



# Staff Report

PLANNING DIVISION  
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

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

Date: November 12, 2014

Re: PLNPCM2014-00388 Assisted Living Facilities Zoning Text Amendment

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## ZONING TEXT AMENDMENT

**REQUEST:** This petition was initiated by the Mayor at the request of the Planning Director to analyze the appropriateness of amending the Land Use Table to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The proposed changes may affect Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions.

**RECOMMENDATION:** Based on the findings listed in the staff report, it is the Planning Staff's opinion that overall the project generally meets the applicable standards and therefore, recommends the Planning Commission transmit a favorable recommendation to the City Council relating to amend the City Code, Title 21 and to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition. The motion to approve is below:

Based on the findings in the staff report, public input and discussion, I move to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition.

**ATTACHMENTS:**

- A. Proposed Ordinance
- B. Census Data
- C. Analysis of Standards
- D. Public Process & Comments
- E. Department Review Comments
- F. Motions

**PROJECT DESCRIPTION:**

In 1995, the City adopted a new zoning ordinance that applied city wide. At that time most land uses were segregated by zoning district. Over time the City has created more mixed use categories which allow a mixture of residential and non-residential uses. In January, 2014, the Planning Division received an application requesting that the Zoning Ordinance Use Tables be amended to allow Assisted Living Facilities in the Sugar House Business District Zone. Since the privately generated petition was specific for the applicant's request, the Division did not expand the analysis to analyze the appropriateness of allowing Assisted Living Facilities in other zoning districts. However, as a result of analyzing that project, the City identified an issue regarding how these types of uses were defined and where they were allowed. The Planning Division made a request to the Mayor to initiate a petition to analyze the current zoning ordinance and zoning map to determine what types of changes were appropriate to accommodate these types of land uses as part of the City's Aging in Place initiatives, recognizing that the zoning regulations have not changed as the land uses have changed.

After researching the possibilities of expanding Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition, the Planning Staff came up with the following proposed recommendations:

**Recommendation 1** Change the current definitions for Assisted Living Facilities to be similar to the State's definition. The State defines these types of uses because the State licenses certain types of facilities. Aligning the zoning ordinance with the State regulations makes it easier from a land use and business licensing perspective to process proposed facilities.

***Current City Definitions (these would be deleted)***

DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

***State's Definitions***

ASSISTED LIVING FACILITY TYPE I is a residential facility that provides assistance with activities of **daily living** and **social care** to two or more **ambulatory residents** who require protected living arrangements.

ASSISTED LIVING FACILITY TYPE II is a residential facility that provides coordinated supportive personal and health care services to two or **more semi-independent residents**.

Semi-independent means a person who is: physically disabled but able to direct his or her own care; or cognitively impaired or physically disabled but able to evacuate from the facility, or to a zone or area of safety, with the physical assistance of one person.

ASSISTED LIVING FACILITIES TYPE I AND TYPE II may be classified as large, small or limited capacity.

- A large assisted living facility houses 17 or more residents.
- A small assisted living facility houses six to 16 residents.
- A limited capacity assisted living facility houses up to five residents.

*(Please note that the State's definition of an Assisted Living Facility Type II is equivalent to the City's definition of a Nursing Care Facility which is not being proposed to change at this time. The State's definition of an Assisted Living Facility Type I is equivalent to the Assisted Living Facility that is being addressed in this staff report.)*

***Proposed Definitions (these would replace the existing zoning definitions)***

DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility that houses **17 or more** residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility that houses **6 to 16 residents** that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses **up to five residents** that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

**Recommendation 2** Eliminate the Resident Healthcare Facility land use because it is similar to the definition for Assisted Living Facility.

***Current City Definition (to be eliminated from the zoning ordinance)***

DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

**Recommendation 3** Redo the land use tables to reflect the changes from recommendation 1 and 2.

Please see **Attachment A** for the proposed land use table. The following is a summary of the changes to the land use tables:

1. The zoning districts allowed in the proposed Assisted Living Facility (limited facility) will be the same residential zoning districts as the current Assisted Living Facility (small)
2. The zoning districts allowed in the current Assisted Living Facility will be the same zoning districts as the proposed Assisted Living Facility (large, small, and limited facility)
3. Assisted Living Facilities will no longer be allowed in the SNB zoning district.
4. Assisted Living Facilities are being proposed to be permitted in the Downtown and the Gateway zoning districts.

**Recommendation 4** Remove Sections 21A.36.040 Residential Healthcare Facilities, 21A.36.050 Assisted Living Facilities, and 21A.36.060 Nursing Care Facilities. These sections of the Zoning Ordinance are found in the General Provisions chapter. These specific sections list what zoning districts the uses are allowed in, which duplicates the information found in the land use tables.

- **21A.36.040: Residential Healthcare Facilities** – the reason for removing this section is because this land use is proposed to be replaced with Assisted Living Facilities.
- **21A.36.050: Assisted Living Facilities** – the reason for removing this section is because the land use definition is proposed to cover the information found in the section and the permitted and conditional uses should be located on the on the Land Use Table chapter. The language in this section relating to density requirements for apartments is being deleted and the portion about density on rooming units will be clarified on the new definition.
- **21A.36.060: Nursing Care Facilities** – although this petition is not changing the Nursing Care Facilities, this section should be removed because this information is duplicated on the Land Use Table chapter.

**KEY ISSUES:**

The US Census has identified that the older population is an important and growing segment of the United States population. In fact, more people were 65 years and over in 2010 than in any previous census. The US Census data provided in **Attachment B** shows the changes in older population for the United States, the West Region and for Utah between 2000 and 2010.

**The Fair Housing Act**

Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) prohibits discrimination in the sale, rental and financing of dwellings based on race, color, religion, sex or national origin. Title VIII was amended in 1988 by the Fair Housing Amendments Act, which among other things, expanded the coverage of the Fair Housing Act to prohibit discrimination based on disability. Assisted Living Facilities fall under the FHAA because they would be home to a certain number of handicapped elderly persons who would reside there. Therefore, we are recommending these uses be viewed as a type of housing and be permitted in zoning districts that permit similarly scaled multi-family housing.

Similarly, Title 57, Chapter 21, Utah Fair Housing Act, prohibits discrimination on the basis of race, religion, color, sex, national origin, familial status, disability or source of income.

**Salt Lake City Efforts to Affirmatively Furthering Fair Housing**

According to the Salt Lake City's 5-Year Consolidated Housing Plan:

Zoning practices and development approvals have a greater impact than any other factor on fair housing choice. Zoning determines the location, type and characteristics of housing development and frames housing policies and procedures. Salt Lake City has continued to review and revise its zoning ordinances to effectively address the City's changing housing needs. The City desires a flexible application of zoning standards to encourage innovation and creative problem solving in new developments.

Modifying the zoning regulations to permit these types of land uses helps the City fulfill this goal.

**Expanding Housing Choices for Older Adults**

To be a livable community, a community should promote independence and choice for the individual throughout their life span to maintain quality of life and social and civic opportunity. One way in which a community promotes choice is by providing a range of housing options for its residents.

In recent years, in response to rising demand, the number and variety of alternatives to nursing facilities have grown. Many of these alternatives fall under the umbrella term "supportive housing" which describes residential settings that provide an array of supportive services for older adults on site. A common supportive housing model is the assisted living residence which generally provides older adults with apartment-style accommodations. The proposed changes help accommodate this changing housing supply.

**NEXT STEPS:**

The Planning Commission will review and makes recommendations to the City Council on the proposed amendment to the Zoning Ordinance, which is Title 21A of the City Code. The recommendations from the Planning Commission will be forwarded to the City Council who has the final decision making authority over amendments to the City Code.

# ATTACHMENT A: PROPOSED ORDINANCE

## **21A.36.040: RESIDENT HEALTHCARE FACILITIES:**

A "resident healthcare facility" as defined in chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RQ, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. (Ord. 10-10 § 4, 2010)

## **21A.36.050: ASSISTED LIVING FACILITIES:**

An "assisted living facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit. (Ord. 10-10 § 5, 2010)

## **21A.36.060: NURSING CARE FACILITIES:**

A "nursing care facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title. (Ord. 10-10 § 6, 2010)

## **21A.60.020: LIST OF DEFINED TERMS:**

Dwelling, assisted living facility

Dwelling, assisted living facility (large)

Dwelling, assisted living facility (small)

Dwelling, assisted living facility (limited facility)

Dwelling, resident healthcare facility

## **21A.62.040: DEFINITIONS OF TERMS:**

~~DWELLING, ASSISTED LIVING FACILITY: A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the needs of individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.~~

~~DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 17 or more residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

~~DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident. A facility that houses 6 to 16 residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. A facility that houses 6 to 16 residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care.~~

DWELLING, ASSISTED LIVING FACILITY (LIMITED CAPACITY): A facility that houses up to five residents that require protected living arrangements. The facility provides assistance with activities of daily living, and social care. For rooming units, three (3) boarders shall constitute one dwelling unit.

~~DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.~~

**TABLE 21A.27.050N: PERMITTED USES**

Use	FB-UN1	FB-UN2
Dwelling:		
Assisted living facility (large)		P
Assisted living facility (small)	P	P
<u>Assisted living facility (limited facility)</u>	P	

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

Use	Permitted And Conditional Uses By District																				
	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	S R-1	S R-2	S R-3	R-2	RM F-30	RM F-35	RM F-45	RM F-75	R B	R-M U-35	R-M U-45	R-M U	R O		
Dwelling, assisted living facility (large)														C	P	P		C	P	P	P
Dwelling, assisted living facility (small)	C	C	C	C	C	C	C			C	C	P	P	P	P	P	P	P	P	P	
<u>Dwelling, assisted living facility (limited 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>P</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, resident health care facility												P	P	P	P	P	P	P	P	P	

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

Use	Permitted And Conditional Uses By District							
	CN	CB	CS <sup>1</sup>	CC	CSHBD <sup>1</sup>	CG	TC-75	SNB
Dwelling:								
Assisted living facility (large)		P		P	P	P	P	
Assisted living facility (small)		P		P	P	P	P	P
Assisted living facility (limited facility)								

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

Use	Permitted And Conditional Uses By District			
	D-1	D-2	D-3	D-4
Dwelling:				
Assisted living facility (large)	P	P	P	P
Assisted living facility (small)	P	P	P	P
Assisted living facility (limited facility)	P	P	P	P

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

Use	G-MU
Dwelling:	
Assisted living facility (small)	P
Assisted living facility (small)	P
Assisted living facility (limited facility)	P



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

Use	Permitted And Conditional Uses By District																
	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	P			P
<u>Assisted living facility (small)</u>													P	P			P
<u>Assisted living facility (limited facility)</u>													P	P			P
<u>Assisted living facility</u>													P	P			P
<u>Resident healthcare facility</u>													P	P			P

## ATTACHMENT B: CENSUS DATA

<b>Population - 65 Years and Older and 85 Years and Older for the United States, Regions, and States: 2000 and 2010</b>					
2000					
<b>Area</b>	<b>Total Population</b>	<b>65 years and over</b>		<b>85 years and over</b>	
		<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
United States	281,421,906	34,991,753	12.4	4,239,587	1.5
Region - West	63,197,932	6,922,129	11.0	806,287	1.3
Utah	2,233,169	190,222	8.5	21,751	1.0
2010					
<b>Area</b>	<b>Total Population</b>	<b>65 years and over</b>		<b>85 years and over</b>	
		<b>Number</b>	<b>Percent</b>	<b>Number</b>	<b>Percent</b>
United States	308,745,538	40,267,984	13.0	5,493,433	1.8
Region - West	71,945,553	8,546,832	11.9	1,151,109	1.6
Utah	2,763,885	249,462	9.0	30,991	1.1
Percent Change 2000 – 2010					
<b>Area</b>	<b>Total Population</b>	<b>65 years and over</b>		<b>85 years and over</b>	
United States	9.7	15.1		29.6	
Region - West	13.8	23.5		42.8	
Utah	23.8	31.1		42.5	

# ATTACHMENT C: ANALYSIS OF STANDARDS

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## 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:**

**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;**

**Analysis:** Salt Lake City policies that support this Assisted Living Facilities text amendment:

### **Plan Salt Lake (Draft)**

- *Housing Guiding Principle* - Access to a wide variety of housing types for all income levels, providing the basic human need for safety and responding to changing demographics.  
Initiative 3: Encourage housing options that accommodate aging in place.

### **Downtown Master Plan (Draft)**

- *Principle:* Provides housing choice. “All ages and abilities.”
- *Principle:* Provides housing choice.  
*Goal 2:* A downtown that is a model for sustainable, urban living that accommodates all life stages, including families, enabling them to choose downtown living, if they desire.
- *Principle:* Is Vibrant and active.  
*Goal 2:* Create unique places for different age groups, interests, and needs within each downtown district that are active 7 days a week. Action: Create public places for seniors to socialize and recreate.
- *Principle:* Fosters equity and opportunity.  
*Goal 2:* A downtown diverse in age, gender, ethnicity, ability, household size, and socioeconomic background. Action: Enable aging-in-place through housing and service programs.
- *Principle:* Is walkable.  
*Impact:* ...Amenity density is the number of basic services within a defined area –often within a 5- or 10-minute walk. Basic services include, but are not limited to: bank, child-care facility (licensed), community/civic center, convenience store, hair care, hardware store, health club or outdoor recreation facility, laundry/dry cleaner, library, medical/ dental office, park or plaza, pharmacy (stand-alone), place of worship, police/fire station, post office, restaurant, school, **senior-care facility**, supermarket, museum and theater.

### **City Council Philosophy Statements, 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 #7 - Downtown Housing:* Permanent residences in downtown Salt Lake City are a critical part of creating a vibrant, safe, and sustainable Capital City. The urban core should be considered a neighborhood for purposes of housing planning, and the City should expect housing to be available to all income levels downtown.

**Salt Lake City Housing Plan, 2000**

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

**Salt Lake City Comprehensive Housing Plan, 2010**

- Emphasize TOD, transit accessibility and proximity to services in housing

**Sugar House Community Plan, 2005**

- Provide a diversity of housing types, sizes, and prices in the community as a whole.
- Provide a mix of housing types, densities and costs for live/work opportunities in same community.

**Central Community Master Plan,**

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

**Northwest Community Plan, 1990**

- 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.

**East Bench Community Plan,**

- Chance for elderly assisted housing

**Finding:** Generally, the City's master plans support this zoning text amendment. The proposed text amendment is consistent with adopted planning documents.

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

**Analysis:** For the most part the proposed changes to the land use tables will be to allow Assisted Living Facilities in the Downtown and in the Gateway-Mixed Use zoning districts, and that Assisted Living Facilities will no longer be allowed in the RB and SNB zoning districts.

**Statement of intent for the Downtown and Gateway-Mixed Use zoning 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.
- 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.

**Purpose statement for the SNB zoning district:**

- The purpose of the small neighborhood business zoning district is to provide areas for small commercial uses to be located adjacent to residential land uses, including mid block. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended

to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian oriented development.

**Finding:** The text amendment to expand assisted living facilities within the Downtown and Gateway-Mixed Use zoning districts furthers the purpose statements of the zoning ordinance. This zoning amendment will encourage a more diversified residential use in these zoning districts and will help implement the above adopted and soon to be adopted plans.

Staff finds that Assisted Living Facilities do not fit with the purpose of the SNB zoning district because of its residential character.

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

**Analysis:** There are no overlay districts that would be impacted by the modification of the Table of Permitted and Conditional Uses to allow Assisted Living Facilities.

**Finding:** This standard is not applicable to the proposed text amendment.

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

**Analysis:** Multigenerational planning is essential to smart growth, sustainable design and development of a city. Successful multigenerational planning expands choices for families, increase the independence of people of all ages, and create stronger communities.

For additional online resource on the topic of Aging in Place follow this link to the American Planning Association page:

<https://www.planning.org/resources/ontheradar/aging/>

**Finding:** The proposed text change implements best current, professional practices of urban planning and design. This zoning amendment will address some of the issues that are needed to advance the cause of Aging in Place in the City. By allowing Assisted Living Facilities in the Downtown Zoning Districts, elderly housing will be more integrated with other land uses, it will expand the possibilities of where to build new housing, and it will provide more transportation choices to people who are in much need of it.

# **ATTACHMENT D: PUBLIC PROCESS & COMMENTS**

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## **PUBLIC PROCESS AND INPUT**

### **Timeline**

- The application was submitted on June 3, 2014
- Met with the Utah Housing Coalition on September 3, 2014
- Held an open house on October 16, 2014
- Notices to the newspaper were sent out on October 28, 2014 for the planning commission meeting, and it was published on the newspaper on November 1, 2014.

## **ATTACHMENT E: DEPARTMENT REVIEW COMMENTS**

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The proposed text amendment was sent to the departments listed below for review and comment.

- Building Services
- Transportation
- Attorney's Office
- Housing & Neighborhood Development
- Business Licenses
- Utah State Licensing

The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

**From:** [Joel Hoffman](#)  
**To:** [Pace, Katia](#)  
**Subject:** Re: Text Amendment for Assisted Living Facilities  
**Date:** Tuesday, October 07, 2014 6:00:18 PM

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Katia

We do not license congregate care facilities, nor am I aware of anyone that does, so the definition may be whatever you decide. The assisted living and nursing home definitions are still correct. The definition for "Resident Health Care Facility" is no longer in place. That facility type is now assisted living, but with different rules. We no longer have the definition for residential health care facility.

Let me know if you need other answers.

Joel

Sent from my iPhone - Joel

On Oct 6, 2014, at 3:10 PM, Pace, Katia <[Katia.Pace@slcgov.com](mailto:Katia.Pace@slcgov.com)> wrote:

**Dear Mr. Hoffman,**

I work for the Salt Lake City's Planning Division and have been asked by Mayor Ralph Becker to analyze the appropriateness of amending the Land Use Table in the City's Zoning Ordinance to allow Assisted Living Facilities in more zoning districts and to change the definition of Assisted Living Facilities to better reflect the State's definition. The City has the following definitions for health facilities. I would like your opinion on how to make our definitions reflect more closely to the State's definition. Also, I didn't find a definition for Congregate Care Facility on the State's website and was wondering if that is a facility that the State recognizes. Your help would be greatly appreciated.

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DWELLING, ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.



DWELLING, ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

DWELLING, CONGREGATE CARE FACILITY: A housing development designed, and managed to include facilities and common space that maximize the residents' potential for independent living. The facility may be occupied by elderly or persons with a disability. The direct services that are provided or made available by the management of the congregate housing shall relate to the nutritional, social, recreational, housekeeping, and personal needs of the residents and shall be provided or made available at a level necessary to assist the residents to function independently.

DWELLING, RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

NURSING CARE FACILITY: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty four (24) hour staff availability, and at least two (2) of the following patient services: a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services; b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c) a supervised living environment that provides support, training or assistance with individual activities of daily living.

**KATIA PACE**  
Principal Planner

PLANNING DIVISION  
COMMUNITY *and* ECONOMIC DEVELOPMENT  
SALT LAKE CITY CORPORATION

# ATTACHMENT F: MOTIONS

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## ***Alternatives***

One alternative would be to recommend that the Table of Permitted Uses and Conditional Uses remain unchanged. This option would continue the current level of housing types and limit opportunity for additional housing options.

Another alternative would be to change the text amendment by taking out some of the proposed changes, or adding changes made in this staff report, or a combination of both.

## ***Commission Options***

The Planning Commission is a recommending body for the matter, so the City Council can choose to agree with the recommendation, modify the recommendation, or disagree with it. The Planning Commission options are to recommend a favorable or negative recommendation of either the staff's recommendation or a separate Commission's recommendation.

## **Potential Motions**

**Consistent with Staff Recommendation:** The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis.

**Not Consistent with Staff Recommendation:** Based on the findings in the staff report, public input and discussion, I move to transmit a negative recommendation to the City Council to adopt the proposed zoning text amendment relating to Sections 21A.33 Land Use Tables, 21A.62 Definitions and 21A.36 General Provisions to expand Assisted Living Facilities in more zoning districts and to change the definition to better reflect the State's definition.

The Planning Commission shall make findings on the Zoning Text Amendment standards as listed below:

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;
2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;
3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.