Planning Commission that programs like The INN Between receive significant oversight from a number of sources, including (1) the hospice agencies who serve our patients and are responsible for reporting anything that is not up to par, (2) Salt Lake County which provides Community Development Block Grant funding and does an annual pre-inspection and audit, (3) the State of Utah which provides funding and does an audit, (4) any potential government funding agencies, including Salt Lake City, and (5) the State of Utah Department of Health which has issued guidelines that The INN Between must follow.

It has also been suggested that programs like The INN Between must be limited in capacity to not be too intensive for the neighborhood. I will remind the Commission that schools and hospitals are much more intensive uses and are not limited with a maximum capacity of 25. In addition, converting the same land to apartments or high density housing would represent a much more intensive use of the land.

In summary, given the points outlined in this letter, we respectfully ask the Planning Commission to not recommend a cap of any size on the proposed changes to Eleemosynary Facility Large.

Sincerely,



Kim Correa, Executive Director

The INN Between Board of Directors

Deborah Thorpe PhD, APRN, *Board chair*
Hospice Nurse, Rocky Mountain Hospice

Dan Hull, *Board Vice-chair*,
Executive Director, Utah Hospice and Palliative
Care Organization

Will Grua, *Board Treasurer*

Sandy Timboe RN, *Board Secretary*

Jeff McNally, MD
Chief Medical Director, Intermountain Healthcare

Russ Wall
Former Mayor of Taylorsville

Ed Haidenthaller
VP & CIO, Pitney Bowes Bank

Steven Anderson
CFO, Episcopal Diocese of Utah

Jennifer Jacobs-Munson
Director, eBay

Matt Klein
Business Development, Accent Interiors

Father John Norman
St. Vincent de Paul Catholic Parrish

Mark de St. Aubin LCSW
Assistant Professor, College of Social Work,
University of Utah

Pace, Katia

From: Kort Prince [REDACTED]
Sent: Friday, March 3, 2017 3:37 PM
To: Pace, Katia
Subject: Re: Eleemosynary Text Amendment - Planning Commission Public Hearing

Hi Katia,

Thank you for the update. I do have both a question and a comment. From reading the document, am I correct that places like the Inn Between would have no cap and also that the staff of the planning commission support this decision?

I find that extremely troubling given that the entire document contains no reference to extant literature regarding the impact of these facilities on neighborhoods and also references no communication with any experts in the field of homelessness. I would argue the conclusion to support the changes is a dereliction of duty at best given no evidence reported in the document supports the conclusion from a community impact perspective. I would ask that the city council be made aware of these neglected considerations and also reconsider the premature nature of a positive recommendation.

Thank you,
Kort

On Fri, Mar 3, 2017 at 3:14 PM, Pace, Katia <Katia.Pace@slcgov.com> wrote:

Hello everyone,

Here is a [link to the staff report](#) for the proposed Eleemosynary text amendment for the March 8, 2017 Planning Commission meeting.

Here is a [link to the Planning Commission agenda](#).

Planning Commission Meeting

Salt Lake City and County Building

451 South State Street, Room 326

March 8, 2017

5:30 PM

At this meeting, the Planning Commission will review the proposed changes, listed below, and will make a recommendation to the City Council.

1. Retain “Eleemosynary” land use;
2. Split “Eleemosynary Facility” into 2 classes (small) and (large);
3. Change zoning districts where the “Eleemosynary” land use would be allowed;
4. Remove cap of 25 persons in the definition of “Assisted Living Facility;”
5. Make “Assisted Living Facility” and “Eleemosynary Facility” a conditional use in the institutional zone; and
6. Remove the 800 foot distance requirements that violate the Fair Housing Act.

More information on the proposed changes can be found in the staff report (link above.)

Please let me know if you have any questions or comments.

KATIA PACE

Principal Planner

PLANNING DIVISION

COMMUNITY *and* NEIGHBORHOODS

SALT LAKE CITY CORPORATION

TEL [801-535-6354](tel:801-535-6354)

katia.pace@slcgov.com

WWW.SLCGOV.COM

Pace, Katia

From: [REDACTED]
Sent: Tuesday, March 7, 2017 2:41 PM
To: Pace, Katia; Johnston, Andrew; City Council Liaisons
Subject: Getting awoken by cops shining flash lights in our windows, blinking ambulance lights, and crime scene tape being put up is terrifying.

- Hi Katia & Andrew,
- This last episode over in the back of the Inn Between (my back yard) was awful, and another "tip of the iceberg" for me and my family. On 2/23/17, my kids were awoken by noise, flashing police car lights and cops shining flashlights in our windows and yard. They cried mom mom, something bad happened! We watched in horror while they taped off the area with crime scene tape, and proceeded with what looked like a scene from CSI. The news and police were all there, they must have thought the guy who wandered out and died was murdered, what with all the blood that he apparently coughed up. The whole thing was quite traumatizing. Then, on Fox 13, I saw that they ran the story of a body found behind the IB. I looked for the story again when I got to work, and couldn't find it anywhere. I called the station and spoke with Robert Boyd, he said that The Inn Between made sure that they pulled the story when it was determined that there was no foul play, and that it was just a resident that went out for his "last smoke" and died out there; which to me is still a story! They should have came out with a clarification to the story, not just pulled it. It stinks of cover up. They don't want the public to see what is really going on in the back where my family is trying to live in peace. Even though it is very sad, I don't know anyone who wants this in their backyard.. Then, later, Kim posted this:
 - Dear Neighbors,
 - Early this morning, one of our residents passed away. His name was Tom, and he died of complications due to stage 4 lung cancer.
Tom had been living with us since early January. He was a friendly man who worked at a local deli, loved to walk to the river and feed the ducks, and seemed to always have a smile on his face and positive attitude despite his terminal diagnosis.
Our security cameras show that Tom had gone outside to smoke around 3:30 am, which was not unusual as he was a very early riser. The camera footage shows that he began to cough and then fell over. He was found unresponsive around 4 am and unfortunately had coughed up a considerable amount of blood. Our house managers deemed it necessary to call 911 as a precaution. Authorities reviewed the scene and found no signs of foul play. Tom died a natural death due to his lung cancer.
We loved having Tom at The INN Between, and he will be dearly missed. Please feel free to join us for a community memorial service for Tom on Friday, March 3 at 2 pm.

Kim Correa
Executive Director
The INN Between

- Please, do not let the Inn Between expand at the current location. If they want to build another building, like Kim has stated, why can't they do it in another area? 25 here, 25 there. She uses the Mother Teresa Hospice in MI as an example. I called them, guess what their cap is? 3. They have 3 beds. 3 beds is a cap I

can agree with :-)

- The truth is simple, no one wants a homeless shelter near their home. People always pretend that they are different though, and would willingly accept it, until it actually comes to fruition. As we know, Sugarhouse, the Avenues, Federal Heights, and the Harvard-Yale areas would all fight to keep shelters out of their areas, despite being heavily liberal communities. It is easy to attack others, but the tune changes when you are the affected one.
 - Sincerely,
 - Dionn Nielsen
-



Department of Community
and Economic
Development

SALT LAKE CITY PLANNING

OPEN HOUSE PUBLIC COMMENT FORM

April 21, 2016

Housing for Terminally/Acutely Ill
ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name:

Dyani Schnider

Address:

[Redacted Address]

Zip Code

84104

Phone:

[Redacted Phone]

E-mail

[Redacted Email]

Comments:

The issue arises in defining what hospice means. All people are recovering from something. Also, will their family be allowed to stay there? That doesn't follow the rules which is one thing I don't like. Can they wander around the neighborhood? That seems like a bad idea too. The rules seem loosely interpreted by the hospices, which can severely affect the surrounding neighborhood.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at katia.pace@slcgov.com. Please provide your comments by April 28, 2016.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

If the ~~neighbor~~ amount of residents increase, stricter rules for any²⁰ comings and goings or misconduct needs to go up as well. →

Look into neighborhood sometimes, so higher tences - inucent exposure to the facility ~~things~~ kids a fence is a precaution. You can't control people at the facility. Something needs to be figured out that will grow with residents in the facility, also regarding the density of the surrounding neighborhood. Also, it's not just about the number of people, but the type of people. If it's a homeless hospice, that is different than an apartment. They can be unpredictable, so higher person per sq. foot ratio can be dangerous. The hospice will want to grow in size over time, and the regulation/zoning should keep check on them with that growth. If residents have family staying there, that should count for the capacity limit but with some sort of extra weight because the family would be more active & and not confined to ~~the~~ a sick bed.



PLANNING DIVISION
COMMUNITY and
NEIGHBORHOODS

SALT LAKE CITY PLANNING

OPEN HOUSE PUBLIC COMMENT FORM

December 15, 2016

Recuperative Housing
ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name:

Kirk Huffer

Address:

[REDACTED]

SLC

Zip Code 84106

Phone:

E-mail

Comments:

NEEDED NEW DESIGNATION WITHIN THE CASE. FEEL
POSITIVE ABOUT ITS USE NOW AND INTO THE FUTURE.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at katia.pace@slcgov.com. Please provide your comments by January 6, 2017.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480



PLANNING DIVISION
COMMUNITY and
NEIGHBORHOODS

SALT LAKE CITY PLANNING

OPEN HOUSE PUBLIC COMMENT FORM

December 15, 2016

Recuperative Housing
ZONING TEXT AMENDMENT - PLNPCM2016-00024

Name: Kim Connor

Address: _____

Zip Code _____

Phone: [REDACTED] E-mail _____

Comments: _____

... who don't have a place to go or whose who
cannot afford the cost of a nursing
home.

Define Social Hospice model
Look @ Mother Theresa House in Lansing MI
& other hospices in Lansing.

Please provide your contact information so we can notify you of other meetings or hearings on this issue. You may submit this sheet before the end of the Open House, or you can provide your comments via e-mail at kalia.pace@slcgov.com. Please provide your comments by January 6, 2017.

Salt Lake City Planning Division
451 South State Street Room 406
PO Box 145480
Salt Lake City, UT 84114-5480

Pace, Katia

From: Natalie hart [REDACTED]
Sent: Tuesday, April 5, 2016 3:13 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: The Inn Between

I learned recently that the Inn Between found the loophole that they were looking for to be able to expand their homeless facility in my neighborhood. This is very disappointing. I was just beginning to feel hopeful about my neighborhood. I was starting to see more owner occupied homes with people making improvements to their homes and yards. My neighborhood was still fragile, but i could see it turning a corner and becoming a true asset to our city. But now, there is a homeless shelter operating less than a block from my house. The Inn Between has been dishonest with our community from the very beginning, promising this would be a small shelter for the terminally ill who would otherwise die in the streets. This message has played on the hearts of the public and has garnered a lot of support for their cause, but not only is it a lie (when the Inn Between couldn't get licensed to provide end-of-life care, they quickly switched gears and became a shelter for anyone needing a break from the streets), it is also at the sacrifice of my neighborhood and the families who live there. It was a hard enough blow to our community to have a homeless shelter open, but now to find out that they have somehow circumnavigated the city ordinance that prevented their expansion is incredibly frustrating.

The Inn Between seems to have more compassion for the child rapists that they are harboring there than for the children who are being put at risk having those rapists and molesters (and yes, there are literal child rapists and molesters) living along their pathway to and from school and they certainly have no regard for the community. The West side neighborhoods deserve equal consideration, and yet we have become the city's dumping ground once again.

Pace, Katia

From: Natalie hart [REDACTED]
Sent: Monday, April 18, 2016 12:03 PM
To: Pace, Katia
Subject: Upcoming city planning meeting

I don't know if i will be able to attend the open house on April 21st, so please consider the following comment:

I am very concerned regarding the land use classification as it relates to the Inn Between. I learned recently that the Inn Between found the loophole that they were looking for to be able to expand their homeless facility in my neighborhood. This is very disappointing. I was just beginning to feel hopeful about my neighborhood. I was starting to see more owner occupied homes with people making improvements to their homes and yards. My neighborhood was still fragile, but i could see it turning a corner and becoming a true asset to our city. But now, there is a homeless shelter operating less than a block from my house. The Inn Between has been dishonest with our community from the very beginning, promising this would be a small shelter for the terminally ill who would otherwise die in the streets. This message has played on the hearts of the public and has garnered a lot of support for their cause, but not only is it a lie (when the Inn Between couldn't get licensed to provide end-of-life care, they quickly switched gears and became a shelter for anyone needing a break from the streets), it is also at the sacrifice of my neighborhood and the families who live there. It was a hard enough blow to our community to have a homeless shelter open, but now to find out that they have somehow circumnavigated the city ordinance that prevented their expansion is incredibly frustrating.

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Thank you,

Natalie Hart
[REDACTED]

Pace, Katia

From: [REDACTED]
Sent: Monday, April 18, 2016 8:54 AM
To: Pace, Katia
Subject: Re: SLC Open House Invitation

It is definitely interesting that so many people in favor of the Inn Between are from people outside of the district, and, I can only surmise, from people with little clinical and peer-reviewed research knowledge regarding the population. Likely these are also people who did not attend the original planning meetings in our community. If these people knew the research on this population, they would know how bad of an idea it is expanding the facility in a residential neighborhood; they would know that the population has a majority prevalence of severe and persistently mentally ill diagnoses and vast majority prevalence of criminal histories. More importantly, though, they would know the disingenuous nature of the Inn Between staff. At the same meeting where they first pronounced the facility would serve a limited number of individuals who were terminally ill, they later admitted that definition extended to those merely needing a respite. Those two definitions are not compatible; the latter is the definition of a homeless shelter. While they have a good purpose, they have implemented it horribly; they have stepped on community member's opinions at every turn. I urge zoning and the council to consider the opinions of those in the district. The issue of discrimination is prevalent. There is discrimination, but it is once again against the residents of the west side of this city. Please do the right thing and protect our community.

Pace, Katia

From: [REDACTED]
Sent: Monday, April 18, 2016 2:06 PM
To: Pace, Katia
Subject: LOW IMPACT?

Katia,

I want you to have the whole picture, so here are more conversations between myself, Kim Correa, (Director of Inn Between), and some neighbors. Low Impact? It has been my worst nightmare for over a year now, from when they first put up their sign, and I googled, The Inn Between.

Dionn: What is the Inn Between? Why are all these people back in the alley smoking? It is against the law to smoke within 25ft of buildings. It is ruining my child's birthday party. Your Facebook page says that you are a homeless shelter. I live behind you. I would not support a homeless shelter moving in that building.

Kim: We are a hospice, for homeless. Which house is yours? Is it the one with all the garbage in the yard? We will be low impact.

Dionn: I can assure you my yard does not have garbage in it; and really? What difference does that make? Why would they allow a homeless shelter in that building, so close to Franklin Elementary? A homeless shelter is not allowed in our zone. This is a residential neighborhood, with an elementary school a stone's throw away. How many people will be there? Low impact? Already, on me and my family personally, and my friends on Bothwell St., we disagree. Of course, it is not the resident who is sick in bed that worries us. It is people hanging out in the alley, smoking, traffic, visitors. Worst case scenario, increased crime. The bigger you grow the more all that grows. What WOULD be the max capacity if you can occupy that huge school, if we are measuring impact? Is it still under the stipulation that if the residents can't care for themselves, they would have to be moved to a skilled facility? I have gone through hospice, with both of my parents. They could not care for themselves, and needed professional care.

Kim: Dionn, with all due respect, The INN Between is nothing like a homeless shelter. We are a home. Our program is much lower impact than the school was, with its hundreds of children and morning and afternoon drop-offs and pickups. I have requested a crime report and will be happy to share it. I believe that our presence and cameras actually deter crime around our building. Our program has not negatively impacted home sales or property values according to MLS data. Finally, we are happy stipulating to 25 beds as part of our occupancy, as I have expressed to the City. This is a standard practice and does not require a zoning change.

Dionn: Kim, You have not been here long enough nor had enough occupants to pull data. The school was empty in the afternoon and on weekends. Not once in 20 YEARS of living behind the Guadalupe School did I have to deal with people hanging out in the alley and the strong smell of cigarette smoke. Put the hang out/smokers area elsewhere if you want to claim to be a good neighbor. Now it's like a mullet. Clean cut business in the front, party in the back. (Which is my backyard)

Kim: Dionn, you and I discussed the smoking several weeks ago and I explained that the rear carport is the only covered spot we have, so it's the only spot suitable during inclement weather.

During our conversation, I suggested that since you have a keen interest in this issue, you could help solve it by calling some awning companies to see if one would donate a patio cover for the South or East side of the building.

In the meantime, we cleaned out the garage and have designated it as a smoking area. We are open to other solutions. I agree that smoking is unpleasant, but people have a right to smoke on their own property and, unfortunately, on public sidewalks. Personally, I would love to get our residents to quit.

Dionn: In other words, my family's quality of life and environment has to be compromised. Your agenda is more important than mine, which is simply having a backyard to enjoy, and fresh air to breathe. Every time I open my favorite window, I get smoke lofting in. Every time I go out in my backyard, my sanctuary, I have the same crowd you see on Rio Grande St.,

hanging out smoking. I never get a break from it, and it is GROSS. And this is low impact? I will be getting the Health Dept. and Truth for Tobacco involved. And yes! That would be perfect! Have them go out front to the sidewalk! Just because I support homeless services does not mean I want a mini Road Home in my backyard. They should be able to do this without profoundly, negatively, affecting my life and my home. Kyle Lamalfa, Andrew Johnston, Jackie Biskupski, I hope you are reading all this. Just keep bombarding the west side with the homeless.

We, (I was not alone on the "petition") put together a petition. We called it as we saw it then, and I'm calling it as I'm SEEING it now. You are the one misleading everyone. The residents can't even be there if they can't care for themselves, they have to be moved to a skilled facility. Who is paying for that? Back to square one. You sold us all on a hospice, but now it's a "home" for sick homeless = homeless shelter. You can paint a real pretty picture in the front, and are a terrific sales woman. I don't doubt at all that you are doing amazing things inside the building. I am supportive of that, and would love to be a part of it. BUT, I can't get on board with what I am experiencing now. You are naive and in denial if you think it's all roses in the back and that people from the road home are not walking down and riding their bikes back there. As for the smokers, I could care less what caliber of person's smoke I smell. I did notice that you moved the hang out into the garage yesterday, and I appreciate that very much. But, come warm weather, I predict the same problems, unless you can come up with a more permanent solution without expecting ME to pay for it, or ME to get someone to donate it, which is ridiculous.

Jade: So I'm a little confused... Was the item from Tuesday's City Council meeting positive or negative for the Inn Between?

Dionn: If you ask the people who actually live next door to them, it was a great decision. I am desperately trying to protect our neighborhood from people like this guy, Robin Marcus Smith, who is a resident there. http://www.heraldextra.com/afcitizen/is-this-man-the-most-dangerous-man-in-am-fork/article_b8133834-86cb-11e2-9452-001a4bcf887a.html he's the one who sings songs on the news and at the council meeting; and Jay Martin Evans, both child molesters. Jay is on the Sex Offender Registry, but is not registered at the Inn Between address. What is ever scarier, I don't know the names of the other residents, let alone, who else they will bring in. I realize that these types of people need a place to be until they die, and that place is jail, not a residential neighborhood, right next to elementary schools. The decision 25cap and 800 ft protects ALL neighborhoods in ALL districts from places like this. Please email or call the Mayor's office to let them know they made the right decision. By the way, the individual in the link is not on hospice. He is there to recover from an injury sustained I can only imagine how.

Kim: The INN Between is an interfaith community project, and our board members believe that everyone deserves a safe place to heal or to die with dignity. We are committed to taking care of people who others turn away. This is the humanitarian and the Christian thing to do.

Dionn: They will take in anybody, regardless of the threat to the community. (But hey, he feels bad, and is sorry) There are not enough years to make this okay. What if it was any of your children? Like I said before, yes I am very aware of the sex offenders and criminals in the area, that does not mean that we need more. This individual did not have one child molesting event back in the day; regret it, and then go on to do great things in life. There are no excuses for the, I think it was, 43+ mugshots I counted on mugshots.com, all different events. Also, yes, lucky for him, this individual is not on the Utah State Sex Offender Registry; because I believe it was 2006 when the law was passed that would have kept him on there for life, another terrifying flaw in the system. Also, anyone can call 801-799-3000, like I did, and speak to the Sex Offender Officer to find that the SODOMY charge is still there, in addition to KIDNAPPING. Also, I thought this is a homeless shelter hospice, not a homeless shelter recovery for criminals.

Kim: Hi Jade, The City Council's decision was not good for The INN Between. The combination of a 25 bed limit and the new restriction that requires 800' between Eleemosynary Facility buildings effectively prevents us from using the Guadalupe School Building for client services, meaning that we can only use the Convent with its 12 bedroom capacity, which is not enough to meet community need. We are asking people who support our cause to email Mayor Becker at mayor@slcgov.com and ask him to "VETO the Assisted Living Facility" proposal.

Dionn: The zoning put a cap of 25, which as it is, is too many for this struggling, already has enough child molesters and criminals neighborhood. I know that not all Inn residents are in this category. But the fact that they do not care who they take in, (because it's the Christian thing to do) regardless of the threat to community, concerns me a great deal. And it should all of you as well.

Diana Oaks-Poplar Grove neighbor: The concept of "The Inn Between" is beautiful and compassionate and I do support it. However, Dionn is correct that steps should be taken to mitigate the risk to those who actually LIVE near the facility. Frankly, those who don't live in the neighborhood ought to be supportive of ensuring that protective measures are in place for the children and families who are shouldering the potential risk. Isn't that what you would want if it was in your community? Poplar Grove (and the west side in general) house far more than their fair share of services to the disenfranchised members of society. She is not spewing hatred, she is speaking wisdom!

Joe- Poplar Grove Neighbor: I'm okay with your efforts to get it regulated and even moved. I do care the impact on our neighborhood. I don't have kids, so I can't speak to that. I know that if it affected me more directly, I'd be all over it like you are. You're right though, people who don't live in the neighborhood don't really have room to talk about how it affects the neighborhood.

Dionn: The zoning proposal of 25 needs to stick. If they allow more people, that's more staff, more visitors, more criminals (residents) in my backyard SMOKING. It drives me crazy! In 20 years, I have never had this problem. I love my home. This has been so stressful for me; I can't even sleep at night! I may sound crazy and irrational to some, but I have been driven there!! There is no doubt that this has brought out the worst in me, I feel like a crazy mama bear. My little daughter has asthma. Our quality of life should not have to be jeopardized to accept them! I know I can't protect my kids from the world, but I should be able to protect them in my home. We should be able to enjoy our own private backyard. She (Kim@ Inn) needs to build some kind of smoking area in the north end, where it is neutral, and there is, for a lack of better description, more smoke buffering room. I definitely agree that the school should not be empty; it needs to be a school, like a charter school perhaps. Something GOOD for our neighborhood, not something that will surely bring it down. Plus, the fact that they are not licensed is not okay with me at all. There is no one holding them accountable. No one to make sure they are following the rules (wait, what rules, there are none) No one to complain to or enforce no loitering and smoking in my "bubble". It's just insane to me that this was ever allowed to open.

Thank you for taking the time to read through all of this. I know it's a lot.

Dionn Nielsen
Home Owner, Bothwell St.

Pace, Katia

From:
Sent: Tuesday, April 19, 2016 1:45 PM
To: Pace, Katia; City Council Liaisons; Johnston, Andrew
Cc: Paterson, Joel; Coffey, Cheri
Subject: Re: Open House Invite

Thank you Katia. We are not zoned for a homeless shelter here for a reason. We have Franklin Elementary in very close proximity, Neighborhood House just down the street, and all of our private homes. I see several small children who have to walk alone to Franklin and Neighborhood House everyday. A homeless shelter will not only make our neighborhood unsafe, it will hurt our property values, and make our homes difficult to sell. It has already greatly diminished our quality of life. I beg you not to doom this already fragile neighborhood. There are other places to do this.

Also, when I spoke to Mayor Biskupski, she said she wouldn't put homeless shelters west of the freeway..

Pace, Katia

From: KENDALL ROBERT MCMILLAN [REDACTED]
Sent: Tuesday, April 19, 2016 9:40 PM
To: Pace, Katia
Subject: Open house discussion

Katia,

I am unable to attend the open house session on April 21st, but it involves a property that is adjacent to my home at 1057 west 300 south and would like to make a comment regarding item 2 of the discussion (PLNPCM2016-00024). Specifically the wording of the clause: "Create a land use classification for housing to homeless individuals on a temporary basis who are dying or recovering from an acute illness or injury." I am not against providing care for those that are terminally ill, but I believe that the term "acute illness or injury" is too vague. My work is in the research of injury biomechanics and I have some familiarity with medical terminology. An acute condition could be classified as anything from a broken bone to the common cold. It is my belief that the terminology of this clause needs to be changed to reflect the severity of illness or injury necessary for hospice care. An example of this would be to use the Abbreviated Injury Scale (AIS) Score-Code of 4 (Severe) or above for care. This would limit access to the individuals that actually needed the extra care that a hospice can provide. This would be beneficial to the hospice facility as well as residents. It is my concern that under the current clause, the hospice facility would quickly be overwhelmed with individuals that did not need to be there. This would cause those with a true need for care to be turned down due to the facilities limitations. This in turn could also lead to a gathering of individuals whose intentions are to take advantage of the good intentions of the staff at this hospice facility. This is a cause for concern not only because I do not want illegal activities near my home, but because there is a public elementary school less than a block away from the proposed facility and it would be terrible for anything to endanger the children there. I work with medical professionals at the University of Utah and if you need a professional medical reference, or help in changing the wording of the clause to reflect the true intentions of the petition I can talk with some of my colleagues about creating a more accurate medical definition for the clause. If this is not possible I ask the City Council to reject the current petition. Please relay my comments to the City Council at the meeting.

If you would like to contact me for any reason please email me at [REDACTED]

Thank you,

Kendall McMillan

Pace, Katia

From: Allison Ginn [REDACTED]
Sent: Thursday, April 21, 2016 5:53 PM
To: Pace, Katia
Subject: Comments in lieu of participation at Open House

Katia-

I was unable to make the Open House today. I am sure you will receive quite a bit of feedback from the community. Much of it will be negative and I would like to make note that not everyone in Poplar Grove staunchly opposes this project.

I live one block east of the Inn Between. I walk past both the north and south ends of the property nearly every day. I have never seen or heard anything inappropriate on the property. In fact, I wasn't even aware that the Inn Between was a homeless hospice until recently.

While I don't totally embrace the project, I do recognize that the Inn Between is seeking to fill a current void in services to portions of the homeless population in SLC. To that end, I think that a proposal to create and regulate the use of the old Guadalupe school is a positive step. I would rather see the building put to use than sit derelict.

I am sure that there are common sense solutions to assuage the fears of the neighbors. Because the old Guadalupe school is located next door to Franklin Elementary, I assume that there could be some provisions to ensure that registered sex offenders or violent felons would not be admitted to ambulatory care.

The other main fears I have heard from neighbors are concerns that the hospice will become a homeless shelter. Proper language in the land use classification should avoid this situation.

Thank you for your work on this issue.

Allison Ginn
352 S 1000 W

Pace, Katia

From: Chandler Wood [REDACTED]
Sent: Thursday, April 21, 2016 4:20 PM
To: Pace, Katia
Subject: Zoning for The Inn Between

Hello,

Regarding the zoning for The Inn Between, I feel like we are on a slippery slope and they would rather be reactive to issues that occur than proactively try to prevent them.

As someone who has property adjacent to this facility, I do not feel comfortable with how much we have been lied to and misled by the proprietors of this establishment, all in the name of comfort for the impoverished.

Initially we were told that this would be for respite care and terminally ill ONLY, and that it would never be anything different. Our fear at the time was that this would become little more than a homeless shelter in a residential area next to a school. Our fears are now coming true, it's a slippery slope and bad precedent to set going forward.

I understand the comfort of these people is important, but what about my comfort as a hard working contributor to society that just wanted to sleep soundly in my little piece of the American dream? I know it sounds selfish, but there are plenty of other places to put homeless facilities that don't encroach on our comfort and happiness in life. Unfortunately I can't easily just up and move, though I would like to if plans for this to be re zoned go forward. As much as you want to care for the homeless, you also have a responsibility to the contributing tax paying citizens of your city that want too have a little peace of mind.

Thank you.

Pace, Katia

From: Kort Prince [REDACTED]
Sent: Friday, April 22, 2016 8:49 AM
To: Pace, Katia
Subject: The Inn Between Open House

Dear City Council:

I sincerely regret that I was not able to attend the open house because of work and I apologize that my response is late, but I was only made aware of the open house yesterday. I still sincerely hope you will consider my words and those of the people in the immediate vicinity of The Inn Between. You no doubt heard from impassioned "community members" who neither live near nor are impacted by the placement of this homeless shelter (which is, in fact, what it really is despite the euphemisms). You know doubt heard from them because The Inn Between staff recruited and encouraged volunteers from outside our community to parrot their own views.

On the surface it seems hard to argue with the goals and objectives of those who seek to expand this facility. While the cause is good, it is possible to be blinded by your passions and the realities of what they really entail. The staff from the Inn Between has repeatedly ignored the community members in the area in which they operate, and they have made it clear that they lack both sincerity and veracity. At the same meeting where they first pronounced the facility would serve a limited number of individuals who were terminally ill, they later admitted that definition extended to those merely needing a respite. Those two definitions are not compatible; the latter is the definition of a homeless shelter. In fact, point two on the open house flyer admits the facility wishes to serve those with an acute illness or injury. I hope the council will seriously consider how the proven disingenuous staff of The Inn Between will use that broad definition (i.e., "injury") to house anyone they want.

In conducting a "review" of how the reclassification would impact the community, I also hope the council will seriously consider the peer-reviewed research regarding the homeless population. The research is unambiguous in showing the population has a majority prevalence of severe and persistent mental illness and a vast majority prevalence of criminal histories. These facts are all a review needs to consider when deciding to allow such a facility next to a school and in a residential neighborhood.

I have to admit that I have no idea why this reclassification is even being considered. The Inn Between continues to try to circumvent the zoning laws (which are there for a reason), and they continue to ignore the sincere and legitimate objections of those individuals in the surrounding community. It is, in reality, our community. It is the community of those who have decided to make a home and a life in a wonderful area. It is not the right of The Inn Between or members of communities outside of ours to perpetuate the injustice this facility has imposed. They continue to operate and

expand with impunity, and they are uninvited guests operating outside the bounds of what is permissible by law.

The west side of Salt Lake needs to stop being considered an afterthought. It is, quite frankly, shameful that our objections are ignored and we are made the dumping ground for all of Salt Lake's troubled populations. I am asking the City Council to please consider the population that lives in the surrounding area. Please stop The Inn Between from ignoring us and from further infringement on both our rights and the safety and beauty of our neighborhood.

Sincerely,

Kort Prince

Pace, Katia

From: [REDACTED]
Sent: Friday, April 22, 2016 9:43 AM
To: Pace, Katia
Subject: Follow up from Open House
Attachments: My advice to anyone near these proposed facilities.docx

Hi Katia,

Let me start with apologizing for being so over the top upset at the meeting. This has been very frustrating for me, and has made me an emotional wreck. Having said that, I want you to know that everything that I said was true and based on facts; and believe it or not, I actually held back a lot! Thank you for being so kind and patient with me.

Please, do not let them have 45 in that school. That makes 61 people in that building. Please, that is way too many for that unlicensed, unregulated facility. I did the math, and we only have 35 on our entire street. Not one side of the street, the entire, both sides of the street! If my ex takes my precious daughter because of that place, that makes 34.

We would support appreciate you defining who can be in that school, but the cap needs to stay at 25, which is still too many; $25+16$, = a ridiculous, 41 + all of the other people that entails. Again, I ask, who is liable, when something goes wrong? You heard my neighbors and his son's testimony. It's pretty clear that as it is now, they do not have a handle on the residents, guests and visitors.

What makes this all so extra frustrating, we thought this was over. We have already been through all of this stress; it was supposed to be a done deal, 12/8/2015. Now, we have to worry about ANOTHER public hearing, with the Inn Between parading all of their supporters, (people who don't live here), more lies and manipulation. Ugh, I just don't know how much more I can take!

I will attach the statement I forgot to leave with you. I know I may not be the best representation because I get so upset, but you need to know that I do represent all of my friends and neighbors on Bothwell. We have had several street meetings, and they all agree with everything I have said, and have asked me to speak on their behalf.

Thank you again for your consideration,

Dionn Nielsen, and Home Owners on Bothwell

The Inn Between:

We were ALL told this would only be a hospice, and it has garnered a lot of support and sympathy. But now it has become “a place for homeless who need to recover from illness or injury”; which, sadly, is a category most homeless would fall into. Heck, couldn't we all fall into that category? So now, just like I was afraid of, the Inn Between **is a HOMELESS SHELTER**, which is not allowed in our zone; and for good reason! We have Franklin Elementary school a stone's throw away, Neighborhood House down the street, and row after row of private homes, just a few feet away. A homeless shelter is not appropriate in this neighborhood or any residential neighborhood for that matter; I see plenty of empty buildings, NOT near homes and schools, on 300 W for example, with AVAILABLE signs posted all over them. Putting one near my home has been a disaster, as my family's environment and quality of life and has been greatly compromised. For an entire year now, I am exhausted from begging them to stop smoking and loitering in the back of their building, where what USED to be the best part about my house is, my no longer private back yard. I even asked one of the residents to please smoke out front where it is plenty of feet away from me and my daughter who has asthma; also, where it is legal to smoke, and where it would not bother anyone. He told me that the Inn Between owners told him not to smoke out front because of the image. Okay? THAT SPEAKS VOLUMES. What about the image we have now from every window in our homes??

Most people, with any knowledge of the homeless population know how bad of an idea it is to put a homeless shelter in a residential neighborhood. They know that the majority of the population has severe mentally ill diagnoses and a prevalence of criminal histories.

These facilities need to be state licensed, so that someone is held accountable when something goes wrong, which we think is just a matter of time, considering the sex offenders that have lived there, flying under the radar. The last name of a resident I looked up, (Jay Martin Evans) is on the sex offender registry, but the Inn Between address was not listed. Yes, I heard that he did pass away, but **he was living there**. Isn't there a rule on how many feet sex offenders can live next to an elementary school?

They have made it very clear that they will continue to house these types of criminals, because as they say, “are committed to taking care of people who others turn away. “

They will take in anybody, regardless of the threat to the community, which is terrifying.

I can't help but notice that almost every person in support of allowing the Inn Between to operate and expand without regulation is people living outside of district 2 where the Inn Between is located. It would be an entirely different tune if it were located in their back yards, as it is **literally** in mine.

I will never stop fighting this shelter's expansion in our neighborhood. I will never stop fighting to protect our kids, our property values, our investments, our American Dream. Please! Find more appropriate locations for these facilities!

More quotes from neighbors:

I strongly encourage a hospice program for the homeless to operate in Salt Lake City. A facility like this is a necessary piece of what Salt Lake needs. But now it appears you want to change zoning to accommodate a homeless shelter. That is very different. I have to insist that small urban neighborhoods on the west side of Salt Lake do and will care about their environment, as much if you were trying to open a homeless shelter in the avenues or federal heights. As we cater to those in need, there needs to be an understanding that the neighborhoods that welcome them do not have to compromise their environment in order to accept the facilities. The loss of property value for the homes around the facility will be tragic, and reflects total disregard for the homeowners by those involved in building permits.

My advice to anyone near these proposed facilities never let the city re-zone property anywhere near where you live, or soon you'll be agreeing to a full service homeless shelter.

Pace, Katia

From: [REDACTED]
Sent: Thursday, April 28, 2016 10:18 AM
To: [REDACTED]
Subject: Follow-Up Thoughts from Poplar Grove Meeting

Hey Guys,

(I was going to send this to Marti as well, but I could not find her email)

I was thinking about the question of what *is* Kim supposed to do with or about all the child molesters, drug addicts, and the plethora of other types of criminals that she is bringing into the neighborhood, and the answer is; she can't do anything about it. That is who her clients are, and that is the friggin problem. It all goes back to my original problems and complaints about the Inn Between; homeless shelters and homeless services need to be put in appropriate locations! They also need to be licensed, so that they are compliant and safe, and so that there is SOMEONE who is accountable, and who will deal with the problems that arise, besides Kim or her architect that do not care! Now that it is unfortunately, "grandfathered in", please, put a halt on this. Do not let them expand to 70 gosh darn beds!

Anyone with any knowledge of the homeless population know how bad of an idea it is to put a homeless shelter in a residential neighborhood, because of the significant threat to the community! Especially in a location that is considered "private property," and the only rules are "in good faith", which I have no faith in.

I know I have said this a thousand times, but I drive around this city, and I see tons of buildings, on 300 W. for example, perfect size, with AVAILABLE on them, not by homes or schools.

I don't know much about how it all works, but I expect the city, zoning, the mayor, and especially, our council members, to step up and say *this* to people like the Inn Between when they approach them with their ideas: "Hey, yes this IS a great thing you want to do, and you should be able to do this; but unfortunately, this area is not zoned or appropriate for this type of an unlicensed, unregulated homeless shelter, so close to private homes and an elementary school. I hope that you can find a more suitable area for you to carry out your mission, and best of luck to you." It should be just that simple. Same as if say, a strip club wanted to open in that building. It would just be a no, right? The city has zoning laws for a reason, and our area is not zoned for a homeless shelter. Period. They certainly should not be trying to change zoning to accommodate them.

Thank you again for your time and consideration.

Fondly,

Dionn Nielsen

Pace, Katia

From: [REDACTED]
Sent: Thursday, December 15, 2016 1:38 PM
To: Pace, Katia
Subject: Re: Open House Invite

Dear Katia, WILL THE INN BETWEEN HAVE TO BE A LICENSED STATE FACILITY? THEY DO NOT COMPLY WITH UTAH CLEAN AIR ACT BASIC LAWS, OR DISTANCE OF SEX OFFENDERS BY A SCHOOL. THIS NEIGHBORHOOD CAN NOT HANDLE AN UNLIMITED AMOUNT OF HOMELESS IN THAT BUILDING. PLEASE I BEG OF YOU, DO NOT DOOM THIS AREA!

PLEASE do not change zoning to allow a homeless shelter in our fragile neighborhood! Franklin Elementary is right next door! Please, not in our bedroom community! Please, not in our poor residential neighborhood, where we are all working hard, trying to live the American Dream! I have lived in my home on Bothwell St for 23 years, (behind the Inn) and have never had any problems, until the Inn Between. Now, I can't even go out in my private backyard without being stared at by smokers and loiterers, who's names I have looked up, and found that they are the epitome of people that you do not want to bring into a neighborhood full of children! Groups of criminals and child molesters, all under one roof; like Jay Martin Evans, and Robin Marcus Smith, and heaven only knows how many others, pacing back and forth our back yards, smoking gross cigarettes. I can't open my favorite window without the strong smell of cigarette smoke lofting in my house. They clearly do not care about, or follow any smoking laws, (no smoking 25 ft from doors and windows). And now, zoning is considering allowing them to expand? Changing zoning to accommodate them? That just means MORE of all that I have mentioned. Where is our neighborhoods protection?! One of my daughters has asthma, she can no longer simply enjoy our own private back yard, our sanctuary, that I have worked so hard on. I talked to one of the residents about how obtrusive his smoking was, and asked him to please go out front where it is plenty of feet away and would not bother anyone, also, where it is legal. He told me that the owners of the Inn told him "not to smoke out front because of the image." THAT SPEAKS VOLUMES! WHAT ABOUT OUR IMAGE, THE VIEW THAT WE HAVE NOW, FROM EVERY WINDOW IN OUR HOME? The image we get, and cigarette smoke we have to smell, every time we go outside to bbq, or play with our pets?

Not to mention, the sick feeling of molesters peering into my child's bedroom windows, which are parallel to the Inn. If I notice that my child's window blinds are not closed tight, I about have a heart attack! We used to be able to open them, enjoy the fresh air, and listen to birds singing in the trees.

To top it all off, my ex is trying to take my daughter from my home, claiming it is no longer safe for her to live there.

PLEASE, think about the negative impact this is bringing to my family, and my friends and neighbors that I represent on Bothwell.

Pace, Katia

From: Natalie hart [REDACTED]
Sent: Tuesday, December 20, 2016 1:01 PM
To: Pace, Katia
Cc: [REDACTED]
Subject: Recuperative Housing proposal

Katia,

My name is Natalie Hart and i live in the Poplar Grove neighborhood. The homeless facility, "The Inn Between" is around the corner from my house. I am very concerned by the proposal to change classifications for this facility, particularly by the removal of the 25 bed cap and by the removal of the 800 foot distance requirement, which I understand, is just another way to allow expansion.

I am also concerned by the somewhat vague "recuperative housing" terminology. Who decides who can live there and what are the criteria for making that decision? The homeless population has a very high rate of sickness, mental illness and substance abuse. In other words, if applied liberally, most could qualify for "recuperative housing".

With the looming closure of the Road Home and with it, a drastic cut in available bed space for the homeless, my concern is that many displaced homeless people will simply relocate to the Inn Between, bringing all of the problems of the Rio Grande neighborhood with them. The four other city shelters (three of which will be located on the West side, not surprisingly) will have 150 bed caps. According to this proposal, the Inn Between will have NO CAP. This is unacceptable.

Natalie Hart
[REDACTED]

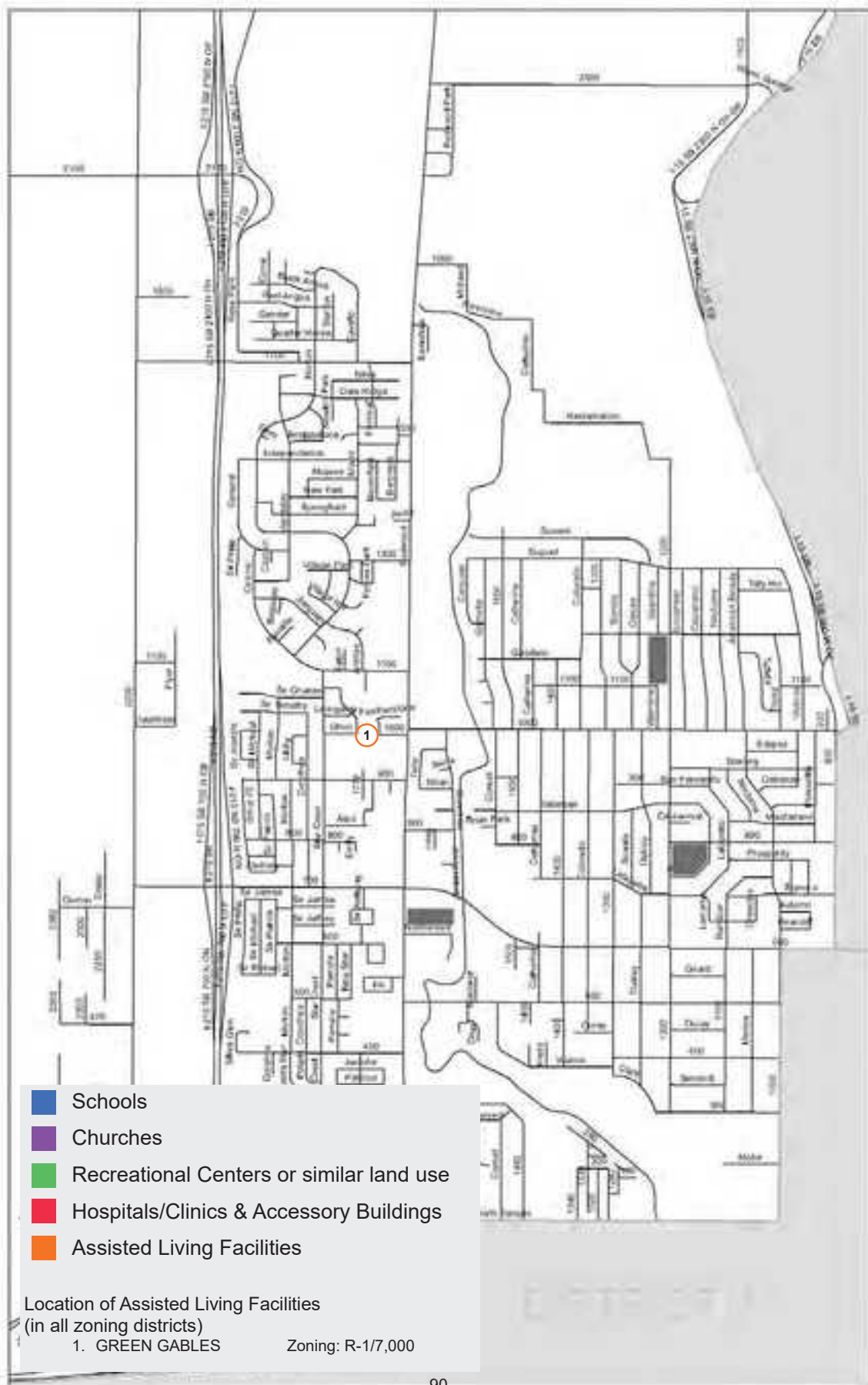
Pace, Katia

From: [REDACTED]
Sent: Thursday, December 22, 2016 9:12 AM
To: Pace, Katia; Johnston, Andrew; Benjamin W. Jordan; Natalie Hart; Isabel Watson
Subject: Inn Between no longer a Hospice, the only reason they opened.

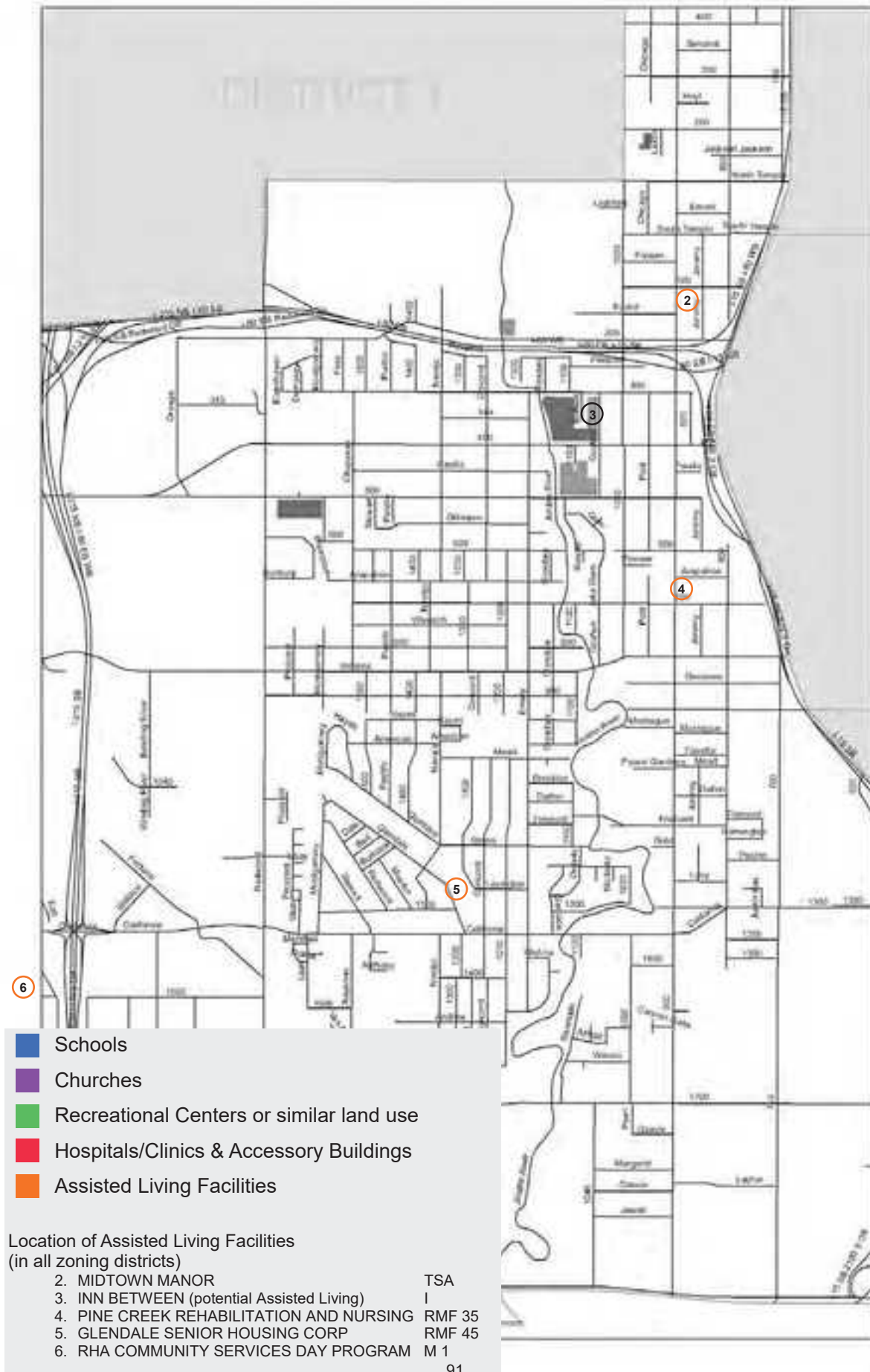
Kim claims they need to expand because their beds are full most nights. No wonder the beds are full most nights if they are going outside the scope of hospice. If they have a bed that isn't occupied by someone terminal, and they get a medical referral for something that isn't life threatening, they're putting that person in the bed to "prove" the demand keeps them at capacity, and taking a bed away from someone terminal that needs it. All that is proving to me is that they DON'T need to expand the HOSPICE. There could never be enough beds for sick homeless, picture the line in front of 4th Street Clinic. All it's proving to me is that the CITY needs to find yet another location, NOT IN A RESIDENTIAL NEIGHBORHOOD, somewhere where it IS ZONED for a shelter, to house the sick homeless. Even if it's only 25 more beds in that school, that is 41. 41 beds is a shelter, plain and simple. How could you even consider NO CAP on that building?

ATTACHMENT F: LAND USE - I & UI ZONING DISTRICTS

District 1 - Institutional Zoning District



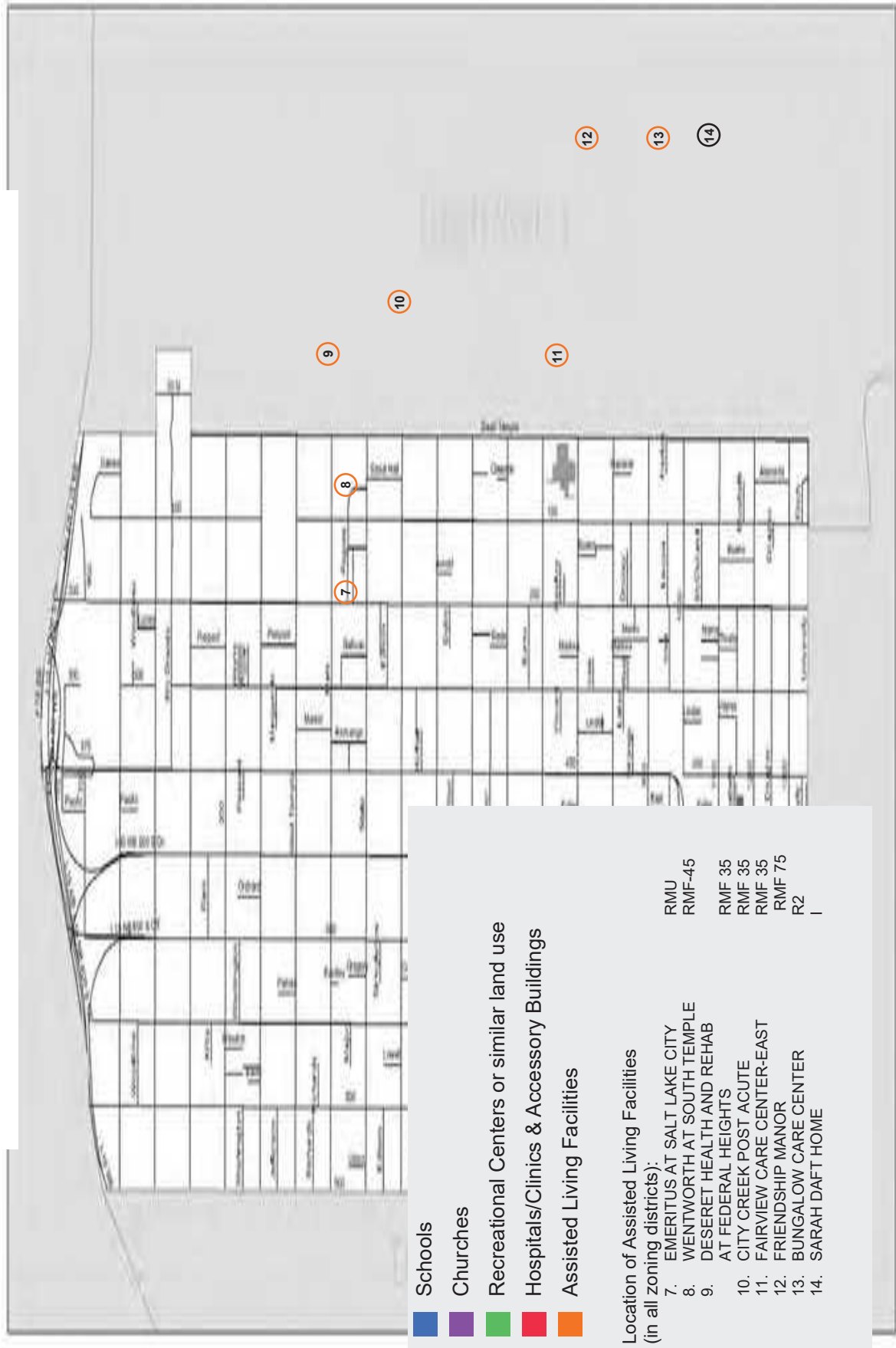
District 2 - Institutional Zoning District



District 3 - Institutional Zoning District



District 4 - Institutional Zoning District



District 5 - Institutional Zoning District



District 6 - Institutional Zoning District



District 7 - Institutional Zoning District



ATTACHMENT G: JOINT STATEMENT OF HUD AND THE DEPARTMENT OF JUSTICE



**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
OFFICE OF FAIR HOUSING AND EQUAL OPPORTUNITY**



**U.S. DEPARTMENT OF JUSTICE
CIVIL RIGHTS DIVISION**

*Washington, D.C.
November 10, 2016*

**JOINT STATEMENT OF THE DEPARTMENT OF HOUSING AND URBAN
DEVELOPMENT AND THE DEPARTMENT OF JUSTICE**

**STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION
OF THE FAIR HOUSING ACT**

INTRODUCTION

The Department of Justice (“DOJ”) and the Department of Housing and Urban Development (“HUD”) are jointly responsible for enforcing the Federal Fair Housing Act (“the Act”),¹ which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status (children under 18 living with a parent or guardian), or national origin.² The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics.

The regulation of land use and zoning is traditionally reserved to state and local governments, except to the extent that it conflicts with requirements imposed by the Fair Housing Act or other federal laws. This Joint Statement provides an overview of the Fair Housing Act’s requirements relating to state and local land use practices and zoning laws, including conduct related to group homes. It updates and expands upon DOJ’s and HUD’s Joint

¹ The Fair Housing Act is codified at 42 U.S.C. §§ 3601–19.

² The Act uses the term “handicap” instead of “disability.” Both terms have the same legal meaning. *See Bragdon v. Abbott*, 524 U.S. 624, 631 (1998) (noting that the definition of “disability” in the Americans with Disabilities Act

Statement on Group Homes, Local Land Use, and the Fair Housing Act, issued on August 18, 1999. The first section of the Joint Statement, Questions 1–6, describes generally the Act’s requirements as they pertain to land use and zoning. The second and third sections, Questions 7–25, discuss more specifically how the Act applies to land use and zoning laws affecting housing for persons with disabilities, including guidance on regulating group homes and the requirement to provide reasonable accommodations. The fourth section, Questions 26–27, addresses HUD’s and DOJ’s enforcement of the Act in the land use and zoning context.

This Joint Statement focuses on the Fair Housing Act, not on other federal civil rights laws that prohibit state and local governments from adopting or implementing land use and zoning practices that discriminate based on a protected characteristic, such as Title II of the Americans with Disabilities Act (“ADA”),³ Section 504 of the Rehabilitation Act of 1973 (“Section 504”),⁴ and Title VI of the Civil Rights Act of 1964.⁵ In addition, the Joint Statement does not address a state or local government’s duty to affirmatively further fair housing, even though state and local governments that receive HUD assistance are subject to this duty. For additional information provided by DOJ and HUD regarding these issues, see the list of resources provided in the answer to Question 27.

Questions and Answers on the Fair Housing Act and State and Local Land Use Laws and Zoning

1. How does the Fair Housing Act apply to state and local land use and zoning?

The Fair Housing Act prohibits a broad range of housing practices that discriminate against individuals on the basis of race, color, religion, sex, disability, familial status, or national origin (commonly referred to as protected characteristics). As established by the Supremacy Clause of the U.S. Constitution, federal laws such as the Fair Housing Act take precedence over conflicting state and local laws. The Fair Housing Act thus prohibits state and local land use and zoning laws, policies, and practices that discriminate based on a characteristic protected under the Act. Prohibited practices as defined in the Act include making unavailable or denying housing because of a protected characteristic. Housing includes not only buildings intended for occupancy as residences, but also vacant land that may be developed into residences.

is drawn almost verbatim “from the definition of ‘handicap’ contained in the Fair Housing Amendments Act of 1988”). This document uses the term “disability,” which is more generally accepted.

³ 42 U.S.C. §12132.

⁴ 29 U.S.C. § 794.

⁵ 42 U.S.C. § 2000d.

2. What types of land use and zoning laws or practices violate the Fair Housing Act?

Examples of state and local land use and zoning laws or practices that may violate the Act include:

- Prohibiting or restricting the development of housing based on the belief that the residents will be members of a particular protected class, such as race, disability, or familial status, by, for example, placing a moratorium on the development of multifamily housing because of concerns that the residents will include members of a particular protected class.
- Imposing restrictions or additional conditions on group housing for persons with disabilities that are not imposed on families or other groups of unrelated individuals, by, for example, requiring an occupancy permit for persons with disabilities to live in a single-family home while not requiring a permit for other residents of single-family homes.
- Imposing restrictions on housing because of alleged public safety concerns that are based on stereotypes about the residents' or anticipated residents' membership in a protected class, by, for example, requiring a proposed development to provide additional security measures based on a belief that persons of a particular protected class are more likely to engage in criminal activity.
- Enforcing otherwise neutral laws or policies differently because of the residents' protected characteristics, by, for example, citing individuals who are members of a particular protected class for violating code requirements for property upkeep while not citing other residents for similar violations.
- Refusing to provide reasonable accommodations to land use or zoning policies when such accommodations may be necessary to allow persons with disabilities to have an equal opportunity to use and enjoy the housing, by, for example, denying a request to modify a setback requirement so an accessible sidewalk or ramp can be provided for one or more persons with mobility disabilities.

3. When does a land use or zoning practice constitute intentional discrimination in violation of the Fair Housing Act?

Intentional discrimination is also referred to as disparate treatment, meaning that the action treats a person or group of persons differently because of race, color, religion, sex, disability, familial status, or national origin. A land use or zoning practice may be intentionally discriminatory even if there is no personal bias or animus on the part of individual government officials. For example, municipal zoning practices or decisions that reflect acquiescence to community bias may be intentionally discriminatory, even if the officials themselves do not personally share such bias. (See Q&A 5.) Intentional discrimination does not require that the

decision-makers were hostile toward members of a particular protected class. Decisions motivated by a purported desire to benefit a particular group can also violate the Act if they result in differential treatment because of a protected characteristic.

A land use or zoning practice may be discriminatory on its face. For example, a law that requires persons with disabilities to request permits to live in single-family zones while not requiring persons without disabilities to request such permits violates the Act because it treats persons with disabilities differently based on their disability. Even a law that is seemingly neutral will still violate the Act if enacted with discriminatory intent. In that instance, the analysis of whether there is intentional discrimination will be based on a variety of factors, all of which need not be satisfied. These factors include, but are not limited to: (1) the “impact” of the municipal practice, such as whether an ordinance disproportionately impacts minority residents compared to white residents or whether the practice perpetuates segregation in a neighborhood or particular geographic area; (2) the “historical background” of the action, such as whether there is a history of segregation or discriminatory conduct by the municipality; (3) the “specific sequence of events,” such as whether the city adopted an ordinance or took action only after significant, racially-motivated community opposition to a housing development or changed course after learning that a development would include non-white residents; (4) departures from the “normal procedural sequence,” such as whether a municipality deviated from normal application or zoning requirements; (5) “substantive departures,” such as whether the factors usually considered important suggest that a state or local government should have reached a different result; and (6) the “legislative or administrative history,” such as any statements by members of the state or local decision-making body.⁶

4. Can state and local land use and zoning laws or practices violate the Fair Housing Act if the state or locality did not intend to discriminate against persons on a prohibited basis?

Yes. Even absent a discriminatory intent, state or local governments may be liable under the Act for any land use or zoning law or practice that has an unjustified discriminatory effect because of a protected characteristic. In 2015, the United States Supreme Court affirmed this interpretation of the Act in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*⁷ The Court stated that “[t]hese unlawful practices include zoning laws and other housing restrictions that function unfairly to exclude minorities from certain neighborhoods without any sufficient justification.”⁸

⁶ *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 265–68 (1977).

⁷ ___ U.S. ___, 135 S. Ct. 2507 (2015).

⁸ *Id.* at 2521–22.

A land use or zoning practice results in a discriminatory effect if it caused or predictably will cause a disparate impact on a group of persons or if it creates, increases, reinforces, or perpetuates segregated housing patterns because of a protected characteristic. A state or local government still has the opportunity to show that the practice is necessary to achieve one or more of its substantial, legitimate, nondiscriminatory interests. These interests must be supported by evidence and may not be hypothetical or speculative. If these interests could not be served by another practice that has a less discriminatory effect, then the practice does not violate the Act. The standard for evaluating housing-related practices with a discriminatory effect are set forth in HUD's Discriminatory Effects Rule, 24 C.F.R. § 100.500.

Examples of land use practices that violate the Fair Housing Act under a discriminatory effects standard include minimum floor space or lot size requirements that increase the size and cost of housing if such an increase has the effect of excluding persons from a locality or neighborhood because of their membership in a protected class, without a legally sufficient justification. Similarly, prohibiting low-income or multifamily housing may have a discriminatory effect on persons because of their membership in a protected class and, if so, would violate the Act absent a legally sufficient justification.

5. Does a state or local government violate the Fair Housing Act if it considers the fears or prejudices of community members when enacting or applying its zoning or land use laws respecting housing?

When enacting or applying zoning or land use laws, state and local governments may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias. For example, a city may not deny zoning approval for a low-income housing development that meets all zoning and land use requirements because the development may house residents of a particular protected class or classes whose presence, the community fears, will increase crime and lower property values in the surrounding neighborhood. Similarly, a local government may not block a group home or deny a requested reasonable accommodation in response to neighbors' stereotypical fears or prejudices about persons with disabilities or a particular type of disability. Of course, a city council or zoning board is not bound by everything that is said by every person who speaks at a public hearing. It is the record as a whole that will be determinative.

6. Can state and local governments violate the Fair Housing Act if they adopt or implement restrictions against children?

Yes. State and local governments may not impose restrictions on where families with children may reside unless the restrictions are consistent with the “housing for older persons” exemption of the Act. The most common types of housing for older persons that may qualify for this exemption are: (1) housing intended for, and solely occupied by, persons 62 years of age or older; and (2) housing in which 80% of the occupied units have at least one person who is 55 years of age or older that publishes and adheres to policies and procedures demonstrating the intent to house older persons. These types of housing must meet all requirements of the exemption, including complying with HUD regulations applicable to such housing, such as verification procedures regarding the age of the occupants. A state or local government that zones an area to exclude families with children under 18 years of age must continually ensure that housing in that zone meets all requirements of the exemption. If all of the housing in that zone does not continue to meet all such requirements, that state or local government violates the Act.

**Questions and Answers on the Fair Housing Act and
Local Land Use and Zoning Regulation of Group Homes**

7. Who qualifies as a person with a disability under the Fair Housing Act?

The Fair Housing Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such an impairment; and (3) individuals with a record of such an impairment.

The term “physical or mental impairment” includes, but is not limited to, diseases and conditions such as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, HIV infection, developmental disabilities, mental illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance), and alcoholism.

The term “major life activity” includes activities such as seeing, hearing, walking, breathing, performing manual tasks, caring for one’s self, learning, speaking, and working. This list of major life activities is not exhaustive.

Being regarded as having a disability means that the individual is treated as if he or she has a disability even though the individual may not have an impairment or may not have an impairment that substantially limits one or more major life activities. For example, if a landlord

refuses to rent to a person because the landlord believes the prospective tenant has a disability, then the landlord violates the Act's prohibition on discrimination on the basis of disability, even if the prospective tenant does not actually have a physical or mental impairment that substantially limits one or more major life activities.

Having a record of a disability means the individual has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

8. What is a group home within the meaning of the Fair Housing Act?

The term "group home" does not have a specific legal meaning; land use and zoning officials and the courts, however, have referred to some residences for persons with disabilities as group homes. The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. A household where two or more persons with disabilities choose to live together, as a matter of association, may not be subjected to requirements or conditions that are not imposed on households consisting of persons without disabilities.

In this Statement, the term "group home" refers to a dwelling that is or will be occupied by unrelated persons with disabilities. Sometimes group homes serve individuals with a particular type of disability, and sometimes they serve individuals with a variety of disabilities. Some group homes provide residents with in-home support services of varying types, while others do not. The provision of support services is not required for a group home to be protected under the Fair Housing Act. Group homes, as discussed in this Statement, may be opened by individuals or by organizations, both for-profit and not-for-profit. Sometimes it is the group home operator or developer, rather than the individuals who live or are expected to live in the home, who interacts with a state or local government agency about developing or operating the group home, and sometimes there is no interaction among residents or operators and state or local governments.

In this Statement, the term "group home" includes homes occupied by persons in recovery from alcohol or substance abuse, who are persons with disabilities under the Act. Although a group home for persons in recovery may commonly be called a "sober home," the term does not have a specific legal meaning, and the Act treats persons with disabilities who reside in such homes no differently than persons with disabilities who reside in other types of group homes. Like other group homes, homes for persons in recovery are sometimes operated by individuals or organizations, both for-profit and not-for-profit, and support services or supervision are sometimes, but not always, provided. The Act does not require a person who resides in a home for persons in recovery to have participated in or be currently participating in a

substance abuse treatment program to be considered a person with a disability. The fact that a resident of a group home may currently be illegally using a controlled substance does not deprive the other residents of the protection of the Fair Housing Act.

9. In what ways does the Fair Housing Act apply to group homes?

The Fair Housing Act prohibits discrimination on the basis of disability, and persons with disabilities have the same Fair Housing Act protections whether or not their housing is considered a group home. State and local governments may not discriminate against persons with disabilities who live in group homes. Persons with disabilities who live in or seek to live in group homes are sometimes subjected to unlawful discrimination in a number of ways, including those discussed in the preceding Section of this Joint Statement. Discrimination may be intentional; for example, a locality might pass an ordinance prohibiting group homes in single-family neighborhoods or prohibiting group homes for persons with certain disabilities. These ordinances are facially discriminatory, in violation of the Act. In addition, as discussed more fully in Q&A 10 below, a state or local government may violate the Act by refusing to grant a reasonable accommodation to its zoning or land use ordinance when the requested accommodation may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling. For example, if a locality refuses to waive an ordinance that limits the number of unrelated persons who may live in a single-family home where such a waiver may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, the locality violates the Act unless the locality can prove that the waiver would impose an undue financial and administrative burden on the local government or fundamentally alter the essential nature of the locality's zoning scheme. Furthermore, a state or local government may violate the Act by enacting an ordinance that has an unjustified discriminatory effect on persons with disabilities who seek to live in a group home in the community. Unlawful actions concerning group homes are discussed in more detail throughout this Statement.

10. What is a reasonable accommodation under the Fair Housing Act?

The Fair Housing Act makes it unlawful to refuse to make “reasonable accommodations” to rules, policies, practices, or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling. A “reasonable accommodation” is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others may sometimes deny them an equal opportunity to use and enjoy a dwelling.

Even if a zoning ordinance imposes on group homes the same restrictions that it imposes on housing for other groups of unrelated persons, a local government may be required, in individual cases and when requested to do so, to grant a reasonable accommodation to a group home for persons with disabilities. What constitutes a reasonable accommodation is a case-by-case determination based on an individualized assessment. This topic is discussed in detail in Q&As 20–25 and in the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

11. Does the Fair Housing Act protect persons with disabilities who pose a “direct threat” to others?

The Act does not allow for the exclusion of individuals based upon fear, speculation, or stereotype about a particular disability or persons with disabilities in general. Nevertheless, the Act does not protect an individual whose tenancy would constitute a “direct threat” to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others unless the threat or risk to property can be eliminated or significantly reduced by reasonable accommodation. A determination that an individual poses a direct threat must rely on an individualized assessment that is based on reliable objective evidence (for example, current conduct or a recent history of overt acts). The assessment must consider: (1) the nature, duration, and severity of the risk of injury; (2) the probability that injury will actually occur; and (3) whether there are any reasonable accommodations that will eliminate or significantly reduce the direct threat. See Q&A 10 for a general discussion of reasonable accommodations. Consequently, in evaluating an individual’s recent history of overt acts, a state or local government must take into account whether the individual has received intervening treatment or medication that has eliminated or significantly reduced the direct threat (in other words, significant risk of substantial harm). In such a situation, the state or local government may request that the individual show how the circumstances have changed so that he or she no longer poses a direct threat. Any such request must be reasonable and limited to information necessary to assess whether circumstances have changed. Additionally, in such a situation, a state or local government may obtain satisfactory and reasonable assurances that the individual will not pose a direct threat during the tenancy. The state or local government must have reliable, objective evidence that the tenancy of a person with a disability poses a direct threat before excluding him or her from housing on that basis, and, in making that assessment, the state or local government may not ignore evidence showing that the individual’s tenancy would no longer pose a direct threat. Moreover, the fact that one individual may pose a direct threat does not mean that another individual with the same disability or other individuals in a group home may be denied housing.

12. Can a state or local government enact laws that specifically limit group homes for individuals with specific types of disabilities?

No. Just as it would be illegal to enact a law for the purpose of excluding or limiting group homes for individuals with disabilities, it is illegal under the Act for local land use and zoning laws to exclude or limit group homes for individuals with specific types of disabilities. For example, a government may not limit group homes for persons with mental illness to certain neighborhoods. The fact that the state or local government complies with the Act with regard to group homes for persons with some types of disabilities will not justify discrimination against individuals with another type of disability, such as mental illness.

13. Can a state or local government limit the number of individuals who reside in a group home in a residential neighborhood?

Neutral laws that govern groups of unrelated persons who live together do not violate the Act so long as (1) those laws do not intentionally discriminate against persons on the basis of disability (or other protected class), (2) those laws do not have an unjustified discriminatory effect on the basis of disability (or other protected class), and (3) state and local governments make reasonable accommodations when such accommodations may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling.

Local zoning and land use laws that treat groups of unrelated persons with disabilities less favorably than similar groups of unrelated persons without disabilities violate the Fair Housing Act. For example, suppose a city's zoning ordinance defines a "family" to include up to a certain number of unrelated persons living together as a household unit, and gives such a group of unrelated persons the right to live in any zoning district without special permission from the city. If that ordinance also prohibits a group home having the same number of persons with disabilities in a certain district or requires it to seek a use permit, the ordinance would violate the Fair Housing Act. The ordinance violates the Act because it treats persons with disabilities less favorably than families and unrelated persons without disabilities.

A local government may generally restrict the ability of groups of unrelated persons to live together without violating the Act as long as the restrictions are imposed on all such groups, including a group defined as a family. Thus, if the definition of a family includes up to a certain number of unrelated individuals, an ordinance would not, on its face, violate the Act if a group home for persons with disabilities with more than the permitted number for a family were not allowed to locate in a single-family-zoned neighborhood because any group of unrelated people without disabilities of that number would also be disallowed. A facially neutral ordinance, however, still may violate the Act if it is intentionally discriminatory (that is, enacted with discriminatory intent or applied in a discriminatory manner), or if it has an unjustified

discriminatory effect on persons with disabilities. For example, an ordinance that limits the number of unrelated persons who may constitute a family may violate the Act if it is enacted for the purpose of limiting the number of persons with disabilities who may live in a group home, or if it has the unjustified discriminatory effect of excluding or limiting group homes in the jurisdiction. Governments may also violate the Act if they enforce such restrictions more strictly against group homes than against groups of the same number of unrelated persons without disabilities who live together in housing. In addition, as discussed in detail below, because the Act prohibits the denial of reasonable accommodations to rules and policies for persons with disabilities, a group home that provides housing for a number of persons with disabilities that exceeds the number allowed under the family definition has the right to seek an exception or waiver. If the criteria for a reasonable accommodation are met, the permit must be given in that instance, but the ordinance would not be invalid.⁹

14. How does the Supreme Court's ruling in *Olmstead* apply to the Fair Housing Act?

In *Olmstead v. L.C.*,¹⁰ the Supreme Court ruled that the Americans with Disabilities Act (ADA) prohibits the unjustified segregation of persons with disabilities in institutional settings where necessary services could reasonably be provided in integrated, community-based settings. An integrated setting is one that enables individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. By contrast, a segregated setting includes congregate settings populated exclusively or primarily by individuals with disabilities. Although *Olmstead* did not interpret the Fair Housing Act, the objectives of the Fair Housing Act and the ADA, as interpreted in *Olmstead*, are consistent. The Fair Housing Act ensures that persons with disabilities have an equal opportunity to choose the housing where they wish to live. The ADA and *Olmstead* ensure that persons with disabilities also have the option to live and receive services in the most integrated setting appropriate to their needs. The integration mandate of the ADA and *Olmstead* can be implemented without impairing the rights protected by the Fair Housing Act. For example, state and local governments that provide or fund housing, health care, or support services must comply with the integration mandate by providing these programs, services, and activities in the most integrated setting appropriate to the needs of individuals with disabilities. State and local governments may comply with this requirement by adopting standards for the housing, health care, or support services they provide or fund that are reasonable, individualized, and specifically tailored to enable individuals with disabilities to live and interact with individuals without disabilities to the fullest extent possible. Local governments should be aware that ordinances and policies that impose additional restrictions on housing or residential services for persons with disabilities that are not imposed on housing or

⁹ Laws that limit the number of occupants per unit do not violate the Act as long as they are reasonable, are applied to all occupants, and do not operate to discriminate on the basis of disability, familial status, or other characteristics protected by the Act.

¹⁰ 527 U.S. 581 (1999).

residential services for persons without disabilities are likely to violate the Act. In addition, a locality would violate the Act and the integration mandate of the ADA and *Olmstead* if it required group homes to be concentrated in certain areas of the jurisdiction by, for example, restricting them from being located in other areas.

15. Can a state or local government impose spacing requirements on the location of group homes for persons with disabilities?

A “spacing” or “dispersal” requirement generally refers to a requirement that a group home for persons with disabilities must not be located within a specific distance of another group home. Sometimes a spacing requirement is designed so it applies only to group homes and sometimes a spacing requirement is framed more generally and applies to group homes and other types of uses such as boarding houses, student housing, or even certain types of businesses. In a community where a certain number of unrelated persons are permitted by local ordinance to reside together in a home, it would violate the Act for the local ordinance to impose a spacing requirement on group homes that do not exceed that permitted number of residents because the spacing requirement would be a condition imposed on persons with disabilities that is not imposed on persons without disabilities. In situations where a group home seeks a reasonable accommodation to exceed the number of unrelated persons who are permitted by local ordinance to reside together, the Fair Housing Act does not prevent state or local governments from taking into account concerns about the over-concentration of group homes that are located in close proximity to each other. Sometimes compliance with the integration mandate of the ADA and *Olmstead* requires government agencies responsible for licensing or providing housing for persons with disabilities to consider the location of other group homes when determining what housing will best meet the needs of the persons being served. Some courts, however, have found that spacing requirements violate the Fair Housing Act because they deny persons with disabilities an equal opportunity to choose where they will live. Because an across-the-board spacing requirement may discriminate against persons with disabilities in some residential areas, any standards that state or local governments adopt should evaluate the location of group homes for persons with disabilities on a case-by-case basis.

Where a jurisdiction has imposed a spacing requirement on the location of group homes for persons with disabilities, courts may analyze whether the requirement violates the Act under an intent, effects, or reasonable accommodation theory. In cases alleging intentional discrimination, courts look to a number of factors, including the effect of the requirement on housing for persons with disabilities; the jurisdiction’s intent behind the spacing requirement; the existence, size, and location of group homes in a given area; and whether there are methods other than a spacing requirement for accomplishing the jurisdiction’s stated purpose. A spacing requirement enacted with discriminatory intent, such as for the purpose of appeasing neighbors’ stereotypical fears about living near persons with disabilities, violates the Act. Further, a neutral

spacing requirement that applies to all housing for groups of unrelated persons may have an unjustified discriminatory effect on persons with disabilities, thus violating the Act. Jurisdictions must also consider, in compliance with the Act, requests for reasonable accommodations to any spacing requirements.

16. Can a state or local government impose health and safety regulations on group home operators?

Operators of group homes for persons with disabilities are subject to applicable state and local regulations addressing health and safety concerns unless those regulations are inconsistent with the Fair Housing Act or other federal law. Licensing and other regulatory requirements that may apply to some group homes must also be consistent with the Fair Housing Act. Such regulations must not be based on stereotypes about persons with disabilities or specific types of disabilities. State or local zoning and land use ordinances may not, consistent with the Fair Housing Act, require individuals with disabilities to receive medical, support, or other services or supervision that they do not need or want as a condition for allowing a group home to operate. State and local governments' enforcement of neutral requirements regarding safety, licensing, and other regulatory requirements governing group homes do not violate the Fair Housing Act so long as the ordinances are enforced in a neutral manner, they do not specifically target group homes, and they do not have an unjustified discriminatory effect on persons with disabilities who wish to reside in group homes.

Governments must also consider requests for reasonable accommodations to licensing and regulatory requirements and procedures, and grant them where they may be necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling, as required by the Act.

17. Can a state or local government address suspected criminal activity or fraud and abuse at group homes for persons with disabilities?

The Fair Housing Act does not prevent state and local governments from taking nondiscriminatory action in response to criminal activity, insurance fraud, Medicaid fraud, neglect or abuse of residents, or other illegal conduct occurring at group homes, including reporting complaints to the appropriate state or federal regulatory agency. States and localities must ensure that actions to enforce criminal or other laws are not taken to target group homes and are applied equally, regardless of whether the residents of housing are persons with disabilities. For example, persons with disabilities residing in group homes are entitled to the same constitutional protections against unreasonable search and seizure as those without disabilities.

18. Does the Fair Housing Act permit a state or local government to implement strategies to integrate group homes for persons with disabilities in particular neighborhoods where they are not currently located?

Yes. Some strategies a state or local government could use to further the integration of group housing for persons with disabilities, consistent with the Act, include affirmative marketing or offering incentives. For example, jurisdictions may engage in affirmative marketing or offer variances to providers of housing for persons with disabilities to locate future homes in neighborhoods where group homes for persons with disabilities are not currently located. But jurisdictions may not offer incentives for a discriminatory purpose or that have an unjustified discriminatory effect because of a protected characteristic.

19. Can a local government consider the fears or prejudices of neighbors in deciding whether a group home can be located in a particular neighborhood?

In the same way a local government would violate the law if it rejected low-income housing in a community because of neighbors' fears that such housing would be occupied by racial minorities (see Q&A 5), a local government violates the law if it blocks a group home or denies a reasonable accommodation request because of neighbors' stereotypical fears or prejudices about persons with disabilities. This is so even if the individual government decision-makers themselves do not have biases against persons with disabilities.

Not all community opposition to requests by group homes is necessarily discriminatory. For example, when a group home seeks a reasonable accommodation to operate in an area and the area has limited on-street parking to serve existing residents, it is not a violation of the Fair Housing Act for neighbors and local government officials to raise concerns that the group home may create more demand for on-street parking than would a typical family and to ask the provider to respond. A valid unaddressed concern about inadequate parking facilities could justify denying the requested accommodation, if a similar dwelling that is not a group home or similarly situated use would ordinarily be denied a permit because of such parking concerns. If, however, the group home shows that the home will not create a need for more parking spaces than other dwellings or similarly-situated uses located nearby, or submits a plan to provide any needed off-street parking, then parking concerns would not support a decision to deny the home a permit.

Questions and Answers on the Fair Housing Act and Reasonable Accommodation Requests to Local Zoning and Land Use Laws

20. When does a state or local government violate the Fair Housing Act by failing to grant a request for a reasonable accommodation?

A state or local government violates the Fair Housing Act by failing to grant a reasonable accommodation request if (1) the persons requesting the accommodation or, in the case of a group home, persons residing in or expected to reside in the group home are persons with a disability under the Act; (2) the state or local government knows or should reasonably be expected to know of their disabilities; (3) an accommodation in the land use or zoning ordinance or other rules, policies, practices, or services of the state or locality was requested by or on behalf of persons with disabilities; (4) the requested accommodation may be necessary to afford one or more persons with a disability an equal opportunity to use and enjoy the dwelling; (5) the state or local government refused to grant, failed to act on, or unreasonably delayed the accommodation request; and (6) the state or local government cannot show that granting the accommodation would impose an undue financial and administrative burden on the local government or that it would fundamentally alter the local government's zoning scheme. A requested accommodation may be necessary if there is an identifiable relationship between the requested accommodation and the group home residents' disability. Further information is provided in Q&A 10 above and the HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act.

21. Can a local government deny a group home's request for a reasonable accommodation without violating the Fair Housing Act?

Yes, a local government may deny a group home's request for a reasonable accommodation if the request was not made by or on behalf of persons with disabilities (by, for example, the group home developer or operator) or if there is no disability-related need for the requested accommodation because there is no relationship between the requested accommodation and the disabilities of the residents or proposed residents.

In addition, a group home's request for a reasonable accommodation may be denied by a local government if providing the accommodation is not reasonable—in other words, if it would impose an undue financial and administrative burden on the local government or it would fundamentally alter the local government's zoning scheme. The determination of undue financial and administrative burden must be decided on a case-by-case basis involving various factors, such as the nature and extent of the administrative burden and the cost of the requested accommodation to the local government, the financial resources of the local government, and the benefits that the accommodation would provide to the persons with disabilities who will reside in the group home.

When a local government refuses an accommodation request because it would pose an undue financial and administrative burden, the local government should discuss with the requester whether there is an alternative accommodation that would effectively address the disability-related needs of the group home's residents without imposing an undue financial and administrative burden. This discussion is called an "interactive process." If an alternative accommodation would effectively meet the disability-related needs of the residents of the group home and is reasonable (that is, it would not impose an undue financial and administrative burden or fundamentally alter the local government's zoning scheme), the local government must grant the alternative accommodation. An interactive process in which the group home and the local government discuss the disability-related need for the requested accommodation and possible alternative accommodations is both required under the Act and helpful to all concerned, because it often results in an effective accommodation for the group home that does not pose an undue financial and administrative burden or fundamental alteration for the local government.

22. What is the procedure for requesting a reasonable accommodation?

The reasonable accommodation must actually be requested by or on behalf of the individuals with disabilities who reside or are expected to reside in the group home. When the request is made, it is not necessary for the specific individuals who would be expected to live in the group home to be identified. The Act does not require that a request be made in a particular manner or at a particular time. The group home does not need to mention the Fair Housing Act or use the words "reasonable accommodation" when making a reasonable accommodation request. The group home must, however, make the request in a manner that a reasonable person would understand to be a disability-related request for an exception, change, or adjustment to a rule, policy, practice, or service. When making a request for an exception, change, or adjustment to a local land use or zoning regulation or policy, the group home should explain what type of accommodation is being requested and, if the need for the accommodation is not readily apparent or known by the local government, explain the relationship between the accommodation and the disabilities of the group home residents.

A request for a reasonable accommodation can be made either orally or in writing. It is often helpful for both the group home and the local government if the reasonable accommodation request is made in writing. This will help prevent misunderstandings regarding what is being requested or whether or when the request was made.

Where a local land use or zoning code contains specific procedures for seeking a departure from the general rule, courts have decided that these procedures should ordinarily be followed. If no procedure is specified, or if the procedure is unreasonably burdensome or intrusive or involves significant delays, a request for a reasonable accommodation may,

nevertheless, be made in some other way, and a local government is obligated to grant it if the requested accommodation meets the criteria discussed in Q&A 20, above.

Whether or not the local land use or zoning code contains a specific procedure for requesting a reasonable accommodation or other exception to a zoning regulation, if local government officials have previously made statements or otherwise indicated that an application for a reasonable accommodation would not receive fair consideration, or if the procedure itself is discriminatory, then persons with disabilities living in a group home, and/or its operator, have the right to file a Fair Housing Act complaint in court to request an order for a reasonable accommodation to the local zoning regulations.

23. Does the Fair Housing Act require local governments to adopt formal reasonable accommodation procedures?

The Act does not require a local government to adopt formal procedures for processing requests for reasonable accommodations to local land use or zoning codes. DOJ and HUD nevertheless strongly encourage local governments to adopt formal procedures for identifying and processing reasonable accommodation requests and provide training for government officials and staff as to application of the procedures. Procedures for reviewing and acting on reasonable accommodation requests will help state and local governments meet their obligations under the Act to respond to reasonable accommodation requests and implement reasonable accommodations promptly. Local governments are also encouraged to ensure that the procedures to request a reasonable accommodation or other exception to local zoning regulations are well known throughout the community by, for example, posting them at a readily accessible location and in a digital format accessible to persons with disabilities on the government's website. If a jurisdiction chooses to adopt formal procedures for reasonable accommodation requests, the procedures cannot be onerous or require information beyond what is necessary to show that the individual has a disability and that the requested accommodation is related to that disability. For example, in most cases, an individual's medical record or detailed information about the nature of a person's disability is not necessary for this inquiry. In addition, officials and staff must be aware that any procedures for requesting a reasonable accommodation must also be flexible to accommodate the needs of the individual making a request, including accepting and considering requests that are not made through the official procedure. The adoption of a reasonable accommodation procedure, however, will not cure a zoning ordinance that treats group homes differently than other residential housing with the same number of unrelated persons.

24. What if a local government fails to act promptly on a reasonable accommodation request?

A local government has an obligation to provide prompt responses to reasonable accommodation requests, whether or not a formal reasonable accommodation procedure exists. A local government's undue delay in responding to a reasonable accommodation request may be deemed a failure to provide a reasonable accommodation.

25. Can a local government enforce its zoning code against a group home that violates the zoning code but has not requested a reasonable accommodation?

The Fair Housing Act does not prohibit a local government from enforcing its zoning code against a group home that has violated the local zoning code, as long as that code is not discriminatory or enforced in a discriminatory manner. If, however, the group home requests a reasonable accommodation when faced with enforcement by the locality, the locality still must consider the reasonable accommodation request. A request for a reasonable accommodation may be made at any time, so at that point, the local government must consider whether there is a relationship between the disabilities of the residents of the group home and the need for the requested accommodation. If so, the locality must grant the requested accommodation unless doing so would pose a fundamental alteration to the local government's zoning scheme or an undue financial and administrative burden to the local government.

**Questions and Answers on Fair Housing Act Enforcement of
Complaints Involving Land Use and Zoning**

26. How are Fair Housing Act complaints involving state and local land use laws and practices handled by HUD and DOJ?

The Act gives HUD the power to receive, investigate, and conciliate complaints of discrimination, including complaints that a state or local government has discriminated in exercising its land use and zoning powers. HUD may not issue a charge of discrimination pertaining to "the legality of any State or local zoning or other land use law or ordinance." Rather, after investigating, HUD refers matters it believes may be meritorious to DOJ, which, in its discretion, may decide to bring suit against the state or locality within 18 months after the practice at issue occurred or terminated. DOJ may also bring suit by exercising its authority to initiate litigation alleging a pattern or practice of discrimination or a denial of rights to a group of persons which raises an issue of general public importance.

If HUD determines that there is no reasonable cause to believe that there may be a violation, it will close an investigation without referring the matter to DOJ. But a HUD or DOJ

decision not to proceed with a land use or zoning matter does not foreclose private plaintiffs from pursuing a claim.

Litigation can be an expensive, time-consuming, and uncertain process for all parties. HUD and DOJ encourage parties to land use disputes to explore reasonable alternatives to litigation, including alternative dispute resolution procedures, like mediation or conciliation of the HUD complaint. HUD attempts to conciliate all complaints under the Act that it receives, including those involving land use or zoning laws. In addition, it is DOJ's policy to offer prospective state or local governments the opportunity to engage in pre-suit settlement negotiations, except in the most unusual circumstances.

27. How can I find more information?

For more information on reasonable accommodations and reasonable modifications under the Fair Housing Act:

- HUD/DOJ Joint Statement on Reasonable Accommodations under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.
- HUD/DOJ Joint Statement on Reasonable Modifications under the Fair Housing Act, *available at* <https://www.justice.gov/crt/fair-housing-policy-statements-and-guidance-0> or http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf.

For more information on state and local governments' obligations under Section 504:

- HUD website at http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/disabilities/sect504.

For more information on state and local governments' obligations under the ADA and *Olmstead*:

- U.S. Department of Justice website, www.ADA.gov, or call the ADA information line at (800) 514-0301 (voice) or (800) 514-0383 (TTY).
- Statement of the Department of Justice on Enforcement of the Integration Mandate of Title II of the Americans with Disabilities Act and *Olmstead v. L.C.*, *available at* http://www.ada.gov/olmstead/q&a_olmstead.htm.
- Statement of the Department of Housing and Urban Development on the Role of Housing in Accomplishing the Goals of *Olmstead*, *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=OlmsteadGuidnc060413.pdf>.

For more information on the requirement to affirmatively further fair housing:

- Affirmatively Furthering Fair Housing, 80 Fed. Reg. 42,272 (July 16, 2015) (to be codified at 24 C.F.R. pts. 5, 91, 92, 570, 574, 576, and 903).
- U.S. Department of Housing and Urban Development, Version 1, Affirmatively Furthering Fair Housing Rule Guidebook (2015), *available at* <https://www.hudexchange.info/resources/documents/AFFH-Rule-Guidebook.pdf>.
- Office of Fair Housing and Equal Opportunity, U.S. Department of Housing and Urban Development, Vol. 1, Fair Housing Planning Guide (1996), *available at* <http://www.hud.gov/offices/fheo/images/fhpg.pdf>.

For more information on nuisance and crime-free ordinances:

- Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other Crime Victims, and Others Who Require Police or Emergency Services (Sept. 13, 2016), *available at* <http://portal.hud.gov/hudportal/documents/huddoc?id=FinalNuisanceOrdGdnce.pdf>.

ATTACHMENT H: LAND USES LISTED ON THE DEFINITION OF “ELEEMOSYNARY” (PROPOSED CONGREGATE CARE FACILITY)

Places of Worship: A church, synagogue, temple, mosque or other place of religious worship, including any accessory use or structure used for religious worship.

Social and Community Services Organizations: An establishment that provides social services other than on site housing facilities.

Current definition for Homeless Shelters: A building or portion thereof in which sleeping accommodations are provided on an emergency basis for the temporarily homeless.

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

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

Community Dining Halls: A sit down dining facility operated by a nonprofit organization to feed, without charge, the needy and the homeless.

Group Home Dwellings: A residential treatment facility, a (large) occupied by seven or more individuals and a (small) occupied by two to six individuals, licensed by the state of Utah under title 62A, chapter 2 of the Utah code or its successor that provides a twenty four (24) hour group living environment for individuals unrelated to the owner or provider that offers room or board and specialized treatment, behavior modification, rehabilitation, discipline, emotional growth, or habilitation services for persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies. A group home dwelling includes a recovery residence, but does not include a boarding school or foster home as defined in title 62A, chapter 2 of the Utah code or its successor, or a residential support dwelling as defined in this chapter.

Residential Support Dwellings: A residential facility, (large) occupied by seven or more unrelated individuals, (small) occupied by up to six unrelated individuals licensed by the state of Utah under title 62A, chapter 2 of the Utah code or its successor which provides the necessities of life as a protective service to individuals or families who have a disability or who are experiencing a dislocation or emergency that prevents them from providing these services for themselves or their families.

ATTACHMENT I: ELEEMOSYNARY (PROPOSED CONGREGATE CARE) FACILITIES IN SALT LAKE CITY

The following are some eleemosynary facilities in existence throughout the city:

Fisher House

690 South Valdez Dr.

Institutional Zoning District

A free place to stay for patients while receiving medical treatment at the VA Medical Center and their family. The facility consists of 20 suites, each with a private bedroom and bath.

Patient and Family Housing (U of U Medical Facilities and Huntsman Center)

2080 West North Temple

TSA-MUEC-T Zoning District

A place to stay for patients and their loved ones while receiving medical treatment in the hospital. The facility consists of 44 rooms, 27 with kitchenettes.

Ronald McDonald House Charities

935 E South Temple

RMF-35 Zoning District

A place to stay for children while receiving treatment at area hospitals and their family. The facility consists of sixty seven rooms.

Hope Lodge

375 East 100 South

R-MU Zoning District

A place to stay for cancer patients while receiving medical treatment and their caregivers. The facility consists of 40 suites.

Healing Homes

418 B Street, 253 8th Avenue, and 257 8th Avenue

SR-1A

A place to stay for patients undergoing blood and bone marrow transplant/acute leukemia treatment and their family at LDS Hospital. The facility consists of three homes.

4. PLANNING COMMISSION – MAY 10, 2017
C) PUBLIC HEARING COMMENTS

Salt Lake City Public Meeting Comment Card (please print)		Date 5/10/17
Name: Kim Correa		
Address: Eleemosy Mary Facility		
Case # or Subject:		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date 5/10/17
Name: Dionn Nielsen		
[REDACTED]		
Case # or Subject: Inn between Expansion		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		
I agree that the hospice program is a good idea. I have done some research and found that you can not get hospice treatment at the road home but the terms "seriously ill, or acute illnesses" is vague and giving from carte blanche.		

Salt Lake City Public Meeting Comment Card (please print)		Date May 10, 2017
Name: Michael Clara		
[Redacted]		
Case # or Subject: PLNPCM 2016-00024		
<input checked="" type="checkbox"/> I wish to speak	<input checked="" type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input checked="" type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		
#3 Eleemosynary Text Amendment I support the proposal text modifications Except the part about Family members of clients being housed at one of these facilities - Cap is not defined		

Height
 43
 Quarters/People
 Individuals
 not clients
 25 Cap
 needs to
 include client
 family members
 assume
 6-7 Family
 4 - McDani
 2 - Home
 emphasize ability to judge
 this level of support for
 a facility will often bring
 on number of new requests
 that will occupy a particular
 space

Salt Lake City Public Meeting Comment Card (please print)		Date 5/10/17
Name: Chandler Wood		
[Redacted]		
Case # or Subject: Eleemosynary		
<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input checked="" type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		
Zoning changes should be necessitated by a greater need, not by one singular entity - in this case The INN Between, - Looking to exploit the system. The fact is there are already systems in place to		

Allow them to do what they want, but they don't
 want to be a licensed health care facility or move
 to a zoning that allows for homeless shelter facilities
 (Away From Residences).

Eleemosynary EXCLUDES use as a homeless shelter,
 defined as overnight facilities for the homeless.
 They need to stop living in between zoning definitions,
 and zoning should NOT be changed just to
 accommodate them!

There is no wider need for these changes,
 and The INN Between should not be able to come
 into a neighborhood and change the rules so
 that they can operate without oversight as an
 independent specialty homeless shelter, which makes
 their own rules.

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: <u>Michelle Gilbert</u>		
Address: [REDACTED]		
Case # or Subject:		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		
<u>There was was was was</u> <u>was a child molester who</u> <u>had charges after charges</u> <u>it think as a safety issue we</u>		

should of been notified,

Salt Lake City Public Meeting Comment Card (please print)		Date <u>5-10-2017</u>
Name: <u>D'Yani Wood</u>		
Address: [REDACTED]		
Case # or Subject:		
<u>eleemosynary zoning change</u>		
<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input checked="" type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		
<u>A change to zoning that involves</u> <u>an impactful demographic (homeless)</u> <u>in a residential neighborhood should</u> <u>be carefully researched by</u>		

higher education experts before
any final and detrimental changes
be made, especially if the proposed
changes were originally brought
about by one single facility,
and not by some greater need
of multiple groups. ~~of some~~
Experts have not been consulted,
resulting in our current situation
which is no protection for
residents and a hasty & sudden
arrival of a homeless hospice in
a fragile residential neighborhood.
Thank you.

Pace, Katia

From: Dionn Nielsen [REDACTED]
Sent: Wednesday, May 10, 2017 3:49 PM
To: Pace, Katia; Johnston, Andrew; City Council Liaisons
Subject: Re: Eleemosynary (proposed Congregate Care) Text Amendment

Hello, here is my statement for tonight's meeting.

My Name is Dionn Nielsen, I live behind the Inn Between. My house is one of the homes that has a 2nd floor, and unfortunately, every window in my home faces the back of the facility. The situation back there has gotten better, although I am guessing that they are on their best behavior because of all these hearings, and because I have been so vocal. It's not ALL the time like it used to be, it may not be happening when others are walking or driving by to "do their own investigations", but for 2 years I have dealt with loitering and smoking issues by my yard. No, I have not called the police, because I know the difference between nuisance and crimes. The CRIMES that my neighbors have experienced HAVE been reported, (car stolen, house break ins, etc.) so I am positive that crime HAS increased in our area. No we can't PROVE it's a direct result of the IB, but we certainly suspect it.

There was one time that I should have called the police. I live at the end of the dead end street behind the IB, and there was a guy who wandered in my garage who said he was lost, looking for the IB. It was dark, and it all happened so fast. My neighbor, Jeff Smith yelled at him to get the F out of there, and he did, Jeff Smith is my witness to the event. It was scary, and yes I should have called the cops, I regret that I didn't; because according to the Inn Between, unless you call the cops, it didn't happen..

I did tell Matilda (an IB employee) about the incident..

I agree that the hospice program is a good idea. I have done some research, and found that it *is* true, you can't currently get hospice treatment at The Road Home, and it *is* a needed service. We were all told this would be a low impact hospice only, with people too sick to roam about our neighborhood. Well I can tell you for a fact, that *that* is not true. Then, we discovered that if the "patients" can't care for themselves, they have to be moved to an actual medical facility. Well that just makes no sense to any of us! My parents were on actual hospice, and they could not care for themselves. So, is this an actual hospice or not?

They are also housing homeless who are "seriously ill" or have "acute illnesses".. Those terms are vague at best. They SAY that they will only accept people who are a certain type of sick, but the way that this is WRITTEN, it **can** mean **any illness**, and it is giving them carte blanche, and a blank check. PLUS, we were told by Katia at the

community council meeting that due to HIPAA laws, the IB cannot accept medical referrals; but they SAY that they ONLY take medical referrals, so which is true?

You better believe that all of this is confusing, and the only people who are confusing anyone, is the Inn Between.

They SAY that the new building will only hold 50, but they way that this is WRITTEN, well it just says MORE. How many more? We don't know, but we do know that there will be, more. Where does it end?

SOMEONE (you guys, the city officials) has to put the brakes on these types of shelters popping up in our neighborhoods! Please, do not allow this proposal to go through the way it is written.

An expansion of a facility that serves the homeless population, no matter how good the idea may be, with no cap, is not in the best interest of our neighborhood.

Fondly,
Dionn Nielsen

4. PLANNING COMMISSION – MAY 10, 2017

D) AGENDA & MINUTES

AMENDED SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA

In Room 326 of the City & County Building

451 South State Street

Wednesday, May 10, 2017, at 5:30 p.m.

(The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 118 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR APRIL 26, 2017

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

PUBLIC HEARINGS

1. **Avenues Proper Brewpub at approximately 376 E. 8th Avenue** - Andrew Tendick, Owner and General Manager of Proper Entities representing Jem Avenues, LLC, property owner is requesting conditional use approval for a brewpub at the Avenues Proper Restaurant located at the above listed address. This request is being made in order to conform with changes to the Salt Lake City Zoning Ordinance that were approved by City Council relating to brewpubs and to allow for retail carry-out sales. The Conditional Use would allow for a change in the classification of the operation to reflect their actual business, and allow for retail carry-out sales which are not currently allowed due to the facility & license classification. The building's exterior, parking and other aspects of the existing operation are not being modified through this request. The property is zoned R-MU-35 – Residential/Mixed Use and is located within Council District 3, represented by Stan Penfold. (Staff contact: David J. Gellner at (801)535-6107 or david.gellner@slcgov.com) Case number **PLNPCM2017-00116 (Administrative Matter)**
2. **2200 West Zoning Map Amendment** - Jeff Beck representing DIGG 2200 LLC, is requesting approval from the City to change the zoning of the property located at approximately 1932 North 2200 West from BP Business Park to M-1 Light Manufacturing. In addition, the Salt Lake City Council is requesting the City study and make a recommendation on changing the zoning of the properties generally located along 2200 West between North Temple Street and 2100 North from BP Business Park to M-1 Light Manufacturing. The purpose of the zoning change is to implement City master plans and to maximize the economic development potential along the 2200 West corridor. The request also includes an amendment to the text of Title 21A – Zoning of the City Code as it relates to setback and landscaping requirements in the M-1 Light Manufacturing zoning district. Related provisions of Title 21A-Zoning may also be amended as part of these petitions. The property is located within Council District 1, represented by James Rogers. (Staff contact: Wayne Mills at (801)535-7282, wayne.mills@slcgov.com or Daniel Echeverria at (801)535-7165, Daniel.echeverria@slcgov.com) Case numbers **PLNPCM2016-00788 and PLNPCM2016-00870 (Legislative Matter)**

3. **Eleemosynary (or Charitable Lodging) Text Amendment** - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is proposing changes to the Eleemosynary land use, change to the definition of Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Eleemosynary Facilities. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com). Case number **PLNPCM2016-00024.(Legislative Matter)**

Work Session

4. **Revisions to the Conditional Building and Site Design Review Program** – The Salt Lake City Council has requested a zoning text amendment that clarifies the intent and eases administration of the Conditional Building and Site Design Review (CBSDR) process (Chapter 21A.59) of the Salt Lake City Code. Proposed changes include alignment of the purpose statement (21A.59.010) with citywide livability goals, clarifications to the authority (21A.59.020) section that more clearly determine the need for Planning Commission approvals, and replacement of the design standards with design guidelines that define objectives and provide flexibility. Related future text amendments include changing Planned Development requirements in the GMU District (21A.31 Gateway Mixed Use) to Design Review and elimination of landscape requirements for additional height in the CG District (21A.26.070 General Commercial). Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff Contact: Molly Robinson (801)535-7261 or molly.robinson@slcgov.com) Case number **PLNPCM2016-00615**

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, May 10, 2017

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:36:33 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Matt Lyon, Vice ChairpersonCarolynn Hoskins; Commissioners Maurine Bachman, Weston Clark, Emily Drown and Andres Paredes. Commissioners Sara Urquhart, Ivis Garcia, Clark Ruttinger and Brenda Scheer were excused.

Planning Staff members present at the meeting were Cheri Coffey, Assistant Planning Director, Michaela Oktay, Planning Manager, Daniel Echeverria, Senior Planner; David Gellner, Principal Planner; Katia Pace, Principal Planner and Michelle Poland Administrative Secretary.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Maurine Bachman, Weston Clark and Carolynn Hoskins. Staff members in attendance were David Gellner and Daniel Echeverria.

- **376 E. 8th Avenue** - Staff gave an overview of the proposal.

APPROVAL OF THE APRIL 26, 2017, MEETING MINUTES. [5:36:50 PM](#)

MOTION [5:36:49 PM](#)

Commissioner Clark moved to approve the April 26, 2017, meeting minutes. Commissioner Drown seconded the motion. Commissioners Bachman, Clark, Drown and Paredes voted “aye”. Commissioner Hoskins abstained from voting as she was not present at the subject meeting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:37:02 PM](#)

Chairperson Matt Lyon stated he had nothing to report.

Vice Chairperson Carolynn Hoskins stated she had nothing to report.

REPORT OF THE DIRECTOR [5:37:09 PM](#)

Ms. Michaela Oktay, Planning Manager, stated she had nothing to report.

[5:37:16 PM](#)

Avenues Proper Brewpub at approximately 376 E. 8th Avenue - Andrew Tendick, Owner and General Manager of Proper Entities representing Jem Avenues, LLC, property owner is requesting conditional use approval for a brewpub at the Avenues Proper Restaurant located at the above listed address. This request is

[5:57:28 PM](#)

Eleemosynary (or Charitable Lodging) Text Amendment - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is proposing changes to the Eleemosynary land use, change to the definition of Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Eleemosynary Facilities. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com). Case number PLNPCM2016-00024. (Legislative Matter)

Ms. Katia Pace, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff was recommending the Planning Commission forward a favorable recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The definition of congregate care.
- The number of people allowed in each size of facility.
- The difference between a large congregate facility and a hospital.
- The services offered at the facilities.
- If capacity limits for the centers could be implemented and added into the zoning definition.
- How to regulate the number of people in a facility at one time.
- If one could obtain a business license of a congregate facility in a residential area.
- The parking regulation for each size of facility.
- The current zones where these and other similar facilities were allowed.
- The reason the subject facilities were being addressed and if the use should be only allowed in certain zones.
- If the proposal was opening up the doors for these types of facilities to pop up all over the city.
- How the business licensing was regulated for these facilities.
- The language regarding the number of people that can be in the facilities and where it came from.
- Changing the wording to from client to individual to help limit the number of people at a facility.
- The definition of a limited capacity assisted living facility.
- The time limit for people staying at the facilities.

PUBLIC HEARING [6:58:11 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Ms. Michele Gilbert, Ms. Dionn Nielsen. Ms. Kim Corree and Mr. Michael Clara.

The following comments were made:

- The INN Between was using the school as well as the current area.
- There are sexual predators using the INN Between and were a risk to the people in the neighborhood.
- The people using these facilities should go to places where they could receive better care.
- The service the INN Between was offering did not exist anywhere else however, it was not what the neighborhood was told would be there in the beginning.
- The language in the proposal was vague and allowed for any people with injuries or illnesses to receive care at the facility at the expense of the neighborhood.
- There needed to be a cap for these facilities and it needed to be enforced.
- Removing the nonprofit requirement could lead to unforeseen issues.
- The cap of twenty five on an institutional zone was to limit the impacts but on a residential zone there was no cap.
- A lot of the facilities have live in Staff that needed to be exempt from the cap.
- Supported the change in wording to individuals.
- It was important that these facilities were distinguished from other care facilities.

Chairperson Lyon read the following cards:

- Ms. D'Yani Wood - A change to zoning that involves an impactful demographic (homeless) in a residential neighborhood should be carefully researched by higher education experts before any final and detrimental changes be made especially if the proposed changes were originally brought about by one single facility and not by some greater need of multiple groups. Experts have not been consulted resulting in our current situation which is no protection for residents and hasty and sudden arrival of a homeless hospice in a fragile residential neighborhood. Thank you
- Mr. Chandler Wood - Zoning changes should be necessitated by a greater need, not by one singular entity. In this case the INN Between. Looking to exploit the system. The fact is there are already systems in place to allow them to do what they want, but they don't want to be a licensed health care facility or move to a zoning that allows for homeless shelter facility (away from residences). Eleemosynary excludes use as a homeless shelter defined as overnight facilities for the homeless. They need to stop living in between zoning definitions and zoning should not be changed just to accommodate them. There is no wider need for these changes and the Inn Between should not be able to come into a neighborhood and change the rules so that they can operate without oversight as an independent specialty homeless shelter which makes their own rules.

Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed the following:

- Why zoning could not require a medical referral for clients of the facilities.
- How the twenty five person cap was applied.
- If there should be different regulation on for profit and nonprofit facilities.
- The history of the ordinance and the need for the change.
- The need to make the language of this ordinance consistent with other similar facilities.
- If the code regulated overnight stays at the facilities.
- How the building code regulated the number of people in a facility.
- If there was a limit to the number of facilities that could be started per year.
- How traffic and parking would be affected by these facilities.
- How to regulate and track the impact from these facilities on the surrounding neighborhoods.
- If hours of operation could be regulated.
- The language for the motion.

MOTION [8:48:05 PM](#)

Commissioner Bachman stated regarding PLNPCM2016-00024 – Eleemosynary (proposed Congregate Care), she moved that the Planning Commission table the petition and ask Staff to look at in the Institutional Zone, to remove the twenty five person cap and make it a Conditional Use and provide qualifying provisions for the Conditional Use. In the small group home language, change the word clients to individuals and review the definition of whether that included live in Staff or not. She stated tentatively, the other provisions of the ordinance, definitions were appropriate and the public hearing would be continued. Commissioner Clark seconded the motion. Commissioners Hoskins, Bachman, Clark, Drown and Paredes voted “aye”. The motion passed unanimously.

The meeting adjourned at [8:49:43 PM](#)

5. PLANNING COMMISSION – JUNE 14, 2017

A) ORIGINAL NOTICE & POSTMARK



Salt Lake City Planning Division
451 S State Street, Room 406, PO Box 145480, Salt Lake City, Utah 84114-5480

Salt Lake City Planning Commission Wednesday, June 14, 2017, 5:30 p.m.
City and County Building 451 S State Street, Room 326

Eleemosynary (proposed Congregate Care Facility) Text Amendment - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is proposing changes to the regulations governing Eleemosynary land use, change to the definition of Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Eleemosynary Facilities. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com.) Case number **PLNPCM2016-00024. (Legislative Matter)**

Salt Lake City Corporation complies with all ADA guidelines. People with disabilities may make requests for reasonable accommodations no later than 48 hours in advance in order to attend this meeting. Accommodations may include: alternative formats, interpreters, and other auxiliary aids. This is an accessible facility. For additional meeting information, please see www.slcgov.com or call 801-535-7757; TDD 535-6220.



SALT LAKE CITY PLANNING DIVISION
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Salt Lake City Planning Katia Pace
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5. PLANNING COMMISSION – JUNE 14, 2017

B) STAFF REPORT



MEMORANDUM

PLANNING DIVISION
DEPARTMENT *of* COMMUNITY *and* NEIGHBORHOOD

To: Salt Lake City Planning Commission

From: Katia Pace, Principal Planner, katia.pace@slcgov.com or 801-535-6354

Date: June 14, 2017 Planning Commission meeting

Re: Review additional issues to the Eleemosynary (proposed Congregate Care) Text Amendment (PLNPCM2016-00024)

ACTION REQUIRED: Review and forward a recommendation to the City Council for the proposed eleemosynary (proposed congregate care) text amendment.

RECOMMENDATION: That the Planning Commission recommend approval of the text amendment related to petition PLNPCM2016-00024 as outlined in the May 10, 2017 Staff Report to include the additional revisions requested by the Commission at the May 10, 2017 meeting and as proposed in this memorandum. All changes are reflected in [Attachment A – Proposed Ordinance Changes](#).

RECOMMENDED MOTION: Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Commission recommend that the City Council approve the text amendment related to petition PLNPCM2016-00024 more particularly described below:

1. Remove 25 person cap in the definition of “Assisted Living Facility;”
2. Remove the 800 foot distance requirements that violate the Fair Housing Act;
3. Rename “Eleemosynary” to “Dwelling, Congregate Care facility”;
4. Redefine the proposed “Dwelling, Congregate Care facility” land use definition;
5. Create two sizes of “Dwelling, Congregate Care facility”, (small) and (large); and,
6. Reorganize the districts where the proposed “Dwelling, Congregate Care facility (large) and (small)” are allowed.

BACKGROUND/DISCUSSION:

On May 10, 2017 the Planning Commission was presented (see [May 10th staff report](#)) with a proposed text amendment to:

1. Develop a land use classification for temporary housing for the terminally and seriously ill (similar to the INN Between land use);
2. Review compatibility concerns for how this land use and similar land uses located in the Institutional zoning district may impact adjacent residential neighborhoods;
3. Fix an unintended error in the definition of “Assisted Living Facilities” from a previous text amendment; and
4. Fix a legal issue relating to Fair Housing Act (FHA) which prohibits spacing requirements for specialty housing types.

At this meeting the Planning Commission tabled the item and directed planning staff to make additional changes to the proposed text amendment, those changes are outlined in this report.

REQUEST 1: *Change the Language in the Proposed “Small Congregate Care” Definition from “Clients” to “Individuals”*

On May 10, 2017, the Planning Commission asked staff to change the proposed language in the definition of “small congregate care” from “clients” to “individuals” to be more specific to density. The commission also asked staff to explore whether it was appropriate to include live-in staff in the definition.

Staff also reviewed the parking requirements for “small congregate care” facilities and staff found that it would be helpful to simplify the parking requirement allowed in the smaller facilities. The parking requirement for the proposed large congregate care facility would remain the same.

Proposal to change “clients” to “individuals”

Changing the term “client” to “individual” would guarantee that the density allowed is capped at six individuals and maintain consistent terms throughout the zoning ordinance. An individual can be either a family member or a patient staying at the facility. Staff is not identifying provider staff in the definition because in reviewing other similar land use types, service provider staff is not included in the occupancy calculation.

The new definitions proposed:

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY

(LARGE): a facility operated by a nonprofit charitable organization or government entity to provide ~~that provides~~ temporary housing and assistance to ~~individuals who suffer from and are being treated for trauma, injury or disease~~ **seven (7) or more individuals,** and/or their family members, **who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment.** Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term “eleemosynary facility” **“congregate care facility”** does not include places of worship, social and community services organizations, homeless shelters, **homeless resource centers,** community dining halls, group home dwellings, residential support dwellings, and other similar facilities.”

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY

(SMALL): a facility operated by a nonprofit charitable organization or government entity to provide ~~that provides~~ temporary housing and assistance to ~~individuals who suffer from and are being treated for trauma, injury or disease~~ **six (6) individuals, which includes any family members,** and/or their family members, **who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment.** Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term “eleemosynary facility” **“congregate care facility”** does not include places of worship, social and community services organizations, homeless shelters, **homeless resource centers,** community dining halls, group home dwellings, residential support dwellings, and other similar facilities.”

Proposal to simplify the Parking Requirements for the Proposed “Small Congregate Care”

Staff is proposing to simplify the required parking for the small facilities because the existing parking requirement is aimed at larger facilities not smaller facilities. Since there are up to 6 individuals, the proposal is to require 3 parking spaces per facility and 1 parking space for every 2 support staff present during the busiest shift. The intent is to simplify the requirement and also require a reasonable amount of on-site parking that would still allow a small facility to be compatible with the neighborhood. These changes are reflected in [Attachment A – Proposed Ordinance Changes](#).

REQUEST 2: Remove the 25 Cap for the Proposed Congregate Care and Assisted Living Facilities in the Institutional Zoning District and make them conditional uses

On May 10, 2017, the Planning Commission asked staff to remove the 25 person cap for congregate care and assisted living facility as there were concerns about the arbitrary nature of the cap. Staff was also directed to make both land uses a conditional use in this zoning district. The conditional use process can address the impacts of congregate care and assisted living facilities land use in many different ways (example: limit density, set hours of operation, address smoking areas, fences, etc.) The Commission directed staff to come back and respond to impact concerns, particularly how to mitigate negative impacts of the use when proposed and in the event that they are expanded and to explore qualifying provisions. The latter is further discussed in request 3 of this memorandum.

Proposal revisions

Staff has changed the proposed text to remove the cap in the Institutional zoning district and to make both uses conditional uses. These changes are reflected in [Attachment A – Proposed Ordinance Changes](#).

REQUEST 3: Consider Qualifying Provisions beyond Conditional Use

On May 10, 2017 the Planning Commission asked staff to consider creating new qualifying provisions beyond the conditional use to further address any specific impacts of congregate care and assisted living facilities in the Institutional zoning district.

Planning staff has explored whether further qualifying provisions could be added and after a thorough review of impacts, has not recommended further qualifying provisions outside those tools currently available. Planning staff has not found additional impacts for these land uses which warrant additional qualifying provisions. Staff has reviewed the range of ways the conditional use and base zoning regulations address any new use or intensification of the land uses in the Institutional zoning district. It is staff's opinion that those regulations and review standards adequately allow the Planning Commission to address anticipated impacts and to impose conditions in response to impacts. Below staff outlines impacts, tools and mitigation measures.

Review of Impacts, Tools & Mitigation Measures

The following is a list of impacts identified by the Planning Commission and by the public:

1. Density and intensity
2. Noise, light and lack of privacy
3. Visual compatibility
4. Traffic
5. Parking
6. Smoking
7. Safety
8. Littering
9. Indecent exposure (public urination)
10. Sexual offenders or felons that have not been reported to the neighbors
11. Closeness to school
12. Patients/clients walking around
13. Potential illegal activity by residents of the facility
14. Potential residents with mental illness residing at the facility

Items 8-14 of the list above are impacts that cannot be addressed through the zoning ordinance or land use regulation. Staff has reviewed impacts 1-6, and shows below how they can be addressed with regard to the proposed congregate care facilities and assisted living facilities in the Institution zoning district through the appropriate tools that exist in the zoning ordinance. Item 7, safety of individuals living at a facility, lists how it can be addressed by building code.

1. Density & Intensity Impacts

Tool: Definitions (Section 21A.62)

Mitigation: Proposed change to create two classes for the proposed "Dwelling, Congregate Care facility", (small) and (large) would allow facilities to be located where they are compatible with the neighborhood and stipulate density of individuals.

Tool: Institutional Zoning District Requirements for Setbacks & Height (Section 21A.32.080)

Mitigation: Setback regulations define a buildable area of a building and height limitations regulate the maximum height of buildings. Both requirements control the volume of a structure on the land and, therefore, help define the intensity of use.

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: The conditional use process addresses the intensity, size, and scale of the use.

2. Noise, Light and Lack of Privacy

Tool: Institutional Zoning District Requirements for Setbacks, Buffers, Open Space, Lighting (Section 21A.32.080)

Mitigation: Setbacks, open space and landscaping requirements provide buffers between the institutional and residential uses and reduce noise and creates privacy.

Lighting regulations are meant to decrease light spillover on adjacent properties.

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: The conditional use process can regulate fences, hours of operation, and design.

3. Visual Compatibility

Tool: Institutional Zoning District Requirements for Setbacks, Buffers, Open Space, (Section 21A.32.080)

Mitigation: Setbacks, open space and landscaping requirements provide visual compatibility with the residential neighborhood.

Tool: Institutional Zoning District Requirements for Height (Section 21A.32.080)

Mitigation: The maximum building height requirement in the Institutional zoning district is 35 feet, which is compatible even with the lowest density residential neighborhoods, 28 feet for the most part.

Tool: Conditional Building and Site Design (Section 21A.59.065)

Mitigation: In the Institutional zoning district if the height is proposed between 35 and 75 feet it would be approved through the conditional building and site design review process provided, that for each foot of height over thirty five feet (35'), each required yard shall be increased one foot (1')

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: The conditional use process can review mass, scale, style, design, and architectural detailing.

4. Traffic

Tool: Institutional Zoning District Requirements for Traffic & Parking Study (Section 21A.32.080)

Mitigation: The Institutional zoning district has a provision that does not allow expansion of an existing use unless a traffic and parking study provides clear and convincing evidence that no significant impacts will occur.

5. Parking

Tool: Parking (Section 21A.44.030)

Mitigation: Parking requirement adequately requires parking spaces for guests, staff and visitors. Consequently reducing impacts by preventing parking spillover onto residential streets.

6. Smoking

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: Smoking areas can be addressed in the conditional use process.

7. Safety (safety of individuals living at a facility)

Tool: Utah Building Code 308.2

Mitigation: Building code categories provides safety provisions according to capacity.

Group R-3 – A facility with more than 5 persons

Group R-4 – A facility with 6 to 16 persons

Group I-1 - A facility with more than 16 persons

ATTACHMENTS:

- A. [Proposed Ordinance Changes](#)
- B. [Additional Public Comment](#)

ATTACHMENT A: PROPOSED ORDINANCE CHANGES

1. Changes to Land Use Tables and Qualifying Provisions.

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

	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
<u>Dwelling, congregate care facility (large)</u>												C	P	P		C	P	P	P
<u>Dwelling, congregate care facility (small)</u>	C	C	C	C	C	C	C		C	C	C	P	P	P	P	P	P	P	P
Dwelling, group home (large) ¹⁴											C	C	C	C	C ⁴⁸ 14	C	C	C	C ⁴⁸ 14
Dwelling, group home (small) ¹⁶	P	P	P	P	P	P	P		P	P	P	P	P	P	P ⁴⁹ 15	P	P	P	P ⁴⁹ 15
Dwelling, residential support (large) ¹⁶													C	C			C	C	C ²⁰ 16
Dwelling, residential support (small) ¹⁷												C	C	P		C	C	P	P ²⁴ 17
Eleemosynary facility	C	C	C	C	C	C	C		C	C	C	C	P	P		C	P	P	P

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of section 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.
14. ~~No large group home shall be located within 800 feet of another group home.~~
15. ~~No small group home shall be located within 800 feet of another group home.~~
16. ~~No large residential support shall be located within 800 feet of another residential support.~~
17. ~~No small residential support shall be located within 800 feet of another residential support.~~

- ~~18.~~ **14.** Large group homes established in the RB and RO districts shall be located above the ground floor.
- ~~19.~~ **15.** Small group homes established in the RB and RO districts shall be located above the ground floor.
- ~~20.~~ **16.** Large residential support established in RO districts shall be located above the ground floor.
- ~~21.~~ **17.** Small residential support established in RO districts shall be located above the ground floor.

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

	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling:								
<u>Congregate care facility (large)</u>		<u>P</u>		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Congregate care facility (small)</u>		<u>P</u>					<u>P</u>	
Group home (large) ²⁰		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage ²⁴	P	P	P	P	P	P	P	P
Residential support (large) ²²				C		C	C	
Residential support (small) ²³				C		C	C	
Eleemosynary facility		<u>P</u>					<u>P</u>	

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.
16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district, except for single practitioner medical, dental and health offices.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.
- ~~20. No large group home shall be located within 800 feet of another group home.~~
- ~~21. No small group home shall be located within 800 feet of another group home.~~

- ~~22. No large residential support shall be located within 800 feet of another residential support.~~
~~23. No small residential support shall be located within 800 feet of another residential support.~~

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

	D-1	D-2	D-3	D-4
Dwelling:				
<u>Congregate care facility (large)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Group home (large) ¹²		C	C	
Group home (small) ¹³	P	P	P	P
Residential support (large) ¹⁴		C	C	
Residential support (small) ¹⁵		C	C	
Eleemosynary facility	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, or brewpub, the place of worship must submit a written waiver of spacing requirement as a condition of approval.
- ~~12. No large group home shall be located within 800 feet of another group home.~~
- ~~13. No small group home shall be located within 800 feet of another group home.~~
- ~~14. No large residential support shall be located within 800 feet of another residential support.~~
- ~~15. No small residential support shall be located within 800 feet of another residential support.~~

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

	G-MU
Dwelling:	
<u>Congregate care facility (large)</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>P</u>
Group home (large) ⁶	C
Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage ⁷	P
Residential support (large) ⁸	C
Residential support (small) ⁹	C
Eleemosynary facility	P

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Subject to conformance with the provisions of section 21A.36.300, "Alcohol Related Establishments", of this title.
3. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
4. Prohibited within 1,000 feet of a single- or two-family zoning district.
5. Subject to the requirements set forth in section 21A.40.065, "Outdoor Dining", of this title.
- ~~6. No large group home shall be located within 800 feet of another group home.~~
- ~~7. No small group home shall be located within 800 feet of another group home.~~
- ~~8. No large residential support shall be located within 800 feet of another residential support.~~
- ~~9. No small residential support shall be located within 800 feet of another residential support.~~

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

	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																	
<u>Assisted living facility (large)</u>													P ₄₆ C	P			P
<u>Congregate care facility (large)</u>													P ₄₆ C	P			P
<u>Congregate care facility (small)</u>													P	P			P
Group home (large) ¹⁷																	C
Group home (small) ¹⁸			P	P	P	P											P
Residential support (large) ¹⁹																	C
Residential support (small) ²⁰																	P
Eleemosynary facility											P	P	P _{46, 24}	P			P

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.
16. ~~Occupancy shall be limited to 25 persons.~~

- ~~17. No large group home shall be located within 800 feet of another group home.~~
- ~~18. No small group home shall be located within 800 feet of another group home.~~
- ~~19. No large residential support shall be located within 800 feet of another residential support.~~
- ~~20. No small residential support shall be located within 800 feet of another residential support.~~
- ~~21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.~~

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

	FB- UN1	FB- UN2	FB- SC	FB- SE
Dwelling:				
<u>Congregate care facility (large)</u>		<u>P</u>	<u>P</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>C</u>			
Eleemosynary facility		<u>P</u>	<u>P</u>	<u>P</u>

2. Changes to Chapter 21A.44.030: Schedule of Minimum Off Street Parking Requirements

TABLE 21A.44.030
SCHEDULE OF MINIMUM
OFF STREET PARKING REQUIREMENTS³

Eleemosynary facility <u>Congregate care facility (large)</u>	1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff present during the busiest shift
<u>Congregate care facility (small)</u>	<u>3 parking spaces per facility and 1 parking space for every 2 support staff present during the busiest shift</u>

3. Changes to Chapter 21A.60 List of Defined Terms

Eleemosynary facility. Congregate care facility.

4. Changes to Chapter 21A.62 Definitions

DWELLING, ASSISTED LIVING FACILITY (LARGE): A residential facility, occupied by seventeen (17) or more to ~~twenty five (25)~~ individuals, licensed by the state of Utah under title 26, chapter 21 of the Utah code or its successor, that provides healthcare and assistance with activities of daily living and social care, including hospice care and respite care, as defined in Utah code section 26-21-2 or its successor.

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY (LARGE): a facility operated by a nonprofit charitable organization or government entity to provide that provides temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease seven (7) or more individuals, and/or their family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "congregate care facility" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY (SMALL): a facility operated by a nonprofit charitable organization or government entity to provide that provides temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease six (6) individuals, which includes any family members, and/or their family members, who are suffering from a life-threatening illness, or injury, while they are receiving medical treatment. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate, and private funding. The term "eleemosynary facility" "congregate care facility" does not include places of worship, social and community services organizations, homeless shelters, homeless resource centers, community dining halls, group home dwellings, residential support dwellings, and other similar facilities."

ATTACHMENT B: ADDITIONAL PUBLIC COMMENT



Katia Pace
Principal Planner
Salt Lake City Planning Division
451 S. State Street
Salt Lake City, UT 84111

Dear Katia,

I am writing to address in more detail some of the issues brought up at the May 10th Planning Commission meeting. Thank you for sharing this letter with the Commissioners. I welcome them to tour our facility before next week's meeting, to gain first hand experience with the impact on the neighborhood (which is virtually nill) and the inner workings of The INN Between program.

1. I reiterate my concern about eliminating Eleemosynary Facility, especially as it relates to removing the nonprofit requirement language. A nonprofit typically lacks the resources to launch a new building quickly or to operate an extremely costly program; however, a for-profit with deep pockets could take advantage of this land use to launch a housing facility for medically frail individuals with the intention of operating as a for-profit and thereby generate extremely high profits. This is not the intention of the current zoning or of any nonprofit using this land use definition.
2. I strongly support the line of reasoning that capacity issues should be address under the conditional use permit.
3. I reiterate my concern about placing a cap on the number of clients (beds) on Eleemosynary (or Congregate Care should it become that) based on the notion that the Institutional zone must be limited so as to not impact the surrounding Residential zones. Residential zones are, by definition, already in residential areas, which would dicte that any cap placed on Institutional zones would have to equally be placed on Residential zones.
4. A Commissioner expressed concern about the lack of licensing and oversight. Although nonprofits in Salt Lake City are not required to obtain a business license, they must obtain all required licensing by the State Bureau of Health, the County Heath Department and the Fire Department. The INN Between complies with oversight from several authorities as follows:
 - a. The Bureau of Health has exempted The INN Between from licensing because they understand our program and acknowledge that we emulate a home environment, and people don't need a license to die at home. However, we have to follow their strict guidelines, including that our residents be capable of independent living. They inspect our facility periodically. As a side note - Group Homes are typically licensed as Residential Care Facilities and it may be worthy of consideration of allowing Group Home as a permitted or conditional use in Institutional Zones (it currently is not).
 - b. The Fire Department and County Health Department do annual inspections.
 - c. Intermountain Healthcare, our hospice medical care provider, is in our home many times each week delivering care to their patients. If they witness unsafe conditions, they are obligated to file reports with Adult Protective Services, the Health Department, the Police Department, and other appropriate authorities. (The INN Between has never had a report filed with any of these agencies, to the best of my knowledge).

340 S. Goshen Street • Salt Lake City, UT 84104

Office: 801-410-8314 • Fax: 385-474-4066

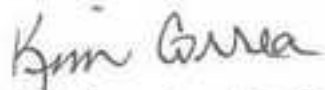
www.theinnbetweenslc.org

5. When selecting the wording to describe the clients versus the staff, which would likely include live-in staff, please make the language very clear to distinguish the two. For example The INN Between, under current zoning, can house 16 clients in addition to our live-in staff. Most programs using this land use definition (Ronald McDonald House, The INN Between, Other Side Academy, etc.,) have live-in staff which should not be considered in the bed count for zoning purposes.
6. A citizen mentioned the issue of distance limits for sex offenders. We researched this and discovered that distance limits were removed several years ago. Today, there is no distance limit for sex offenders living near a school as per the Fair Housing Act.
7. A citizen was concerned about our clients being incapacitated for long periods. Our clients are capable of independent living and self-preservation, typically up to the end of life, with the active dying stage occurring very quickly.
8. A citizen was concerned about the referral process as it relates to HIPPA guidelines, and made the assertion that The INN Between cannot obtain medical records due to HIPPA. It is true that zoning cannot include the release of HIPPA protected information; however, The INN Between does require written proof of medical condition (through medical records), and all clients are required to sign a HIPPA release authorizing their information to be shared with The INN Between.
9. A citizen argued that Medicare, Medicaid or insurance would pay for housing these individuals at a nursing home. Unfortunately, this is not true, and is precise reason why The INN Between is a critical and necessary program, and why other communities are looking at ways to emulate our program.

I'll close by saying that, although it's difficult to pronounce, Eleemosynary Facility is a narrowly-defined and well-defined land use definition that, in today's existing language (minus the 25-bed cap) adequately covers programs like The INN Between and therefore truly requires no additional modification (other than to remove the cap). It was crafted with thought and planning for Ronald McDonald House, limits the scope to nonprofit organizations that serve individuals who have nowhere else to go as they suffer from and receive treatment for illness or injury.

Furthermore, Eleemosynary Facility sets a framework for other cities and communities to follow as they attempt to launch programs to address their terminally ill/medically frail, aging, low-income, and homeless populations, putting Salt Lake City in a leadership position throughout the United States.

Thank you for your consideration.



Kim Correa, Executive Director



5. PLANNING COMMISSION – JUNE 14, 2017

C) PUBLIC HEARING COMMENTS

Salt Lake City Public Meeting Comment Card (please print)		Date
Name: <u>Francisco Hernandez</u>		
[Redacted]		
Case # or Subject:		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date <u>6/14/17 342</u>
Name: <u>Steve Mori (own home on Bothwell)</u>		
[Redacted]		
Case # or Subject: <u>Zoning Change re In Between</u>		
<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.) <u>It seems the real issue is that the residents</u> <u>were promised that the In Between was operating as</u> <u>a hospice only. Then they expanded operations</u> <u>beyond what was agreed to. Instead of stopping</u> <u>the "In Between" council is trying to change</u> <u>the amendment to make the illegal actions of the</u> <u>In Between OK.</u>		

Salt Lake City Public Meeting Comment Card (please print)		Date <u>6/14/17</u>
Name: <u>Kim Correa</u>		
[Redacted]		
Case # or Subject: <u>ELEEMOSYNARY T&T AMOUNT</u>		
<input checked="" type="checkbox"/> I wish to speak	<input checked="" type="checkbox"/> In Support	<input type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date <u>6/14/17</u>
Name: <u>Donn Nielsen</u>		
[Redacted]		
Case # or Subject: <u>Zoning In Between</u>		
<input checked="" type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.)		

Salt Lake City Public Meeting Comment Card (please print)		Date <u>6/14/17</u>
Name: <u>Bill Pike</u>		
<div style="background-color: black; height: 20px; width: 100%;"></div>		
Case # or Subject:		
<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input checked="" type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.) <u>The inn between opened under false pretenses of being an hospice and was allowed to move into a zone which was not meant for homeless shelters, now it wants a no</u>		

over
cap policy, all in good faith. It would be irresponsible to lift a cap and restructure zoning for homeless services in residential areas. Who can be sued or held liable if anything happens to go awry. Who regulates 50+ homeless people in a bedroom community? Please keep these places small, to have ~~the~~ fit in just ~~like~~ like a few families would, not 10-12 houses worth in such a small space and area, plus staff, volunteers, visitors.

Salt Lake City Public Meeting Comment Card (please print)		Date <u>6.14-17</u>
Name: <u>Jim Gilbert</u>		
<div style="background-color: black; height: 20px; width: 100%;"></div>		
Case # or Subject: <u>Inn Between PLNPC, M 2016-0026</u>		
<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.) <u>1. We were told that it was a hospice, because the church gave the buildings for that small of a place for</u> <u>2. To help total, Non-profit organization</u>		

They weren't,
3. But now the totalley non profit organization has big salaries and enough money to Build a New Building
4. Things just change from month to month,
5. OK the people that are patients, individuals + families, these people are Homeless that is why they Opened the Hospice
6. Elemenary / Congregate Care. has no Specifacations. What was suppost to be Hospice center as family living with them

Salt Lake City Public Meeting Comment Card (please print)		Date 6-14-17
Name: Michael Gilbert		
<div style="background-color: black; width: 100%; height: 20px;"></div>		
Case # or Subject: InnBetween		
<input type="checkbox"/> I wish to speak	<input type="checkbox"/> In Support	<input checked="" type="checkbox"/> In Opposition
<input type="checkbox"/> I do not wish to speak, but I would like to submit the following comments: (Use the back if necessary.) As to what I said about medical ^{insurance} aid , I was stating once there was home health going in there a few times, and Kim also stated they were coming.		

Some people with medical problems who ~~are~~ were homeless can apply for medical, once they have a address.

2. There has been so many changes with the ordinances with the Inn Between Not notifying city or local governments
3. We are already a ~~small~~ small depressed area, ~~with~~ with this our homes depreciate.
4. This isn't a Ronald McDonald House
5. They would have to have ~~the~~ special to send people, so many would ~~be~~ been 100 mile away. This is a way of the homeless getting a place to stay

Pace, Katia

From: D'yani Schnider [REDACTED]
Sent: Wednesday, June 14, 2017 4:51 PM
To: Pace, Katia
Subject: RE: Eleemosynary (proposed Congregate Care) Text Amendment

Thanks Katia! My comments are:

Allowing an unlicensed facility like The Inn Between to come into a neighborhood without prior impact analysis is unwise. It is the perfect issue for zoning rules to fix. Currently, these types of facilities can move in unobstructed, and the burden of proving negative impact falls on the residents, who are often unaware of how this process even works even if they experience severe negative impacts from the new facility. Personally, we nearby The Inn Between have indeed experienced negative impacts and feel helpless to do anything about them. We would love a chance to prove that impacts exist and have them addressed in any official capacity. Thank you for listening, and know there are many more silent neighbors who feel helpless too.

-D'yani

5. PLANNING COMMISSION – JUNE 14, 2017

D) AGENDA & MINUTES

SALT LAKE CITY PLANNING COMMISSION MEETING AGENDA
In Room 326 of the City & County Building
451 South State Street
Wednesday, June 14, 2017, at 5:30 p.m.
(The order of the items may change at the Commission's discretion)

FIELD TRIP - The field trip is scheduled to leave at 4:00 p.m.

DINNER - Dinner will be served to the Planning Commissioners and Staff at 5:00 p.m. in Room 118 of the City and County Building. During the dinner break, the Planning Commission may receive training on city planning related topics, including the role and function of the Planning Commission.

PLANNING COMMISSION MEETING WILL BEGIN AT 5:30 PM IN ROOM 326

APPROVAL OF MINUTES FOR MAY 24, 2017

REPORT OF THE CHAIR AND VICE CHAIR

REPORT OF THE DIRECTOR

- **Bishop Place Planned Development Approval Time Extension Request** – Don Armstrong, owner of the proposed development property, is requesting a third time extension for the previously approved Bishop Place Planned Development. The project was originally approved on June 25, 2014. A yearlong extension was granted on June 8th, 2016. The developer has submitted a request to the Historic Landmark Commission to demolish the existing structures in the development; however, they would like to be able to pursue the Planned Development if they are not able to demolish the structures. The location of the project is approximately 432 N 300 West. The subject property is within Council District 3, represented by Stan Penfold. (Staff contact: Daniel Echeverria at (801) 535-7165 or daniel.echeverria@slcgov.com.) Case numbers **PLNSUB2014-00019 & PLNSUB2014-00020**

PUBLIC HEARINGS

1. **Special Exception at approximately 75 S. 2400 West** - Matthew Idema, the consultant representing the "Parking Spot", is requesting Special Exception approval to expand a nonconforming use on the subject property. The proposal is to expand the existing 680 stall commercial parking lot, to accommodate approximately 3600 stalls over the entire 33 acre parcel. The subject property is located in the TSA-MUEC-CORE (Transit Station Area-Mixed Use Employment Center-Core Area) zoning district and the AFPP (Airport flight Path Protection Overlay) zoning district. The Planning Commission has final decision making authority for Special Exceptions. The property is located within Council District 1, represented by James Rogers. (Staff contact is Amy Thompson at (801)535-7281 or amy.thompson@slcgov.com.) Case number **PLNPCM2017-00134 (Administrative Item)**
2. **Zoning Amendment HLC Appeals** - A request by Mayor Jackie Biskupski to amend title 21A of the Salt Lake City Municipal Code that relates to the appeals process for decisions made by the Historic Landmark Commission. The purpose of these amendments is to update the Zoning Ordinance so that it is compliant with bill HB 30 that was passed by the Utah State Legislature. The proposed amendment will affect sections 21A.06, 21A.16 and 21A.34 of the zoning ordinance. Related provisions of title 21A may also be amended as part of this petition. These changes would apply citywide. Staff contact is Amy Thompson at (801) 535-7281 or amy.thompson@slcgov.com. Case number **PLNHLC2017-00154 (Legislative Item)**

3. **Eleemosynary (proposed Congregate Care Facility) Text Amendment** - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is proposing changes to the regulations governing Eleemosynary land use, change to the definition of Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Eleemosynary Facilities. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com.) Case number **PLNPCM2016-00024. (Legislative Matter)**

The files for the above items are available in the Planning Division offices, room 406 of the City and County Building. Please contact the staff planner for information, Visit the Planning Division's website at www.slcgov.com/planning for copies of the Planning Commission agendas, staff reports, and minutes. Staff Reports will be posted the Friday prior to the meeting and minutes will be posted two days after they are ratified, which usually occurs at the next regularly scheduled meeting of the Planning Commission. Planning Commission Meetings may be watched live on SLCTV Channel 17; past meetings are recorded and archived, and may be viewed at www.slctv.com.

The City & County Building is an accessible facility. People with disabilities may make requests for reasonable accommodation, which may include alternate formats, interpreters, and other auxiliary aids and services. Please make requests at least two business days in advance. To make a request, please contact the Planning Office at 801-535-7757, or relay service 711.

SALT LAKE CITY PLANNING COMMISSION MEETING
City & County Building
451 South State Street, Room 326, Salt Lake City, Utah
Wednesday, June 14, 2017

A roll is being kept of all who attended the Planning Commission Meeting. The meeting was called to order at [5:30:13 PM](#). Audio recordings of the Planning Commission meetings are retained for a period of time.

Present for the Planning Commission meeting were: Chairperson Matt Lyon, Vice ChairpersonCarolynn Hoskins; Commissioners Maurine Bachman, Emily Drown, Sara Urquhart, Brenda Scheer, Weston Clark and Andres Paredes. Commissioners Ivis Garcia and Clark Ruttinger were excused.

Planning Staff members present at the meeting were Nick Norris, Planning Director; Wayne Mills, Planning Manager; Daniel Echeverria, Senior Planner; Katia Pace, Principal Planner; Amy Thompson, Principal Planner; Michelle Poland Administrative Secretary and Paul Nielson, Senior City Attorney.

Field Trip

A field trip was held prior to the work session. Planning Commissioners present were: Sara Urquhart, Carolyn Hoskins, Maurine Bachman and Weston Clark. Staff members in attendance were Nick Norris, Wayne Mills and Amy Thompson.

- **75 S. 2400 West** – Staff gave an overview of the proposal and oriented the Commission to the area. The Commission asked where the access to the site would be. Staff indicated the location of the property access. The Commission asked what landscaping was proposed to address the heat island. Staff stated landscaping and some covered parking stalls would be added.

APPROVAL OF THE MAY 24, 2017, MEETING MINUTES. [5:30:25 PM](#)
MOTION

Commissioner Urquhart moved to approve the May 24, 2017, meeting minutes. Commissioner Clark seconded the motion. Commissioners Hoskins, Urquhart, Scheer, Clark and Paredes voted “aye”. Commissioner Drown and Bachman abstained from voting as they were not present at the subject meeting. The motion passed unanimously.

REPORT OF THE CHAIR AND VICE CHAIR [5:31:05 PM](#)
Chairperson Matt Lyon stated he had nothing to report.

Vice Chairperson Carolynn Hoskins stated she had nothing to report.

REPORT OF THE DIRECTOR [5:31:13 PM](#)

30 that was passed by the Utah State Legislature. The proposed amendment will affect sections 21A.06, 21A.16 and 21A.34 of the zoning ordinance. Related provisions of title 21A may also be amended as part of this petition. These changes would apply citywide. Staff contact is Amy Thompson at (801) 535-7281 or amy.thompson@slcgov.com. Case number PLNHLC2017-00154 (Legislative Item)

Ms. Amy Thompson, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission forward a positive recommendation to the City Council regarding the petition.

The Commission and Staff discussed the following:

- The process for a demolition application.
- The history behind the proposal and how it could be amended in the future.
- If the Mayor could delegate review authority.

PUBLIC HEARING [7:04:37 PM](#)

Chairperson Lyon opened the Public Hearing. Seeing no one wished to speak; Chairperson Lyon closed the Public Hearing.

MOTION [7:04:57 PM](#)

Commissioner Scheer stated regarding Text Amendments Related to HLC Appeals Petition Number: PLNPCM2017-00154, based on the analysis and findings listed in the Staff Report, testimony and the proposal presented, she moved that the Planning Commission forward a positive recommendation to the City Council regarding the amendments to section 21A.06, 21A.16 and 21A.34.020 as proposed. The Planning Commission finds that the proposed project complies with the review standards as demonstrated in Attachment C of the Staff Report. Commissioner Drown seconded the motion. Commissioners Bachman, Hoskins, Drown, Urquhart, Scheer, Clark and Paredes voted “aye”. The motion passed unanimously.

Commissioner Hoskins left for the evening. [7:05:52 PM](#)

[7:05:55 PM](#)

Eleemosynary (proposed Congregate Care Facility) Text Amendment - This is a request by the Salt Lake City Council to ensure that Salt Lake City has a land use classification for temporary housing for persons who are dying or recovering from an acute illness or injury and that this land use, and land uses like it, are compatible with the residential neighborhood adjacent to the I (Institutional) zoning district. As part of this project the city is proposing changes to the regulations governing Eleemosynary land use, change to the definition of

Assisted Living Facilities and the removal of the distance requirement for Group Homes, Residential Support and Eleemosynary Facilities. The proposed changes may affect sections 21A.33 Land Use Tables and 21A.62 Definitions. Related provisions of Title 21A-Zoning may also be amended as part of this petition. (Staff contact: Katia Pace at (801)535-6354 or katia.pace@slcgov.com.) Case number PLNPCM2016-00024. (Legislative Matter)

Ms. Katia Pace, Principal Planner, reviewed the petition as presented in the Staff Report (located in the case file). She stated Staff recommended that the Planning Commission approve the petition as presented.

The Commission and Staff discussed the following:

- The standards of review listed in the ordinance.
- The number of patients allowed at a large or small eleemosynary facility.
- The difference between Assisted Living and Eleemosynary facilities.
- If eleemosynary facilities would be allowed in an institutional zone.
- The impacts these facilities have on neighborhoods.
- The number of petitions submitted annually for these facilities.

PUBLIC HEARING [7:32:36 PM](#)

Chairperson Lyon opened the Public Hearing.

The following individuals spoke to the petition: Ms. Dionn Nielson, Ms. Michele Gilbert, Mr. Francisco Hernandez and Ms. Kim Correa.

The following comments were made:

- The INN Between was getting out of control and was not the facility proposed.
- Concerned about the safety of the neighborhood.
- Please take the public's concern into consideration.
- The current INN Between was fine but not a larger facility.
- INN Between was committed to being a good neighbor and held community meetings regarding the facility where the community could address concerns.
- Would like the non-profit and government designation removed from the ordinance because a for-profit company may want to build a facility.

Chairperson Lyon read the following card:

- Mr. Steve Movi – It seems the real issue is that the residents were promised that the INN Between was opening a hospice only. Then they expanded operating beyond what was assured to. Instead of stopping the INN Between, Council is trying to change the amendment to make the illegal actions of the INN Between okay.
- Mr. Bill Pike – The INN Between opened under fake pretenses of being an hospice and was allowed to move into a zone which was not meant for homeless shelters, now it want a no cap policy, all in good faith. It would be irresponsible to lift a cap and restructure zoning for homeless services in residential areas. Who can be

sued or held liable if anything happens to go awry. Who regulates fifty plus homeless people in a bedroom community? Please keep these places small to have to fit in just like a few families would not 10-12 houses worth in such a small space and area plus staff volunteers and visitors.

- Mr. Jim Gilbert – We were told that it was a hospice because the church gave the building or that small of a place for hospice. To total non-profit organization, they weren't but now the totally nonprofit organization has big salaries and enough money to build a new building. Things just change from month to month. Okay the people that area patients (individuals) and families. These people are homeless that is why they opened the hospice. Eleemosynary/congregate care has no specifications what was supposed to be hospice center is family living with them.
- Letter from D'yani- Allowing an unlicensed facility like the INN Between to come into a neighborhood without prior impact analysis is unwise. It is the perfect issue for zoning rules to fix. Currently these types of facilities can move in unobstructed and the burden of proving negative impact falls on the residents who are often unaware of how this process even works even if they are experienced. Even if they experience sever negative impacts from the facility. Personally we would love the chance to prove the impacts exist and have them addressed in any official capacity. Thank you for listening and know there are many more silent neighbors who feel helpless too.

Chairperson Lyon closed the Public Hearing.

The Commission and Staff discussed and stated the following:

- The Public comments were directed to a single facility and the proposal was for an overall zoning amendment.
- If the INN Between wanted to expand, who would review a petition?
- The definition of temporary in the ordinance.
- The rationale for removing the non-profit requirements.
- Large facilities should be Conditional Uses in RMF-45, RMF-75, RMU-45, RMU, CB, and CC,
- The zoning the facilities should be allowed as permitted or conditional uses.
- How to ensure these facilities were not nursing homes or assisted living facilities.
- Adding the specific language "up to six" for small facilities.
- Thanked the community for speaking out.
- The next steps for the proposal.
- The future review process the INN Between would go through if there were changes to the facility.

MOTION [8:20:21 PM](#)

Commissioner Bachman stated regarding PLNPCM2016-00024 – Eleemosynary (proposed Congregate Care) Text Amendment, based on the information in the Staff Report and memorandum to the Planning Commission, the information

presented, and the input received during the public hearing, she moved that the Planning Commission forward a positive recommendation to the City Council for the text amendment as outlined in the May 10, 2017, Staff Report. In addition to those proposed ordinance changes in amendment A the Commission would add or change the following:

1. All of the permitted large congregate care facilities changed to conditional uses in the land use table.
2. In the definition of a small congregate care facility add the words “up to six”.
3. In the definition of large and small congregate care add to the list of things that it was not assisted living.
4. Remove 25 person cap in the definition of “Assisted Living Facility;”
5. Remove the 800 foot distance requirements that violate the Fair Housing Act;
6. Rename “Eleemosynary” to “Dwelling, Congregate Care facility”;
7. Redefine the proposed “Dwelling, Congregate Care facility” land use definition;
8. Create two sizes of “Dwelling, Congregate Care facility”, (small) and (large); and,
9. Reorganize the districts where the proposed “Dwelling, Congregate Care facility (large) and (small)” are allowed.

Commissioner Clark seconded the motion. Commissioners Bachman, Drown, Urquhart, Scheer, Clark and Paredes voted “aye”. The motion passed unanimously.

The meeting adjourned at [8:22:31 PM](#)