

PLANNING COMMISSION STAFF REPORT
Legislative Item



Planning Division
Department of Community and
Economic Development

Assisted Living Facilities in the CHSBD District
Zoning Text Amendment PLNPCM2014-00027
1214 Wilmington Ave
March 12, 2014

Applicant: Lyle Beecher
for Aabir Malik

Staff: Everett Joyce
801-535-7930
everett.joyce@slcgov.com

Council District: District
7 – Lisa Adams

Community Council:
Sugar House

Applicable Land Use
Regulations:

- 21A.33.030 Use Tables
for Commercial
Districts
- 21A.50 Amendments

Attachments:

- A. Applicant
Information
- B. Public Input
- C. Department
Comments
- D. Census Population
Data

Request

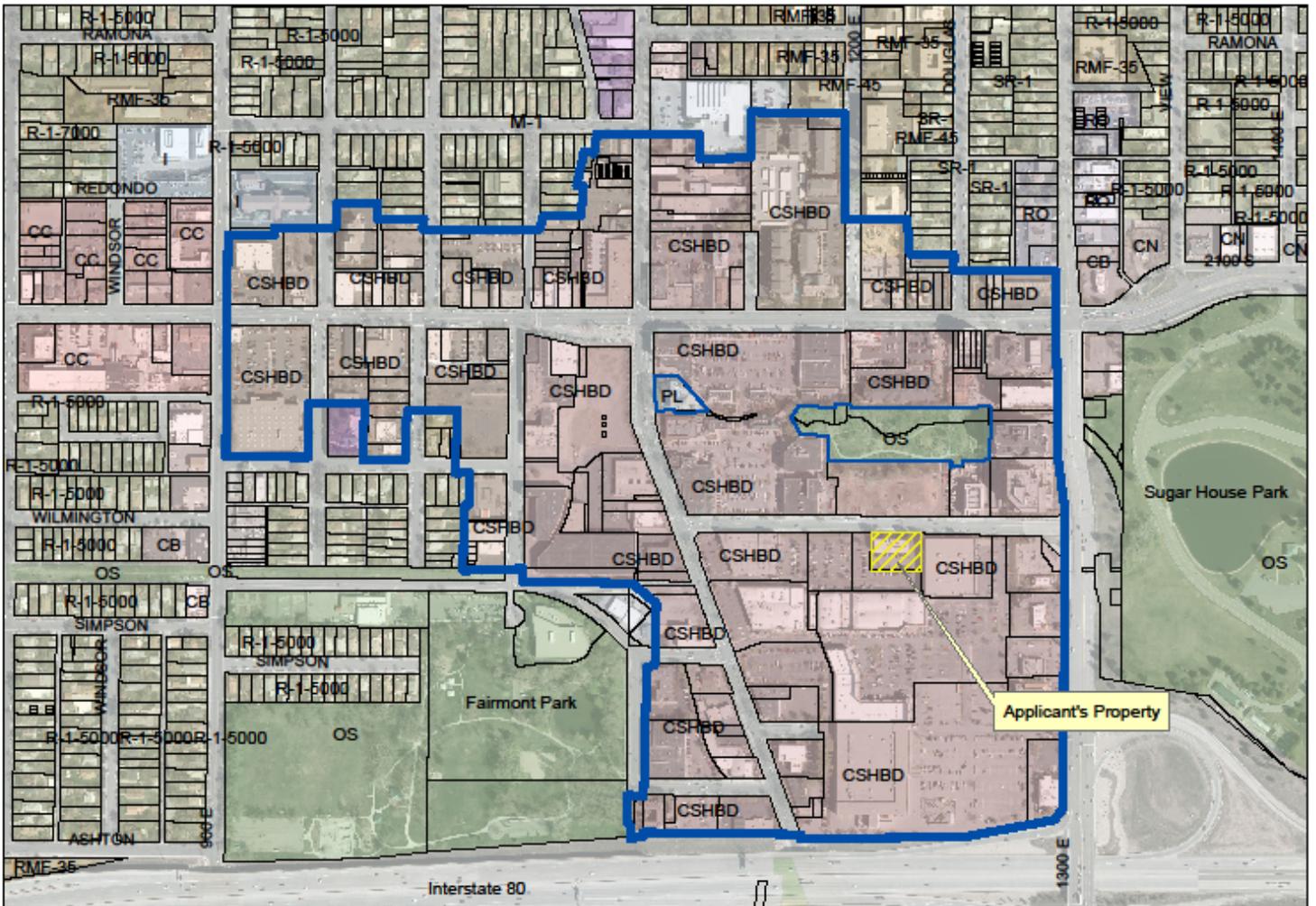
Lyle Beecher, representing Aabir Malik, is requesting a Zoning Text Amendment for the CSHBD - Sugar House Business District zoning classification to allow assisted living facilities in the business district. The Planning Commission is required to transmit a recommendation to the City Council for Zoning Text Amendment requests.

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 CSHBD Zoning District text to allow Assisted Living Facilities as a permitted use.

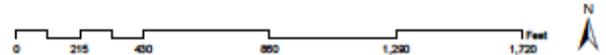
Recommended Motion: Based on the findings in the staff report, public input and discussion, I move to transmit a favorable recommendation to the City Council to adopt the proposed zoning text amendment relating to Section 21A.33.030 Table of Permitted and Conditional Uses to include Assisted Living Facilities as a permitted use in the CSHBD – Sugar House Business District zoning classification.

VICINITY MAP



Sugar House Business District - CSHBD Zoning

Petition PLNPCM2014-00027
Text Amendment for Assisted Living Facilities



Background

Project Description

The applicant desires to develop an assisted living facility in the Sugar House Business District at 1214 Wilmington Avenue. The subject property is highlighted on the vicinity map above.

The current Table of Permitted and Conditional Uses for Commercial Districts, does not allow assisted living facilities in the CSHBD - Sugar House Business District Zoning District. The applicant has stated that not having assisted living facilities in the Sugar House Business District limits the diversity of housing the neighborhood can offer. The proposed text amendment would provide more opportunity for the Sugar House neighborhoods to provide housing for a wide variety of residents, including seniors. The proposed text change PLNPCM2014-00027; Text Amendment - Assisted Living Facilities in CSHBD Zoning District

Published Date: March 6, 2014

would allow such facilities within the entire Sugar House Business District. An Assisted Living Facility is defined in the Zoning Ordinance as:

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.

Public Notice, Meetings and Comments

The following is a list of public meetings that have been held related to the proposed project:

- Sugar House Community Council Land Use Subcommittee held on January 13, 2014. Comments and notes can be found in Attachment B. The community council supported the text amendment.

Notice of the public hearing for the proposal includes:

- Public hearing notice posted in newspaper on March 1, 2014.
- Public hearing notice mailed on February 27, 2014.
- Public hearing notice posted on City and State websites on February 27, 2014.
- Public hearing notice emailed to the Planning Division listserv on February 27, 2014.

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment C. 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.

Analysis and Findings

Findings

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.

A. 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: The Sugar House Community Master Plan and the Salt Lake City Housing Plan contain the following policies that support the text amendment to add assisted living facilities to Section 21A.33.030 Table of Permitted and Conditional Uses within the CSHBD - Sugar House Business District.

Sugar House Community Master Plan

Residential Land Use - Increasing Housing Opportunities

Infill Development

The Future Land Use Plan designates areas of the community that are appropriate for residential land use. There are areas appropriate for Medium-Density and Medium- High Density housing opportunities especially near the Sugar House Business District.

Policies

- Focus new residential development toward the Sugar House Business District through a mixed land use pattern.
- Strive to achieve a residential density that averages at least 18 units per acre within a quarter mile radius of a future light rail station within the town center of the business district.

New Housing Options

A variety of housing types are needed to meet the range of housing alternatives people prefer. Given the cost of a detached single-family home, many people, particularly young people, singles, and seniors can benefit from alternatives to detached housing and the typical apartment complex. New hybrid housing types, which utilize some characteristics of single-family housing, with the advantage of increased convenience and affordability, should be encouraged. These housing options include construction of mixed-use housing above retail, co-housing developments, courtyard apartments, “Big-House” apartments (styled like single-family detached structures with two to four units provided), live/work units, garden courts (single-family homes surrounding a garden court with rear loading), and alley-fed town-homes and cottages.

Policy

- Provide a diversity of housing types, sizes, and prices within the community.

Medium- High-Density Residential

The Sugar House Business District is a preferred location for Medium-High Density housing in order to increase the 24-hour population of this commercial area. Although Medium-High Density is not a prevalent land use in Sugar House, it is appropriate that the community have some higher density housing. The density range for this land use category is from twenty to fifty (20-50) dwelling units per net acre.

Higher density residential redevelopment within or on the periphery of the Sugar House Business District is desirable. Examples of zoning districts that can be used to implement this density are C-SHBD, RO, RMF-35, and RMF-45.

Policies

- Support opportunities for conversion and infill development of Medium-High Density housing while requiring appropriate design and location to minimize land use conflicts with existing single family development.
- Direct higher density housing in locations served within walking distance to transit, commercial services and parks such as in and near the Sugar House Business District.

Business District Land Uses

The purpose of the business district land use plan is to promote synergistic, mixed-use development throughout the district as opposed to isolating individual uses. Developments within an individual site can include a mix of residential, commercial, and retail, or a site could be used solely for residential purposes.

Business District Goals and Objectives

- Reestablish the visible image of the Sugar House Business District as a "unique place" offering pleasant and convenient commercial, retail, office, entertainment and residential facilities.
- Direct a mixed land use development pattern that includes Medium- and High-Density Housing with the associated neighborhood amenities and facilities to support future transit stations.

Residential Land Use

Medium-high density residential development is desirable in the area.

Sugar House Master Plan – Pages 3-5

Salt Lake City Housing Plan, 2000

Citywide Cross Section of Housing

City Council Policy Statement: The City Council supports a citywide variety of residential housing units, including affordable housing and supports accommodating different types and intensities of residential development.

Salt Lake City Housing Plan Page 8

Finding: The Sugar House Master Plan and the Salt Lake City Housing Plan support the inclusion of assisted living facilities within the Sugar House Business District. 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: The purpose of the CSHBD Sugar House business district is to promote a walkable community with a transit oriented, mixed use town center that can support a twenty four (24) hour population. The CSHBD provides for residential, commercial and office use opportunities, with incentives for high density residential land use in a manner compatible with the existing form and function of the Sugar House master plan and the Sugar House business district.

The proposed text amendment will allow for a wider range of housing opportunity and supports a twenty four (24) hour population.

Finding: The text amendment to allow assisted living facilities within the CSHBD Zoning District furthers the 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

Analysis: There are no overlay districts that would be impacted by the modification of the Table of Permitted Uses and Conditional Uses for Commercial Districts 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: The Sugar House Business District contains community features, services and mobility options which support personal independence and the engagement in civic and social life. These community characteristics promote aging in place and have the potential to lead to positive outcomes for the entire population. Allowing assisted living facilities within the Sugar House Business District would further enhance the opportunity to support aging in place.

Several sources, the Partners for Livable Communities, Met Life Foundation AARP Public Policy Institute, Community Housing Resource Center, US Census and the American Planning Association, discuss the issue of Aging in Place. The following discussion is a summary of concerns regarding an aging population and livable communities.

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. 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 D shows the changes in older population for the United States, the West Region and for Utah between 2000 and 2010.

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.

Finding: The proposed text change implements best current, professional practices of urban planning and design. The text amendment supports “Aging in Place” by providing for a variety of housing opportunities and supports the aging population within the Sugar House Community to remain within the area that they live.

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 within the Sugar House Business District.

Another alternative would be to approve a text amendment that allows assisted living facilities as a conditional use. Potential impacts from these types of uses would be more related to design rather than the use. However, there are adequate design review requirements for permitted uses within the current CSHBD zoning text such as compliance with adopted Business District Design Guidelines Handbook and Conditional Building and Site Design Review.

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 staff report information and the testimony presented and the following findings, I move that the Planning Commission transmit a negative recommendation to the City Council relating to the request to amend the CSHBD Zoning District Table of Permitted and Conditional Uses to allow assisted living facilities as a permitted use.

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. The extent to which a proposed map amendment will affect adjacent properties;
4. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and
5. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

Attachment A

Proposed Text Amendment Application

1214 Wilmington Ave - Zoning Text Amendment Application

Statement Declaring the Purpose of the Amendment:

Allow Senior Living and Assisted Living uses to be permitted in the CSHBD1 zone.

Description of the Proposed Use of the Property Being Rezoned:

We would like to build a 274 unit senior living building that will include: Independent Living, Assisted Living, and Memory Care residents.

Reasons why the Present zoning may not be appropriate for the area:

The present zoning does not currently allow for the Senior Living and Assisted Living uses, which limits the diversity of housing that the neighborhood can offer. The Sugar House neighborhood needs to provide housing for a wide variety of residents, including seniors.

Zoning Text Amendment Language:

21A.26.080: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS

Add Dwelling, Assisted Living Facility to the list of approved uses for the CSHBD1 zone.

Attachment B Department Comments

Transportation

Transportation issues with the proposed change in that parking will be addressed with the requirements for the designated use. (Assisted living etc.)

Wilmington is a local two lane roadway with bike lanes and NO parking on the south side fronting this parcel. All parking provisions are to be addressed on site.

Barry Walsh
Transportation Division

Building Services

I have no comments.

LARRY BUTCHER
Building Services Manager

Engineering

Engineering has no objection to the proposed zoning text amendment.

SCOTT WEILER, P.E.
Development Engineer

Public Utilities

This proposed text amendment doesn't appear to impact the public utility systems. Case by case applications will be reviewed during the building permitting of each project.

Justin D. Stoker, PE, LEED® AP, CFM
Salt Lake City Public Utilities

Attachment C

Public Input

February 2, 2014

TO: Everitt Joyce, Senior Planner
Planning Department
Salt Lake City Corporation

FROM: Judi Short, Land Use Chair
Sugar House Community Council

RE: Zoning Text Amendment
Sugar House Business District 1 and 2 Zones
PLNPCM2014-00027



**Sugar House
Community Council**

Aabir Malik from Colmena Group met with the Sugar House Community Council Land Use Subcommittee on January 13, 2014. He has been in regular contact with me over the past year as this project was being conceived. We have known this project in the past as Wilmington Gardens II, at 1214 Wilmington Avenue, since this building must provide the remaining parking that is required for the Wilmington Gardens Project. This project will now be called The Legacy at Sugar House.

While we have not seen any actual drawings, since this is still in the conceptual stage, we were please to see that this project would provide assisted living facilities in Sugar House. We have added over 1000 new apartment buildings, about 40 condominium units, and have plenty of single family housing units nearby, but we don't have much in the way of senior housing. This building is particularly well sited for seniors. It is right in the heart of the business district, with grocery stores, hair salons, clothing stores, bookstores, coffee and donut shops, and restaurants all located within walking distance. We like the fact that this building will allow someone to come in to the independent living units, and then, as their needs change, they can still remain in the neighborhood but move to assisted living or memory care.

The building will house 274 senior units. In addition, it will have 600 parking spaces, one floor under ground and the rest above ground. 300 of those spaces will be for Wilmington Gardens, and 123 will be needed for this building. The remaining parking will be available for the public, or shoppers of the Sugar House Center.

We feel that this is part of making Sugar House a well-rounded community, and will allow our seniors to remain in the community during their golden years. Having this facility will allow the residents of Sugar House to have their parents nearby. For all these reasons, we are very much in support of allowing Assisted Living Facilities in the Sugar House Business District 1 and 2. We support a text amendment to allow that. We think this use was overlooked at the time this zone was created.

Attachment D US Census Data

**Population - 65 Years and Older and 85 Years and Older
for the United States, Regions, and States: 2000 and 2010**

2000

Area	Total Population	65 years and over		85 years and over	
		Number	Percent	Number	Percent
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

Area	Total Population	65 years and over		85 years and over	
		Number	Percent	Number	Percent
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

Area	Total Population	65 years and over	85 years and over
United States	9.7	15.1	29.6
Region - West	13.8	23.5	42.8
Utah	23.8	31.1	42.5