



Staff Report

PLANNING DIVISION
COMMUNITY & ECONOMIC DEVELOPMENT

To: Salt Lake City Planning Commission

From: Daniel Echeverria
(801) 535-7165 or daniel.echeverria@slcgov.com

Date: March 16, 2016

Re: PLNPCM2016-01020, 01021, 01023, & 01024– The Other Side Academy, Group Home and Office Conditional Use

Conditional Use

PROPERTY ADDRESS: 667 E 100 South; 45 S, 50 S, & 54 S 700 East

PARCEL ID: 16-05-101-011; 16-05-103-008, 16-05-101-006, & 16-05-101-007

MASTER PLAN: Central Community, East Downtown

ZONING DISTRICT: Moderate Density Multi-family Residential (RMF-35) & Moderate/High Density Multi-family Residential (RMF-45)

REQUEST:

A request by Søren Simonsen, representing The Other Side Academy, for approval from the City for a large group home that provides social, vocational, and life skill training to individuals who commit to a two-year residency. The petitioner is requesting to serve approximately 120 persons in total across the above addresses. Residents are required to stay for a minimum of 2 years, though some may stay longer until they feel ready to re-enter society.

The proposal also includes a request to approve a portion of the building at 667 E 100 South for office use through the "Adaptive Reuse of a Landmark Site" conditional use. The office space would be used for The Academy's businesses.

RECOMMENDATION: Based on the findings in the staff report, Planning Staff finds the proposal meets the standards for a conditional use and recommends approval with the following conditions:

1. The proposal shall comply with all department and division requirements as noted in the staff report.
2. Commercial activities on site shall cease, except for the business office use in the Armstrong Mansion. Commercial activities may only occur if the applicable zoning district authorizes such commercial activities and are approved by the Zoning Administrator.
3. The facility shall obtain a license from the state that is authorized by Title 62A of state code or its successor.
4. The total number of residents shall be limited to the following maximums or the maximum

allowed by state licensing, whichever is less:

- a. 667 E 100 South: 40 residents
 - b. 54 S & 50 S 700 East (Combined): 26 residents
 - c. 45 S 700 East: 56 residents
5. 54 S 700 East and 50 S 700 East shall be consolidated into one lot and the applicant shall submit a lot consolidation application to the Planning Division.
6. Solid fencing shall be installed along the full length of the west, rear property line of 50 S & 54 S 700 East, with adjustments allowed to exclude parking areas from being fenced in.
7. Fencing with a minimum height of six feet shall be maintained across the rear line of the property at 45 S 700 East.
8. The rear 25 feet (minimum) of the 45 S 700 East property shall be designated as a no-smoking area.
9. For the 50 S & 54 S 700 East properties, the trees in front of the buildings shall have their branches trimmed to allow for clear visibility from the ground up to a height of 7 feet and shall be maintained in this manner.
10. For the 50 S & 54 S 700 East properties, the low-scale vegetation and shrubs in the front of the buildings shall be trimmed to allow clear visibility from the first floor level front windows to the sidewalk and shall be maintained in this manner.
11. Certificates of Appropriateness shall be obtained for all exterior alterations to the properties at 667 E 100 South, 54 S 700 East, and 50 S 700 East.
12. The applicant shall obtain the necessary permits for a change of use of the buildings from the Building Services department and shall comply with any changes required for the change in use.
13. Loading and delivery of supplies, such as food, to the facility may not occur between the hours of 10 PM and 6 AM.
14. Trash dumpster areas shall be screened with fencing in compliance with 21A.48.120.
15. Exterior lighting shall be provided at each building entry (including side, rear, and front entrances) in order to provide security for the property and such lighting shall be shown on required building permits.

ATTACHMENTS:

- [A. Vicinity and Zoning Map](#)
- [B. Photographs](#)
- [C. Site Plans and Building Drawings](#)
- [D. Additional Applicant Information](#)
- [E. Existing Conditions](#)
- [F. Analysis of Standards – Conditional Use](#)
- [G. Attorney's Office Memo](#)
- [H. State Requirements for Recovery Residences](#)
- [I. Public Process & Comments](#)
- [J. Department Comments](#)
- [K. Property Related Crime Reports](#)

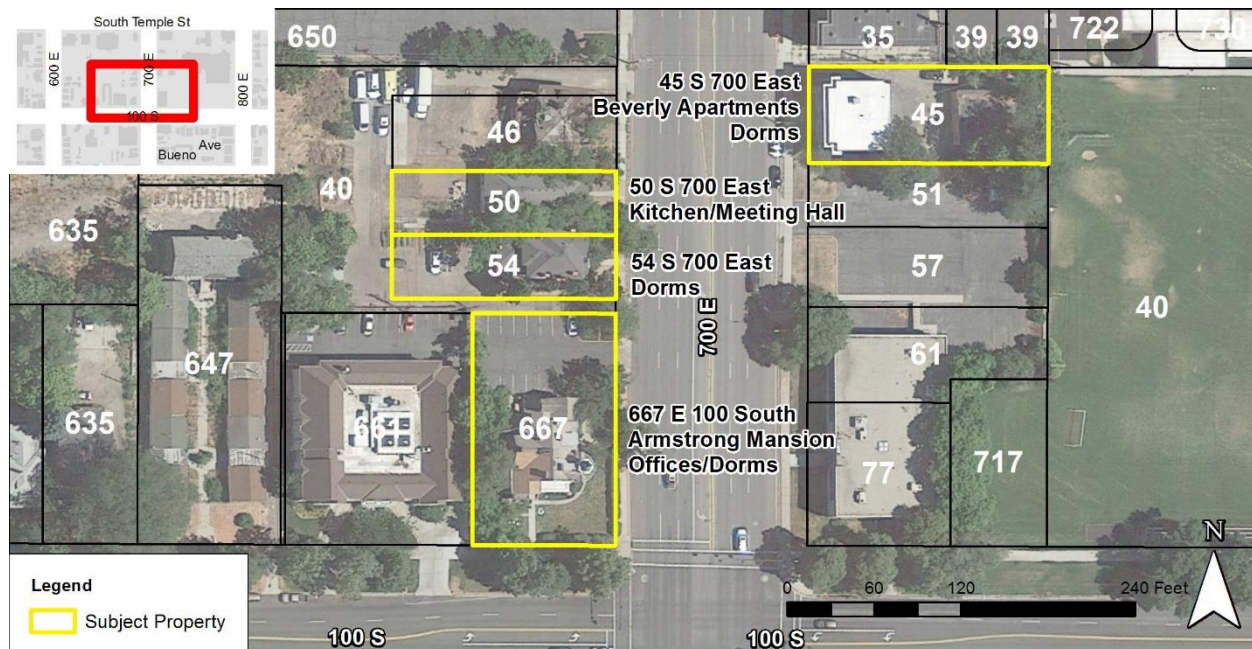
PROJECT DESCRIPTION:

This proposal is a request for Conditional Use approval for a multi-site group home called The Other Side Academy. The proposal involves four properties zoned for multi-family dwellings. The properties can currently be used for apartments without Conditional Use approval, but are limited by the restriction that each dwelling unit can only be occupied by up to 3 unrelated individuals. The applicant is seeking conditional use approval of a “group home” use partially to eliminate that restriction and allow for the properties to be used in a dormitory-style with more than 3 individuals in each unit. It would also allow for the training and services that are normally provided for group home residents but that is not allowed without obtaining conditional use approval. Additionally, approximately 1,000 square feet of the Armstrong Mansion is proposed to be used as office space, with 600 square feet on the ground floor level and 400 square feet in the basement level.

The proposal includes the following properties and uses:

Address	Property Name	Proposed Use	Proposed Number of Residents as Group Home	Current Number of Allowed Residents as Multi-family Use*
667 E 100 South	Armstrong Mansion	Group home use, including administrative offices, meeting rooms, residential use (dorms), and commercial offices for associated businesses	40 max	27 max
54 S 700 East	Annie's Cottage	Group home use, including residential (dorms) use	26 max	15 max (if combined with 50 S)
50 S 700 East	Middle House	Group home use, including kitchen and dining/multi-purpose assembly space	0 (none)	0
45 S 700 East	Beverly Apartments	Group home use, including residential (dorms) use	56 max	24 max
TOTALS	-	-	122 max	66 max

*The current number of allowed residents is based on the density allowances for multi-family residential dwellings and the number of persons allowed per dwelling, which is three unrelated persons.



Map of the subject properties and their proposed uses.

Operational Details

The Other Side Academy (The Academy) is a large group home that provides social, vocational, and life skills training to residents who generally have been formerly incarcerated and/or have a history of substance abuse. As part of their residency agreement, the residents are required to work for The Other Side Academy businesses and commit to a two-year residency. Currently, the businesses include a food truck business, a moving business, and a landscaping business. The intent of this working requirement is to promote productive and positive social behavior in the individuals residing at the group home. This differs from other more traditional group homes that may provide clinical psychological or sociological services to residents as a way of recovery from drug addiction or other issues and that might not provide their residents with employment. Some vocational training for residents may occur on-site. However, students generally are trained while on the job in an apprenticeship model. Except for the associated office use, all business or commercial activity itself will occur off-site.

The Academy's programming and other operational details are covered in their application materials located in [Attachment D](#).

Background History

The Other Side Academy bought the Armstrong Mansion (667 E 100 South) and the two small properties at 50 S and 54 S 700 East in 2015. They also started leasing and occupying the Beverly Apartments at 45 S 700 East in 2016. They originally applied for an administrative interpretation in late 2015 in order to be recognized as a "congregate care facility." However, that use was removed from the Zoning code by a City Council action that year that also restructured a number of uses related to residential uses, such as group homes. Planning staff issued an interpretation that the facility would be classified as both a "Dwelling, Group Home" and "Community Correctional Facility." However, a "Community Correctional Facility" is not allowed in their location, so the applicant requested another

interpretation with additional information describing why they did not qualify as such a use. With that additional information staff determined that they indeed did not qualify as a “Community Correctional Facility.” Staff issued a new interpretation classifying their facility as a “Dwelling, Group Home” and identified that their vocational training qualified as an accessory use to the “Dwelling, Group Home” use. Those interpretations are attached in the applicant’s materials in [Attachment D](#).

The Other Side Academy has been operating without approvals and the City has held off on pursuing zoning enforcement actions while they have pursued options to legally authorize their use. As such, this Conditional Use petition was submitted by the applicant to obtain the necessary approvals and legalize their operations to the extent allowed by the zoning.

KEY ISSUES:

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

1. [Outside Recreational Activities and Screening](#)
2. [Commercial Activities](#)
3. [Potential Impacts to Surrounding Properties and Conditional Use Standards](#)
4. [Proximity Restrictions for Group Homes](#)
5. [Adaptive Reuse of Landmark Site and Historic District Regulations](#)
6. [Group Home Licensing and Resident Density](#)

Issue 1 – Outdoor Recreational Activities and Screening

The rear of the 50 S and 54 S 700 East properties may be used for some outdoor recreational activities for residents, such as volleyball. These areas directly abut a shared private right-of-way and vacant property that may be developed in the future and such a development may directly face the rear yards of 50 S and 54 South. To reduce the potential for any future negative noise impacts on future development on that vacant property from back yard activities, one proposed condition of approval is to install a fence along the rear of the 50 S and 54 S 700 East properties. The fence could be shifted eastward to exclude vehicle parking areas or be gated. This would address one of the standards of review related to minimizing detrimental effects on adjacent properties. Specifically, the standard relating to screening, which states “The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts” and the condition is noted in the analysis in [Attachment F](#).

Issue 2 – Commercial Activities

The applicants have been operating some commercial aspects of their businesses on these sites. This includes such things as storing large commercial vehicles on the properties. These activities are not allowed in the RMF-35 and RMF-45 zones and will need to cease. Use of approximately 1,000 square feet in the Armstrong Mansion for office related activities associated with The Other Side businesses is proposed to be authorized by the provisions for “Adaptive Reuse of Landmark Sites” and is discussed in [Issue 5](#). However, outdoor activities associated with The Other Side businesses or other commercial activities, may not occur on site, such as washing of the associated commercial vehicles or storing of commercial vehicles overnight. These are commercial activities that are not allowed under the residential zoning and are not a normal and expected accessory use to a group home. The temporary

parking of one of the commercial vehicles on site for purposes of a lunch break or similar limited break in work does not constitute a commercial use on the property and may occur.

In their application materials, The Other Side Academy has proposed to prepare and/or store food for the use of their commercial food truck from the 54 S 700 East property. Commercial food preparation or other commercial activities are not allowed uses in this zone. Due to this limitation they have proposed that the commercial use be allowed as an accessory use to their group home or vocational training accessory use. However, staff has found that the proposed use is not allowed as an accessory use to the group home use. Accessory uses are defined by the Zoning Ordinance with four specific qualifiers, which include that the use “is customarily found as an incident to such principal use.” Although the “vocational training” can be customarily found as an incident to a group home use, commercial food preparation or storage is not customarily found as an incident to a group home use. As such, the commercial kitchen activity may not be allowed on the property. The proposed kitchen may only be used to serve residents of the group home.

Issue 3 – Potential Impacts to Surrounding Properties and Conditional Use Standards

The Zoning Ordinance describes conditional uses as the following:

A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site.

Approval of a conditional use requires review of its location, design, configuration, and impact to determine the desirability of allowing it on a site. Whether the use is appropriate requires weighing of public need and benefit against the local impact, taking into account the applicant's proposals to mitigate adverse impacts through site planning, development techniques, and public improvements.

State and City code require that a Conditional Use be approved if reasonable conditions can be imposed on the use to mitigate any reasonably anticipated detrimental effects of the use. A conditional use can only be denied if the Planning Commission finds that reasonably anticipated detrimental effects cannot be mitigated with the imposition of reasonable conditions.

The conditional use standards of review include a specific list of criteria to use in determining whether a use will have a detrimental effect on surrounding uses. Staff has reviewed the list and determined that the use generally complies with the standards and mitigation methods have been recommended as a condition of approval to ensure compliance with some of the standards. Please see the review criteria and analysis in [Attachment F](#) regarding compatibility and detrimental effects.

Issue 4 - Proximity Restrictions for Group Homes

The zoning ordinance requires that group homes maintain a separation distance of at least 800 feet from another group home. In this case, the four properties involved are closer than 800 feet to each other and would violate the distance restriction. However, that restriction has recently been identified by the City Attorney's Office as unenforceable due to its potential illegality under the provisions of the federal Fair Housing Act. A memo from the Attorney's office has been attached to

this staff report in [Attachment G](#). Due to the potential illegality of the provision, the City will not be enforcing the distance requirement. As such, the proposal cannot be restricted based on that distance requirement.

Issue 5 – Adaptive Reuse of a Landmark Site and Historic District Regulations

The Armstrong Mansion is a designated local historic landmark site and is listed on the National Register of Historic Places. Because the building is a landmark site, this allows for the use of the “Adaptive Reuse of a Landmark Site” provision in the zoning code. This provision allows for a building to be used for uses that are not normally allowed in the zone in order to facilitate the building’s continued use and upkeep. In this case, the proposed offices for the Other Side Academy businesses, used for taking calls and scheduling, etc., are not an allowed use in the RMF-45 zone. However, the “Adaptive Reuse” provision allows for the approval of office uses in landmark buildings. The provision was previously used to approve the Armstrong Mansion for a “Bed and Breakfast” use. The standards of approval for that are located in [Attachment F](#). The proposal generally meets those standards and staff has recommended approval of the office uses.

The three properties on the west side of 700 East are all located within the Historic Preservation Overlay District and therefore any external modifications to the properties are subject to Historic Landmarks Commission approval. For example, the proposed rear addition to the building at 50 S 700 East for a kitchen and any fencing would be subject to that approval process. Changes of use are not reviewed by the Historic Landmarks Commission and the proposed use of the buildings for a group home are not subject to that approval process.

Issue 6 - Group Home Licensing and Resident Density

In order to operate legally, the group home will need to obtain a license from the Utah Department of Human Services (DHS). This licensing is required by the Zoning code in the definition for Large Group Home, which is defined as follows:

*A residential treatment facility, occupied by seven (7) or more 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.*

The least restrictive license from DHS that would qualify as a Group Home is known as a “Recovery Residence.” The rules for that license include regulations on the minimum space per person in a sleeping room (60 sq ft) and the minimum number of bathrooms per resident. These regulations are meant to prevent overcrowding of the dormitory style living that occurs in these facilities. Those regulations may limit the final number of individuals residing on the properties to below the applicant’s requested maximum number. A condition clarifying that the maximum number of individuals may be limited by the state licensing requirements is noted in the proposed conditions of approval. The full list

of rules for “Recovery Residences” are located in [Attachment H](#). These rules include only those that are particular to “Recovery Residences” and other general DHS rules may also apply.

NEXT STEPS:

If the requests are approved, the group homes will be able to apply for building permits to make the necessary modifications to the buildings to accommodate the group home uses. Any exterior alterations will require Historic Landmarks Commission approval. The applicant will also need to comply with any other conditions of approval.

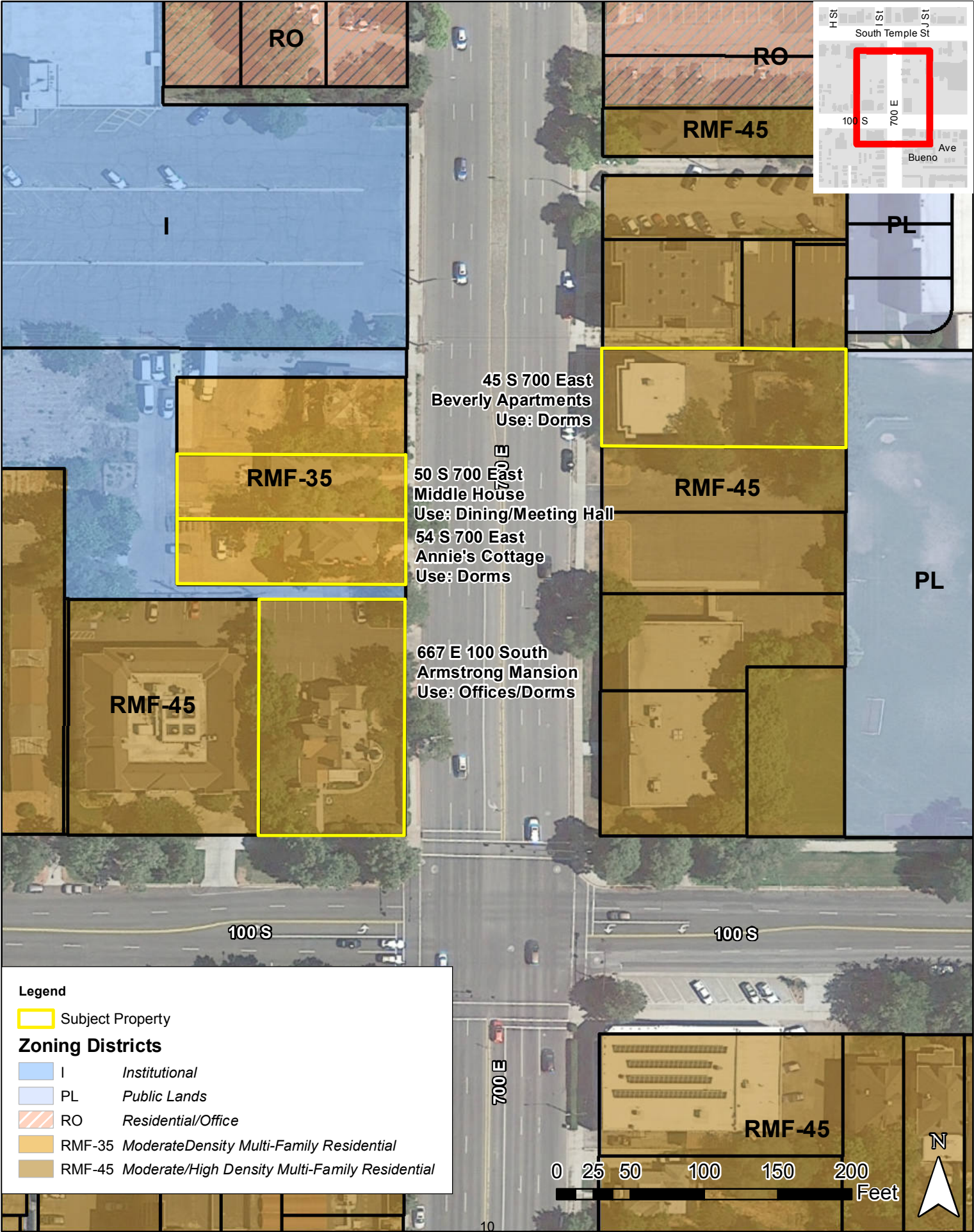
If the group home and office use requests are denied, the group home will need to cease their group home operations at the associated locations and will need to cease any office use of the property. The properties could still be used for other uses permitted in the zone, such as multi-family residential uses. If the properties are used for multi-family residential uses, they could accommodate up to 66 individuals. The properties could specifically be used as follows:

1. 50 S & 54 S 700 East could be used for apartments. With the properties combined, there could be a total of 5 dwellings units on the property. Each dwelling unit could be occupied by up to 3 unrelated individuals, for a total of up to 15 residents.
2. The Beverly Apartments at 45 S 700 East could continue to be used as apartments. There are 8 existing units on the property and each could be occupied by up to 3 unrelated persons, for a total of up to 24 individuals.
3. The Armstrong Mansion could be converted to up to 9 units and each could be occupied by up to 3 unrelated persons, for a total of 27 individuals.
4. In total, the properties could be used for up to 66 individuals, by right, without requiring any Planning Commission approvals.

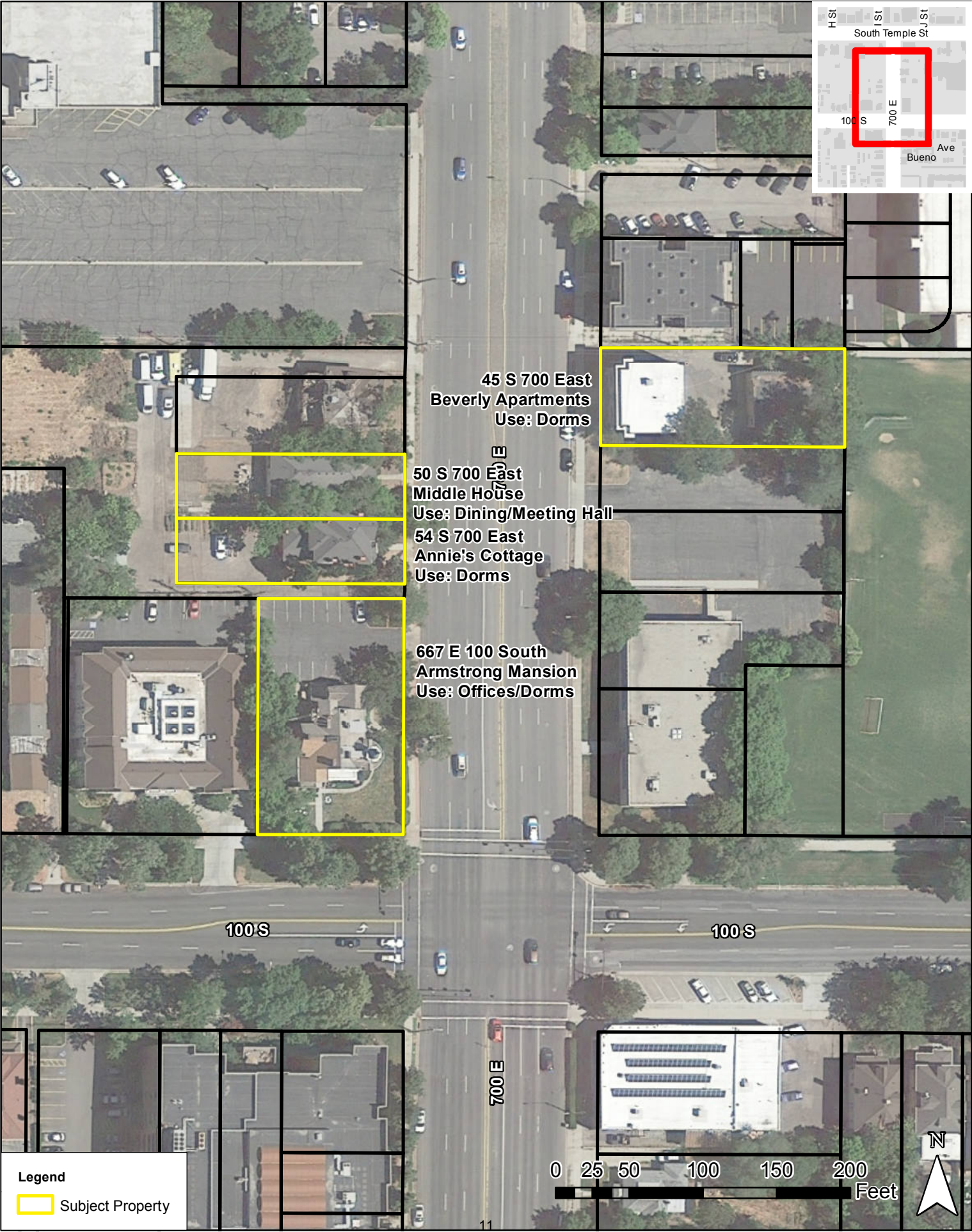
If denied, the petitioner could appeal the decision to the Appeals Hearing Officer. The Appeals Hearings Officer could deny the appeal or send the proposal back to the Planning Commission.

ATTACHMENT A: VICINITY AND ZONING MAP

Vicinity Map - The Other Side Academy



Vicinity Map - The Other Side Academy



ATTACHMENT B: PHOTOGRAPHS



North-west facing view of the Armstrong Mansion (667 E 100 South)



West facing view of the 54 S (Center-Left) and 50 S (Center-Right) 700 East properties.



East facing view of the 45 S 700 East property known as the Beverly Apartments (Center). The duplex can be seen to the rear of the building.



East-facing birds-eye view of the 45 S 700 East property (Center-bottom) showing the vicinity.



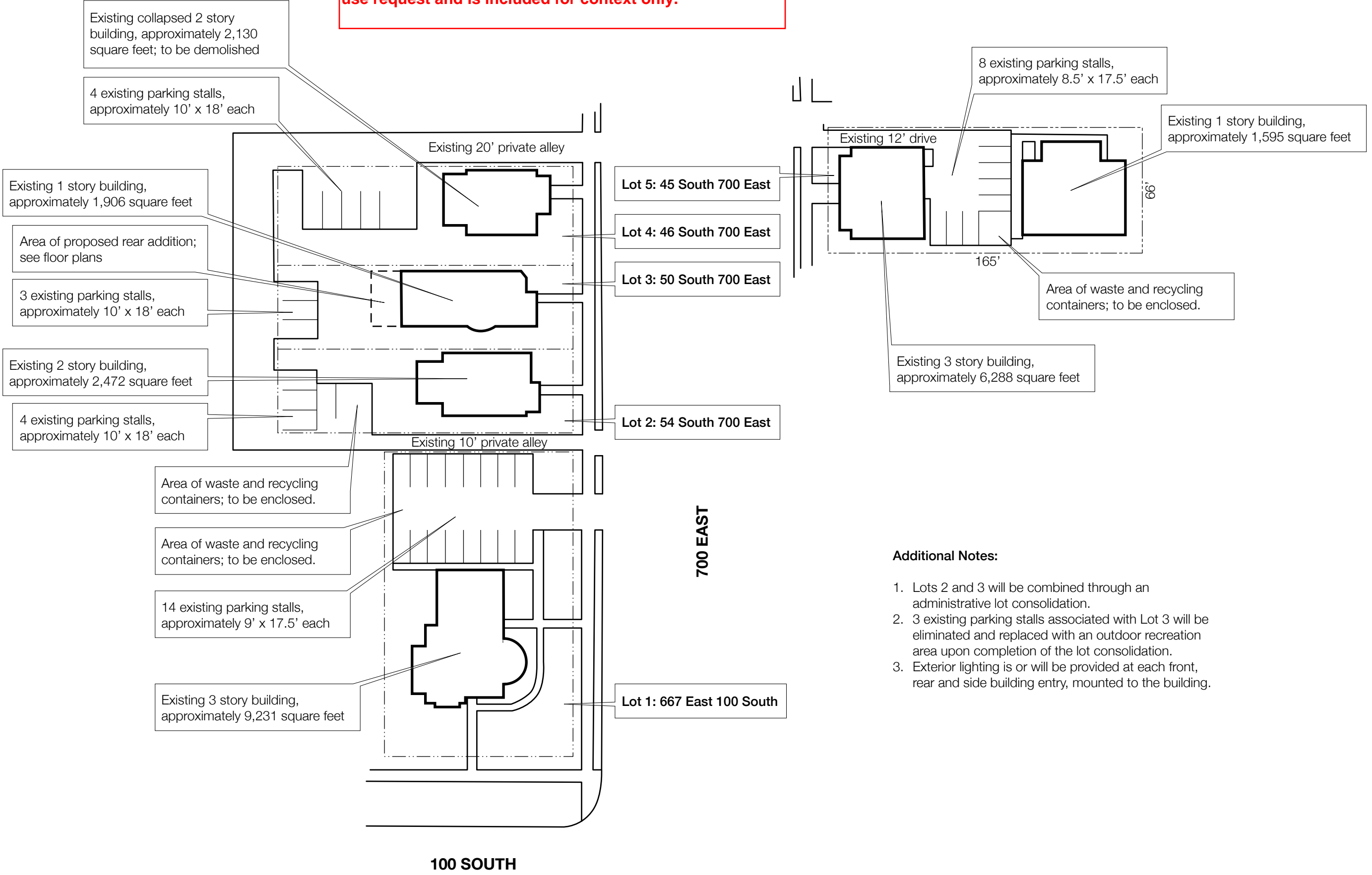
East-facing birds-eye view of 50 S & 54 S 700 East, and 667 E 100 South properties.



East-facing birds-eye view of all of the subject properties and their surroundings.

ATTACHMENT C: SITE PLANS AND BUILDING DRAWINGS

Planning Staff Note: Lot 4 is not part of this conditional use request and is included for context only.



Additional Notes:

1. Lots 2 and 3 will be combined through an administrative lot consolidation.
2. 3 existing parking stalls associated with Lot 3 will be eliminated and replaced with an outdoor recreation area upon completion of the lot consolidation.
3. Exterior lighting is or will be provided at each front, rear and side building entry, mounted to the building.

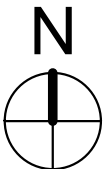
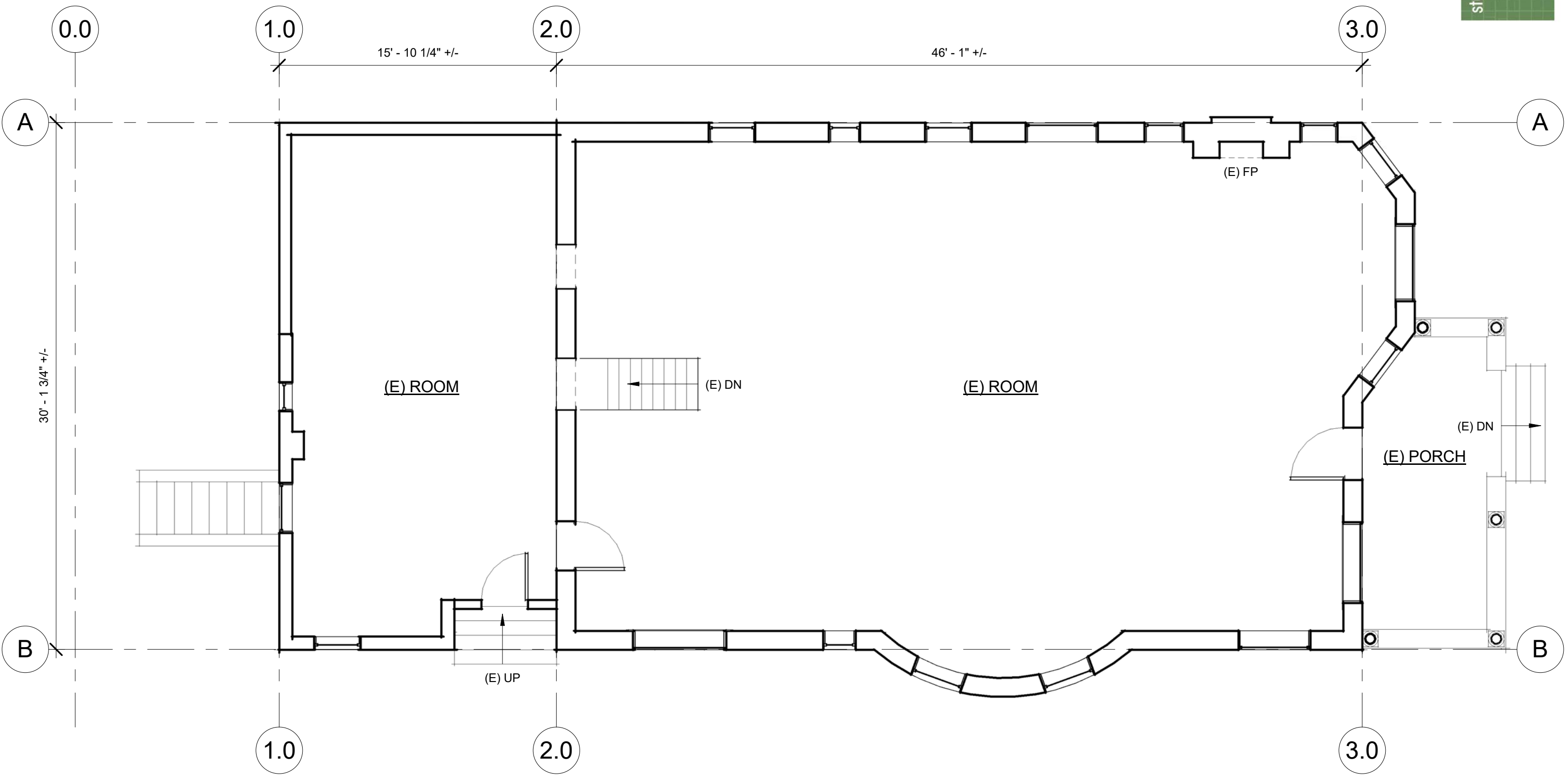


The Other Side Academy – Campus Site Plan

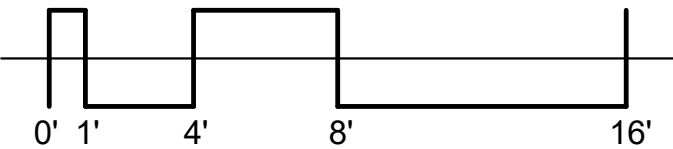
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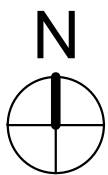
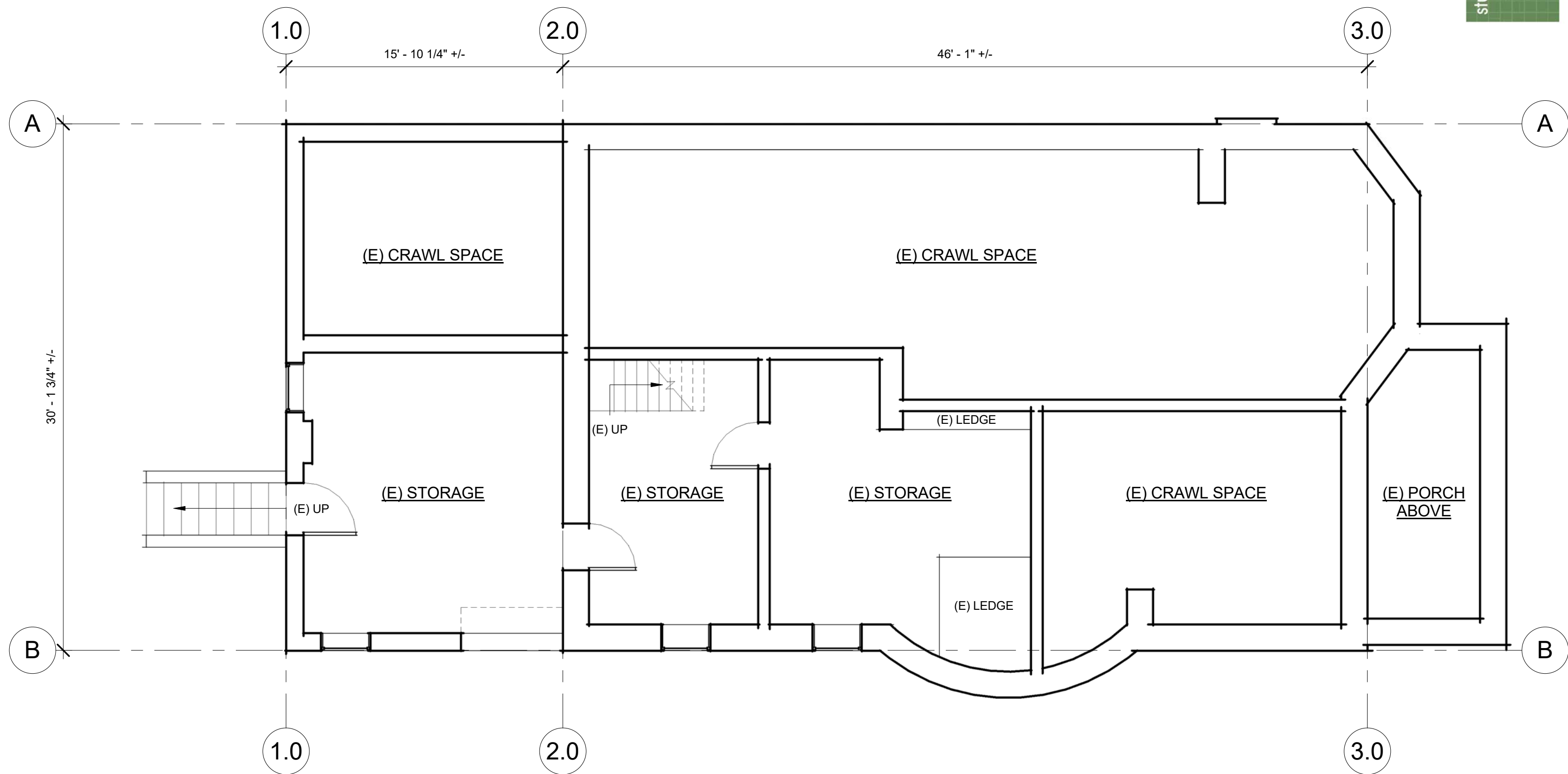


Middle House | 50 South 700 East
Conceptual Architectural Drawings –
Floor Plans & Elevations

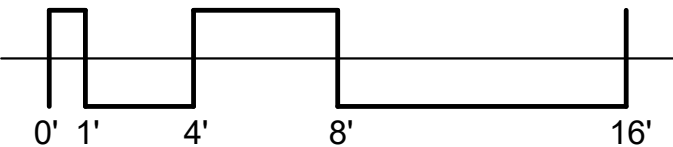


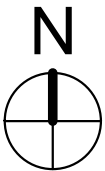
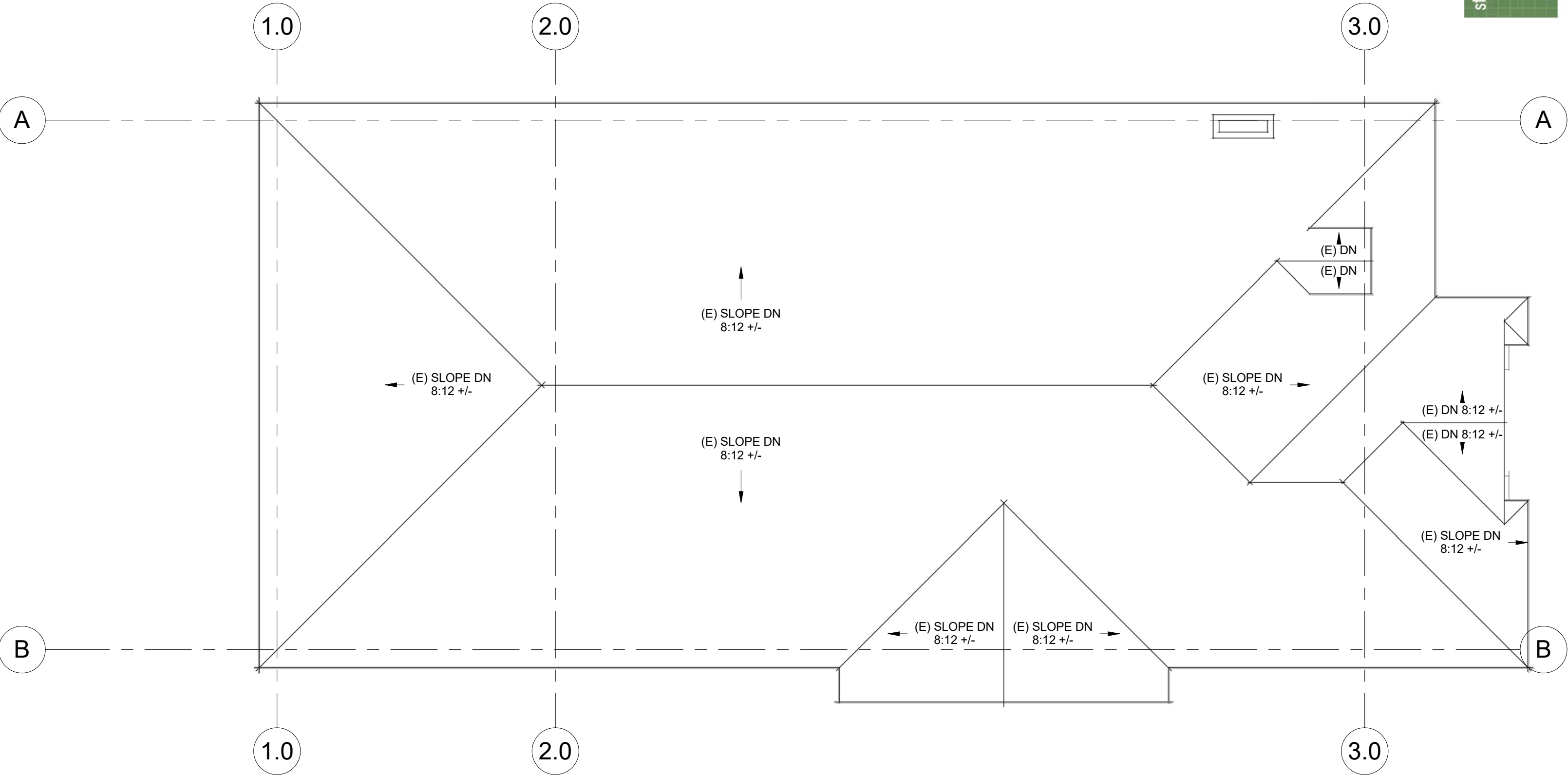
the other side academy | **middle house** | *existing main level plan*



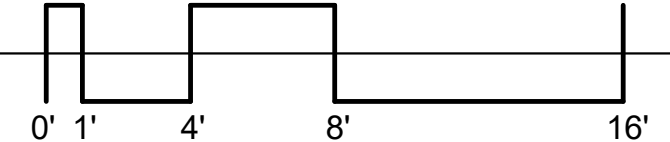


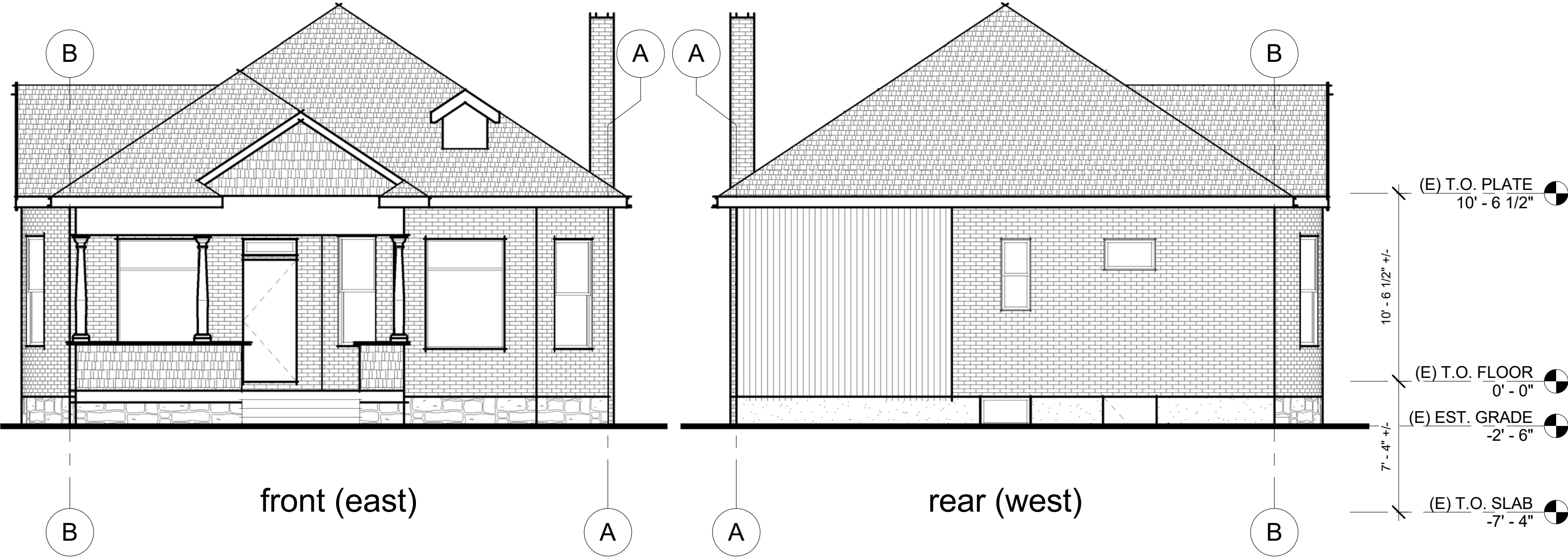
the other side academy | **middle house** | *existing basement plan*



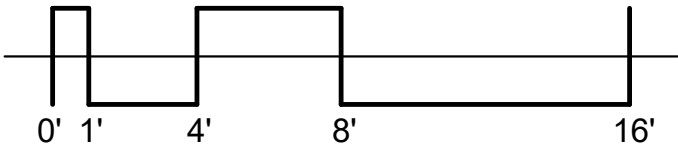


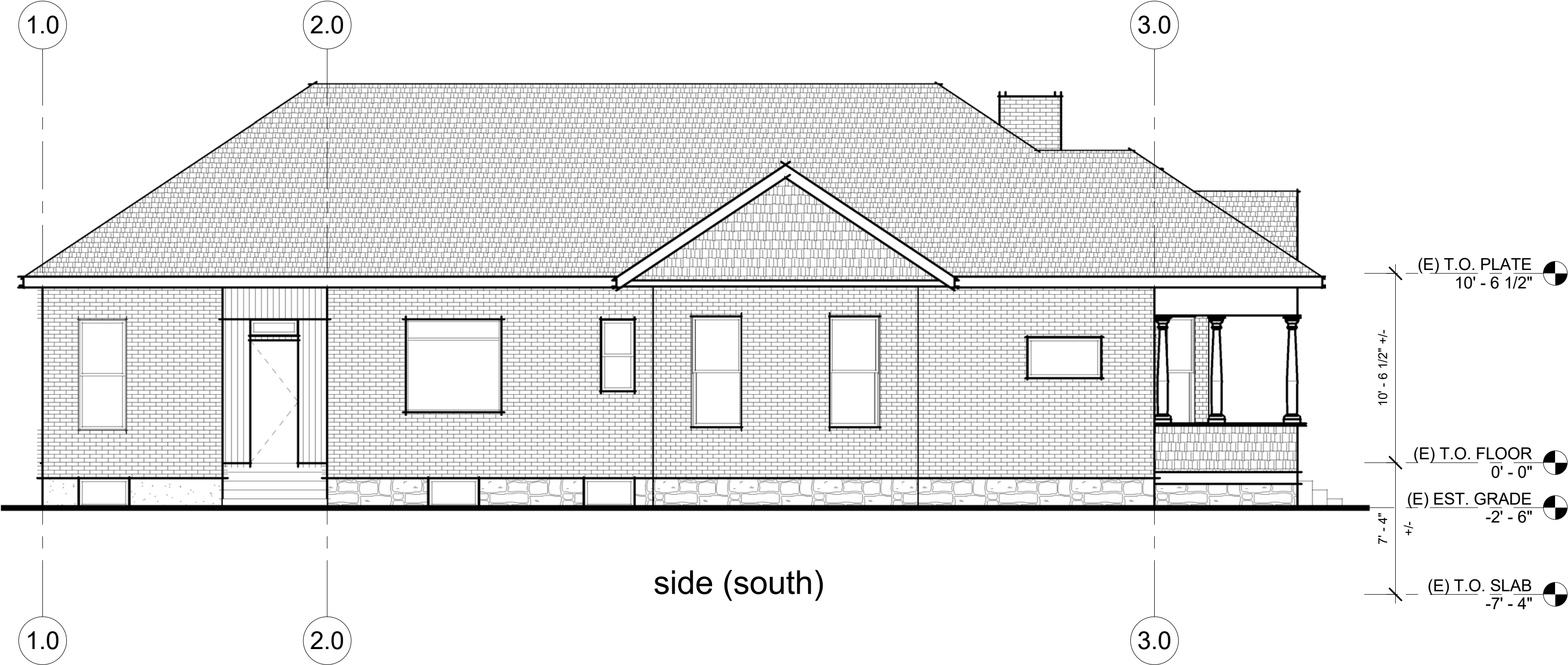
the other side academy | **middle house** | *existing roof plan*

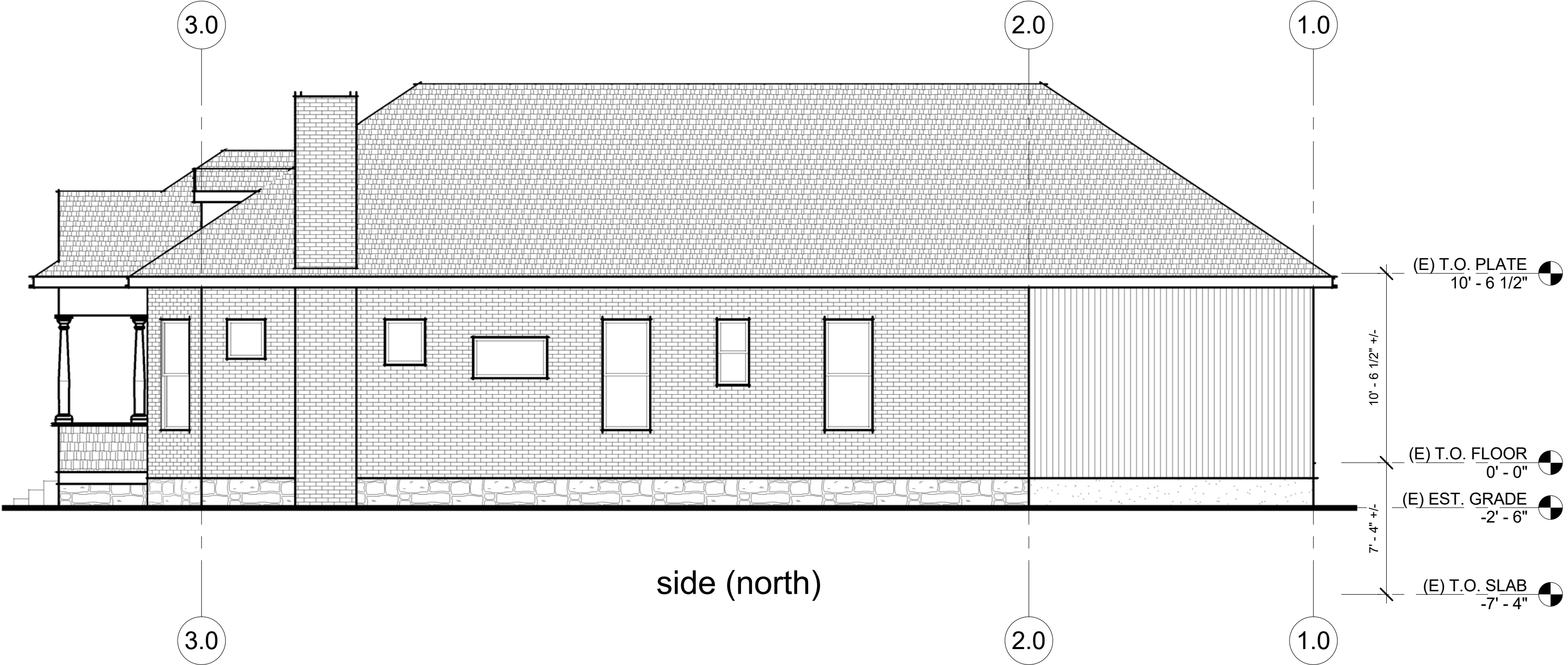




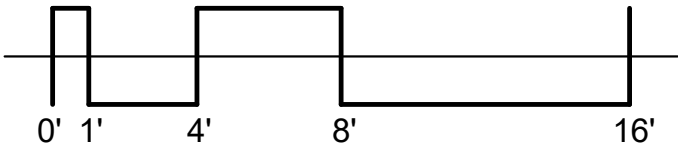
the other side academy | **middle house** | *existing elevations*

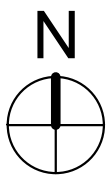
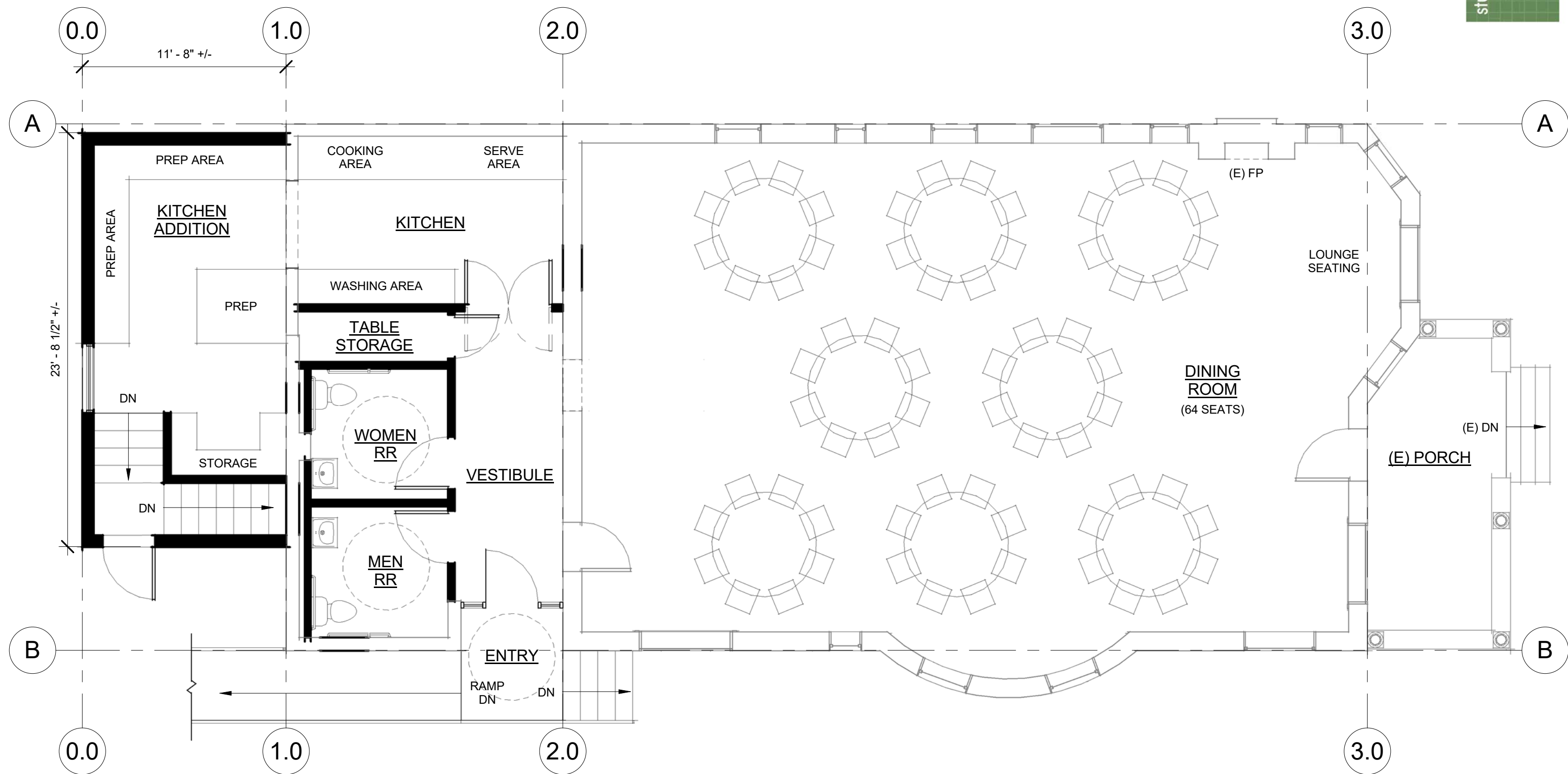




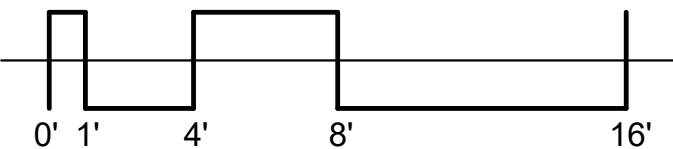


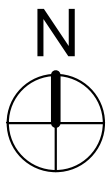
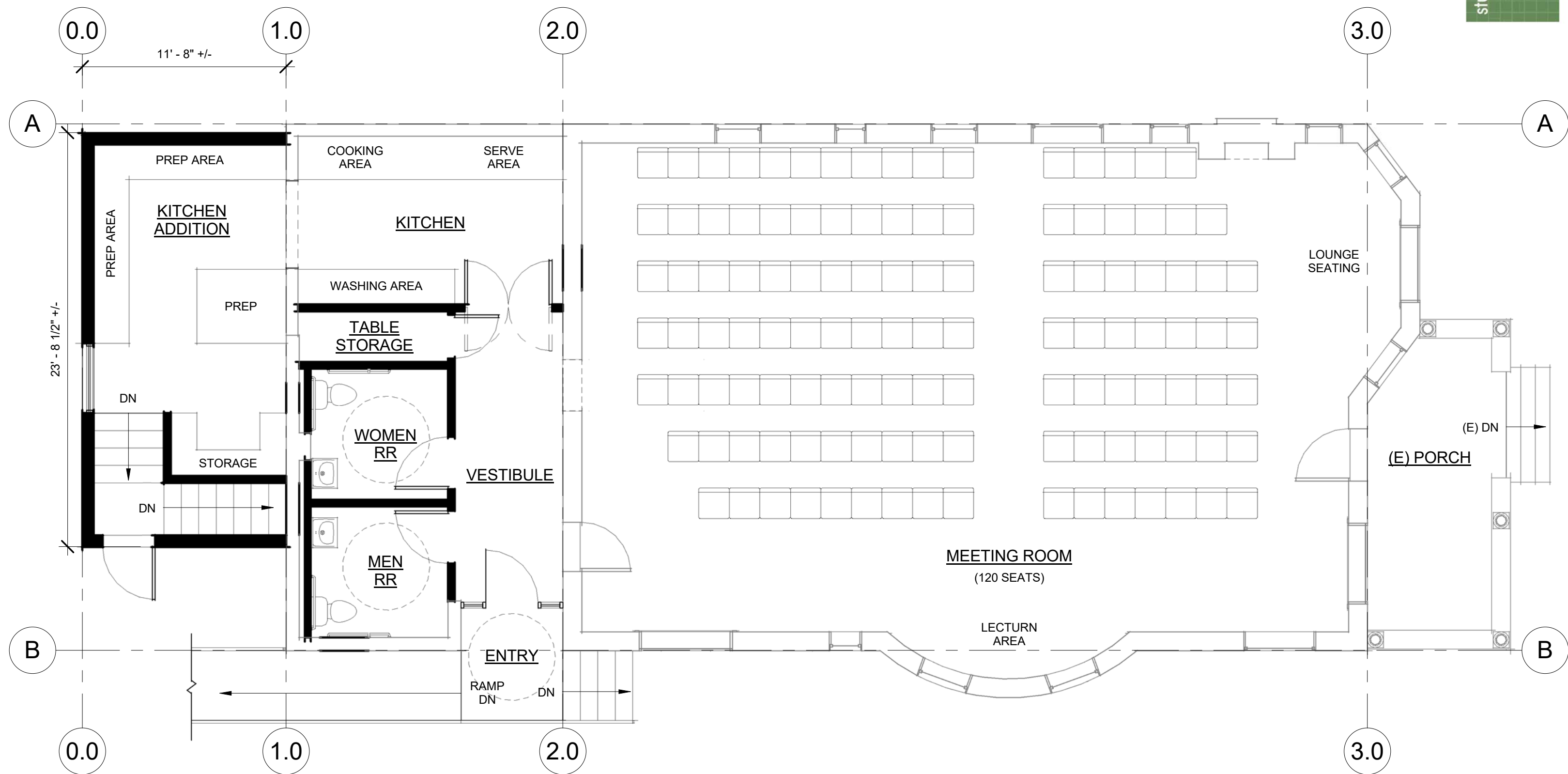
the other side academy | **middle house** | *existing elevations*



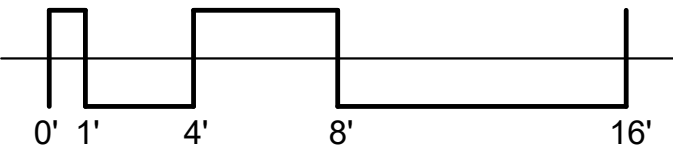


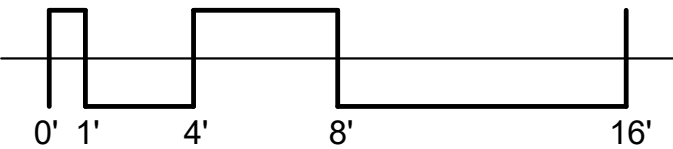
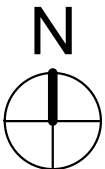
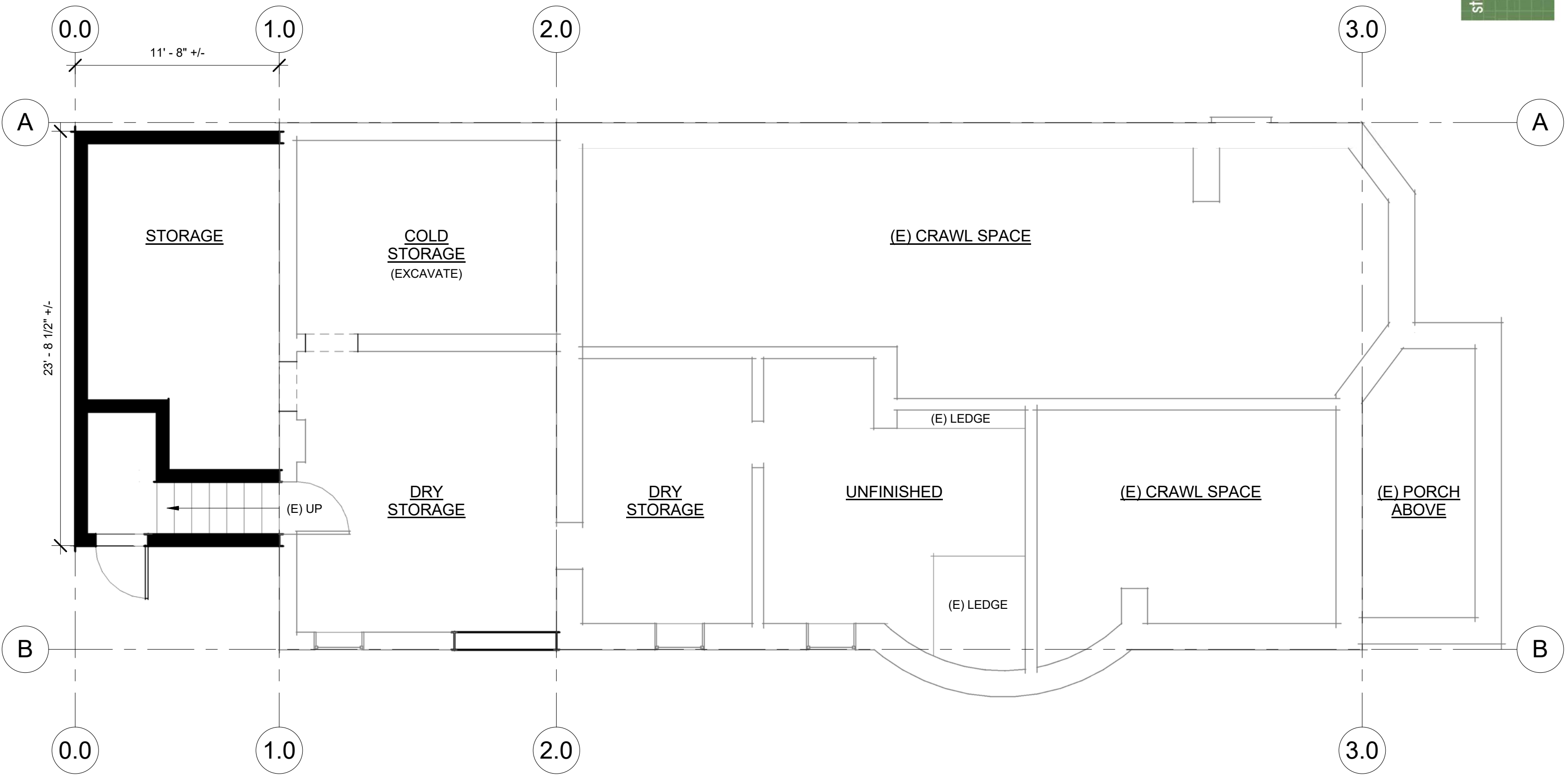
the other side academy | middle house | *main level dining plan*

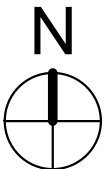
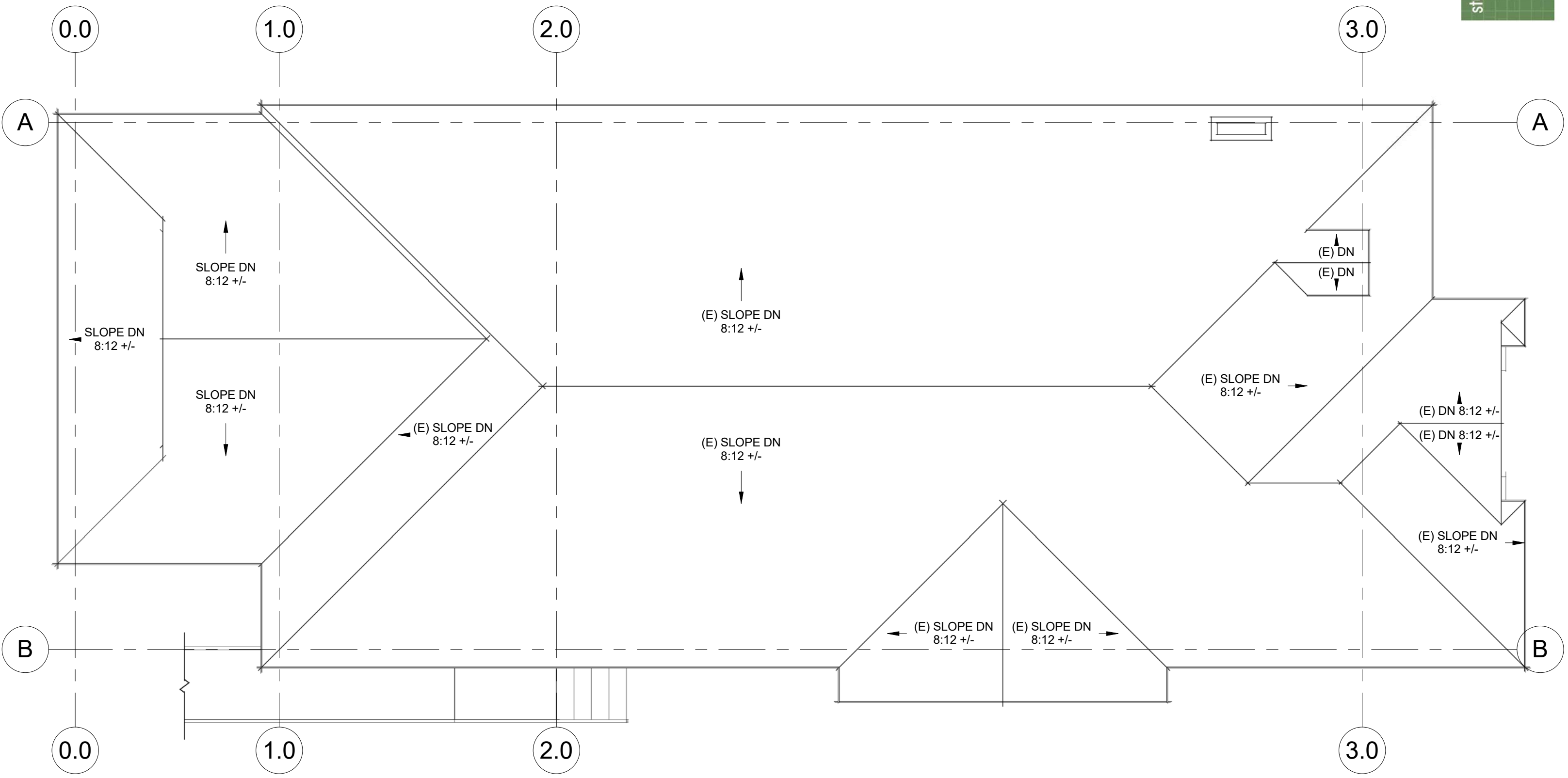




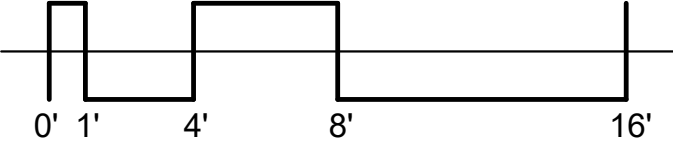
the other side academy | middle house | *main level seating plan*

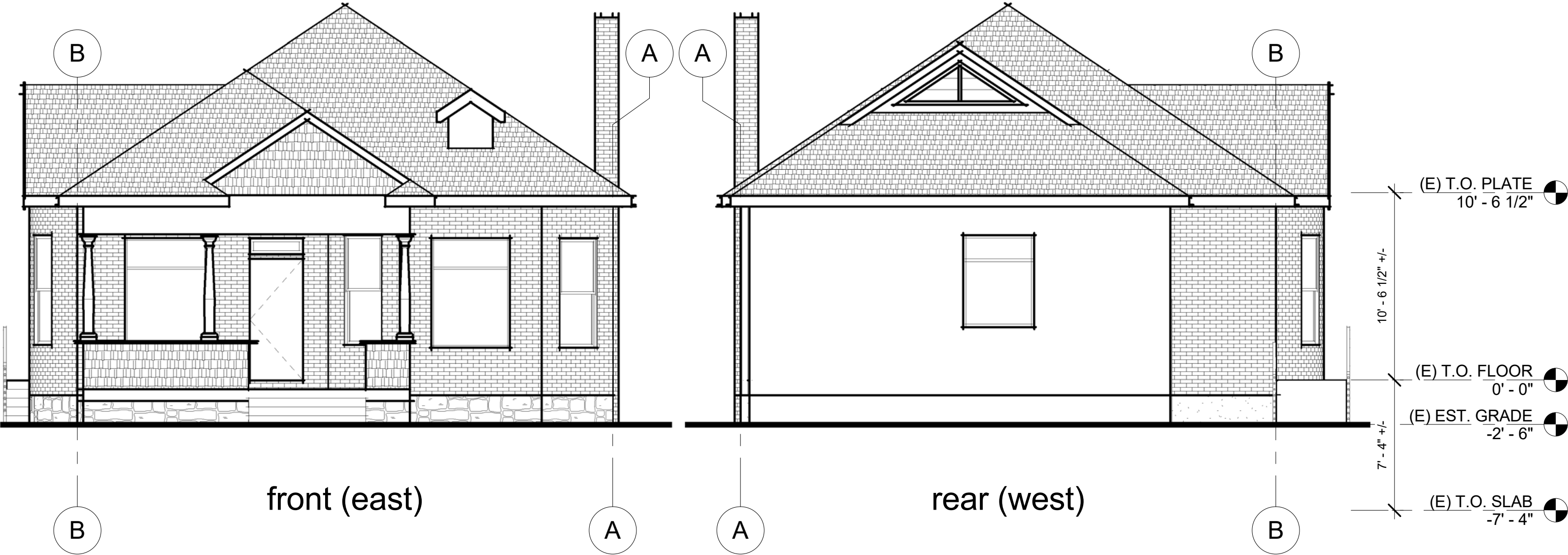




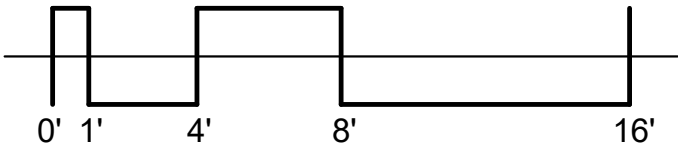


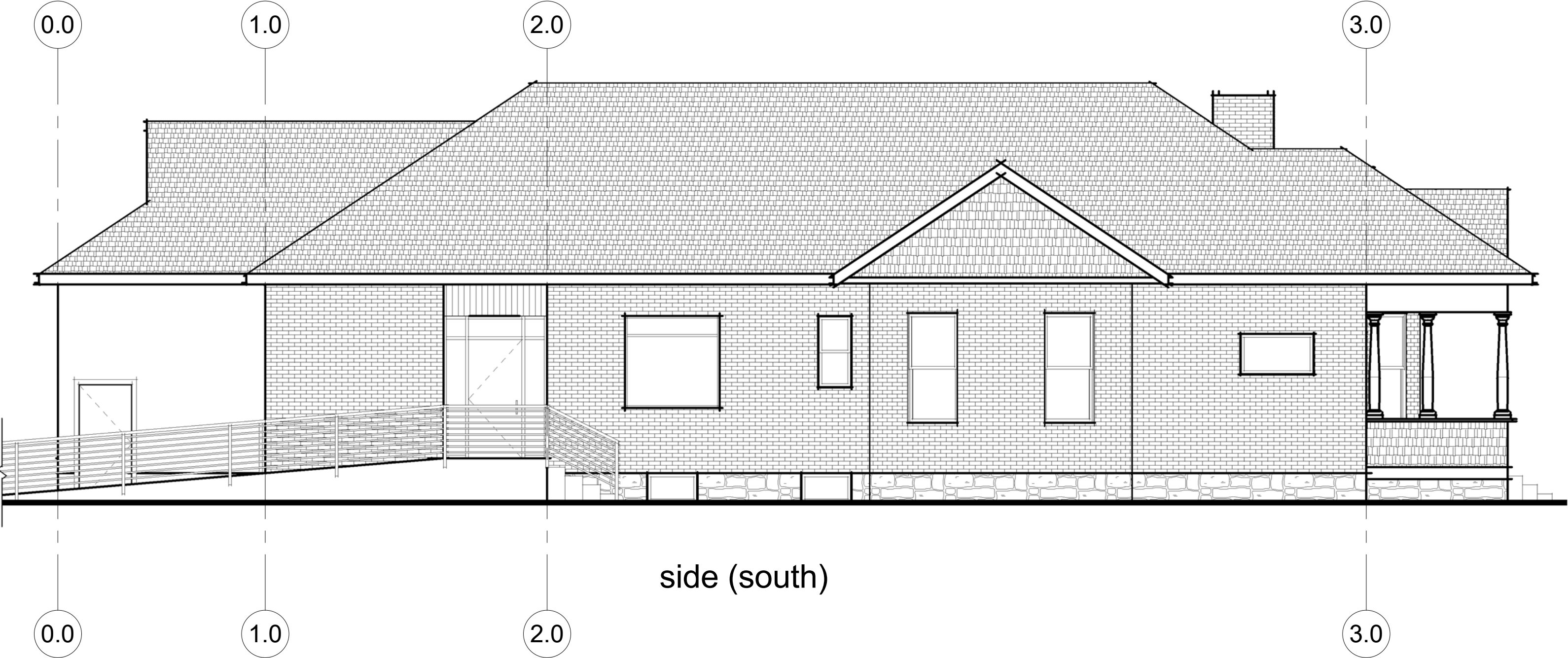
the other side academy | middle house | *roof plan*



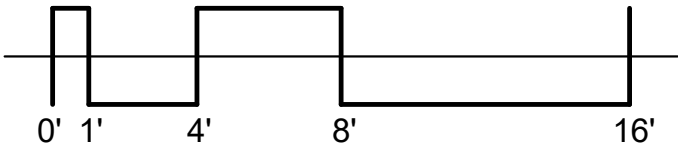


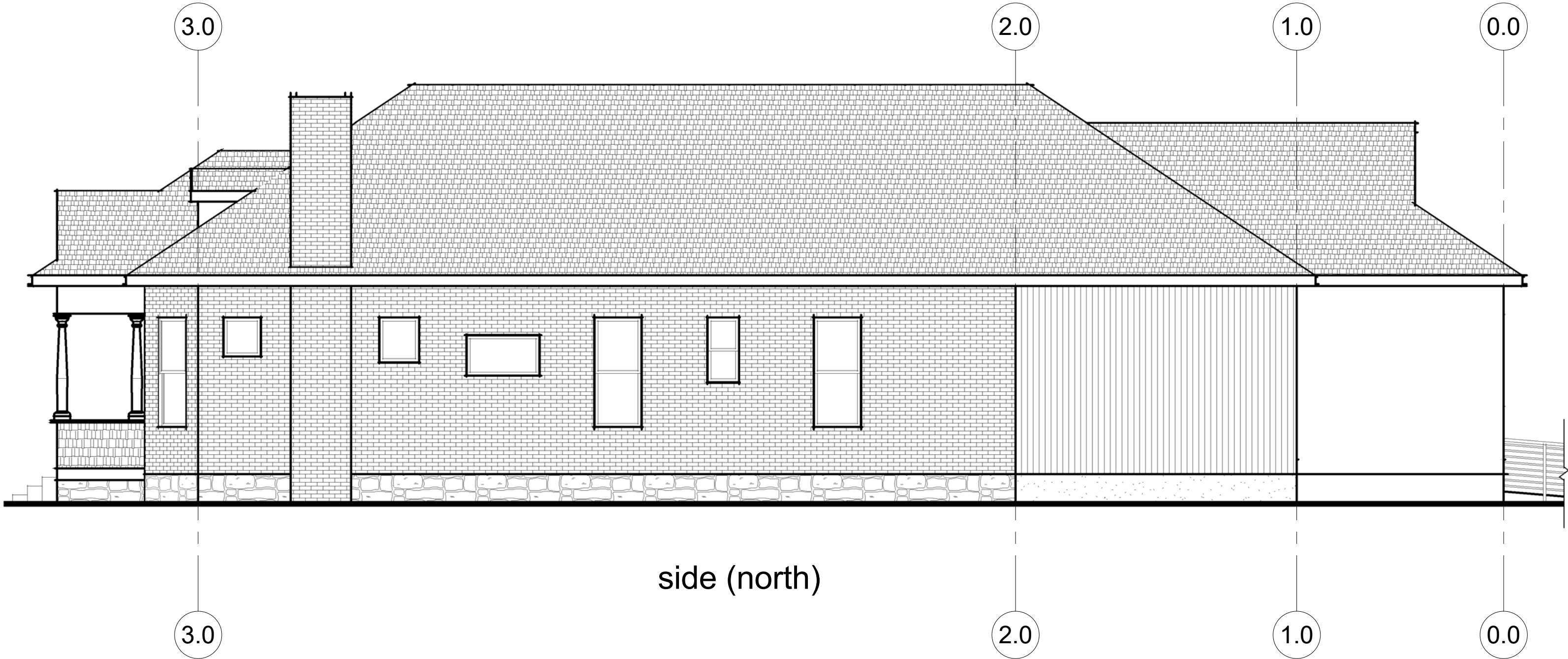
the other side academy | **middle house** | *proposed elevations*



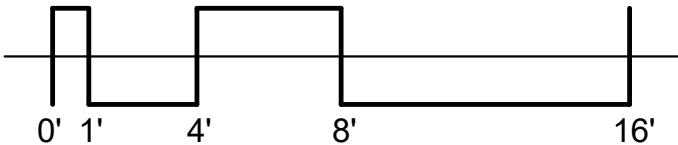


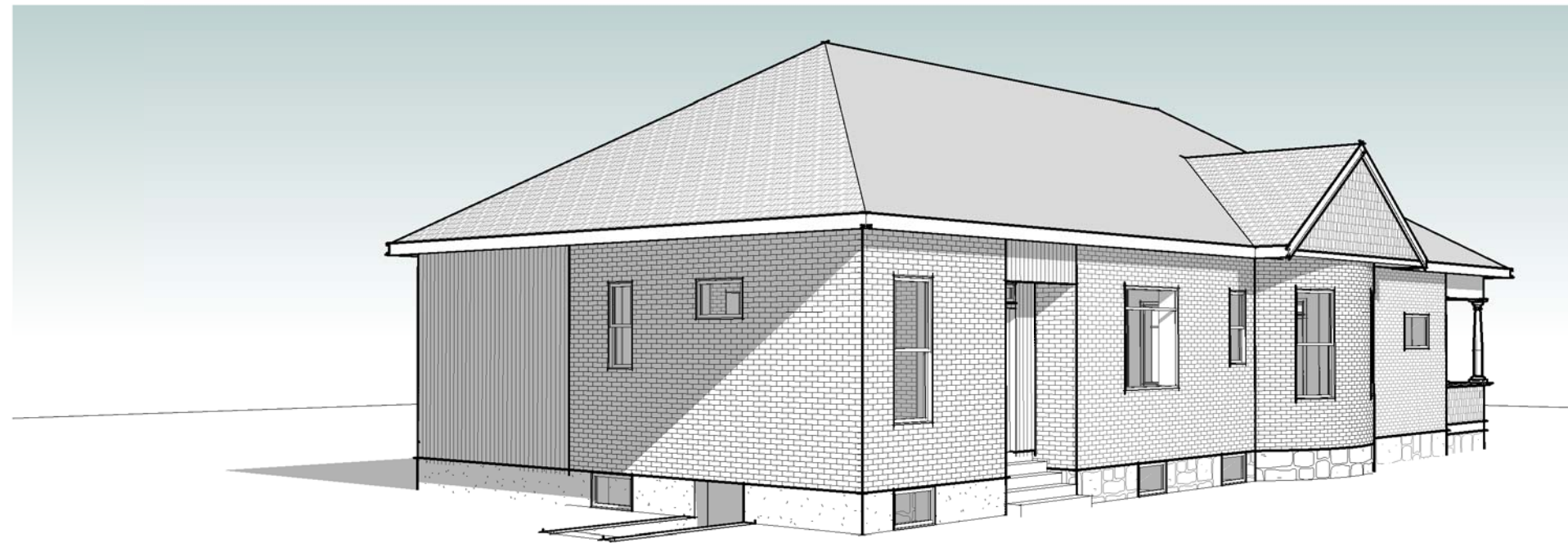
the other side academy | **middle house** | *proposed elevations*



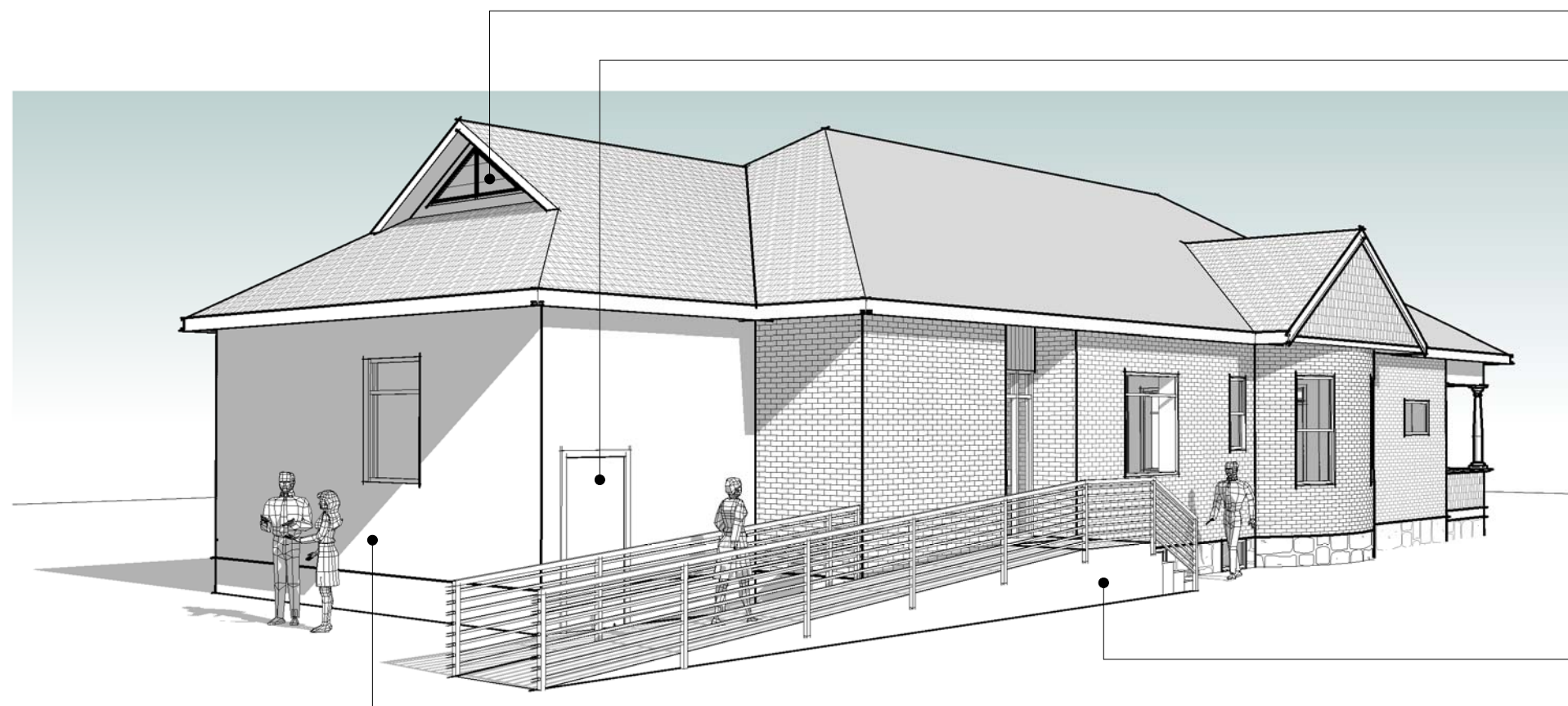


the other side academy | **middle house** | *proposed elevations*





existing



KITCHEN VENTILATION

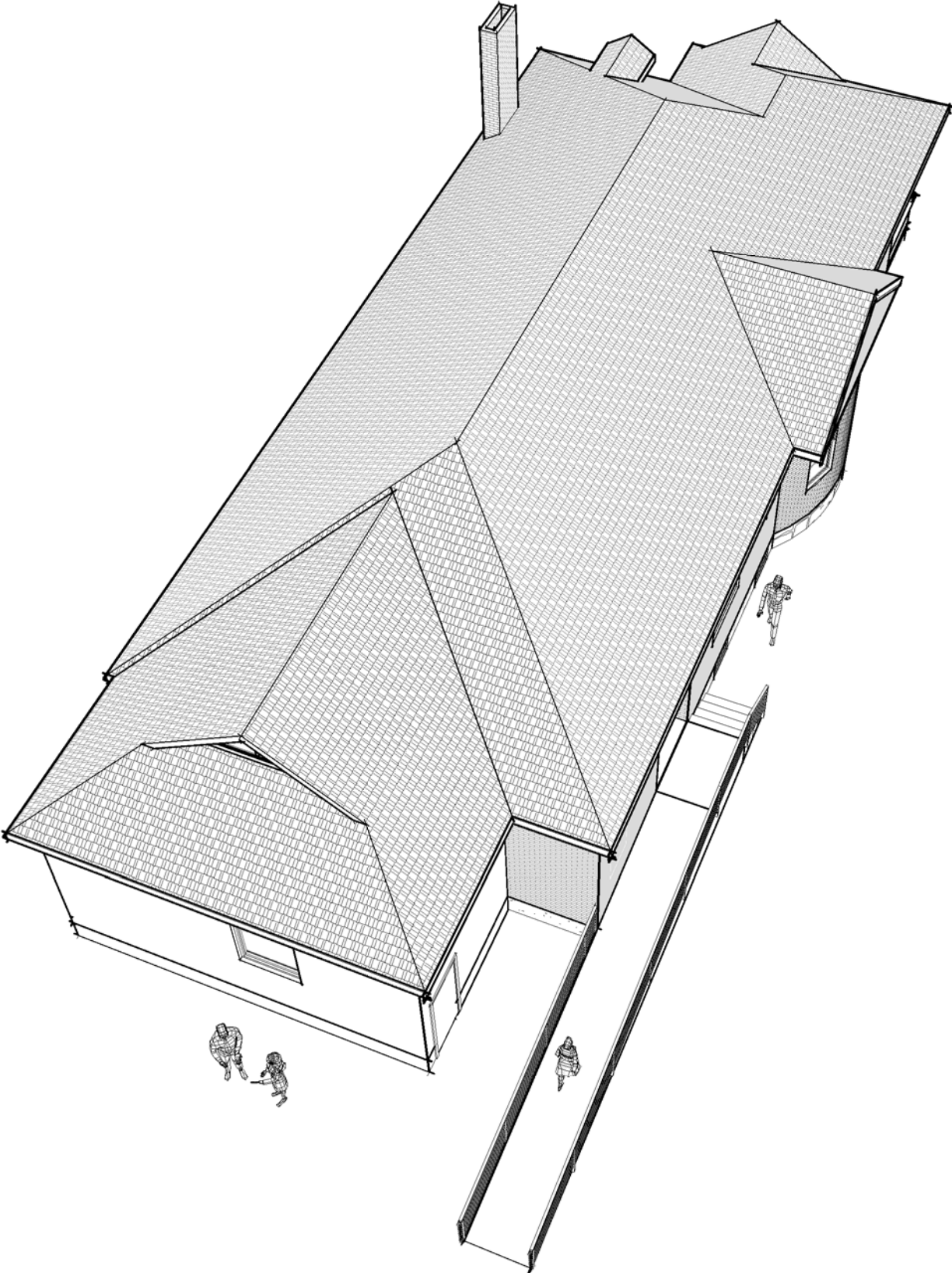
KITCHEN + SERVICE ENTRY

BUILDING ENTRY + ADA RAMP

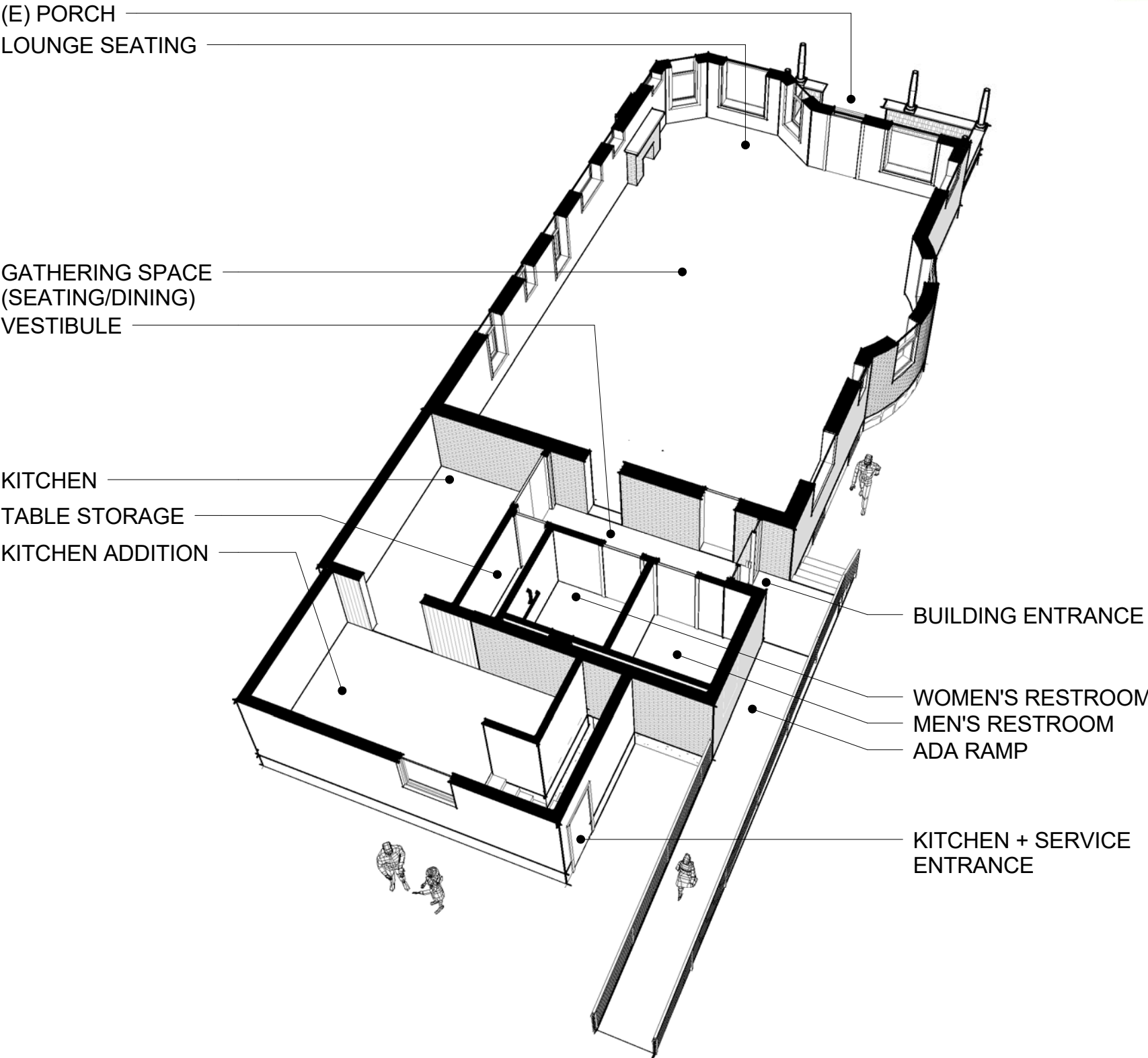
KITCHEN ADDITION

proposed

the other side academy | **middle house** | *rear (southwest) views*



aerial



cutaway

ATTACHMENT D: ADDITIONAL APPLICANT INFORMATION

Attachment A

Supplemental Information

Project Description & Conditional Use Information

December 23, 2016

Salt Lake Planning Division &
Salt Lake Planning Commission
451 S State Street, Room 406
Salt Lake City, UT 84111

Søren D. Simonsen
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Supplemental Information for Multi-Property Conditional Use Application The Other Side Academy

The Other Side Academy (The Academy) intends to operate a life-skills and vocational training and apprentice program, with on-site residency of participants. Their work with formerly homeless and incarcerated individuals aims to improve the circumstances of these individuals, and supports their desires to become contributing and responsible members of society and our community.

City officials, including the Mayor and City Council members, have stated that their highest priorities for Salt Lake City include: reducing illegal drug activity and substance abuse, reducing the homeless population downtown, providing affordable and permanent supportive housing for those in need, and providing jobs and economic development.

When approved, The Academy will have the ability to support over 120 individuals at this site, directly addressing all of these stated goals of the City. Additionally, the Academy receives no taxpayer subsidy or public funding of any type. The Academy is entirely supported through revenue generated by the vocational services it operates, and by the charitable contributions of its supporters. This proposal is presented as a win-win for The Academy and for the City.

Requests for Consideration

The Academy is requesting a Conditional Use approval to operate as a Large Group Home within several existing structures on properties located at:

- 667 East 100 South – commonly known as the historic Armstrong Mansion, and which is zoned RMF-45
- 54 South 700 East – commonly known as Annie's Cottage, and which is zoned RMF-35
- 50 South 700 East – commonly called the Middle House by The Academy, and which is zoned RMF-35
- 45 South 700 East – also commonly known as the Beverly Apartments, and which is zoned RMF-45

(Note: the buildings may be referred to collectively as the “campus” in this document, and the building names noted above may be used in lieu of the property addresses in this document, for convenience and clarity).

Although each individual property is being submitted through separate applications, the combined properties are intended to be used collectively by The Academy, and are requested for consideration and approval together as a multi-property Conditional Use, allowing The Academy to fully operate for its intended purposes on all of the properties.

An additional property located at 46 South 700 East is also owned by The Academy as part of the campus. This property includes a collapsing structure damaged by fire prior to acquisition by The Academy. The Academy is currently working with Salt Lake City to demolish this structure, and possibly replace it as a future building project, at which point it will go through a separate Conditional Use application process. Some information on this property is included in the application materials, primarily to provide additional context and background about the campus, and to identify life safety and fire hazards associated with the use of the adjacent Middle House and Annie's Cottage properties.

In addition to the requested Conditional Use, The Academy is also requesting a specific waiver from the following statutory requirement in the municipal code:

- The 800' separation and spacing requirement for Large Group Homes

There have been references by City staff (see attached email correspondence) that this waiver will be granted, and The Academy would like to have a written acknowledgement of this waiver in conjunction with the Conditional Use to avoid any confusion or obstacles with business licenses, final approvals of the Middle House construction building permit, or any other future permitting on the campus.

Introduction

The Planning Division has determined that The Academy is to be classified under the Large Group Home land use designation, subject to a Conditional Use approval. See attached Administrative Determination dated November 8, 2016.

Arriving at this determination has been a lengthy process, and we appreciate the willingness of Salt Lake City to advise us on these important planning and zoning approvals to address this critical service and population served.

Background & Timeline

The following is an approximate timeline and summary of activities, meetings and outcomes leading up to this petition for Conditional Use. Additional background documentation is attached.

August 19, 2015 – The Academy submitted its original Request for Administrative Interpretation petition to the City, requesting to operate as a Congregate Care Facility.

October 2015 – Subsequent to the Request for an Administrative Interpretation, the City was informed that The Academy desired to begin a limited operation in October 2015, both as a response to the homeless crisis downtown, and the uncertainty of pending City Council zoning changes. This limited operation would be subject to the outcome of the planning and zoning approval processes. The City did not oppose this limited operation.

December 24, 2015 – The Salt Lake City Council adopted an ordinance removing the Congregate Care Facility land use designation from the municipal code.

February 19, 2016 – The Planning Division issued an Administrative Interpretation determining that The Academy could not be classified as a Congregate Care Facility based on the changes to the land use code, and instead classified it as a Community Correctional Facility. This designation would not allow The Academy to operate at this location as a Community Correctional Facility is not permitted in the RMF-35 and RMF-45 zones.

February 2016 – The Academy submitted an appeal of the Administrative Interpretation, providing additional background and reasons it should not be classified as as a Community Correctional Facility.

March through June 2016 – The Academy held a number of meetings with the Salt Lake City Mayor, City Council members, and Department and Division staff. City officials concluded and stated that the overarching goal was to find a path to legal operation for The Academy at this site. No formal response to the Appeal was provided, and The Academy was eventually encouraged to resubmit a revised Administrative Interpretation petition.

July 5, 2016 – The Academy submitted a revised Request for Administrative Interpretation petition, requesting to operate as a Vocational & Professional Training Education facility.

August 19, 2016 – The Planning Division issued a revised Administrative Interpretation determination that The Academy be classified as a Large Group Home, which would have required The Academy to cease operation at this location due to its proximity within 800' of other Group Home facilities.

August 2016 – The Academy prepared an Appeal to the Administrative Interpretation classifying The Academy as a Large Group home, and also notified the City that the 800' spacing requirement may be in volition of U.S. Fair Housing federal law.

Through subsequent discussions with the Planning Division, the Division requested that The Academy not submit an appeal, and instead provide supplemental information about the professional and vocational programs of The Academy for reconsideration of the Administrative Interpretation.

September 2, 2016 – The Academy submitted supplemental information about its educational programs, supporting its primary function as a Professional and Vocational Education use, for reconsideration of the previous Administrative Interpretation designation as a Large Group Home.

November 8, 2016 – The Planning Division issued a revised Administrative Interpretation confirming the designation of The Academy as a Large Group Home. No specific provisions were provided to address the 800' spacing requirement, the enforcement of which would not permit The Academy to operate at this location.

November 9, 2016 – Community Studio, representing The Academy, sent an email requesting clarification with regard to the 800' spacing requirement and other procedural questions regarding the Conditional Use application.

November 28, 2016 – An email reply was sent by the Planning Division answering questions about the waiver of the 800' spacing requirement, and conditional use application process for individual properties. The email stated that an opinion from the City Attorney's Office would be forthcoming to

address the 800' separation requirement. The letter from the City Attorney has not yet been received by The Academy.

November 30, 2016 – Community Studio, representing The Academy, sent an email reply to the Planning Division outlining our understanding of the requirements and process for the Conditional Use applications of the four properties included in this petition, and requesting further clarification and written responses to the 800' separation requirement for Large Group Home designation.

December 14, 2016 – The Academy hosted an on-site meeting with Katia Pace at The Academy to review and confirm outstanding questions regarding the Conditional Use application and accompanying documentation.

December 20, 2016 – A written response from the City waiving the spacing requirements has not yet been received by The Academy. However, in an impromptu discussion with Mike Reberg, Director of the Community and Neighborhood Development Department, he indicated that the waiver of the spacing requirements could occur in conjunction with the Conditional Use petition. The waiver request was subsequently added to this Conditional Use application.

General Project Description & Conditional Use Information

The Other Side Academy is a vocational and life skills training and education program, working with individuals who typically come from a background of incarceration and/or homelessness resulting from a history of substance abuse.

The Academy is different from traditional recovery residences in that it does not provide traditional medical or clinical substance abuse “treatment” programs. Instead, The Academy operates multiple vocational training programs through affiliated business entities—presently including a moving service, a food truck service, a landscape maintenance service, and an auto detailing service. Through these training and residency programs that address root causes that often result in substance abuse, participants learn professional, vocation and life-skills that most often lead them to successful living with personal and professional integrity, responsibility and accountability.

Administrative operations of these training programs, such as marketing, sales, accounting and business administration, occur on-site. However, all of the services are “mobile” or are provided at other residential and business properties, so the business operation and impact on-site is minimal. Additional detail on the operations are provided below.

Students enter the apprenticeship model of on-the-job training, and from day one are given duties to perform in the operation of their homes and vocations. During their required two-year minimum enrollment, students are required to live on-site at The Academy where they acquire the skills and habits they need to function well in society, through a positive, professional oriented environment.

The success rate of similar programs, like Delancy Street in California, is extremely high. The Directors of The Academy are graduates of Delancy Street, and bring decades of experience and success in this living and working environment.

The Academy will initially operate on a small campus that includes the four buildings noted above. Some general conditional use provisions of the entire campus and operations are addressed immediately below. Additional conditions specific to each building and property are addressed under the respective property headings that follow.

Operating Hours

The Academy business hours are consistent with standard business hours, typically not starting earlier than 7:00 am, and not extending beyond 6:00 pm. On-site business is limited to the administrative functions of The Academy and its affiliated training programs and services. Customers or clients are not served from this location.

All deliveries to The Academy will either be from the parking lot located to the north of the Armstrong Mansion, or at the rear of the Middle House, accessed from a shared access easement north of the Middle House. Occasional temporary storage and loading of moving vehicles and the food truck will occur at the rear of the Middle House, out of sight from 700 East, and away from potential pedestrian conflicts.

Residential use is 24-hour, and after business hours the nature of The Academy will function much like a dormitory, with education programming, group meetings and discussion, and recreation activities. A total of 6 staff members are expected to reside on-site in individual apartment units located within each of the 3 residential buildings.

Employees

There are eight regular employees and staff of The Academy, as well as board members and advisors who occasionally visit.

Each of the maximum 122 expected participants in The Academy are trainees and apprentices in one or more of the vocational training and service entities operated by The Academy. Most of the program participants will work off-site during the day, but also gather daily on-site for training and education programs. All program participants are required to reside on-site through the duration of their minimum two years in the program.

Adjacent Uses

The property to the north of the campus on the west side of 700 East is zoned Institutional, and includes a large parking lot of the Utah Masonic Temple. The temple is located further to the north on South Temple Street, as is the Anniversary Inn Bed & Breakfast on the corner of 700 East and South Temple. The property to the north of the campus on the east side of 700 East is zoned RMF-45, and includes an apartment building. Further north are a residence and office building.

The property to the east of the campus is zoned Public Lands and includes Bryant Middle School, a Salt Lake City School District public school facility.

The property to the south of the campus on the east side of 700 East is zoned RMF-45 and includes a medical office building and associated parking lot. Further south, across the street on 100 South, is the Wasatch Touring outdoor recreation retail shop. The property to the south of the campus on the west side of 700 East is zoned RMF-45, and includes the Parklane Independent Senior Living residences.

The property to the West of the campus is zoned RMF-45 and Institutional, and includes the Avenues Courtyard Assisted Senior Living Facility and several vacant parcels interior to the block.

Dining Facilities

No public dining or food service will occur on-site, and no patron parking is needed. The Academy proposes to remodel and renovate the Middle House with a commercial kitchen to serve its residents and program participants, as described below. The commercial kitchen will also serve as a “commissary” for the food truck storage, prep and operations, and possible off-site catering. Storage and loading will occur at the back side of the Middle House and Annie’s Cottage.

Parking

None of the program participants of The Academy have a personal vehicle—a condition of their participation in the program. Employee and resident parking will therefore be very limited.

From the off-street parking requirements of Table 21A.44.030 in the municipal code, a group home is required to have 2 parking spaces per home and 1 parking space for every 2 support staff present during the busiest shift. The total calculated parking requirement for The Academy is 2 spaces times 4 homes, or 8 spaces, plus 4 spaces for the 8 staff, for a total of 12 required parking spaces.

The campus currently provides a total of 33 parking spaces:

- 14 spaces to the rear of the Armstrong Mansion with a drive entry from 700 East
- 4 spaces behind Annie’s Cottage accessed by a shared private drive/easement from 700 East
- 3 spaces behind the Middle House accessed by a shared private alley/easement from 700 East
- 4 spaces at the rear of the 46 South 700 East property accessed by a shared private drive/easement from 700 East
- 8 spaces on the Beverly Apartment building site with a drive entry from 700 East

Parking is distributed among the four properties such that each property can individually meet the minimum parking requirements of 3 spaces per residential building. The large lot behind the Armstrong Mansion has sufficient parking to meet the entire campus requirement of 12 spaces. It is proposed that this large lot be designated as the primary parking for the campus, such that the other outdoor parking areas can be adapted for other possible uses such as outdoor recreation, community garden, outdoor classroom or assembly space, or other similar functions.

In addition to the on-site campus parking, there is also a remote overflow parking lot located at 120 Heather Street, located approximately a half block west of the campus on the south side of 100 South. This additional lot has capacity for about 14 vehicles. This lot served as overflow for the former bed and breakfast, and was acquired with the Armstrong Mansion property. While it is not a required parking facility, it is only noted here as an available parking area connected to the campus should additional parking become necessary at some point in the future, or required as a condition of approval.

Waste Collection

A commercial waste collection container is currently located at the west end of the Armstrong Mansion parking lot, providing direct driveway access from 700 East for loading and unloading. This will serve as the central waste collection service area for the entire campus of properties. Recycling collection service will be added per recent Salt Lake City ordinance, beginning in early January 2017. There is sufficient space in this location to accommodate a second container for mixed recyclables.

Neighborhood Comments

Over the past year, The Academy has made a concerted effort to introduce themselves to their neighbors. Though there are no single family homes directly adjacent, there are a number of multifamily, senior and assisted living facilities on all sides. The interactions with these adjacent residents have been very positive. The Academy initially approached adjacent properties to landscape maintenance, and has since launched a new service and training enterprise based on the success with neighboring properties.

Neighbors are particularly interested in The Academy being able to address the unsightliness of the collapsing structure on 700 East and the vacant property—coined “Cocaine Row” by the neighborhood—and have routinely expressed a desire to see these blighted structures removed and replaced with something new and wonderful.

Armstrong Mansion

The historic Armstrong Mansion is the primary building of The Academy’s campus, and will function for multiple uses—business, educational, and residential.

The ground floor and basement level will function primarily as administrative offices and storage for The Academy, as well as administrative and business offices of the multiple vocational service enterprises operated by The Academy. Business areas will also serve education and training purposes in large and small group settings. There is currently a kitchen on the ground floor, which will serve as the primary kitchen and dining facility in the short term, and then as a secondary kitchen and dining facility once the proposed commercial kitchen in the Middle House is completed.

The upper two levels of the Armstrong Mansion include multiple sleeping rooms used previously as bed and breakfast sleeping rooms. These are proposed as dormitory-style residences, with four to eight occupants per sleeping room. The second story has a total of 5 sleeping rooms, and the third story has a total of 4 sleeping rooms. An individual sleeping room may also be used for on-site staff residency. The maximum proposed residential occupancy as a Group Home in this building is 40 individuals. The proposed sleeping capacity of the building is similar to the sleeping capacity when the building was operated previously as a bed and breakfast.

No substantial exterior alterations, structural modifications, or remodel of inside rooms or spaces are proposed for this building.

Annie’s Cottage

Annie’s Cottage will be used exclusively as a residential building. The building was previously subdivided into 3 separate apartment units prior to purchase by The Academy. The ground floor is divided into 2 apartments with an additional apartment located on the upper floor. The ground and upper floor bedrooms are proposed for use as dormitory-style residences consistent with the Group Home designation, with up to 6 occupants per bedroom. Individual apartments may also be used for on-site staff residency. The maximum proposed residential occupancy as a Group Home in this building is 26 individuals.

No substantial exterior alterations, structural modifications, or remodel of inside rooms or spaces are proposed for this building.

Middle House

The Middle House is a former residence that was moderately damaged by a fire at the rear (west) end of the structure prior to being purchased by The Academy. The building previously had a new roof structure installed, possibly as a result of the fire, with clear span trusses across the entire width of the building. Consequently, there are no interior bearing walls, which are common in buildings of this age and style.

The free span roof structure allows for an open floor plan on the ground floor. This level is proposed to serve primarily as a multipurpose assembly space for both education and dining, serving residents of the campus. A commercial kitchen is proposed at the rear of the building. The commercial kitchen will not only serve for meal preparation as part of the vocational and life skills training programs of The Academy, but will also serve as a “commissary” for the food truck, and possible off-site catering services in the future.

A minor addition at the east (back) end is proposed. This addition will provide space for rest rooms, kitchen, food and equipment storage, and a loading and food handling area. Any exterior alteration and improvements will be designed to comply with the Historic District design guidelines. A separate Certificate of Appropriateness will be sought for such alterations.

Beverly Apartments

The entire apartment building is leased by The Academy for exclusive use as a part of the Group Home campus. The building is currently subdivided into 8 apartment units. 6 of the apartments are in the front (west) building on the lot, and 2 of the apartments are in the smaller rear (east) building on the lot. Apartments are proposed to be used for dormitory-style residences consistent with the Group Home designation with 4 to 8 occupants per residence. Individual apartments may also be used for on-site staff residency. The maximum proposed residential occupancy as a Group Home in the buildings on this property is 56 individuals.

No substantial exterior alterations, structural modifications, or remodel of inside rooms or spaces are proposed for this building.

Attachments

Additional supporting documents are attached, which include:

- Letter from The Other Side Academy outlining its programs and core functions
- Vicinity, campus and site maps illustrating existing structures and site features, such as parking, walks and landscaping.
- Photographs of the primary street facing elevation(s) for each building
- Conceptual floor plans for the Middle House, illustrating existing conditions and proposed remodel/minor addition for this building to function as a multipurpose meeting and dining facility
- The most recent Administrative Interpretation Staff Report with its respective attachments and background information
- Copies of email correspondence with staff regarding the Conditional Use application and 800' spacing requirement.

Please feel free to contact me by phone at 801-706-1055, or by email at soren@communitystudio.us with any questions regarding this application or its supporting documentation.

Warm regards,

A handwritten signature in black ink, appearing to read 'Søren D. Simonsen', with a long horizontal flourish extending to the right.

Søren D. Simonsen, FAIA, AICP, LEED AP
Principal/Executive Director

Attachment B

The Other Side Academy
Additional Description & Program Information

September 2, 2016

Joel Paterson, Zoning Administrator
Katia Pace, Principal Planner
Salt Lake City Planning Division
451 South State Street, Room 406
Salt Lake City, UT 84111

Dear Mr. Paterson and Ms. Pace,

We appreciate the opportunity to provide you and your colleagues with additional information that was left out of the previous Administrative Interpretation that we provided to you.

We would like to provide you with additional information as to ways that The Other Side Academy is not a Group Home, and why we believe we most closely resemble an apprenticeship program of a Professional and Vocational School as defined in the Salt Lake City Code.

The Salt Lake City Zoning Code defines a Group Home Dwelling at the following:

DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 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 rehabilitation 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.

The Other Side Academy is not a Group Home for the following reasons.

1. We are not licensed by the State of Utah under Title 62A

Since we are designed as a vocational and life-skills training school and not a recovery residence, we do not meet the requirements to be licensed as a recovery residence by the state. Furthermore, attempting to conform to those requirements would be detrimental—if not toxic—to our model. In fact, it would destroy our model and would prevent us from operating.

The National Alliance for Recovery Residences outlines 4 different types of Recovery Residence, with each type of Recovery Residence having greater

clinical treatment components. A Level 4 Recovery Residence, which Odyssey House qualifies as, is defined as a state licensed treatment facility that provides medical treatment and has full time clinical staff of professional therapists and doctors. We do not fit the criteria of a Level 4 Recovery Residence. We might be categorized as a Level 1 Recovery Residence as we have a peer-controlled community, but Level 1 Recovery Residences are **never** licensed according to the classification of the National Alliance for Recovery Residences—and, therefore, does not meet your definition of a “Group Home.”

2. Vocational and Life Skills training is the Primary function of our Academy

The City Code refers to a Group Home as a “residential treatment facility” that provides specialized treatment for persons with emotional, psychological, developmental, or behavior dysfunctions, impairments, or chemical dependencies. The primary function under this description of a Group home is this “specialized treatment”.

At The Other Side Academy, our main function is decidedly *not treatment*—rather it is vocational and life skills training. We never even use the word “treatment” to describe or implement what we do. Students enter an Apprenticeship model of on-the-job training and from day one are given duties to perform in the operation of our house and businesses. During their minimum two year enrollment, students acquire the skills and habits they will need to function well in a professional and positive environment. That is our primary function.

Irrefutable evidence of our primary function is a review of the daily schedule:

6:30 am – Wake up
7:00 am – Breakfast
7:30 am – Morning scheduling meeting
8:00 am – 4:00 pm – Work within various departments for vocational training
5:30 pm – Dinner
6:00 pm - A nightly seminar that lasts an hour that rotates between professional skills seminars, an interactive seminar on the values of The Other Side Academy, and group recreational games. Two nights per week, the students gather together to provide feedback to their peers about their work and house performance—something akin to a highly candid group performance review.

As you may see, the day is focused on work training and the development of positive habits for living effectively in a positive professional and life environment. None of the night seminars are therapy sessions or could be classified as “treatment.”

At the Academy, students learn to work, learn to work with others, and learn to persevere in a positive and cooperative way, which facilitates progression past former destructive habits. This is a secondary function to our focus on building vocational and work skills.

3. Recovery Residences require Intake Evaluations and Individualized Treatment plans

The Utah State Code for Recovery Residences requires that an intake interview be conducted that includes an evaluation of medical, mental health, and other clinical evaluations. It also requires the establishment of an individualized “**treatment plan**” for each resident that includes specific clinical treatment plans that is reviewed by a clinical professional. The Code and/or governing regulations likewise require documentation of visits to evaluate progress on this plan.

We do not create, establish or review individualized treatment plans, we do not do intake evaluations, and we do not document visits between students and staff. We do not have the training or expertise to provide these services, nor is it relevant to the vocational training process we conduct. None of these elements are a part of our teaching or operations model.

4. Recovery Residences have specific State Staff Requirements

Licensing requirements by the State for Recovery Residents require staff to have at least 40 hours training that must include Substance Abuse Disorder training among many other requirements. Our staff members are former students from Delancey Street—a similar vocational and life skills training program that in California is *not* classified as a Group Home or Recovery Residence. Licensing requirements for a Recovery Residence also require that the Director have a minimum of 2 years of documented administrative experience in a recovery residence. Dave Durocher, our managing director, has no such experience and hence, would not qualify – nor need he for what we do.

5. We do not provide any medications for treatment

Odyssey House was mentioned as a “Group Home” that is nearby. Odyssey House would qualify as Level 4 Recovery Residence as outlined by the National Alliance for Recovery Residences, which are allowed to prescribe medications such as methadone, buprenorphine, and other medication assisted therapies.

The Other Side Academy has no such capacity or legal authorization to provide any sort of medication therapy. We don’t have the personnel trained, we don’t have the proper authorization, and medication therapy has no place in our model. Furthermore, no student is admitted to The Other Side Academy who has need of such medications.

6. We do not meet other criteria of a Level 4 Recovery Residence

Odyssey House, a nearby Group Home, qualifies as a Recovery Residence as defined by the National Alliance for Recovery Residences. Characteristics of this definition include the following:

- Clinical and administrative supervision
- In-house clinical services
- Credentialed staff

While Odyssey House meets all of these criteria, The Other Side Academy meets none of these criteria.

7. We would fail screening questionnaires as a Recovery Residence

Dana Polan, LMHC, has worked in substance abuse treatment as a therapist and clinical director in Florida for more than seven years. She recommends that families take a good look at each of the recovery residences they consider and ask the following questions to learn more about what to expect from each specific recovery residence. Here are her questions and highlighted in Blue would be our answers to these qualifying questions:

- Is there 24-hour on-site supervision? **YES**
- What training and/or certifications do different staff members hold? **NONE**
- Are residents required to enroll in intensive outpatient treatment or outpatient therapy? **NO**
- Is drug testing required? **NO**
- What is the procedure if a client relapses? **THEY ARE EXPELLED FROM THE COMMUNITY**
- Are referrals for medical and mental health professionals provided if needed? **NO**
- Is transportation available? **NO**
- Are in-house 12-step meetings available? Is transportation to 12-step meetings in the community provided? **NO and NO**

Our answers to the questionnaire would lead a consumer to seek another facility that would better resemble the services traditionally provided by a recovery residence.

There are many other evidences that we could provide that show that we are not a Group Home or Recovery Residence as these terms are commonly used within the industry.

Along with this demonstration that we are not a Group Home, we wish to also share our own analysis of the most appropriate land use classification for what we do, within the structure and definitions of current land use classifications in the Salt Lake City Municipal Code. Your prior Administrative Interpretation acknowledged that our program includes many components of a Professional and Vocation School. In fact, we believe that, within the broad spectrum of use classifications, this classification most nearly resembles what we do.

1. Who We Are – What’s In A Name?

Webster’s Dictionary defines “academy” as “a school that provides training in special subjects or skills; a school usually above the elementary level.”

As our name implies, “The Other Side Academy” recognizes our primary purpose as an education institution. And among the various “school” categories in the zoning classification, the Professional and Vocational School definition most closely resembles our primary use and activity.

Our website home page (<http://www.theothersideacademy.com>) best describes the general nature of our education program:

“The Other Side Academy is a school where our students learn vocational, pro-social, and life skills so they can succeed on ‘the other side.’ It is a school where our students can learn marketing skills, business skills, and gain experience in various trades. It is a school where our students learn how to make and keep promises and how to live life with integrity, accountability, and with love.”

We are an entrepreneurial, holistic educational program that offers a unique learning experience for individuals who have not succeeded in traditional learning environments.

2. Professional and Vocational School Definition

The Salt Lake City Code defines “Professional and Vocational School” as “an institution offering occupational and vocational training, the courses of which are not generally transferable toward a bachelor's degree.” This is a broad definition, but closely resembles the definition of an academy.

Within the broad spectrum of vocational and occupational training schools in existing in Utah and across the country, our program most closely resembles an apprenticeship category, where our students learn and work their way through progressively responsible life skill and professional skill development during their two years of enrollment through hands-on job experience, and guided by advanced students, mentors and outside professional advisors.

3. Historical Comparable Example

It may be useful to look to other states and municipalities that have already dealt with a model like us. The Other Side Academy is modeled after Delancey Street Foundation, which has headquarters in San Francisco, CA and locations in Los Angeles, New Mexico, New York and North Carolina. They have been operating since 1971. They are a certified vocational school by the State of California through the California Department of Education. They award certificates to the students for completion for the various vocational training departments. We plan to do the same and work with the Utah Department of Education for an acceptable vocational certificate that we can award as our student complete their studies in each area.

Delancey Street is not licensed by the State of California as a Recovery Residence, Group Home, or any other sort of therapeutic treatment center. They provide vocational and life skills training and they are treated by the State and the City of San Francisco as a residential vocational school. The same classification holds true in each of the other states and cities where they operate. Four other states and 5 other municipalities have all looked very closely at this same model and all of them concluded that Delancey Street fits the categorization of a vocational school.

4. Residential Accessory Use

In addition to our primary function as a school, we also require our students to live on-site, which is an important part of their training and mentorship, and provides the highest rate of long-term success for our graduates. On-site residency offers an environment for learning essential life skills—home care, cooking, property management and maintenance, etc.—that complement and accompany their vocational training. These life skills are an essential component of our program, through they are still educational in nature.

Our on-site residency could best be classified as an “accessory use” within the Salt Lake City Code, though it does not strictly meet the entire use definition. From section 21A.62.040, the residential use partially meets criteria A – in that it is “subordinate in purpose, and serves a principal use” though it is not “subordinate in area and extent,” since much of our vocational education takes place through our business entities, which are primarily off-site. On site educational facilities are primarily administrative and operational in nature, and do not have a large facility space requirement.

Our on-site residency meets the other four criteria for “accessory use” classification for our residences: B – “customarily found as incident to such principal use” (see also additional explanation below); C – “contributes to the comfort, convenience and necessity of those occupying, working at or being serviced by such principal use;” D – “located on the same zoning lot as such

principal use;" and E – "under the same ownership or control as the principal use."

On-site residency is not as common for vocational programs, but is not unique either. For example, Community Rebuilds in Moab, UT, offers housing construction apprenticeship programs that range from one semester to two years. This program also requires that "Interns must reside in the housing provided by Community Rebuilds while participating in a CR program" (see <http://www.communityrebuilds.org/internshipprograms.html>).

From our own analysis of the Salt Lake City Code, we believe that we substantially meet the definitions for Vocational and Professional School, with our on-site residency as an Accessory Use. If your own findings do not support this interpretation, then we believe that the only other course of action is to determine that the use classification is outside the present definitions of land uses within the current municipal code, and that we must explore another option to pursue a new classification. Given the age of the current definitions, and the entrepreneurial nature of our program, it is possible that the nature of our program was never fully contemplated, and will require some updating to the code.

With the pressing need for entrepreneurial solutions to the large and growing homeless population in Salt Lake City, we believe that our approach, and its demonstrated success, is entirely consistent with the pressing focus of both the Salt Lake City Mayor and City Council. We look forward to working with you to help us recognize the appropriateness, viability and essential need for what we are doing.

We invite and encourage you, in addition to reviewing this information, to come visit The Other Side Academy and see first-hand who we are and what we do.

Please contact if you need further clarification on any of these items.

Respectfully,

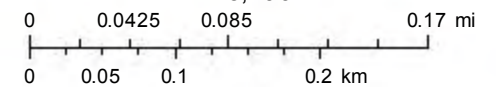
Tim Stay
CEO
The Other Side Academy
801-362-8998
tim@theothersideacademy.com

Attachment C

The Other Side Academy
Vicinity, Campus and Site Maps

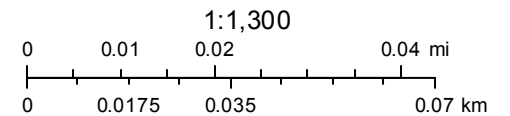


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Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

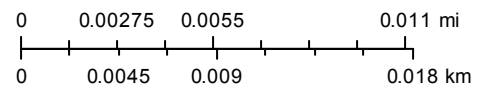
TOSA Campus



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

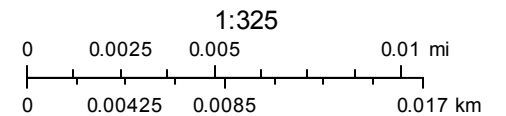


1:348



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors

54 South 700 East

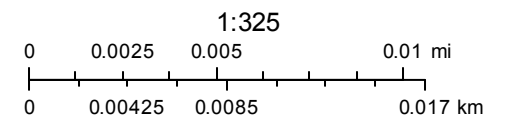


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50 South 700 East

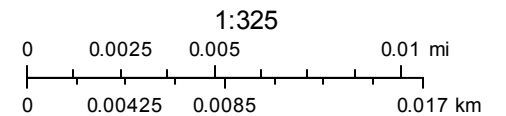


December 27, 2016



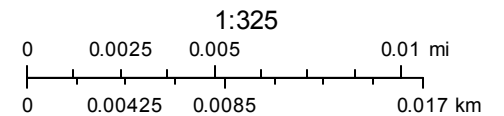
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46 South 700 East



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

45 South 700 East



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),

Attachment D

Front Elevation Photos of Existing Buildings

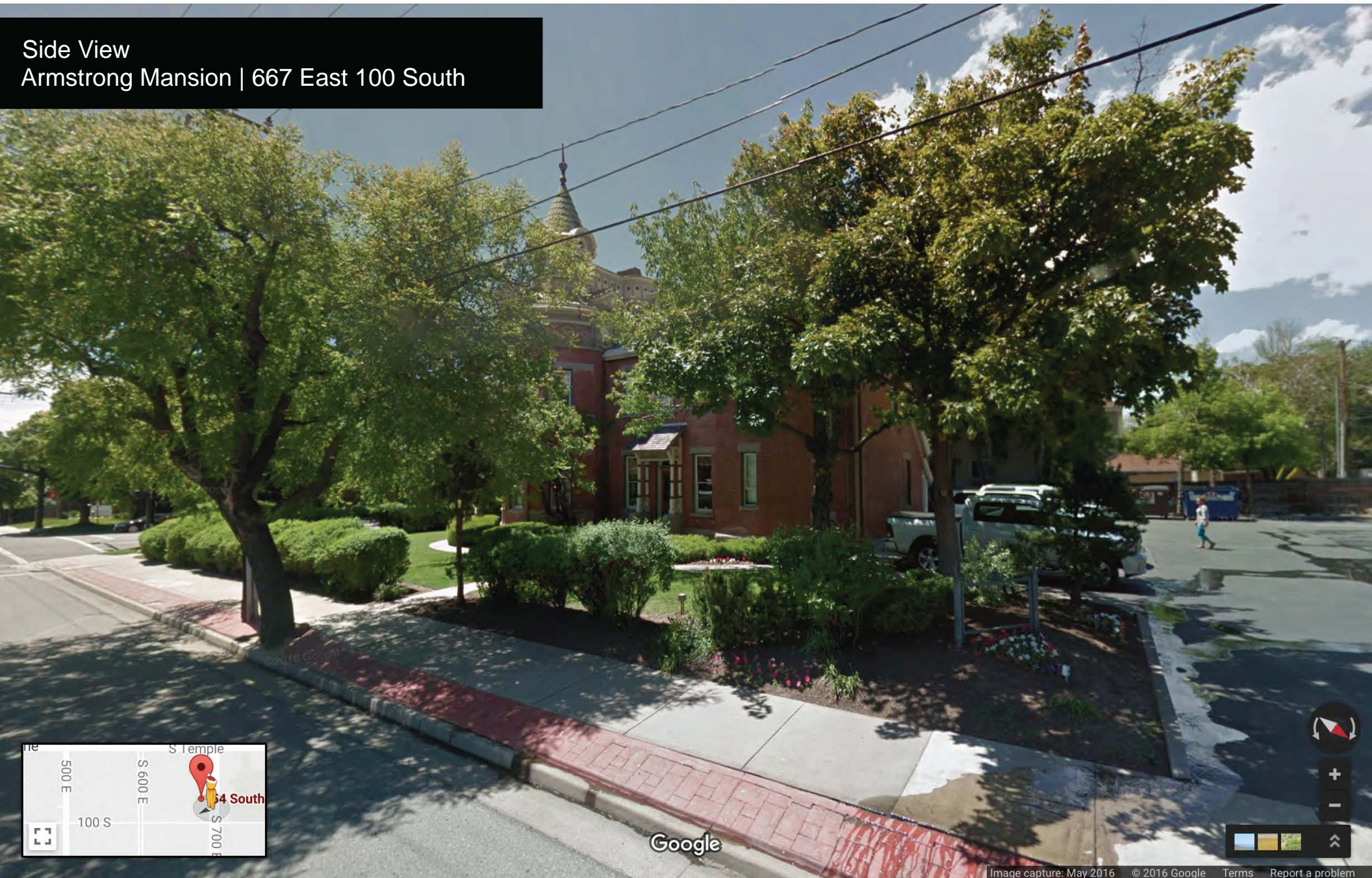
Corner View
Armstrong Mansion | 667 East 100 South



Front View
Armstrong Mansion | 667 East 100 South



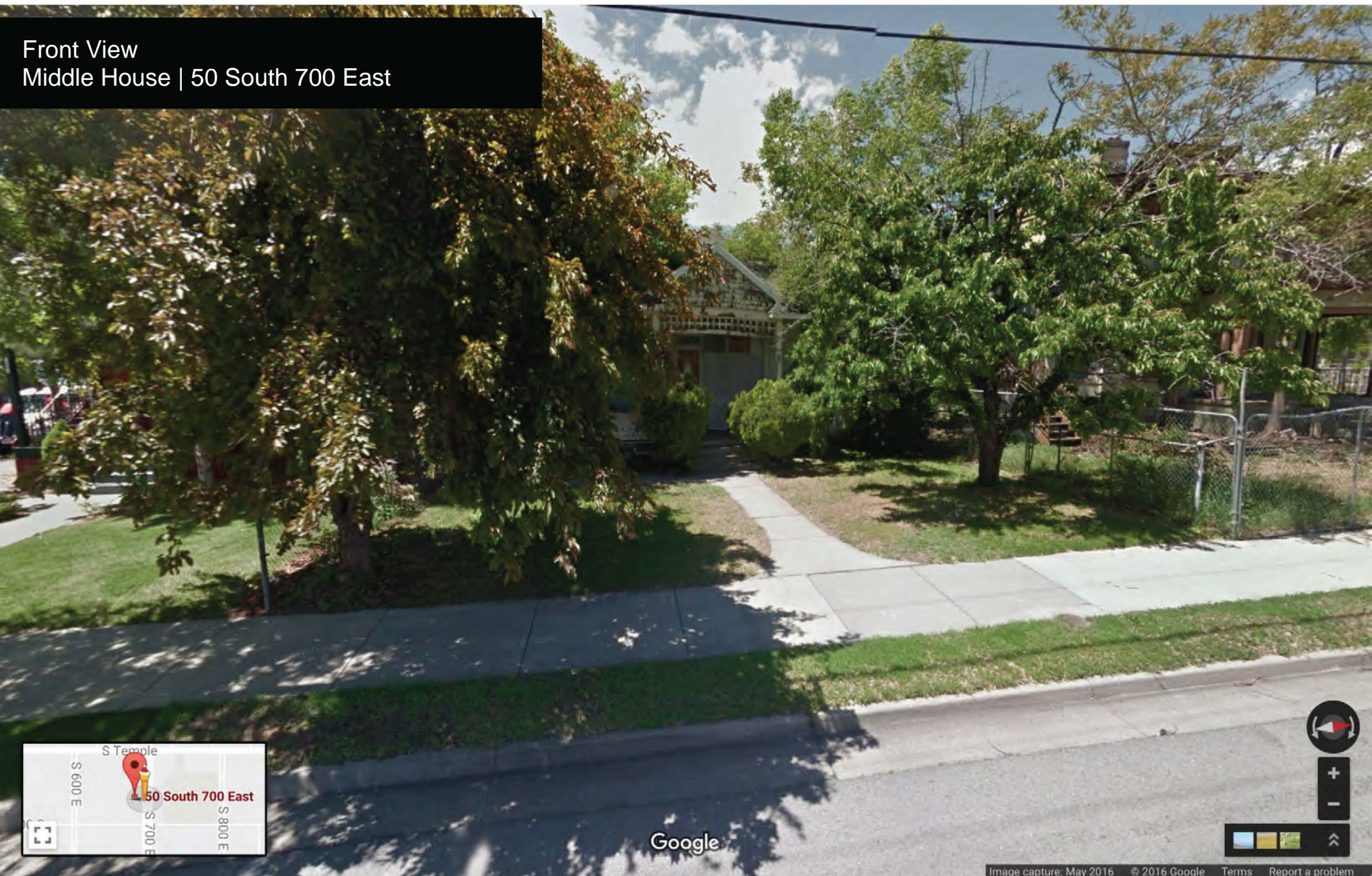
Side View
Armstrong Mansion | 667 East 100 South



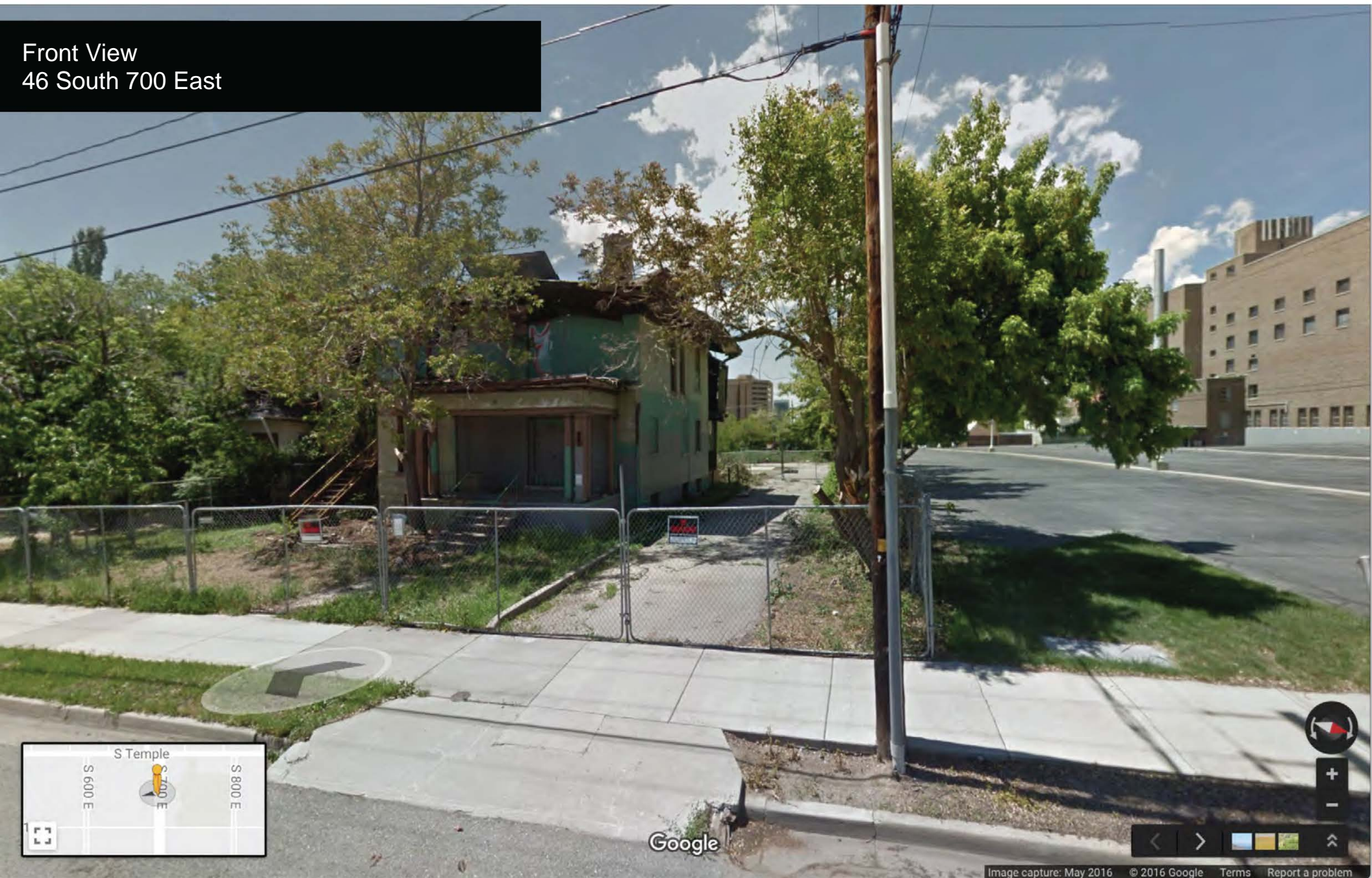
Front View
Annie's Cottage | 54 South 700 East



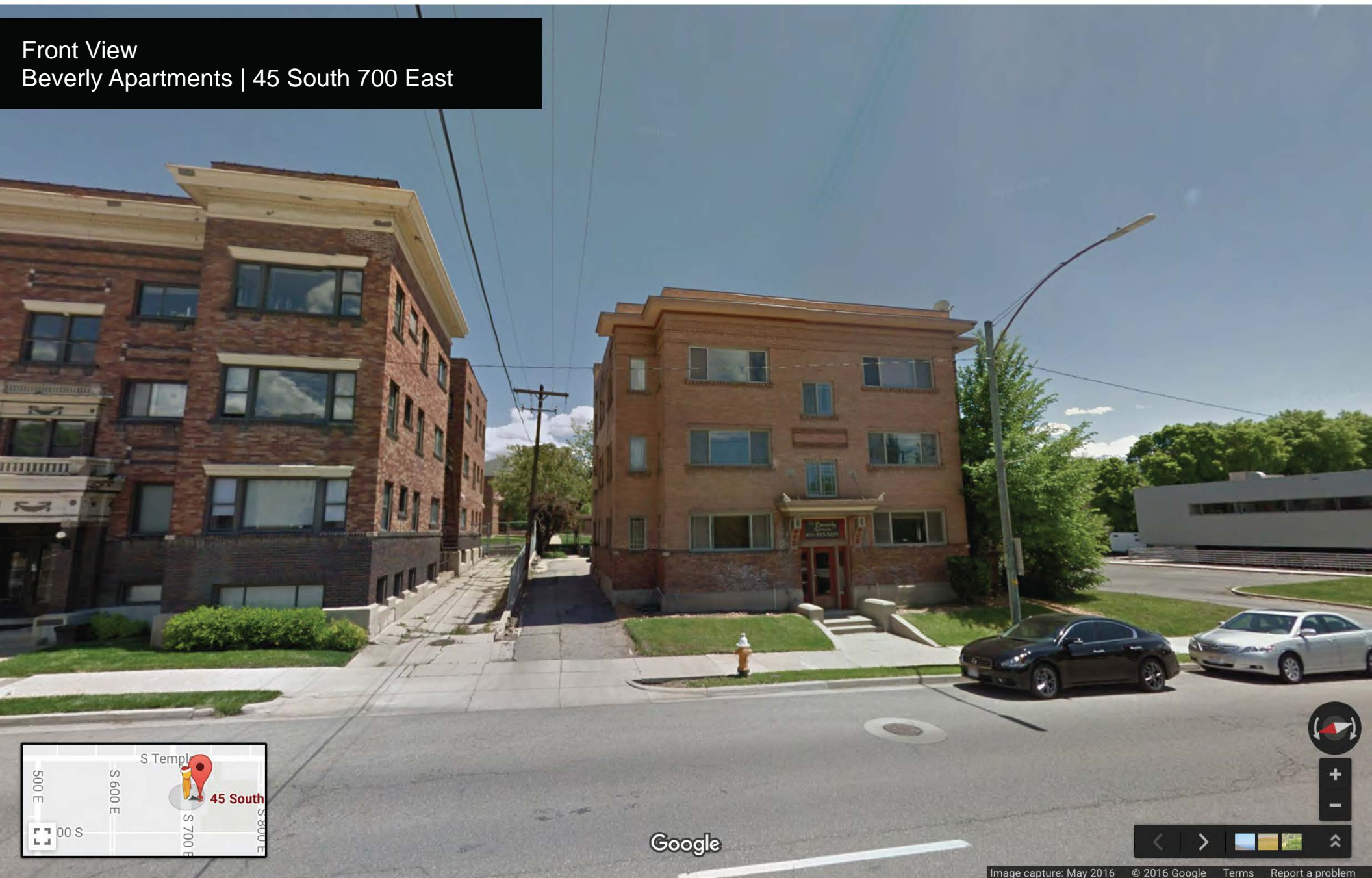
Front View
Middle House | 50 South 700 East



Front View
46 South 700 East

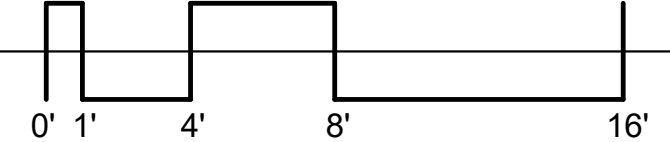
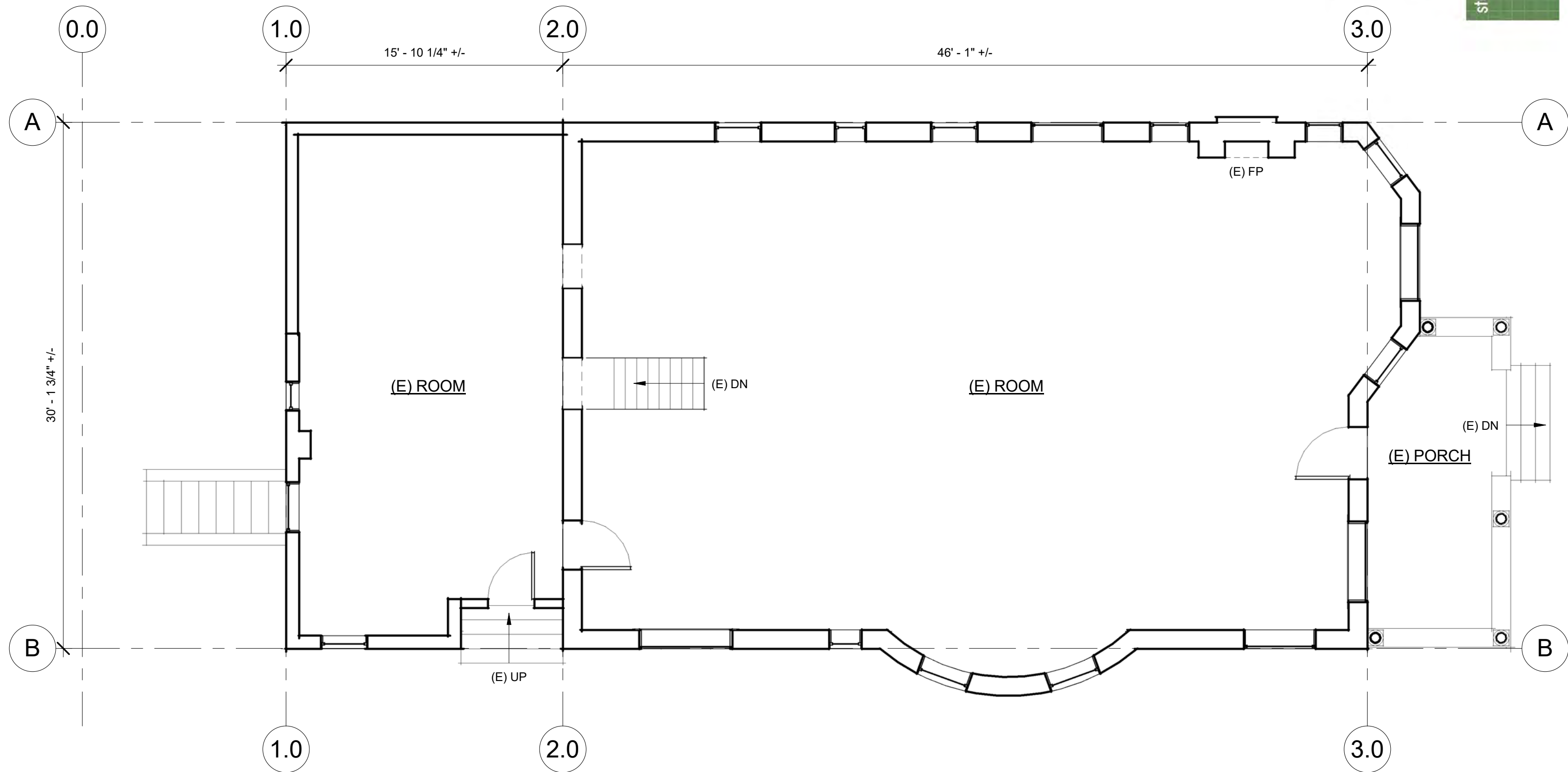


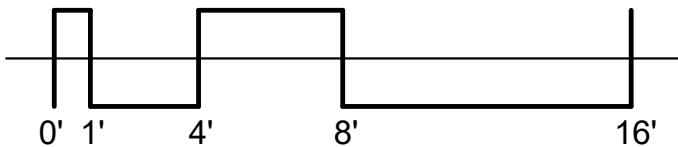
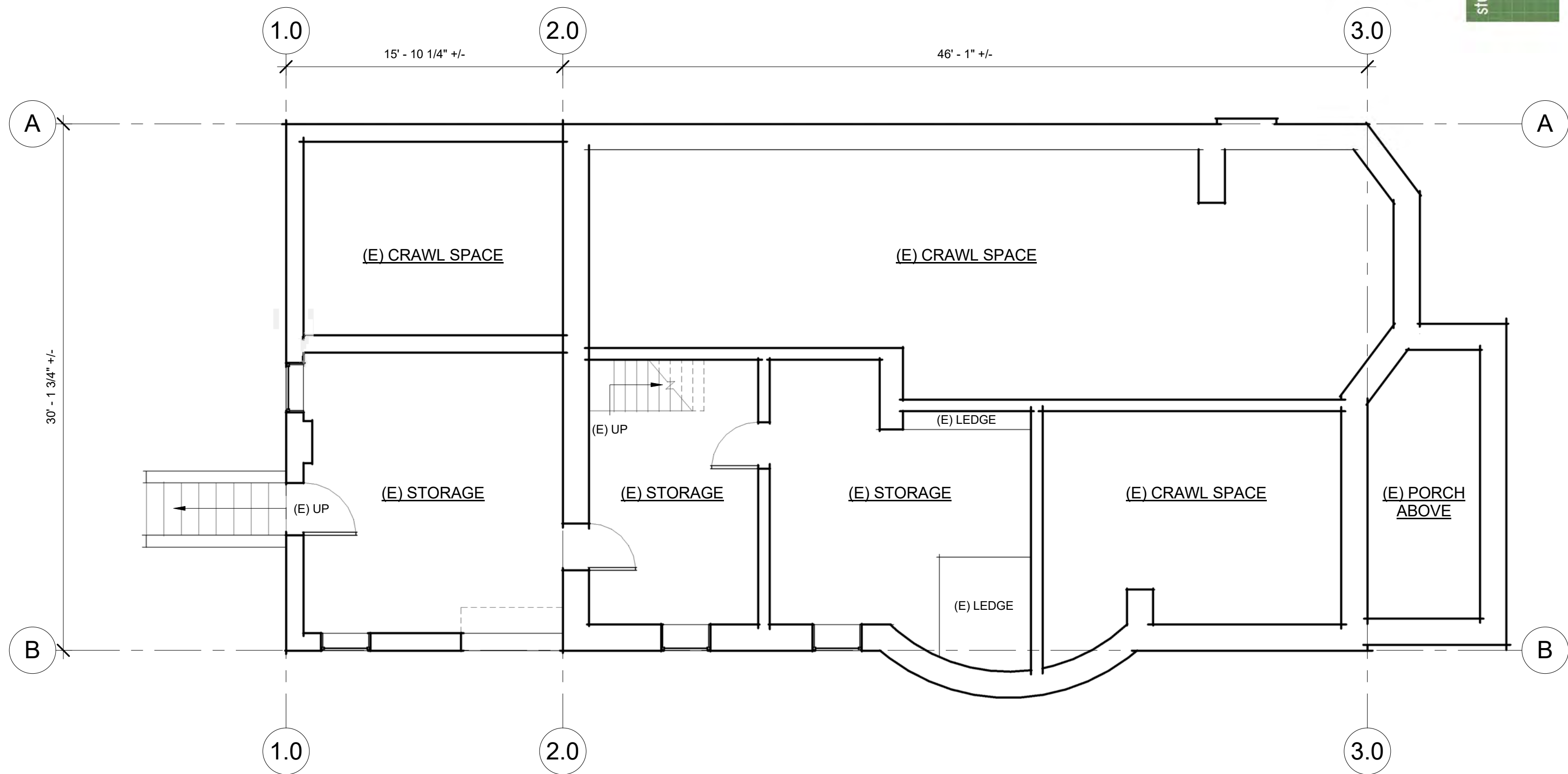
Front View
Beverly Apartments | 45 South 700 East

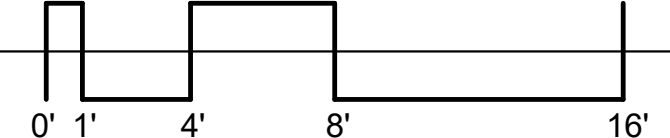
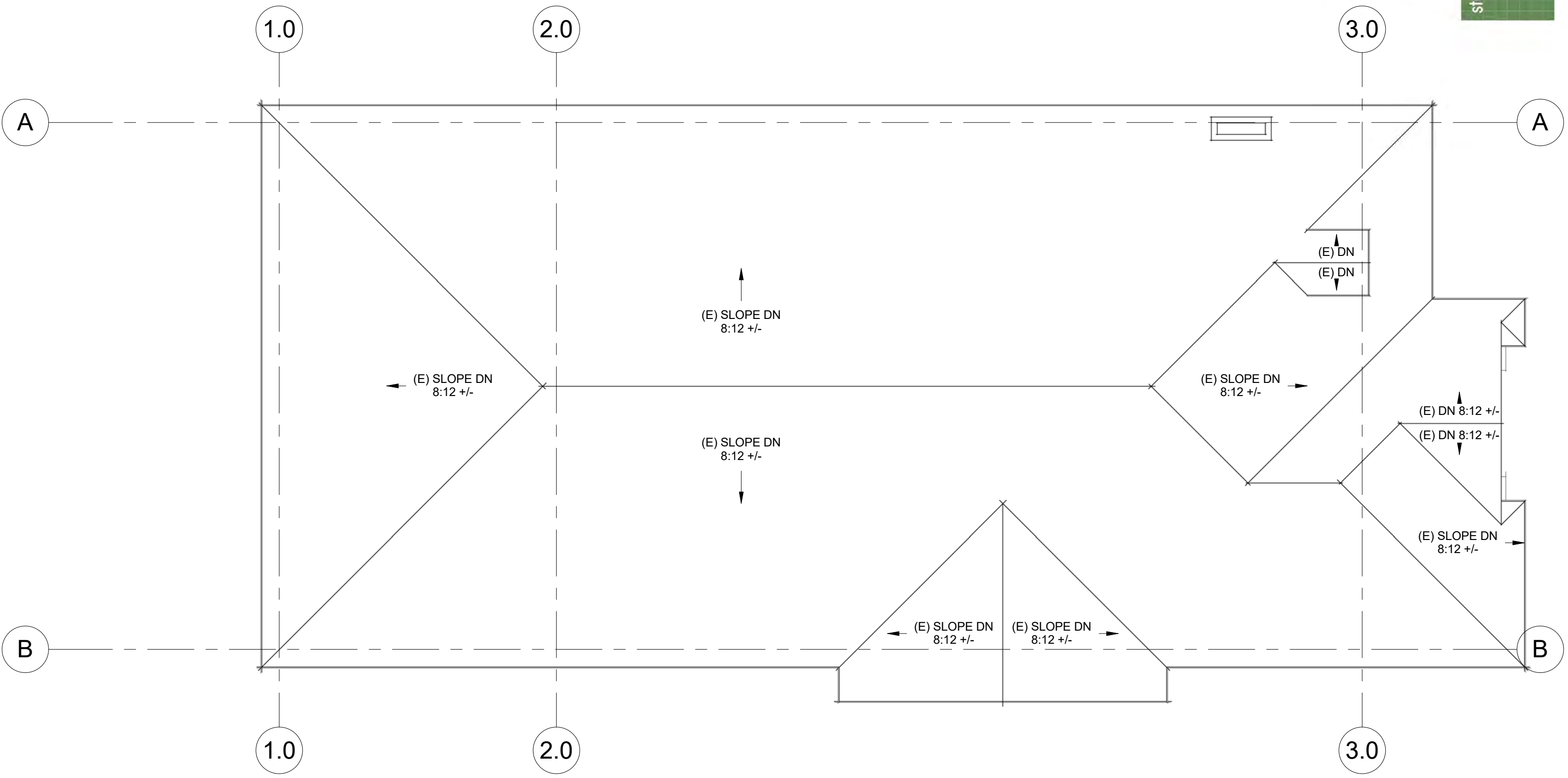


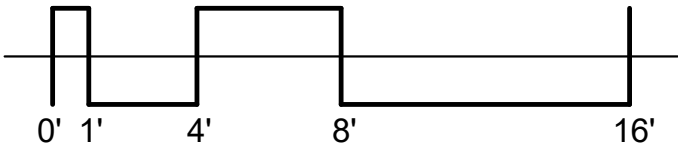
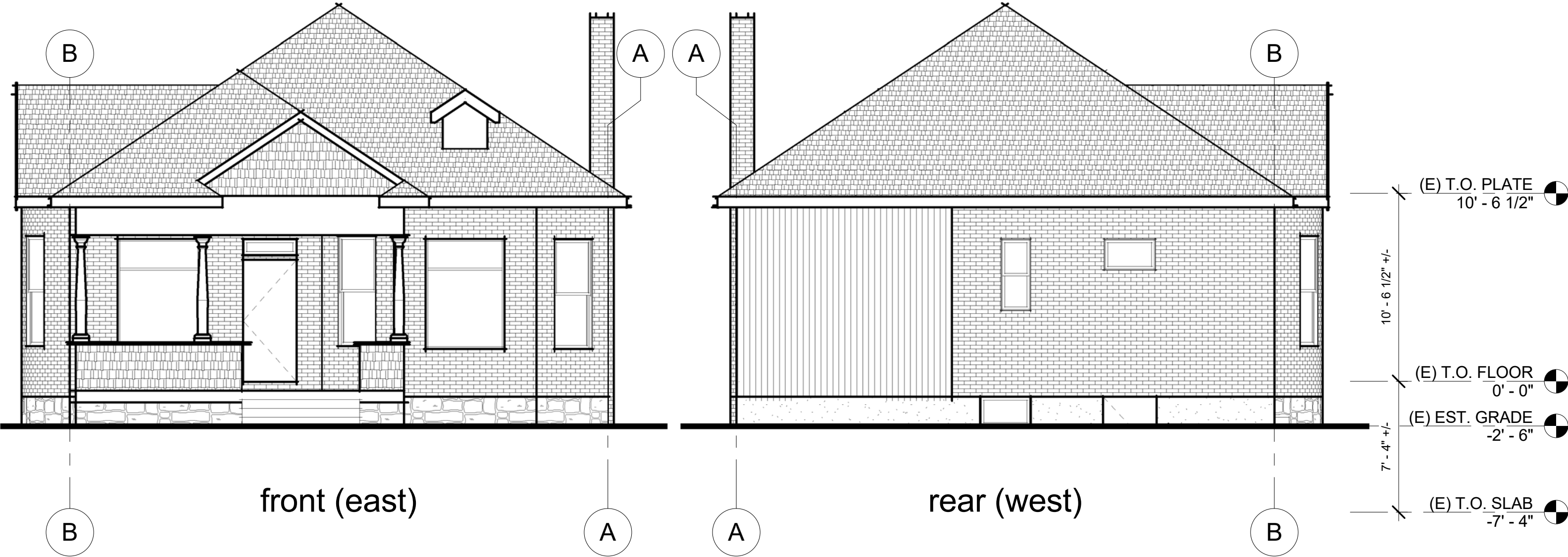
Attachment E

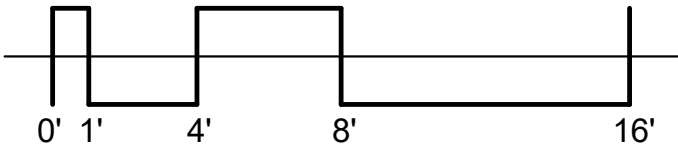
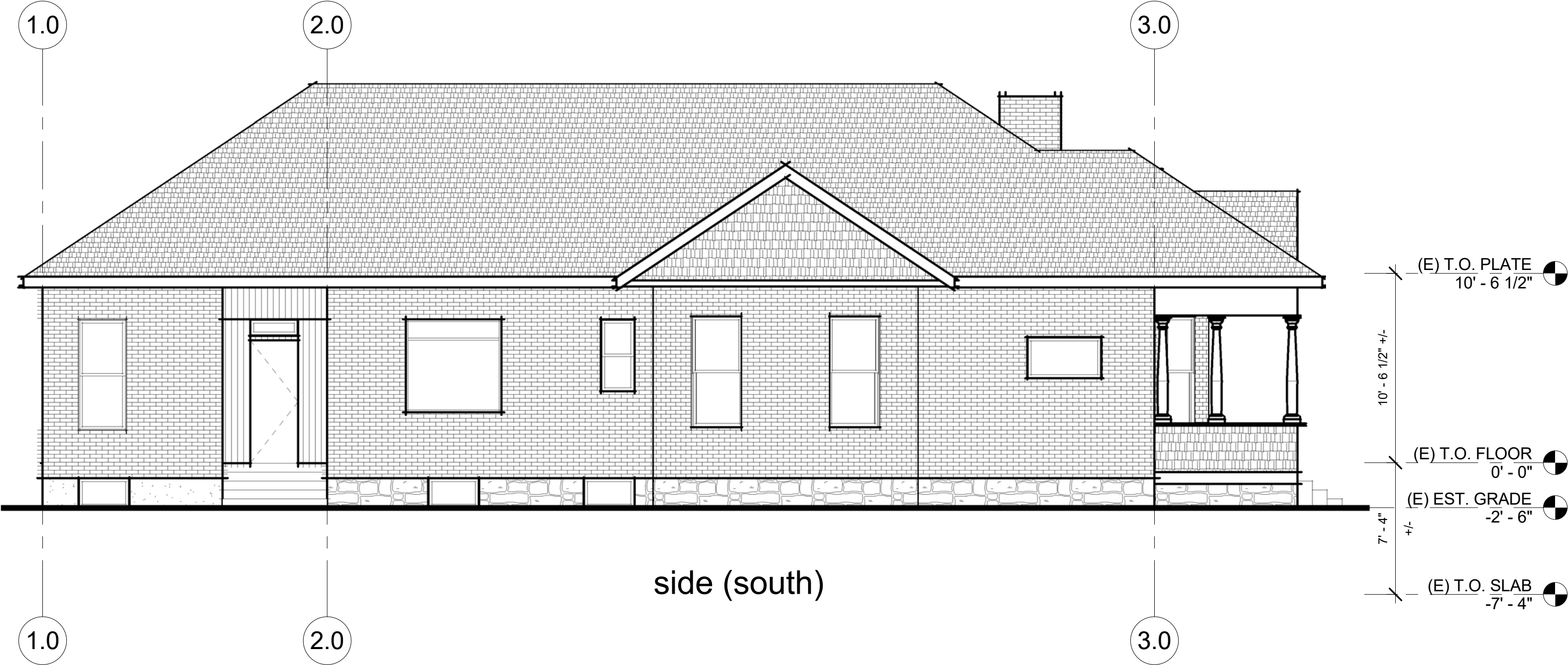
Middle House | 50 South 700 East
Conceptual Architectural Drawings –
Floor Plans & Elevations

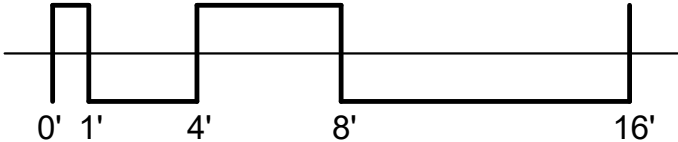
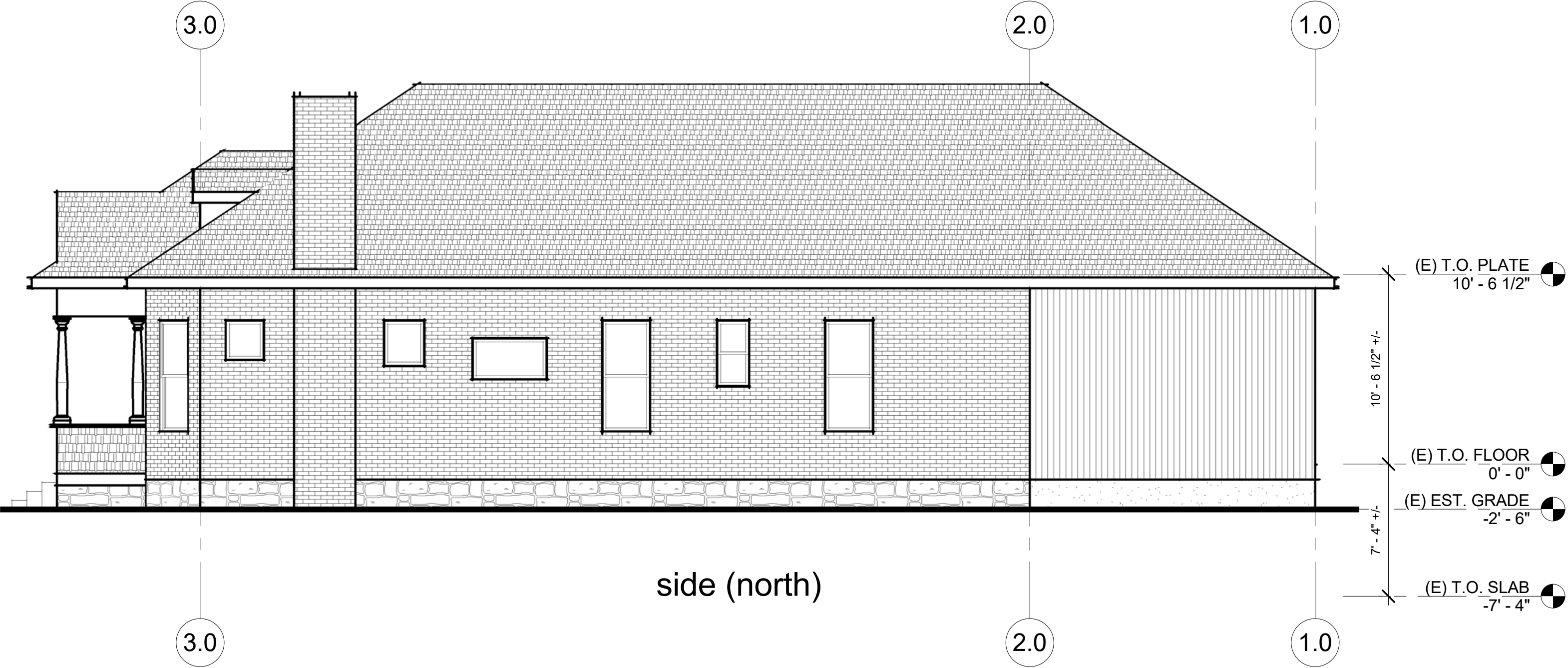


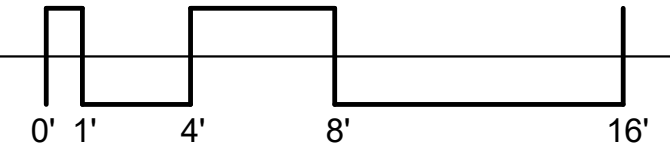
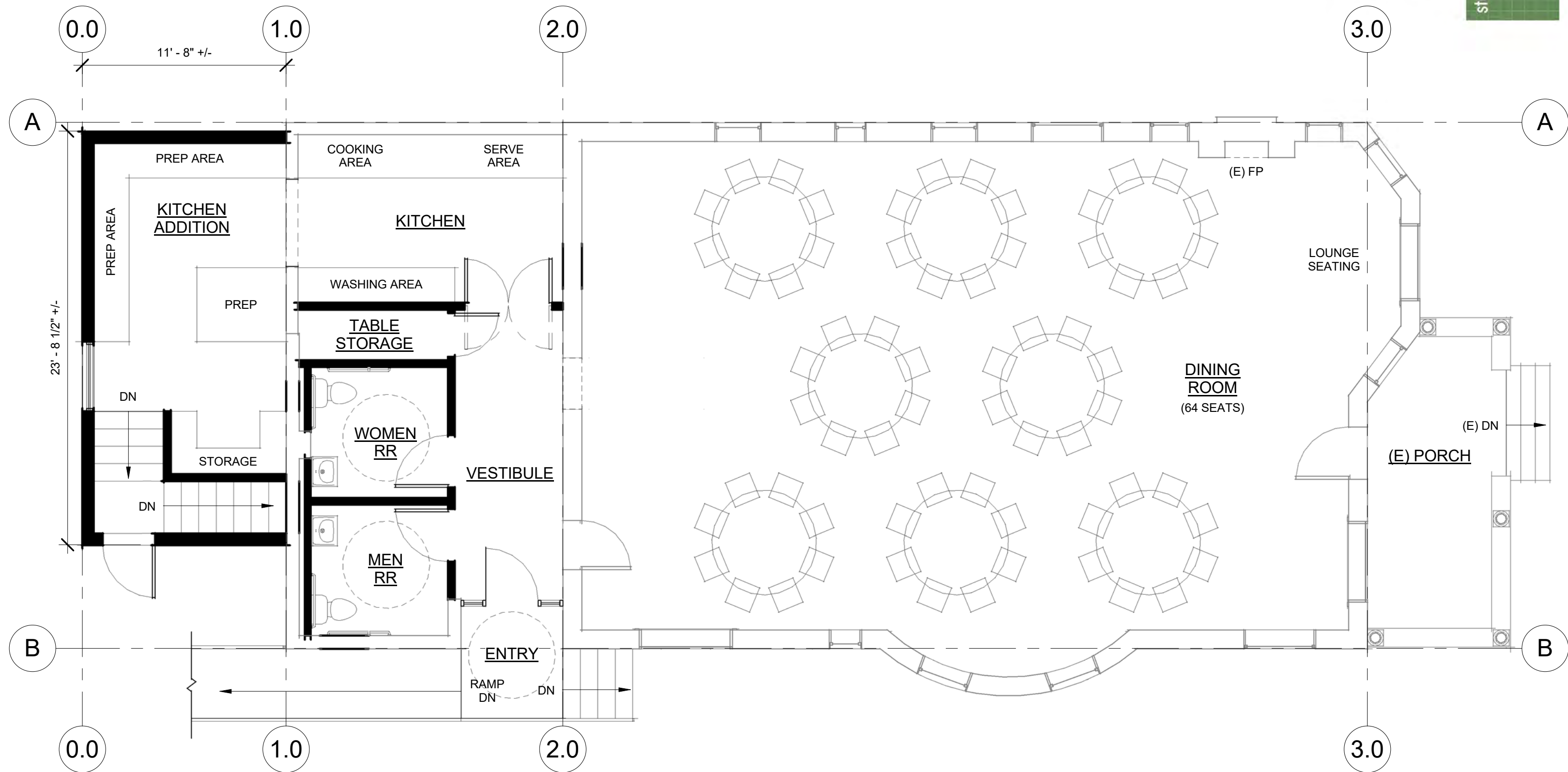


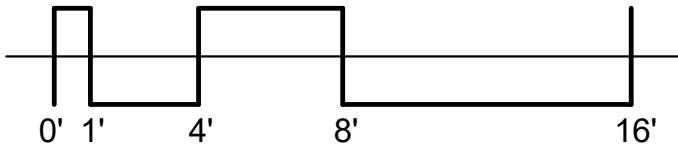
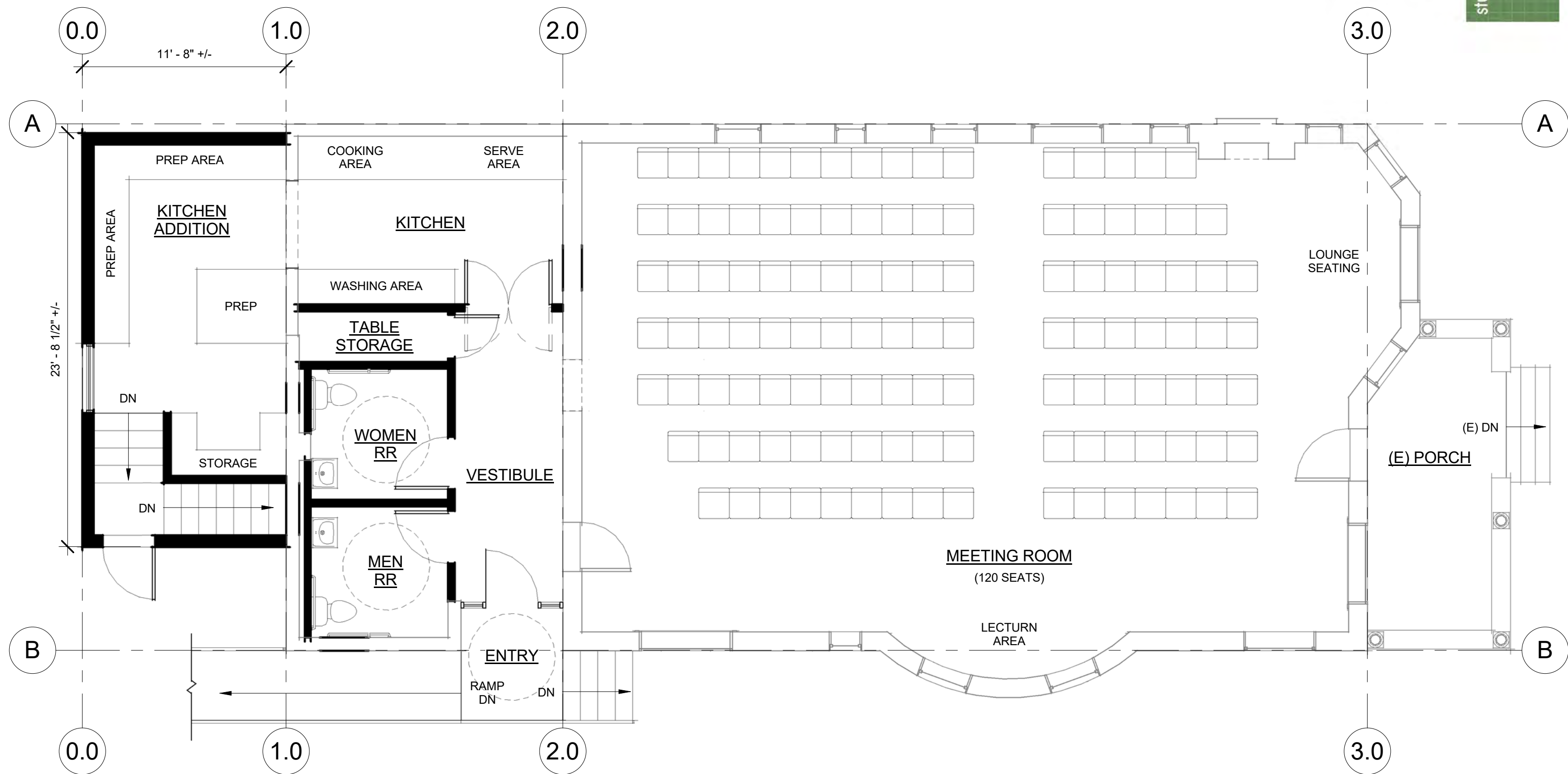


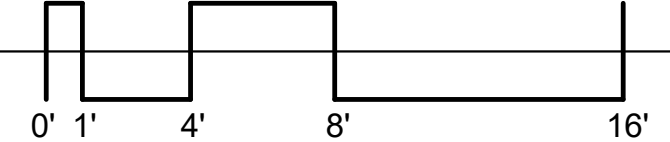
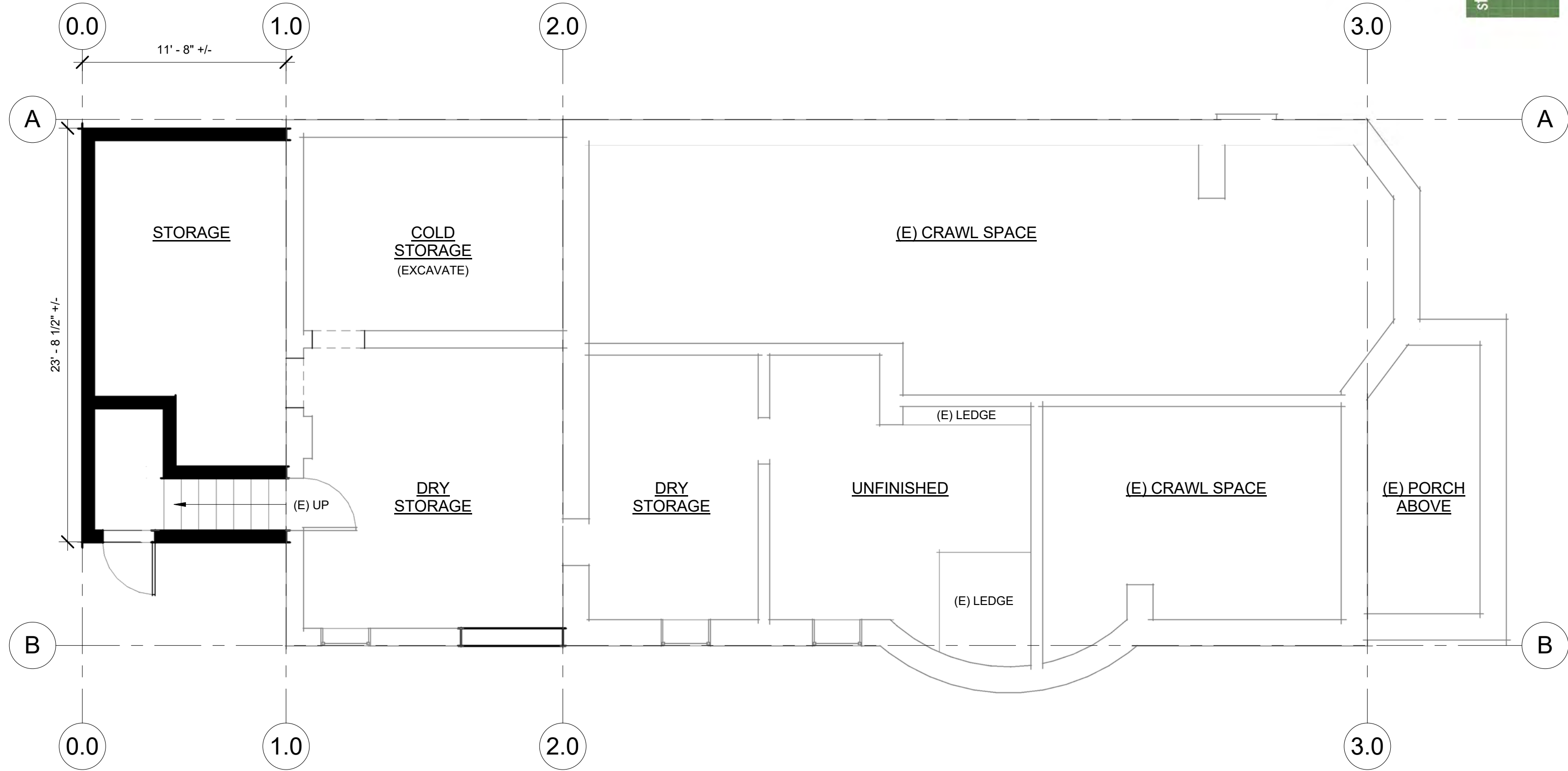


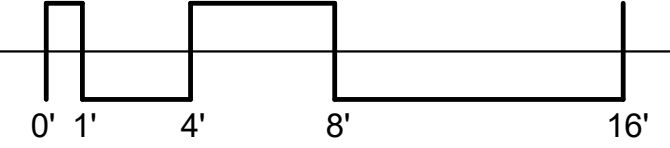
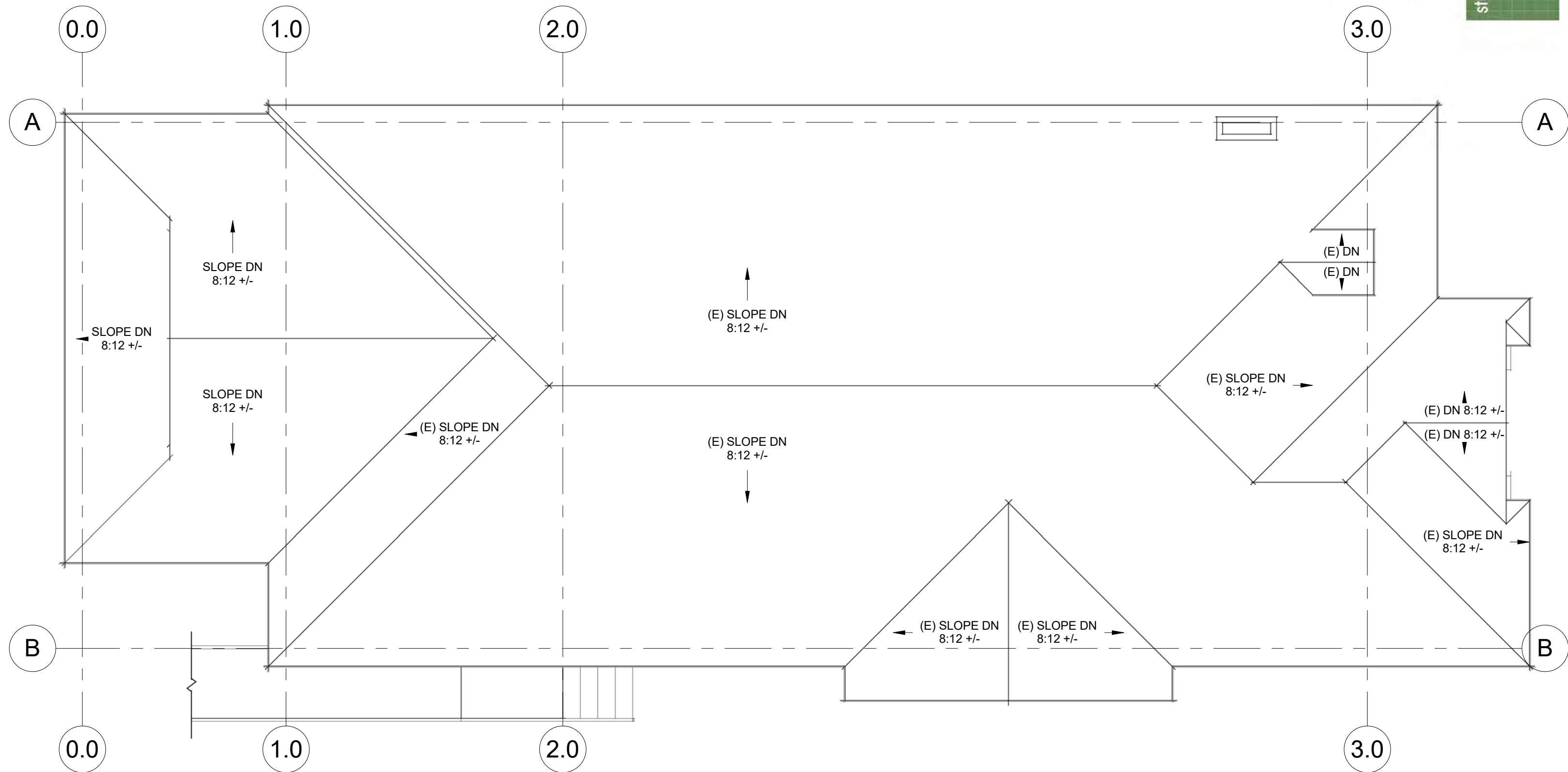


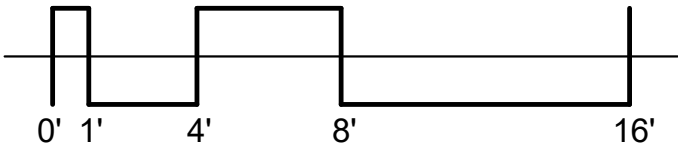
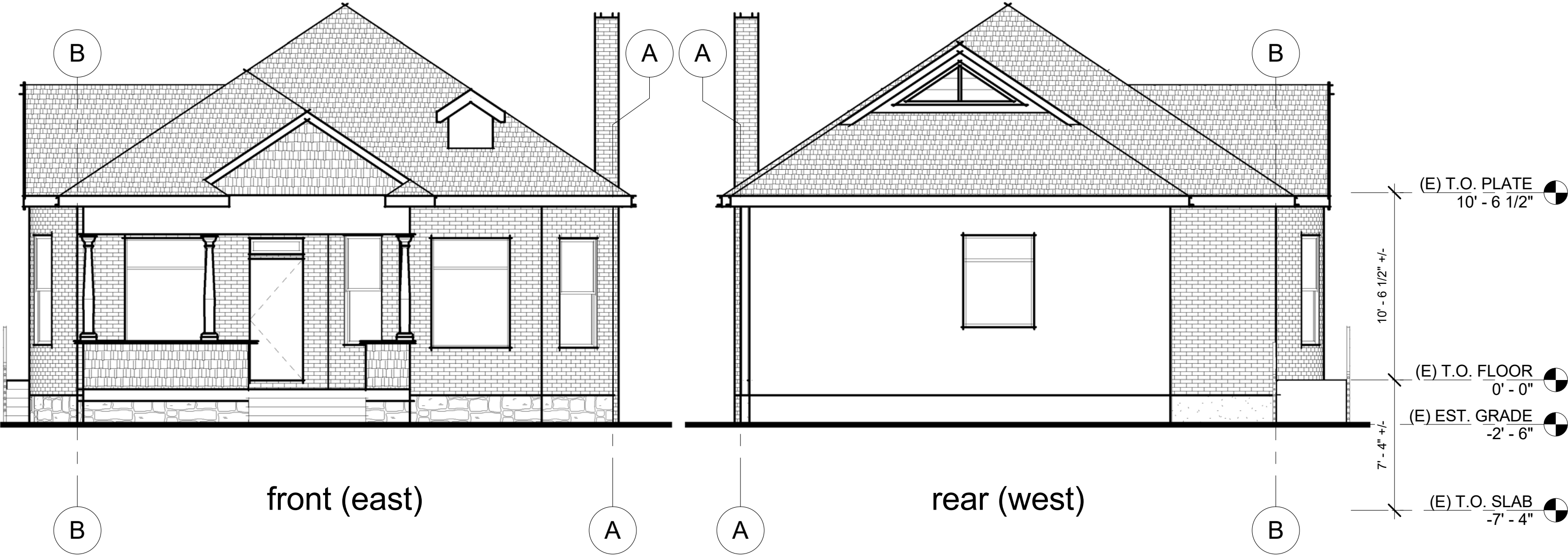


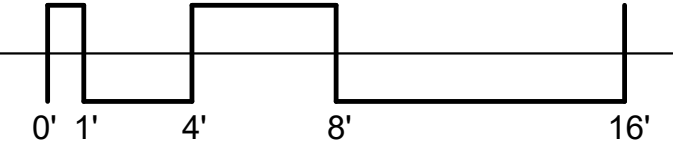
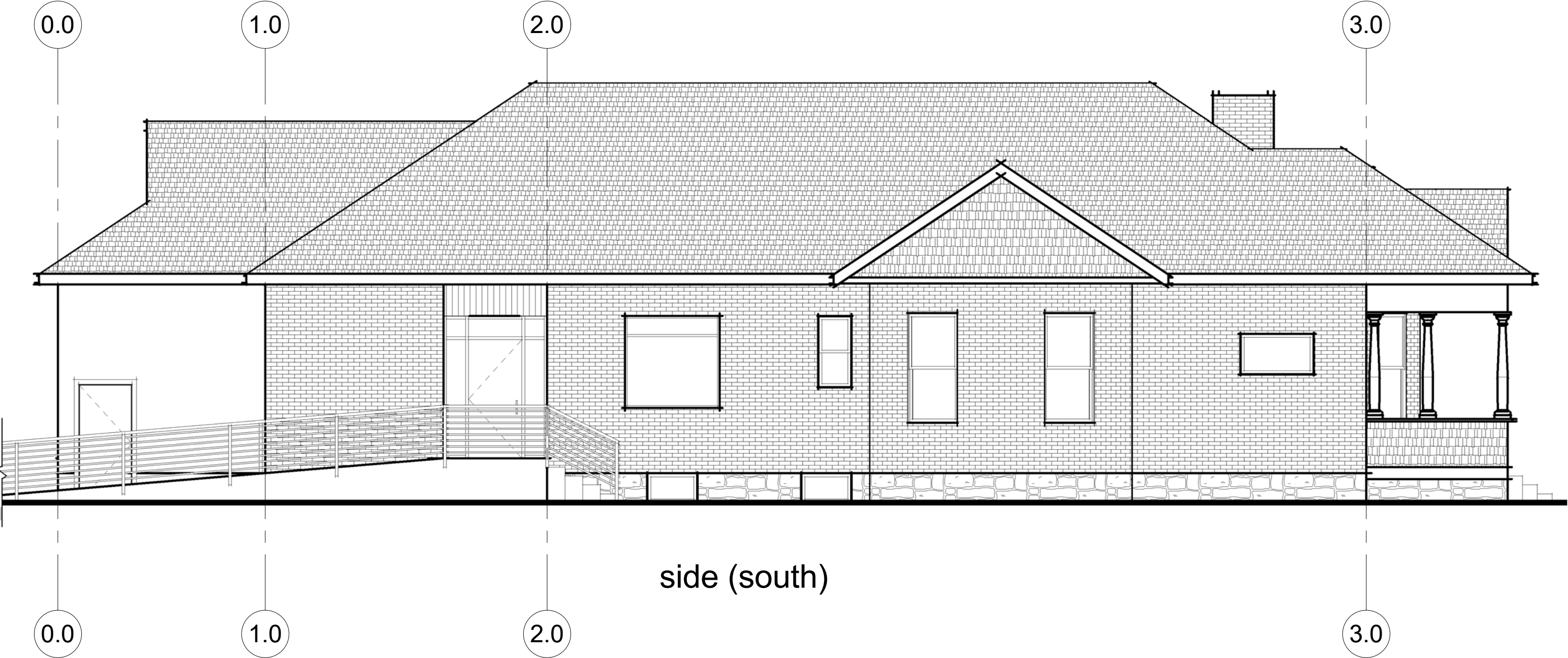


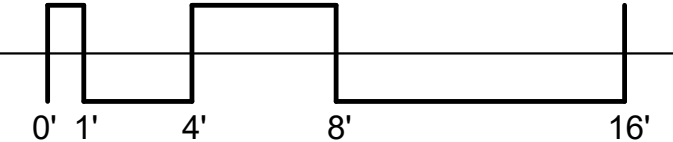
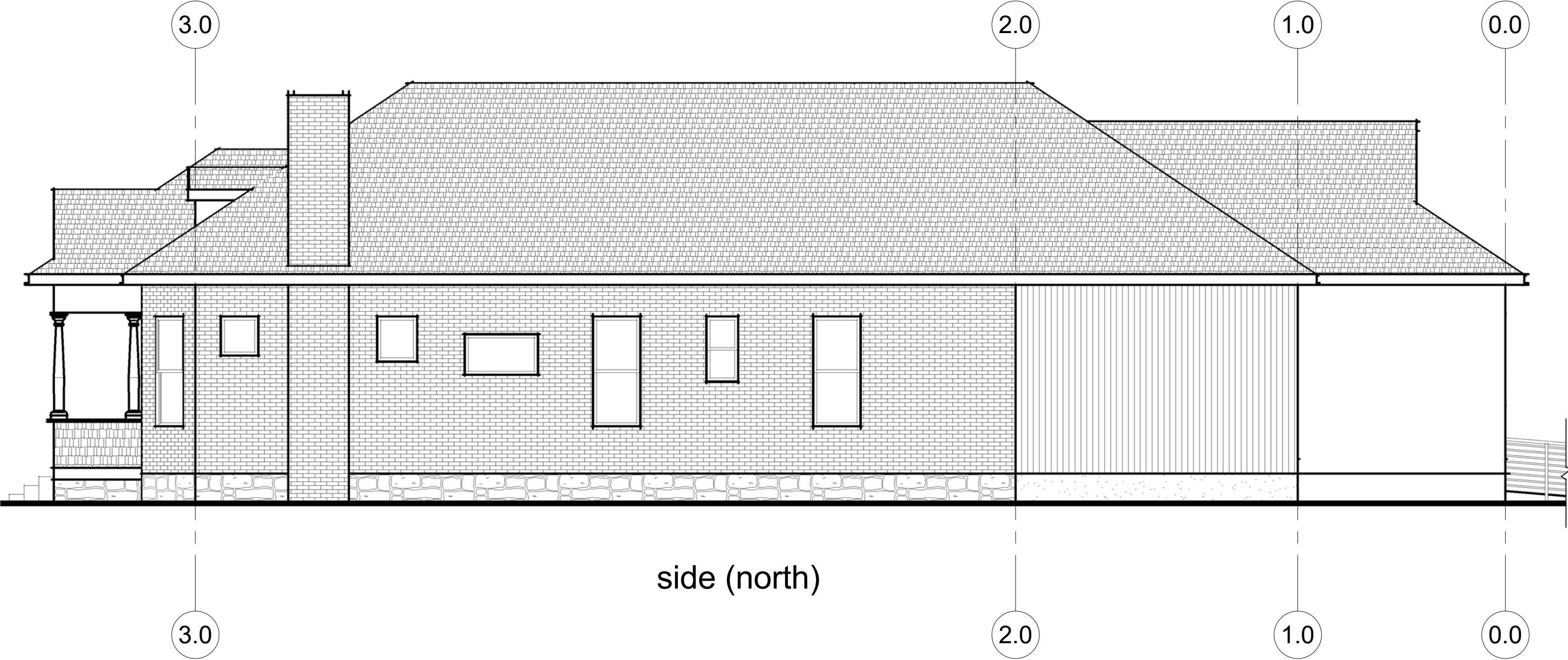


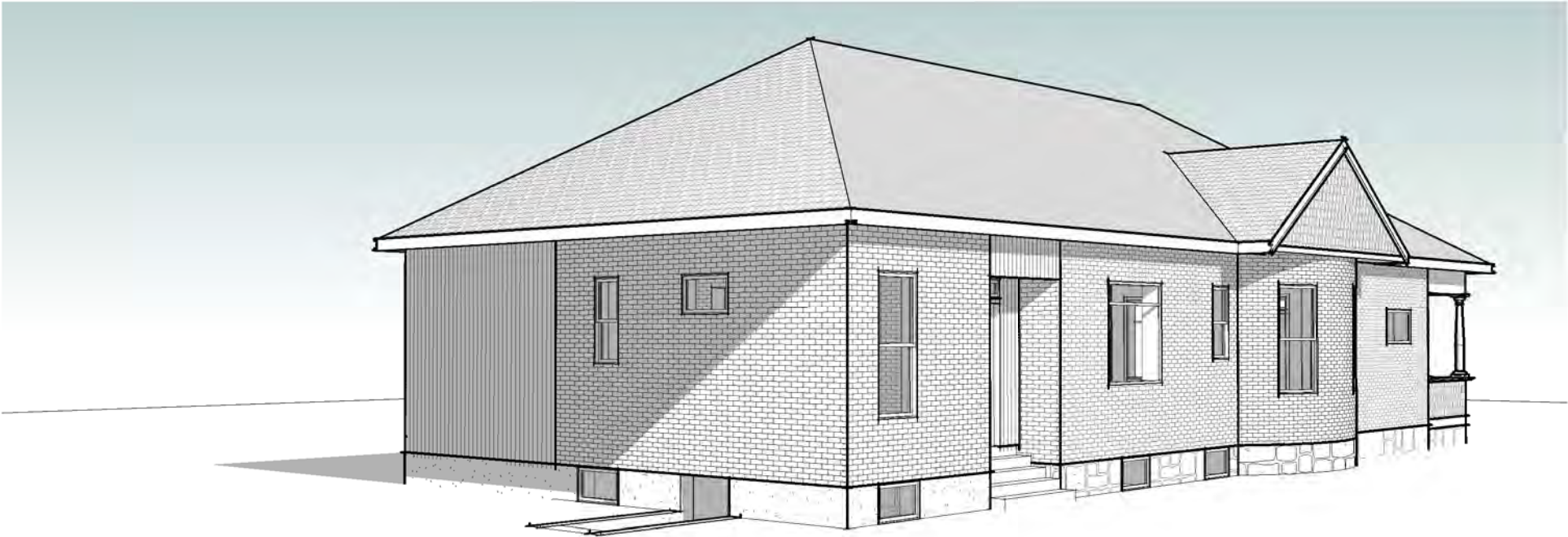




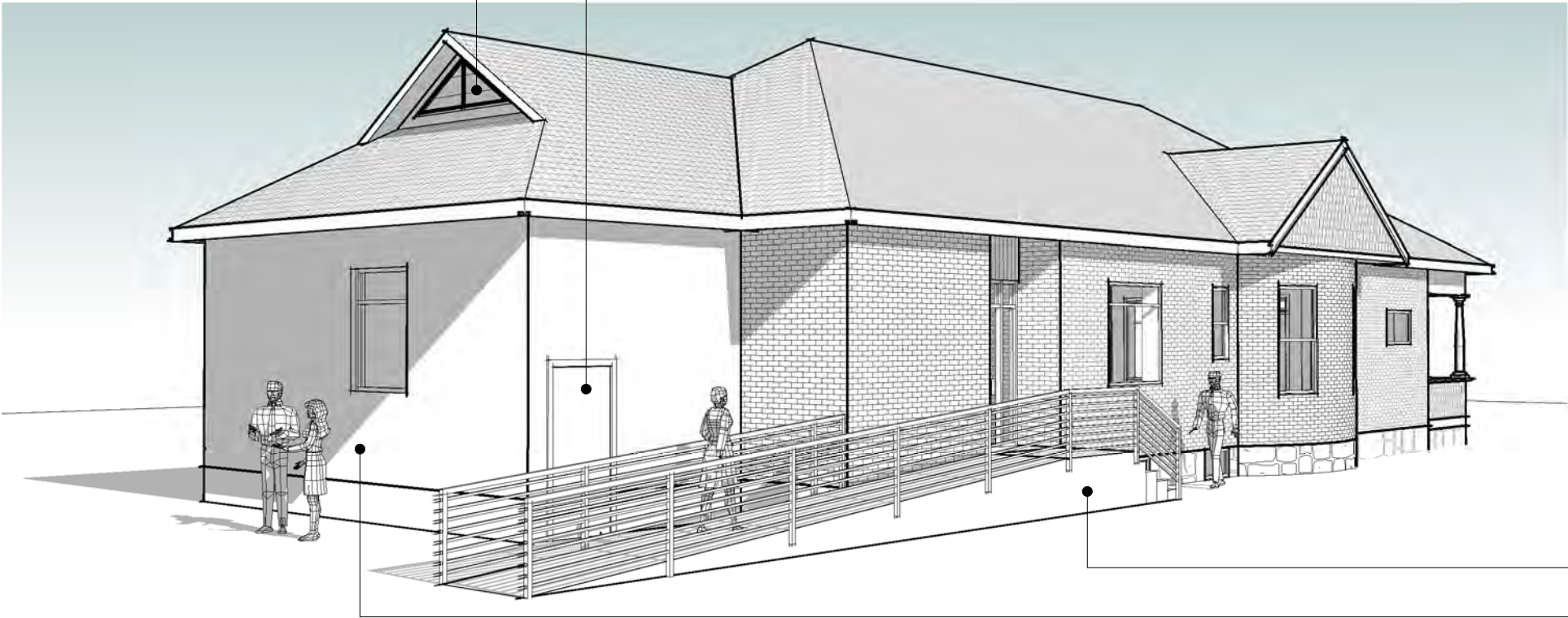








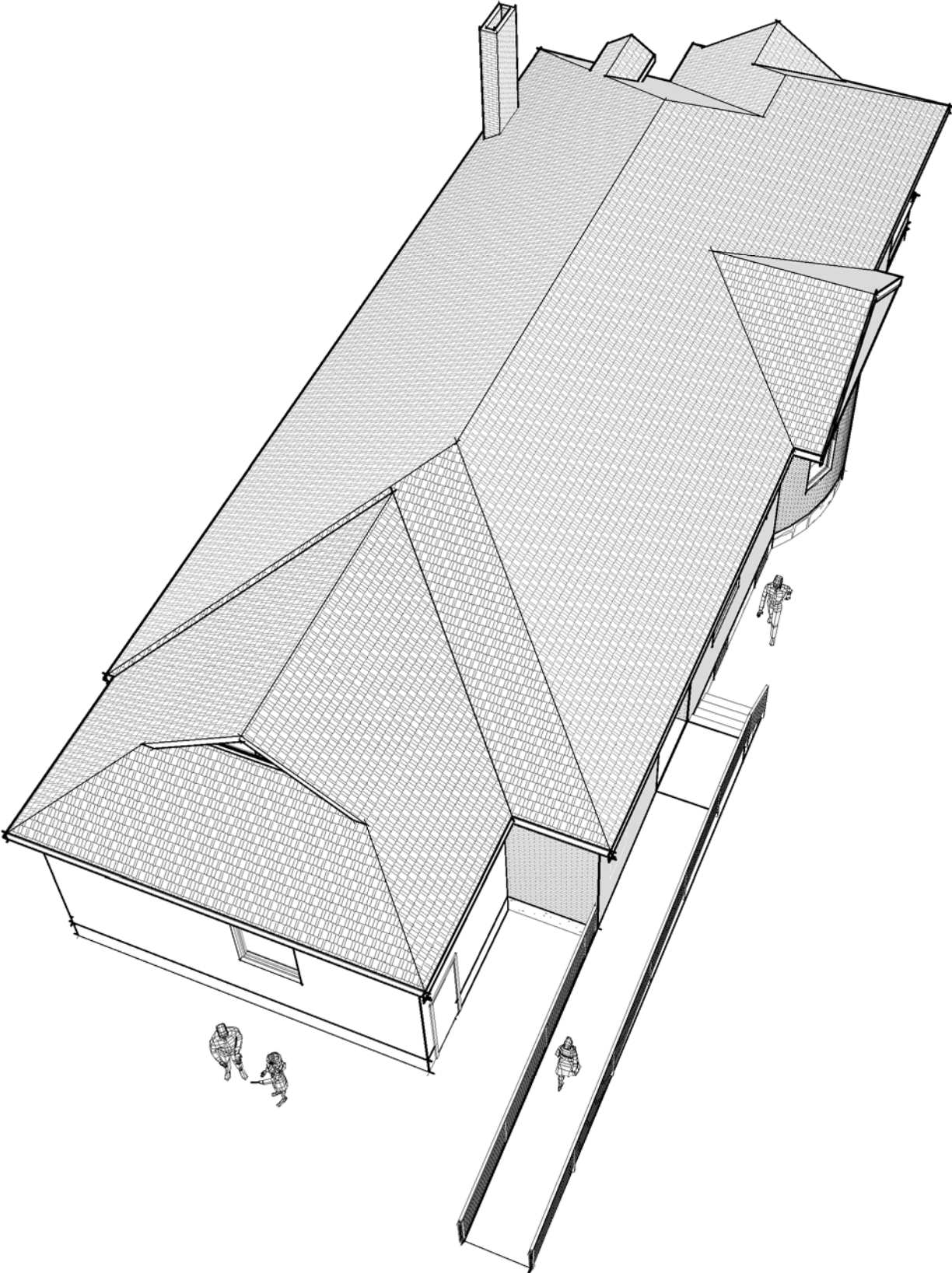
existing



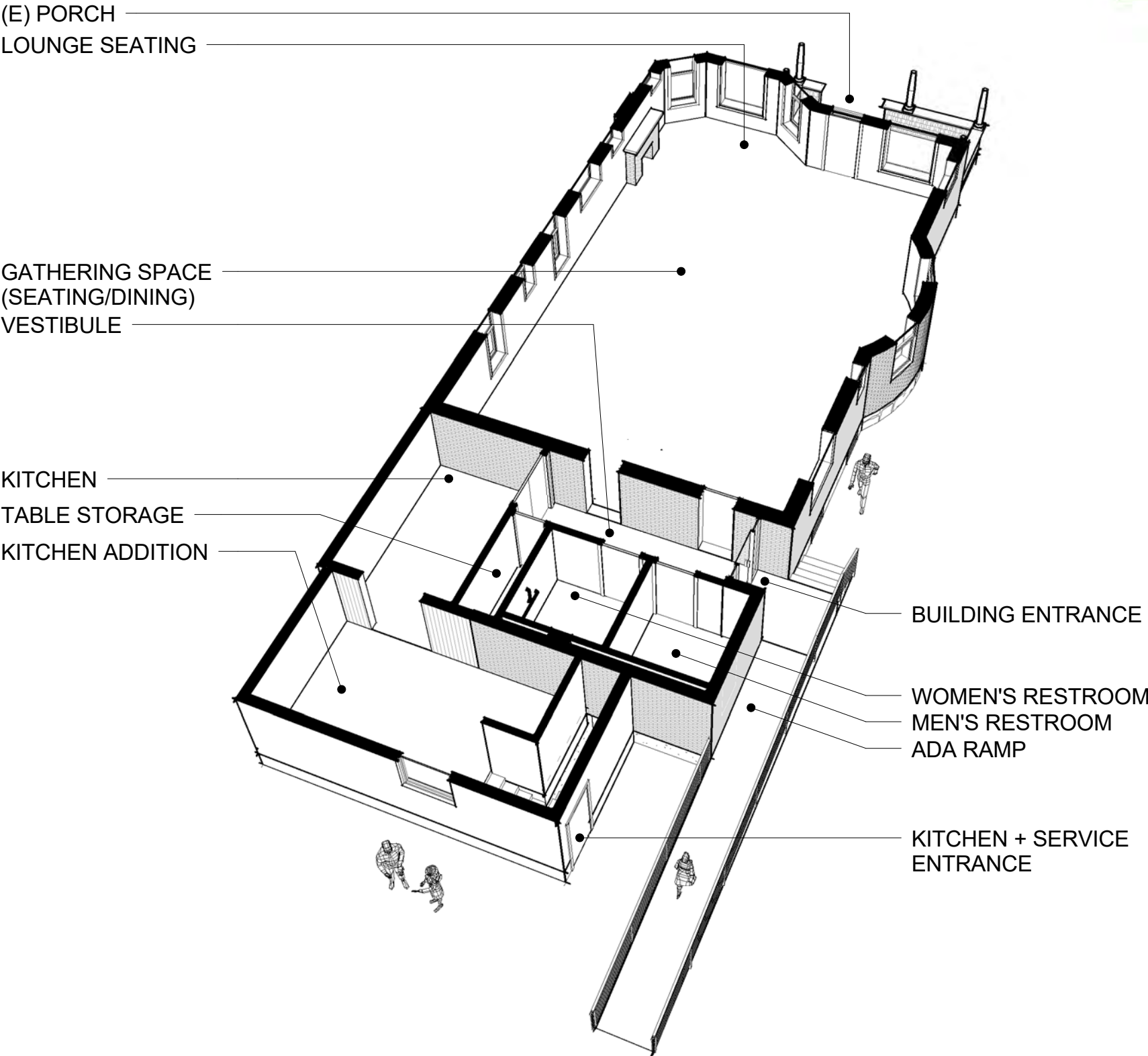
proposed

KITCHEN VENTILATION
KITCHEN + SERVICE ENTRY

BUILDING ENTRY + ADA RAMP
KITCHEN ADDITION



aerial



cutaway

Attachment F

Administrative Interpretation Staff Report

ADMINISTRATIVE INTERPRETATION
DECISION AND FINDINGS
PLNZAD2016-00507



REQUEST:

A request for an administrative interpretation to determine if the proposed use at 667 East 100 South, 54 South 700 East, 50 South 700 East and 46 South 700 East Salt Lake City, Utah (Exhibit D) is considered a "Professional and Vocational School" as defined by the Salt Lake City Zoning Ordinance.

The properties in question are:

1. 667 East 100 South, "Armstrong Mansion" (Parcel 16-05-101-011) zoned RMF-45 (Moderate/High Density Residential Multifamily.) The "Armstrong Mansion" is listed as a Salt Lake City Landmark Site.
2. 54 South 700 East (Parcel 16-05-101-007) zoned RMF-35 (Moderate Density Multifamily Residential)
3. 50 South 700 East (Parcel 16-05-101-006) zoned RMF-35 (Moderate Density Multifamily Residential)
4. 46 South 700 East (Parcel 16-05-101-005) zoned RMF-35 (Moderate Density Multifamily Residential)

In addition, the following properties are contiguous to the properties above and are under contract to be purchased with the condition that they will be able to accommodate the land use for TOSA:

1. 40 South 700 East (Parcel 16-05-101-004) zoned I (Institutional)
2. 647 East 100 South (Parcel 16-06-227-019) zoned RMF-45 (Moderate/High Density Multifamily Residential)
3. 635 East 100 South (Parcel 16-06-227-014) zoned RO (Residential/Office)

All properties listed above are located in the Central City Historic District subject to the H Historic Preservation Overlay.

DECISION:

Based on the initial information provided with this application (Exhibit A), and considering additional information submitted by the applicant, Salt Lake City Planning concludes that the use TOSA is proposing is a "Large Group Home" as defined by the Salt Lake City Zoning ordinance and that the vocational training aspect of their facility is a programmatic function of their group home, not the principal land use.

BACKGROUND INFORMATION:

A previous Administrative Interpretation requested by TOSA was issued on February 19, 2016 (Exhibit B.) That interpretation concluded that TOSA has elements most similar to either a "Large Group Home Dwelling" or a "Community Correctional Facility." TOSA appealed the conclusion from the February 19, 2016 Administrative Interpretation (Exhibit C), but later requested that the appeal be postponed in order to provide additional information through this current request for a new Administrative Interpretation.

Additional information acquired through this application and meetings with TOSA have clarified that the proposed use is not a "Community Correctional Facility" because courts do not mandate

students to attend TOSA or to participate in TOSA's educational programs, and students must be released from state custody in order to enroll and participate at TOSA.

Information about TOSA as provided by TOSA:

- TOSA is a 2-year residential self-help community for long-time substance abusers, convicts, homeless and others. Residents are required to stay for a minimum of 2 years, though some may stay longer until they feel ready to re-enter society.
- TOSA admits participants through an application process. TOSA has complete discretion to admit or deny its applicants. Accepted applicants are admitted into a work-based program that provides vocational education, technical skills training and life skills training through operating and participating in actual businesses.
- TOSA's model is a "learning by doing" approach to education that allows students/residents to have a hands-on experience running actual businesses.
- Students are guided by advanced students, mentors and outside professional advisors.
- In the case of convicts, the courts cannot mandate them to attend TOSA or to participate in TOSA's educational programs. If they choose to participate on TOSA's program they must be released from state custody in order to enroll and participate at TOSA. Students/residents are not tracked, confined, restrained, supervised by officers, or in state custody while enrolled at TOSA.
- If a student/resident violates parole or their conditions of release while enrolled at TOSA, they will face the consequences of such violation just as a student would if they were enrolled at any other vocational school providing on-campus living, including possible expulsion.
- TOSA does not receive government assistance. TOSA is funded entirely through charitable contributions and the revenues generated by its facilities.

TOSA's Curriculum:

- TOSA's occupational and vocational training program engages students/residents in several operating businesses such as a moving company, culinary school and food truck, and a landscaping business. The vocational training also includes classes that focus on management, leadership, and life skills. TOSA's students run all aspects of these businesses, including management and supervision, bookkeeping and reporting, and customer service.
- The curriculum offered by TOSA to its residents are vocational in nature and generally do not transfer towards a bachelor's degree at a college or university, although there are students/residents at TOSA who are simultaneously working towards a GED that may eventually allow them to seek a college or university education.

FINDINGS:

After reviewing the information above, the following findings were determined:

- Of the land uses found in the Salt Lake City Zoning Ordinance, Section 21A.62, TOSA's program and activities are most similar to a "Large Group Home Dwelling" and a "Professional and Vocational School." However, TOSA's use is primarily residential.
- The definition of a "Large Group Home Dwelling" in Section 21A.62 of the Salt Lake City Zoning Ordinance is:

DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 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.

- The Salt Lake City zoning ordinance does not define “treatment.” According to Section 21A.62 any word in the ordinance not defined shall be as defined in the “Webster’s Collegiate Dictionary”. The Webster’s definition of “treatment” is:

- 1(a): the act or manner or an instance of treating someone or something
- 1(b): the techniques or actions customarily applied in a specified situation
- 2(a): a substance or technique used in treating
- 2(b): an experimental condition

- The definition of “treatment” above, does not specify that “treatment” is medical in nature. TOSA does not provide medical treatment but offers room and board and specialized treatment in the form of programmatic activities that resemble vocational training and other functions as listed in the definition of Group Home Dwelling.
- TOSA’s land use is most similar to the residential use “Group Home Dwelling”, but TOSA’s use also includes associated programmatic activities that are similar to a “Professional and Vocational school”.
- The definition of a “Professional and Vocational School” in Section 21A.62 of the Salt Lake City Zoning Ordinance is:

SCHOOL, PROFESSIONAL AND VOCATIONAL: An institution offering occupational and vocational training, the courses of which are not generally transferable toward a bachelor’s degree.

- Although TOSA uses an apprenticeship model, where students live on-site to learn and work through hands-on job experience, Salt Lake City does not recognize TOSA exclusively as a “Professional and Vocational School” because the definition of this land use in the zoning ordinance does not allow a residential dwelling component such as lodging rooms or housing for students or faculty.
- Furthermore, the Salt Lake City Zoning Ordinance Section 21A.33.020, Table of Permitted and Conditional Uses lists a “Large Group Home Dwelling” as a conditional use in the RMF-35, RMF-45 and RO zoning districts with a qualifying provision that no large group home shall be located within eight hundred feet (800’) of another group home and that in the RO a “Large Group Homes Dwelling” needs to be located above the ground floor. A “Large Group Home Dwelling” is not a permitted or a conditional use in the Institutional zoning district.
- Also, the Salt Lake City Zoning Ordinance Section 21A.33.020, Table of Permitted and Conditional Uses lists a “Professional and Vocational School” as a permitted use in the RO and Institutional zoning districts, but not a permitted or conditional use in the RMF-35 or RMF-45 zoning districts.

After reconsidering additional information submitted by the applicant, Salt Lake City Planning concludes that the type of land use TOSA is proposing is considered a Large Group Home Dwelling as defined by the Salt Lake City Zoning Ordinance.

Attachment D-
Additional Applicant Materials

If you have any questions regarding this interpretation please contact Katia Pace at (801) 535-6354 or by email at katia.pace@slcgov.com.

APPEAL PROCESS:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals are located on the Planning Division website at <http://www.slcgov.com/planning/planning-applications> along with information about the applicable fee. Appeals may be filed in person or by mail at:

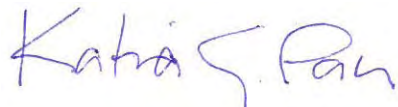
In Person:
Salt Lake City Corp
Planning Counter
451 S State Street, Room 215
Salt Lake City, UT

US Mail:
Salt Lake City Corp
Planning Counter
PO Box 145471
Salt Lake City, UT 84114-5417

NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

Dated this 8th day of November, 2016 in Salt Lake City, Utah.



Katia Pace
Principal Planner

cc: Nora Shepard, Planning Director
Joel Paterson, Zoning Administrator
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organizations

EXHIBITS:

- A. Information Provided by Applicant, PLNZAD2016-00507, Current Interpretation
- B. Information Provided by Applicant, PLNZAD2016-00666, First Interpretation
- C. Information Provided by Applicant, PLNZAD2016-00133, Appeal
- D. Map of the Subject Parcels

**EXHIBIT A: INFORMATION PROVIDED BY
APPLICANT, CURRENT INTERPRETATION
PLNZAD2016-00507**

July 5, 2016

Joel Paterson, AICP
Zoning Administrator
Salt Lake Planning Division
451 South State Street, Room 215
Salt Lake City, Utah 84111

**RE: REQUEST FOR ADMINISTRATIVE INTERPRETATION
The Other Side Academy—Vocational School**

Dear Mr. Paterson,

The Other Side Academy (the “TOSA”) respectfully requests an administrative interpretation to determine whether its use qualifies as a “school, professional and vocational” under Salt Lake City Code §21A.62.040 (for purposes of this letter, the defined term will be simplified as a “vocational school”). TOSA is a non-profit organization that provides vocational and life skills training to people who have been formerly incarcerated and/or addicted to drugs. Vocational education, technical skills training, life skills development and on-the-job application constitute the core curriculum for students at TOSA. The principles espoused through TOSA’s curriculum are critical components of the healing process experienced by TOSA’s students. Through TOSA’s vocational training, TOSA students develop the vocational and life skills necessary to be contributing members of the community.

TOSA’s Salt Lake City property is located in the RMF-35 and RMF-45 Zones. TOSA is currently under contract to purchase additional property contiguous to its existing property in the RMF-45, RO and Institutional Zones. TOSA’s request for an administrative interpretation is the first step of a larger process which will include an effort by TOSA to rezone all of TOSA’s properties (owned and under contract) in the Institutional Zone, and amend the Salt Lake City Master Plan to account for the zoning change. However, before TOSA seeks a zoning change and amendment to the Master Plan, it desires to obtain an administrative interpretation from Salt Lake City to determine if its use qualifies as a “vocational school” under the Salt Lake City Code. “Vocational schools” are a permitted use in the Institutional Zone. Because the core of TOSA’s educational model is based on vocational/life skills education, training and hands-on implementation of such training through employment in the community, TOSA’s land use is best described as a “vocational school” under the Salt Lake City Code.

I. Background on the Other Side Academy Properties and Procedural History

TOSA owns four parcels in downtown Salt Lake City (collectively, the “TOSA Properties”) that are located at approximately 100 South and 700 East: Parcel 1 “Armstrong Mansion Parcel” (Parcel 16-05-101-011); Parcel 2 “Apartment Building Parcel,” (Parcel 16-05-101-007); Parcel 3 (Parcel 16-05-101-006); and Parcel 4 (Parcel 16-05-101-006). Parcel 1 is

currently zoned RMF-45 (Moderate/High Density Residential Multifamily), and Parcels 2 through 4 are zoned RMF-35 (Moderate Density Multifamily Residential). Parcels 3 and 4 contain abandoned, dilapidated single-family homes. Further, TOSA is currently under contract to purchase 3 additional parcels (Parcels 16-06-227-019; 16-05-101-004; and 16-06-227-014) (the "Acquisition Properties"). The Acquisition Properties, as a collective whole, are contiguous to the TOSA Properties and are located in the RMF-45, RO and Institutional Zones. The TOSA Properties and the Acquisition Properties are collectively referred to herein as the "Properties." See Exhibit A, Map of the Properties.

On August 19, 2015, TOSA requested an administrative interpretation to determine whether its operations would qualify as a congregate care facility, which at the time was a permitted use in the RMF-35 and RMF-45 zones. However, in December 2015, the Salt Lake City Council removed "congregate care facility" as a land use designation under the Salt Lake City Code. Accordingly, TOSA applied for an administrative interpretation from Salt Lake City regarding other possible uses compatible with TOSA's mission and objectives, and permitted in the RMF-35 and RMF-45 zones. On February 19, 2016, the zoning administrator responded to TOSA's administrative interpretation application and determined that of all of the uses permitted in the RMF-35 and RMF-45 zones, TOSA's proposed use had some elements that seemed akin to the definitions of a "Large Group Home Dwelling" and "Community Correctional Facility." The City's interpretation alerted TOSA to the fact that TOSA's educational mission and model were not accurately understood by the City. So, TOSA appealed the zoning administrator's decision so that they could more clearly explain the TOSA model and mission with Salt Lake City administrators and elected officials. These discussions have been very productive and have provided the City with a much clearer understanding of TOSA's educational mission and model. TOSA's appeal has been stayed pending TOSA's current request for an administrative interpretation.

II. The Other Side Academy is most accurately described as a Vocational School under the Salt Lake City Code.

TOSA's model fits squarely within the definition of a "vocational school" under the Salt Lake City Code. A "vocational school" is defined as "an institution offering occupational and vocational training, the courses of which are not generally transferable toward a bachelor's degree." Salt Lake City Code §21A.62.040.

TOSA is an institution that admits participants through an application process. Accepted applicants are admitted into a work-based program that provides vocational and life skills training through operating and participating in actual businesses. In order to be admitted to TOSA, a person must apply and interview with TOSA administrators. TOSA has complete discretion to admit or deny its applicants. Students are not tracked, confined, restrained, supervised by officers, or in state custody while enrolled at TOSA. Courts cannot mandate students to attend TOSA or to participate in TOSA's educational programs, and students must be released from state custody in order to enroll and participate at TOSA. If a student violates parole or their conditions of release while enrolled at TOSA, the student will face the consequences of such violation just as the student would if they were enrolled at any other vocational school providing on-campus living, including possible expulsion.

TOSA's model focuses on the notion that job and life skills training courses, practically applied to actual business operated by TOSA students, provide the therapeutic process that helps students change their lives. The courses offered by TOSA are vocational in nature and generally do not transfer towards a bachelor's degree at a college or university, although there are students at TOSA who are simultaneously working towards a GED that may eventually allow them to seek a college or university education.

TOSA's occupational and vocational training program engages students in several operating businesses such as a moving company, culinary school and food truck, and a landscaping business. The vocational training also includes classes that focus on management, leadership, and life skills. Students also have the opportunity to collaborate with other students through group discussions and education. For example, one of the training schools, the Other Side Movers, allows students to run all aspects of a fully operational moving company. See The Other Side Movers Website, <http://theothersidemovers.com/> and Exhibit B, The Other Side Movers Pamphlet. These training schools allow students to operate and manage actual businesses and provide students with real-world vocational and life-skills training.

TOSA's primary purpose is to provide vocational, occupational, and life-skills training for its students. TOSA's model is a "learning by doing" approach to education that allows students to have a hands-on experience running actual businesses. TOSA's students run all aspects of these businesses, including management and supervision, bookkeeping and reporting, and customer service and relations. This on-the-job training empowers students with new marketable skills that will help them be successful, contributing members of the community once they graduate. See The Other Side Academy Website, Training Schools at <http://www.theothersideacademy.com/training-schools-services/>. The skills taught to, and the work performed by, TOSA's students in the training schools are fundamental aspects of the healing and change experienced by the students. In addition to the technical, vocational skills taught at TOSA, the training courses also teach students life skills required to be successful in the workplace and community—i.e., how to get up every day, go to work on time, return from breaks and lunch, get back to work and do it all again the next day. The vocational training at TOSA also teaches students how to be polite, courteous, respectful and civil to each other; how to work together as a team; how to respond appropriately and respect supervisors; and how to politely and professionally interact with customers. These skills are critical to the success of TOSA's students in whatever vocations they pursue after graduation.

TOSA does not receive government assistance, and no tax dollars are used to support its operations. Rather, TOSA is funded entirely through charitable contributions and the revenues generated by its training schools. TOSA provides its vocational education, room and board to students free of charge.

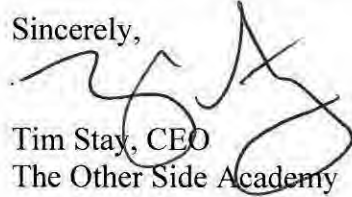
TOSA is not a drug treatment program or a residential treatment facility; it is a residential vocational training center that allows students to become contributing members of the community through work-based skills, education and living in a self-help community. There are no doctors, therapists, or social workers on staff, nor does TOSA administer medication or provide chemical therapy treatment. For TOSA, change comes about through work-based

education and skills-training that is performed in a community committed to self-help and personal responsibility.

III. Conclusion

In conclusion, for the many reasons stated above, TOSA hereby seeks an administrative interpretation from Salt Lake City confirming that TOSA would qualify as a “vocational school” under the Salt Lake City Code. If you have questions, need additional information, or would like to tour our facility and training schools, please contact me at (801) 362-8998.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Stay', is written over the printed name and title.

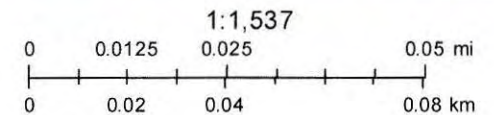
Tim Stay, CEO
The Other Side Academy

Exhibit A
[The Properties]

TOSA Map



June 30, 2016



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp.,
NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand),

Exhibit B
[The Other Side Movers Pamphlet]

Read Our Story & Be Moved

The Other Side Academy (TOSA) is a life-training school for those with long criminal and addiction histories.

Students commit to a minimum two-year residency—many as an alternative to incarceration—frequently for prison sentences of 5 or more years. Anyone who is sincerely committed to changing his or her life is admitted free of cost.

Our students might have some wild tattoos but they are the hardest working, friendliest, most polite and the most careful movers you can find.

Hard work is part of our healing process. At The Other Side Academy, if we don't work, we don't eat. **We take care of you as though our lives depended on it—because they do.** We know that the only way to change from the lives we've led is to live the opposite of how we have lived. So we get up early, work hard, get along, serve others, go to bed—then get up and do it again the next day.

Many find it hard to believe that former drug users and convicts can be trusted to care for your most cherished possessions. And yet—in every market where TOSA-like programs exist, we are by far the highest rated moving companies in the market!

Why? Because for us **this is not just a job, it is our last chance at life.**

Give us a chance and you'll be moved by how we move you!

As seen
on TV!

Yes—we
are the ones!!

Legendary movers who move lives.

**The Other Side will be the best
move you've ever made. We are
rated five perfect stars on Yelp!**

Call now for quote or to hear our story
801-893-1972

movers@TheOtherSideAcademy.com
www.TheOtherSideMovers.com



• WE MOVE LIVES •

**The Other Side Movers
is a self-sustaining nonprofit. We
rebuild lives by moving yours.**

- Highly trained
- Impeccably honest
- Tirelessly productive
- Reasonably priced
- Fanatically careful

Moving can be stressful and costly. **Let us make it comfortable and affordable for you.**

- Same day "not to exceed" bids
- "Can do" and caring attitude
- Fastest and largest crews in Utah

Call now for quote or to hear our story
801-893-1972



**“Excellent
experience!
The moving
men were
courteous, hard
working and
outstanding. We
would definitely
recommend!”**

D. & Doug Wright

STORAGE

SAFE TEMPORARY STORAGE

The Other Side Movers offers convenient temporary storage services for residential and commercial furnishings and equipment for up to 30 days when combined with a move.. Our storage facilities are climate controlled and fully alarmed.

We maintain our facilities at the highest standard of cleanliness, and you can always access your belongings during business hours.

RESIDENTIAL

Whether you are living in a small 1-bedroom apartment or a large multi-story home, we will eliminate the hassle and worry from your next move.

We realize moving is a chore, so we plan to put a smile on your face with our exceptional customer service and cheerful attitude. We handle your belongings with respectful care and amaze you with our professionalism, and polite, friendly manner.

We provide packing materials, and/or do your packing for you then move you across town or across the state.

Get a Free Written Estimate

- We listen to your needs and ask questions to understand your concerns.
- We identify high value, fragile items such as pianos, paintings, antiques, and chandeliers that require custom crating.
- We survey all belongings in your home to be moved—from top to bottom, including items located in the garage.
- We work with you to create a detailed schedule for packing, loading, and delivery.

Packing

- We provide full or partial packing services to custom fit your moving needs.
- Double-wall cartons to help safeguard fine china and crystal.
- Sturdy wardrobe cartons to protect clothing from wrinkling in transit.

Storage

- The Other Side Movers offers convenient temporary storage for residential and commercial clients free of charge for up to 30 days.
- Climate controlled, exceptionally maintained, and fully alarmed.
- Accessible 6 days a week during business hours.

COMMERCIAL

MOVING YOUR OFFICE

Get a Free Written Estimate

- We inspect your offices and furnish you with a written proposal.
- Proposals detail both the services to be provided and their cost.
- Trained relocation experts are available to meet with your personnel to develop a plan that best meets your company's needs.

Packing & Storage

- We provide full or partial packing services to custom fit your moving needs.
- Climate-controlled, fully secured storage facilities for temporary storage up to 30 days.

Moving Day

- Experienced foremen will direct our highly trained, efficient, and courteous crews as they implement your move plan.
- State of the art moving vans and trailers are equipped with air ride, ramps, and lift gates to expedite the moving process.
- Fully insured, ask for our certificate of insurance.

OTHER COMMERCIAL MOVES

Universities and School Districts

- Move desks, chairs and cabinets for cleaning, remodeling or repair.
- Bring in new furniture and equipment for new or remodeled schools.
- Government Agencies
- Move desks, chairs and cabinets for cleaning, remodeling or repair.
- Take down and install modular cubicles and furniture.
- Bring in new furniture and equipment for new or remodeled schools.
- Help set up for large events and meetings.

**EXHIBIT B: INFORMATION PROVIDED BY
APPLICANT, FIRST INTERPRETATION
PLNZAD2016-00666**



February 19, 2016

The Other Side Academy
435 South 660 West
Orem, UT 84058

Subject: PLNZAD2015-00666 – Administrative Interpretation asking whether the land use proposed by The Other Side Academy qualifies as a Congregate Care Facility at 667 East 100 South and 54 South 700 East, Salt Lake City, Utah

Dear Mr. Stay,

On August 19, 2015 the Salt Lake City receive your request to determine whether the land use you are proposing qualifies as a Congregate Care Facility at 667 East 100 South and 54 South 700 East, Salt Lake City, Utah. However, in June of 2015 the Salt Lake City Council started reviewing definitions that needed to be updated of land uses that provide a living environment to unrelated individuals. As part of this review the Congregate Care Facility land use was being considered to be eliminated from the zoning ordinance. As discussed with you at the time, the Planning Division waited to find out the outcome of the Congregate Care Facility land use to write this letter.

On December 24, 2015 the Salt Lake City Council published ordinance 70 of 2015 removing Congregate Care Facilities as a land use from the zoning ordinance among other changes.

Consequently, this letter will review the proposed use with the land uses that are available in the zoning ordinance. The following findings were made as they relate to this request:

- The property at 667 East 700 South is associated with parcel 16-05-101-011 and property 54 South 700 East is associated with parcel 16-05-101-007.
- The property at 667 East 100 South (The Armstrong Mansion) is located in the RMF-45 (Moderate/High Density Multi-family Residential) zoning district and was used recently as a Bed and Breakfast Facility and office.
- The adjacent property at 54 South 700 East is located in the RMF-35 (Moderate Density Multi-family Residential) zoning district and was used as multiple tenant apartments.
- According to Section 21A.24.130 of the Salt Lake City Zoning Ordinance the purpose of the RMF-35 moderate density multi-family residential district is to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and multi-family dwellings with a maximum height of thirty five feet (35'). This district is appropriate in areas where the applicable master plan policies recommend a density of less than thirty (30) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play,

promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

- According to Section 21A.24.140 of the Salt Lake City Zoning Ordinance the purpose of the RMF-45 moderate/high density multi-family residential district is to provide an environment suitable for multi-family dwellings of a moderate/high density with a maximum building height of forty five feet (45'). This district is appropriate in areas where the applicable master plan policies recommend a density of less than forty three (43) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Such uses are designed to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.
- According to the information received, the proposed use of the Other Side Academy is a 2-year residential self-help community for long-time substance abusers, convicts, homeless and others. The Academy will be available for men and women pre- and post-sentencing and those within the jails and prisons within the state of Utah, including the Salt Lake County Jail, as well as those who come in off the street. Residents are required to stay for a minimum of 2 years, though some may stay longer until they feel ready to re-enter society. Some residents will be there on a voluntary basis, but others will be there as part of a court order and consequently, if such a resident left the facility without permission that resident would be subject to judicial consequences. Residents will not be on any monitoring or tracking system but will be under direct supervision by staff and the other residents.
- The proposed use has elements that fit within the definitions of "Group Home Dwelling" and "Community Correctional Facilities" as defined in Section 21A.62 of the Salt Lake City Zoning Ordinance:

DWELLING, GROUP HOME (LARGE): A residential treatment facility, occupied by seven (7) or more individuals, licensed by the state of Utah under Title 62A, Chapter 2 of the Utah Code or its successor that provides a 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.

COMMUNITY CORRECTIONAL FACILITY: An institutional facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work

release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under twenty four (24) hour supervision by sworn officers except when on an approved leave, confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, twenty four (24) hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation, or services for parole violating offenders and/or noncompliant probationers.

- Salt Lake City Zoning Ordinance Section 21A.33.020, Table of Permitted and Conditional Uses for Residential Districts lists a Large Group Home Dwelling as a Conditional Use in the RMF-35 or RMF-45 zoning districts with a qualifying provision that no large group home shall be located within eight hundred feet (800') of another group home. Approval of a Large Group Home would be subject to the standards of Section 21A.54, Conditional Uses.
- Salt Lake City Zoning Ordinance Section 21A.33.020, Table of Permitted and Conditional Uses for Residential Districts did not list Congregate Care Facilities, and does not list Community Correctional Facility as permitted land uses in the RMF-35 or RMF-45 zoning districts and therefore these land uses are not permitted land uses in the RMF-35 and RMF-45 zoning districts.
- Furthermore, according to Section 21A.36.110, the following restrictions apply to where a Large Community Correctional Facility can be located:
 - Within an M-1 light industrial zoning district and be located west of Interstate 215. A large community correctional facility shall not be located within one-half (1/2) mile of any residential zoning district boundary.
 - Each community correctional facility shall not be closer than one-half (1/2) mile from any other community correctional facility.
 - No community correctional facility shall be located within one-half (1/2) mile of any public or private K - 12 school, place of worship, public library, nursery school as a principal not ancillary or accessory use or children's daycare center as a principal not ancillary or accessory use, publicly owned playground or park. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correctional facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.
 - Spacing requirements are measured in a straight line at the closest point from property line to property line.
 - The site has reasonable access to transit.

Based on the information above, I find that although the Other Side Academy has elements of a Group Home Dwelling, where it will provide a living environment for individuals with chemical dependencies, the other aspect of this facility which is to provide a living environment for individuals completing their sentencing from jails and prisons or referred by the criminal

justice system is most similar to a Community Correctional Facility land use. According to Section 21A.62 of the Salt Lake City Zoning Ordinance, land use definitions, individuals that are referred by the criminal justice system are only allowed to reside in Community Correctional Facilities and would not be allowed to reside in a facility located at the subject sites.

Whereas the Group Home Dwelling is allowed as a Conditional Use on the RMF-35 or RMF-45 zoning districts, the Community Correctional Facility is not an allowed use in these zoning districts. Furthermore, according to the land use definitions for a Group Home Dwelling and a Community Correctional Facility these land uses require that the facility providing these uses be licensed by the State of Utah.

To change a land use from not permitted to permitted or to create a new land use on any zoning district, a Zoning Text Amendment process is necessary. If you have any questions regarding this interpretation please contact Katia Pace at (801) 535-6354 or by email at katia.pace@slcgov.com

NOTICE:

Please be advised that a determination finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the City including, but not limited to, a zoning certificate, a building permit, and a certificate of occupancy, subdivision approval, and a site plan approval.

An applicant or any other person or entity adversely affected by a decision administering or interpreting this Title may appeal to the Appeals Hearing Officer. Notice of appeal shall be filed within ten (10) days of the administrative decision. The appeal shall be filed with the Planning Division and shall specify the decision appealed and the reasons the appellant claims the decision to be in error. Applications for appeals along with information about the applicable fee are located on the Planning Division website at:
<http://www.slcdocs.com/Planning/Applications%202013/Appeal.pdf>

Appeals may be filed in person at the Planning Counter, 451 South State Street, Room 215 or by mail at Planning Counter PO BOX 145471, SLC UT 84114.

Sincerely,



Joel Paterson, AICP
Zoning Administrator
Salt Lake City Planning Division

Cc: Mary DeLaMare-Shafer, Acting Community and Economic Development Director
Nora Shepard, AICP, Planning Director
Greg Mikolash, Development Review Supervisor
Posted to Web
Applicable Recognized Organization
PLNZAD2015-00666

Request for an Administrative Interpretation

The Armstrong Mansion, located at 667 E 100 S in Salt Lake City, is currently being used as a Bed and Breakfast Facility. The property adjacent and directly to the north of the Armstrong Mansion, located at 54 S 700 E is currently being used as multiple tenant apartments.

The Other Side Academy, a Utah non-profit, is interested in purchasing these two properties, if we can get assurance that we can meet the appropriate zoning requirements.

We are seeking an Administrative Interpretation to see if we would be able to operate our non-profit facility at this location.

Submittal Requirements

1. The provision(s) and section number(s) of the Zoning Ordinance for which an interpretation is sought.

The property at 667 E 100 S (The Armstrong Mansion) has a RMF-45 designation.

RMF-45 **Moderate/High Density Multifamily Residential.** The purpose of the RMF-45 moderate/high density multi-family residential district is to provide an environment suitable for multi-family dwellings of a moderate/high density with a maximum building height of forty-five feet (45').

The adjacent property at 54 S 700 E has a RMF-35 designation.

RMF-35 **Moderate/High Density Multifamily Residential.** The purpose of the RMF-45 moderate/high density multi-family residential district is to provide an environment suitable for multi-family dwellings of a moderate/high density with a maximum building height of thirty-five feet (305').

2. The facts of the specific situation giving rise to the request for an interpretation.

The current zoning descriptions do not specify if the "Dwelling, Congregate Care Facility" classification is a permitted use for the RMF-45 and RMF-35 zoning ordinances.

http://www.sterlingcodifiers.com/codebook/index.php?book_id=672

We seek an administrative interpretation that would approve the use of this classification for these two zones.

3. The precise interpretation the applicant believes to be correct.

As we look at the existing classifications, it appears that the “Dwelling, Congregate Care Facility” most closely fits the description of our program:

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.

4. When a Use Interpretation is sought:

a. Please state what use classification you think is most similar to your proposed use.

As we look at the existing classifications, it appears that the “Dwelling, Congregate Care Facility” most closely fits the description of our program:

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.

b. Please provide a complete description of your proposed use and how you feel it will be compatible with the Zoning District. Include any documents or information that you feel would be helpful in making an interpretation.

The Other Side Academy is a 2-year residential self-help community for long-time substance abusers, convicts, homeless and others who have hit rock-bottom who want to make their lives work but don't know how. The Academy will be available for men and women pre- and post- sentencing and those within the jails and prisons within the state of Utah, including the Salt Lake County Jail, as well as those who come in off the street.

We will be taking in as residents representatives of our society's most serious social problems and, by a process of each one helping another, with no professionals, and at no charge to the clients, we will be solving these problems: generations of poverty, illiteracy, lack of job skills, hardcore substance abuse, homelessness, repeat felons, gang members, teen pregnancies, perpetrators and victims of every kind of abuse. After graduating from The Academy, our residents will gain academic education, marketable skills, accountability and responsibility, dignity, decency and integrity.

The Academy will be staffed by people who have graduated from a similar program that encourages individuals to take part in the treatment process as full partners, not as objects or patients. Individuals admitted to Academy encounter a highly structured family environment in which honesty, trust and mutual self-help are the foundation of the treatment process. In addition, daily seminars, group counseling and individual activities are offered to all clients. Work responsibilities are assigned that teach basic cooperation, respect and discipline and the residents work hard all day long in the businesses and each evening, they are working on personal development and character development. The resident becomes empowered and achieves social status in the community as he matures and demonstrates functional behaviors and contributes to well-being of The Other Side community by taking on increasing responsibilities.

The Academy will run businesses within the organization that will be used as Training Schools for the residents and to generate enough revenues to become independently sustainable. The residents will work in as well as be the managers and bosses of these businesses, preparing them to leave The Academy with marketable skills and business-friendly skills and habits.

The Other Side is not a drug treatment program nor is it a residential treatment facility. We will not have any medical professionals on staff to provide any sort of chemical therapy treatment. We will not have any psychiatrists, therapists or social workers on the staff. Healing comes through mutual self-help, by working, and by being part of the community who helps each other. The power of healing at The Other Side Academy lies not on the individual addiction professional but on the compelling power of the community. The Community is the Doctor.

Our staff will live and be on-site 24 hours a day, 7 days a week with the residents within the two properties. Our residents will reside in dorm-style rooms within the two properties and will share a common kitchen and dining room. None of our residents will have their own cars while they are residing within the program. There will be no smoking permitted.

There is no fee for the residents. The program is designed to be mostly self-sufficient, with the revenues from the training schools going to cover the costs of the program.

Residents are required to stay there 2 years, though some may stay longer until they feel ready to re-enter society. Some residents will be there on a voluntary basis, but others will be there as part of a court order and if they leave, they would be subject to judicial consequences. Residents will not be on any monitoring or tracking system except for the staff and the other residents.

We feel that we are not asking for a use that is different that what is already allowed in this Zoning classification.

On the property directly adjacent to the Armstrong Mansion, we have a Senior Living Assisted Living Facility, located at 661 East, 100 South in Salt Lake, which appears to be categorized as a "Dwelling, Assisted Living Facility – Large".

Other semi-related classifications that are allowed in a RMF-45 include:

- Bed and Breakfast Inn
- Daycare Center – Adult
- Daycare Center – Child
- Dwelling, Assisted Living Facility, Large
- Dwelling, Assisted Living Facility, Small
- Dwelling, Group Home, Small
- Dwelling, Resident Healthcare Facility
- Dwelling, Residential Substance Abuse Treatment Home, Small
- Nursing Care Facility
- Office (excluding Medical and Dental)
- Reception
- Restaurant
- School, Professional and Vocational

The Other Side Academy has elements of several of these classifications, such as educational learning and providing for the nutritional, social, recreational, housekeeping, and personal needs of the residents. However, we also do not fit aspects of a number of these classifications as we will not have medical professionals, social workers, therapists, psychologists,

or other licensed professional as part of our model.

We feel that the designation of “Dwelling, Congregate Care Facility” is appropriate for The Other Side Academy for the following reasons:

1. We are working with a population with disabilities, specifically their drug addictions,
2. Our purpose to re-educate people with these disabilities is with the objective to maximize the residents’ potential for independent living, free from addiction, incarceration, or homelessness,
3. We will provide a common kitchen and dining area to provide for the food needs of our residents, and
4. We will provide the nutritional, social, recreational, housekeeping, and personal needs of the residents.

Please provide us with this Administrative Interpretation so we can provide this most needed of services.

Community Endorsements

We have received endorsements and support from among the following individuals:

- Mayor Ben McAdams – Salt Lake County Mayor
- Fraser Nelson – Director of Data and Innovation, SL County
- Sean Reyes – Utah State Attorney General
- John Curtis – Provo City Mayor
- Jeff Buhman – Utah County District Attorney
- Ted Broman – CEO of Integracore
- Kurt Brown – Partner, Alta Capital
- Jonathan Johnson – Chairman, Overstock.com, candidate for Governor
- Truman Hunt – CEO, NuSkin

We are a member of the Salt Lake County Homelessness Steering Committee.

About The Other Side Academy

The Other Side Academy is a Utah non-profit organization funded by private and public donations. The Board of Directors consists of Joseph Grenny, Ted Broman, and Tim Stay. More information is available at:

www.TheOtherSideAcademy.com

**EXHIBIT C: INFORMATION PROVIDED BY
APPLICANT, APPEAL OF DECISION
PLNZAD2016-00133**

Joel Paterson, AICP
Zoning Administrator
Salt Lake City Planning Division
451 South State Street, Room 215
Salt Lake City, UT 84111



Re: Appeal
PLNZAD2015-00666
Letter dated February 19, 2016

Dear Mr. Paterson,

We file this appeal to the decision made in the letter dated February 19, 2016.

Decision We Are Appealing

In the letter dated February 19, 2016 to The Other Side Academy, it was stated that although the:

“Other Side Academy has elements of a Group Home Dwelling, where it will provide a living environment for individuals with chemical dependencies, the other aspect of this facility which is to provide a living environment for individuals completing their sentencing from jails and prisons or referred by the criminal justice system is most similar to a Community Correctional Facility land use.

Alleged Error Made in the Decision

We believe an error has been made in defining The Other Side Academy as a “Group Home Dwelling” or as a “Community Correctional Facility”.

We understand that the Therapeutic Community model that The Other Side Academy is a new model to Utah and that the current Salt Lake City zoning ordinances does not have a definition that aligns exactly with our model. However, we reject the classification of this model as fitting the definitions of the “Group Home Dwelling” or as a “Community Correction Facility”.

Reasons Why We Believe this Decision to be in Error

Let’s first examine the definitions of “Group Home Dwelling” as defined in Section 21A.62 of the Salt Lake City Zoning Ordinance:

DWELLING, GROUP HOME (LARGE): A residential facility set up as a single housekeeping unit and shared by seven (7) or more unrelated persons, exclusive of staff, who require assistance and supervision. A large group home is licensed by the state of Utah and provides counseling, therapy and

specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A large group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.

This definition does not accurately describe The Other Side Academy. Here are three portions of this definition that are incorrect in defining our model.

1. The ordinance states that a Group Home Dwelling is “licensed by the state of Utah.” Our model, the Therapeutic Community model, is not required to be licensed by the state of Utah.
2. The ordinance states that a Group Home Dwelling provides “counseling, therapy and specialized treatment.” The Other Side Academy does not have counselors, therapists, or any other medical professionals to provide this kind of treatment.
3. The ordinance states that a Group Home Dwelling shall “not include persons who are diagnosed with a substance abuse problem...” This last statement should definitely preclude The Other Side Academy from being categorized as a Group Home Dwelling, as most of our students have had diagnosed substance abuse disorders .

For these three reasons, we believe it is an error to categorize The Other Side Academy as a Group Home Dwelling.

Next let’s examine the categorization of The Other Side Academy as a “Community Correctional Facility”.

Here is as the description of a Community Correctional Facility as defined in Section 21A.62 of the Salt Lake City Zoning Ordinance:

COMMUNITY CORRECTIONAL FACILITY: An institutional facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under twenty four (24) hour supervision by sworn officers except when on an approved leave,

confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, twenty four (24) hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation, or services for parole violating offenders and/or noncompliant probationers.

This definition does not accurately describe The Other Side Academy. Here are five portions of this definition that are incorrect in defining our model.

1. The description states:

An institutional facility licensed by or contracted by the state of Utah

This is incorrect as we are not required to be licensed by or contracted by the state of Utah.

2. The description states:

...for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders.

This is incorrect, as our students that live in the facilities are not in the custody of the city, county or public agency. If they had been formerly incarcerated, they are released from custody before they arrive at our facility. We also do not accept any one under the age of 18, so we do not accept youth offenders.

3. The description states:

A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under twenty four (24) hour supervision by sworn officers...

The Other Side Academy does not accept people who require detention or incarceration. If they require detention or incarceration by a judge, they will not be admitted into our facility. We also do not have sworn officers to provide 24 hour supervision. Unlike traditional drug treatment programs, not one of our students will ever be mandated by the court to come to our facility or required to participate in our model. A judge may offer an individual the option of completing two years at The Other Side Academy in lieu of jail or prison time, and if they accept that option, they still have to be accepted by The Other Side Academy. Sometimes these individuals are on parole, but they are not required to wear tracking devices or be under guard in any case. We would not accept them if the judge ordered these requirements. We also would not accept them if they were mandated by the court to be there. They can only come on a voluntary basis and if they are free from any significant further court hearings.

4. The description states:

...confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization,

The Other Side Academy has no capacity for the “confinement of offenders” nor will we ever use force to restrain our students if they attempt to leave our facility without authorization. All students are in our facility in a completely voluntary basis and they may leave at any time. We do not have guards at the door nor do we have bars on our windows. These individuals are here on a completely voluntary basis, which is not the case in most Community Correctional Facilities. Some of our students may violate the terms of their parole if they quit The Other Side Academy, but in many respects, our students are no different than many other parolees that are free out in society, living without guards or supervision and may be incarcerated again if they violate the terms of their parole.

5. The description states:

...twenty four (24) hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation, or services for parole violating offenders and/or noncompliant probationers.

This description is also incorrect as we do not accept youth offenders nor do we accept individuals for parole violating offenders and/or noncompliant probationers. We only accept individuals if everything has been resolved with the courts. If there is an outstanding warrant for the individual, we will not accept them into our facility.

For these five reasons, we believe the categorization of The Other Side Academy as a Community Correctional Facility is to be in error and we appeal this categorization.

Requested Amendment to our Administrative Interpretation Request

In our original Administrative Interpretation Request, we requested that the land in question be considered to be categorized as a Congregate Care Facility, which was a definition that was part of the Salt Lake City Planning Ordinance at the time of the request. At the time of the request, it also became clear that the Salt Lake City Zoning code was incomplete as to the acceptable zones for the Congregate Care designation. Due to the fact that during the period of review, the Salt Lake Council published Ordinance 70 of 215, which removed the Congregate Care Facilities as a land use from the zone ordinance.

As a result of having the Congregate Care Facility categorization in place at the time of making the Administrative Interpretation Request and having it changed after submitting our request, but before a decision was issued by the Salt Lake City

Planning Division, we request the ability to revise our original request or be allowed to resubmit a new Administrative Interpretation Request.

We understand that the Therapeutic Community model is a new model to the state of Utah, but nationally, it has been a proven and effective model for over 50 years. Major cities, such as San Francisco, have embraced and accepted this model into the heart of their downtown without classifying them as a "group home" or "community correctional facility." In all cases we have studied the facility has enhanced the beauty of the neighborhood, reduced crime rates and become a prized asset to the city.

Some municipalities have created a new category to more accurately describe this model which they call "Therapeutic Community Residences". While that is beyond the scope of this appeal, that is an option in the future.

As we have reviewed the Salt Lake City Zoning code and since the Congregate Care Facility is no longer part of the code, we have found an alternative categorization that more closely aligns to our model than either the Group Home Dwelling or the Community Correctional Facility categories.

We would propose to amend our Administrative Interpretation Request to be considered an Eleemosynary Facility.

Here is the definition of an Eleemosynary Facility as defined in Section 21A.62 of the Salt Lake City Zoning Ordinance:

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 homes, transitional victim homes, residential substance abuse treatment homes, assisted living facilities, facilities providing end of life care or respite care, and other similar nonprofit facilities and organizations.

We feel this category fits our designation for the following reasons:

1. We are a facility operated by a nonprofit charitable organization. We are a Utah non-profit corporation, registered with the State of Utah as a charitable organization, and we have received our 501(c)(3) letter of determination from the IRS

2. We provide temporary housing and assistance to individuals who suffer from trauma or disease. Most of our students have been victims of child abuse, violent crime, domestic abuse, and physical, sexual, and verbal abuse.

Most of our students also qualify with the categorization of disease, as chemical and drug addiction is classified as a disease.

3. We are wholly funded by philanthropic, corporate, and private funding as well as revenues we generate from our vocational training schools. We do not take any funds from city, county, state or federal government.
4. We are not a homeless shelter, group home, transitional victim home, residential substance abuse treatment homes, or an assisted living facility.

The Eleemosynary Facility is a permitted land use in the RMF 45 zone, so it would be a categorization that would work with our current location.

Summary

We request that you remove both the designations of "Group Home Dwelling" and "Community Correctional Facility". We feel that a more accurate categorization for our land use is to be designated as a Eleemosynary Facility. We also believe that since our request for administration interpretation was filed long before the classification of Congregate Care was removed, we are entitled to consideration for that classification as a reasonable accommodation of due process.

Respectfully,

Tim Stay
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EXHIBIT D: MAP OF THE SUBJECT PARCELS



ATTACHMENT E: EXISTING CONDITIONS

Adjacent Land Uses

(See aerial photo map and photos for additional area details in [Attachment A](#) and [Attachment B](#).)

667 E 100 South

North: Proposed group home

South: Assisted living facility ("Park Lane") across the street

East: Office building (across the street)

West: Assisted Living Facility ("The Avenues Courtyard")

54 S 700 East

North: Boarded residential building

South: Building proposed for group home

East: Parking lot (across the street)

West: Vacant lot

50 S 700 East

North: Vacant building, proposed for group home kitchen and meeting hall

South: Parking lot and Armstrong Mansion proposed for group home

East: Parking lot (across the street)

West: Vacant lot

45 S 700 East

North: Apartment building

South: Parking lot and office

East: Middle school yard

West: Boarded residential building (across the street)

Zoning Requirements

Address	Zone	Min. Lot Width for Group Home	Property Width	Width Compliance	Min. Area for Group Home	Property Area	Area Compliance
667 E 100 South	RMF-45	80'	~158'	Yes	10,000 sq ft	15,681 sq ft	Yes
54 S 700 East	RMF-35	50'	~43' (Before Consolidation)	Yes, the lot will be consolidated with 50 S to eliminate accessory use on accessory lot for a total 86' of lot width.	5,000 sq ft	6,795 sq ft	Yes
50 S 700 East	RMF-35	50'	~43' (Before Consolidation)	Yes, the lot will be consolidated with 54 S to eliminate accessory use on	5,000 sq ft	6,795 sq ft	Yes

				accessory lot for a total 86' of lot width.			
45 S 700 East	RMF-45	80'	66'	Yes, the lot is considered "existing complying" as to the 80' lot width requirement for current multi-family use and the proposed group home use has the same 80' lot width requirement. No change in lot width complying status.	10,000 sq ft	10,890 sq ft	Yes

Parking Requirement for Group Home and Office Uses

Use	Parking Requirement
Group home	2 parking spaces per home and 1 parking space for every 2 support staff present during the busiest shift
General office	3 spaces per 1,000 square feet of usable floor area for the main floor plus 1 ¹ / ₄ spaces per 1,000 square feet of usable floor area for each additional level, including the basement

Address	Parking Stalls Provided	Minimum Requirement	Minimum Parking Compliance
667 E 100 South	14 stalls	Group Home: 3 stalls (2 plus 1 for staff) Office use (1,000 sq ft): 3 stalls. Total Min: 6 stalls An additional 8 stalls are available for up to 16 more staff members.	Yes
54 S 700 East	4 stalls	3 stalls (2 plus 1 for staff)	Yes
50 S 700 East	0, existing 3 stalls will be eliminated for outdoor recreation area	0, parking will be provided on consolidated group home property on 54 S	Yes
45 S 700 East	8 stalls	3 stalls (2 plus 1 for staff) An additional 5 stalls available for additional staff.	Yes

ATTACHMENT F: ANALYSIS OF STANDARDS – CONDITIONAL USE

21A.54.080 Standards for Conditional Use

Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

Analysis: The properties are located in the RMF-35 (Moderate Density Multi-family Residential) and RMF-45 (Moderate/High Density Multi-family Residential) zoning districts, which allow for large group homes as a conditional use. The proposed properties for the large group homes are within 800 feet of each other. This does not comply with the regulation in the code that requires a minimum of 800 feet between group homes. However, as detailed in the memo located in [Attachment G](#), the City Attorney's office has found the restriction to be contrary to the provisions of the Federal Fair Housing Act and unenforceable. Therefore, this regulation is not being applied to the proposed group homes.

Lot area and lot width requirements have been noted in the zoning standards table in [Attachment E](#).

There is a minimum lot size for a group home of 5,000 square feet and a minimum lot width of 50 feet for the RMF-35 zone. The two properties at 50 S and 54 S 700 are in the RMF-35 zone and meet the lot area minimums. Although the properties do not meet the minimum width requirement at 43' each, they are being consolidated into a single property that will have approximately 86' of lot width, which resolves any concerns related to lot width. The consolidation resolves issues identified in the zoning review comments regarding an "accessory use on an accessory lot." A group home use must include living quarters as per the definition of a group home. A standalone kitchen and dining hall (without living areas) on the 50 South property would not comply with the zoning as this use would constitute an accessory use on an accessory lot, which is not allowed. The zoning code requires all accessory uses to be on the same lot as a principal use as per the definition of "accessory use." The consolidation of the 50 S property with the 54 S property ensures there are group home living quarters on the same property, resolving the accessory use (kitchen and dining hall) on accessory lot issue.

The property at 45 S 700 East is zoned RMF-45. That zone has an 80' minimum lot width and 10,000 sq ft minimum lot area requirement for group homes. The property meets the lot area requirement at 10,890 sq ft, but has a lot width of 66 feet. However, the property is considered legal complying as to lot width as the property has existed in its current configuration before the 80' lot width requirement was established for its existing multi-family uses. The proposed group home use also has a lot width requirement of 80', therefore there is no change in the existing complying status of the lot width.

The 667 E 100 South is zoned RMF-45 and has a lot width of approximately 158' and a lot area of 15,681 sq ft. The property meets the minimum lot width and lot area required for a group home.

The proposed office use is located in the RMF-45 zone, which allows for offices to be approved as a conditional use through the "Adaptive Reuse of a Landmark Site" Conditional Use.

Finding: The proposed uses will comply with the applicable provisions of the Salt Lake City Zoning Ordinance, except for the distance limitation that has been found to be illegal and unenforceable. A condition requiring the consolidation of 50 S and 54 S 700 East is included to ensure there are no concerns related to accessory uses on accessory lots.

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

Analysis: The proposed residential large group home is anticipated in the RMF-35 and RMF-45 zoning district and is considered a use that is potentially compatible with adjacent and surrounding residential uses by being listed as a conditional use in the land use tables. The sites will generally be unaltered to accommodate the proposed group home uses. The only external modifications proposed involve alterations to the rear of the building at 50 S 700 East and potentially changing the landscaping and hardscape of the rear of the 50 S and 54 S 700 East properties to accommodate outdoor meeting space and recreational yard space for residents. Therefore, the size and scale of the existing buildings will be maintained, therefore not causing any concerns in that regard.

Additional conditions have been proposed on the sites to maintain compatibility with the surrounding neighborhood. These include screening of outdoor activity areas with fencing as discussed in the Issues section in [Issue 1](#). Conditions on lighting and landscaping are also proposed. Regarding lighting, outdoor lighting is proposed to be installed at all building entrances on the side, rear, or fronts of properties in order to help maintain security on the property. Additionally, a condition regarding maintenance of vegetation to maintain the clear sight lines from the windows of the property to the sidewalk is proposed to also maintain security on the property. Both of these additional conditions are supported by comments from the Police Department regarding property security located in [Attachment J](#). These conditions are listed as conditions of approval on the second page of the staff report.

Nearby property owners have expressed concerns regarding property values decreasing, the number of people walking around the neighborhood, recidivism rates of residents, and perceived or potential increases in criminal activity, such as property crimes. Regarding property value decreases, such a potential or perceived decrease is not by itself a factor considered regarding compatibility of the use. However, the perceived reasons for a potential decrease in property values may be related to compatibility issues and may be considered with regard to compatibility of the use.

Compatibility generally has to do with the intensity of use and the potential negative physical external effects a use may have on adjacent uses. In this case concerns have been expressed that the use may bring more people to the area and those people may result in an increase in the number of people walking around the neighborhood. However, that would be expected with any new development that could occur in this area given its multi-family residential designation, and people walking through a neighborhood by itself would not have a significant negative effect on the access to other properties. There also may be concerns related to loitering in the neighborhood, however, the residents of this development are required to work during the day for one of the businesses and participate in after work on-site activities and training. This reduces, or “mitigates,” the potential for loitering impacts on adjacent properties. As such, the use is not expected to be incompatible with the surrounding residential properties whose residents have similar patterns of use. Other uses such as the nearby commercial buildings or large institutional uses will generally be occupied during work hours when the residents of the development will also be working off-site or participating in training.

Another concern expressed has been an increase in crime rates in the area, particularly property related crimes. Crime reports are collected and [published online](#) by the Salt Lake City Police department. The use has been operating at the locations for over a year, so staff compared the reported property crimes for the past three years on the blocks within 1,000 feet of the proposal. Although this was not a comprehensive analysis of all potential factors that could influence property crime rates, such as property conditions or population density, the comparison did not show an increase in the number of property related crimes on these blocks over the past three years. The level of property related crimes, such as theft, break-ins, vehicle break-ins, etc., remained roughly the same over the past three years and somewhat decreased since 2014. A table of property related incidents broken down by year is attached in [Attachment K](#). The operating procedures for the group home, including work requirements, on-site managers living with the residents, and other associated supervision, generally mitigates the potential for an increase in crime. Additionally, the presence of human activity on these properties may further deter the potential use of the neighboring vacant properties for criminal activities.

Recidivism rates, as well as rates of residents going back to drug use habits, have been brought up as a concern. However, The Academy’s operational rules do not allow drug or alcohol use and a resident would be subject to expulsion if they violate those rules. Further, if a resident is on parole and violates a condition of parole or probation, that resident is reported to the appropriate responsible authority, such as their probation officer, and may be expelled. As noted above, the residents are supervised by on-site managers that live with the residents and so any drug use is likely to be noticed by supervisors. Further, at least some residents are required to undergo drug testing as part of their probation or other legal condition. The Other Side Academy has stated that no residents have tested positive for drug use since they have been in operation. Additional public comment in [Attachment I](#) from a state probation officer indicates that the 40 individuals he is responsible for checking on at The Other Side Academy have all tested negative for illegal substances in the seven months he has been assigned to them. With the supervision and drug testing, the Academy has mitigated the potential for a concentration of drug use or other related criminal activity on and near the site that could have a negative impact on the surrounding properties.

A concern from a nearby property owner was also received regarding a group home use being potentially incompatible with historic preservation. Historic preservation generally deals with structural preservation, rather than preserving specific uses within structures. The proposed use will maintain the existing structures, with only a small addition proposed for the rear of the property at 50 S 700 East. City ordinance and City master plans have recognized the importance of keeping historic structures in use. City ordinance specifically includes provisions that allow for a wide variety of uses for Landmark Sites in particular, such as the Armstrong Mansion, in order to keep them in use and maintained. The proposed group home and office uses will keep the properties active and maintained, versus vacant and not maintained, which would support their continued compatibility with other well-maintained historic structures in the area.

The proposed limited office use in the Armstrong Mansion is not expected to have any negative detrimental effects on adjacent properties due to its small size. This is further discussed under the “Adaptive Reuse of a Landmark Site” standards below.

Finding: The proposed development and use is generally compatible with the surrounding uses and potential detrimental effects that could result in incompatibility have been mitigated by operational rules and other conditions imposed on the development as noted in the above discussion and section 4 below.

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

Analysis: The proposed residential use is listed as a conditional use in the zoning ordinance and is deemed consistent with and supported by the Central Community Master Plan, which generally calls for medium to high density residential uses in this area and on these properties. Additionally the master plan specifically recognizes that conditional uses, such as group homes or bed and breakfast businesses, may be approved and be located within the community. Additionally, the office use, allowed through the “Adaptive Reuse of a Landmark Site” provision in the code, complies with general preservation and community plan policies regarding preservation of historic structures by maintaining their use. The RMF-35 and RMF-45 zoning districts have the purpose of providing a suitable environment for multi-family dwellings and other residential uses typically found in multi-family residential neighborhoods, such as group homes.

Finding: The uses are consistent with applicable adopted city planning policies, documents, and master plans.

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions (refer to Detrimental Impacts Chart below for details).

21a.54.080B Detrimental Effects Determination

In analyzing the anticipated detrimental effects of a proposed use, the planning commission shall determine compliance with each of the following:

Criteria	Finding	Rationale
1. This title specifically authorizes the use where it is located	Complies with Conditions	<p>The large group home is a residential use and is allowed as a conditional use in the RMF-35 and RMF-45 zoning districts.</p> <p>The small office use is allowed as conditional use through the “Adaptive Reuse of a Landmark Site” provision of the code. See the additional analysis for this provision in the additional criteria table below.</p> <p>Please see the discussion in standard 1 above regarding the 800 foot distance provisions in the zoning code.</p> <p>As noted in standard 1 above, the properties at 50 S and 54 S will be consolidated as a condition of approval to eliminate accessory use on accessory lot concerns and is a condition of approval.</p>
2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps	Complies	<p>The uses are located in an area zoned and designated by the associated master plan for medium to high density residential uses (see analysis from standard 3 above). Other uses, such as the office use, are allowed through the “Adaptive Reuse of a Landmark Site” provisions of the zoning code and fit within general policies from community and preservation plans that are intended to preserve historic structures through finding appropriate “adaptive reuses” for such structures.</p>
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	Complies	<p>Uses surrounding the property include similar intensity multi-family residential uses, a large institutional use, a large assisted living facility, and office uses. The proposed use will not alter the existing building or site on the exterior nor will it increase parking requirements, further confirming its compatible size, intensity and scale. The uses are well-suited to the character of the site and buildings.</p>
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	<p>The proposed use will utilize the existing buildings, making only limited changes to the rear exterior of one of the buildings. Thus the proposal is not in conflict with the mass, scale, style, design or architectural detailing of surrounding structures.</p>
5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows	Complies	<p>The proposal will have a net drop in vehicle parking requirements. The existing driveways and access points will remain; thereby not resulting in any grading or natural topography changes. Further, vehicles generally are not owned by the residents and the limited use of</p>

		the existing access points will not impede traffic flows on the adjacent arterial street 700 East.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	The proposal will have virtually no traffic impacts on adjacent properties due to the limited number of vehicles that will use the site. Although residents may walk around the area, this is not expected to impair access to other properties or otherwise reduce their accessibility. A group of residents traveling from the property on the east side of 700 East to the Armstrong Mansion may encounter other pedestrians on the sidewalk, but this would not significantly impair the ability of another pedestrian to use the sidewalk to get to their destination.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The existing sites are designed for pedestrian and bicycle access. No changes will be made to these aspects of the sites.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	The properties are accessed from 700 East. 700 East is an arterial street with a high capacity level. Access to the site is existing and the change in use is not expected to increase traffic. Thereby no unreasonable impact to the service level of the adjacent street is anticipated.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	The proposal will not require additional off-street parking. There are existing parking areas on the sites that can accommodate the required minimum number of parking stalls for the uses. Those parking areas have been identified on the site plans. A table of the required parking, noting compliance, is located in Attachment E .
10. Utility capacity is sufficient to support the use at normal service levels	Complies	The Public Utilities department has noted that the introduction of a large kitchen may require some utility service upgrades and a full evaluation will be done when complete building plans are submitted to Building Services for review. The kitchen will not be able to be built unless it complies with requirements identified by Public Utilities at that time. Otherwise, the residential uses of the existing properties were not identified as a concern for utility capacity.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts	Complies with Conditions	Each property abuts different uses. Please see Attachment E for a list of specific adjacent uses. The property at 45 S 700 East abuts the back of a middle-school yard. However, the side of the duplex runs along the adjacent property line, with only a small setback

		<p>between the home and fence. As such, there is no yard or parking lot area with the potential for significant activity or noise that would be incompatible with or have a negative impact on the school yard. There is an existing fence along the shared property line that is at times covered by vegetation during the warm months of the year, providing screening between the side of the house and the school yard. The increased number of residents on the property may increase the potential for smoking near the middle school yard at the rear of the property. In order to mitigate this, a condition is proposed to prohibit smoking within the rear 25' of the property and is listed as a condition of approval on the second page of the staff report. The property also abuts a parking lot to the south and an apartment building to the north. The increase in residential occupancy of the building is not anticipated to negatively impact either of these uses.</p> <p>The buildings at 50 S and 54 S 700 East abut a vacant lot to the west and a vacant home to the east that is also owned by the Other Side Academy. The large vacant property on the west, however, may be developed in the future and such a development may be negatively impacted by rear yard activities such as recreational uses or outdoor group home classes that may have noise and visual impacts. As such, a proposed condition of approval is the installation of a fence along the rear property lines of 50 S and 54 S 700 East so as to mitigate any potential use conflict. That condition is noted on the second page of the staff report.</p> <p>The Armstrong Mansion is adjacent to two multi-lane, high capacity streets on the east and south and an assisted living facility on the west. The assisted living facility is screened from the property at the ground level by a solid fence. The portions of the property that abut the fence are a slim yard and a parking lot. The fence appropriately mitigates any potential negative effects from ground level uses in these spaces.</p>
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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	Complies	Use does not significantly impact sustainability plans nor does it encroach onto a stream or water way.
13. The hours of operation and delivery of the use are compatible with surrounding uses	Complies with Conditions	<p>The group home proposal is a residential type use with no set operating hours. Residents will be monitored by on-site supervisors 24 hours a day to ensure safety. Food may be delivered to the kitchen on a regular basis, however, those deliveries are not expected to differ from normal delivery hours. A condition is proposed to prohibit loading or deliveries between the hours of 10 PM and 6 AM.</p> <p>The office use will be used with similar hours and will have similar limited hours of operation to surrounding uses.</p>
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies with Conditions	<p>The proposal currently has a free standing identification sign that did not obtain the required Historic Landmarks Commission approvals. The sign will need to obtain a Certificate of Appropriateness through the Minor Alteration application process for signs in Historic Districts. No other signage has been proposed for the buildings.</p> <p>Lighting has been proposed around each building to provide security for the properties without negatively impacting adjacent properties. The light fixtures are proposed to be attached to the buildings at each entry point on the front, rear, or sides of the buildings. The proposed lighting configuration is not expected to shine directly into other properties or otherwise cause a nuisance, however, the final lighting installations will need to be shown on building plans and is noted as a condition of approval.</p>
15. The proposed use does not undermine preservation of historic resources and structures	Complies	The proposal involves utilizing a landmark site and two historically contributing properties located in the Historic Preservation Overlay District. No modifications are proposed to the exterior of the Armstrong Mansion building itself. Some screening may be installed around the dumpster located in the parking lot on the same lot. This screening will need to be reviewed by staff and will need to obtain a Certificate of

		<p>Appropriateness, ensuring its compliance with regulations intended to ensure preservation of these historic resources.</p> <p>A rear addition has been proposed for the property at 50 S 700 East and will need to also obtain Certificates of Appropriateness for the alterations to the structure.</p> <p>The proposed uses are not expected to undermine the preservation of these historic resources and will provide uses that may ensure the upkeep of the properties.</p>
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Finding: In analyzing the anticipated detrimental effects of the proposed use, Staff finds that the request complies with the criteria listed above with conditions imposed to mitigate potential detrimental impacts anticipated with the proposed group home and office uses.

Additional Standards for Adaptive Reuse of a Landmark Site

Staff Note: *The below standards are the additional criteria used to determine if the proposed 1,000 square feet of office use in the Armstrong Mansion qualifies for conditional use approval.*

21A.24.010.T. Conditional Use Required: Where authorized by this title as shown in section [21A.33.020](#), "Table Of Permitted And Conditional Uses For Residential Districts", of this title, landmark sites in any residential district may be used for certain nonresidential uses.

- a. Qualifying Provisions: In order to qualify for conditional use review by the planning commission under section [21A.54.080](#), "Standards For Conditional Uses", of this title, the applicant must demonstrate compliance with the following:

Criteria	Finding	Rationale
(1) The building is designated as a landmark site on the Salt Lake City register of cultural resources. The designation process must be completed prior to the city accepting a conditional use application for the structure unless the planning director determines that it is in the best interest of the city to process the designation and conditional use applications together.	Complies	The building is designated as a local landmark site.
(2) The landmark building shall have a minimum of seven thousand (7,000) square feet of floor area, excluding accessory buildings.	Complies	The building has a floor area exceeding 7,000 square feet. City records indicate the building has approximately 9,500 square feet of floor area.
(3) The new use will require minimal change as these features are important in defining the overall historic character of the building and environment.	Complies	The request does not include any modifications to the exterior of the building. Some modifications may be made to fencing but do not impact the overall historic character.

(4) The use is conducive to the preservation of the landmark site.	Complies	The use will ensure that the large building is occupied and maintained and preserves the building.
(5) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.	Complies	No significant archaeological resources are affected by the project.
(6) The use is compatible with the surrounding residential neighborhood.	Complies	The office use of the property is limited in size and is not anticipated to detrimentally impact any of the surrounding residential neighborhood. There are no noise, visual, or odor impacts from a small office inside this building to the surrounding residential property, and the limited number of vehicles visiting the site would not cause incompatibility issues with the surrounding neighborhood.
(7) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.	Complies	No exterior modifications to the building are proposed.
(8) The use does not result in the removal of residential characteristics of the structure or site including mature landscaping.	Complies	No modifications to the mature landscaping is proposed. Some fencing will be added to screen the dumpster that is located within the parking lot.
(9) The change in use from residential to nonresidential is necessary due to the excessive size of the landmark site for residential uses allowed in the residential district, and/or demonstration that the building cannot reasonably be used for its original intended use.	Complies	The original use of the property was for a single-family home. Such a use is difficult to be feasible due to the large size of the home. In the past the property has been used for offices and a bed and breakfast due to its large size.
10) The proposed use will not have a material net cumulative adverse impact on the neighborhood or the city as a whole by considering the following: A) The spatial distribution of: (i) Business licenses issued for properties located within three hundred feet (300') of any property line and the block frontage on both sides of the street between 100 series addresses; and (ii) Previously approved conditional uses for nonresidential uses in landmark sites within the same planning community, as shown on a map	Complies	There are at least two other buildings that include office uses within the standard's specified area, including at 623 E and 627 E 100 South. Although other nearby properties on the block frontage include office uses, the use of a small portion of the building for commercial office use is not expected to have an adverse impact on the neighborhood. The majority of

<p>of planning communities maintained by the zoning administrator.</p> <p>B) Impacts on neighboring properties including, but not limited to:</p> <ul style="list-style-type: none"> (i) Traffic; (ii) Parking; (iii) Signs; (iv) Lighting; (v) Removal of landscaping; and (vi) For the purposes of evaluating subsections T2a(10)(B)(i) through T2a(10)(B)(v) of this section, professionally prepared impact studies shall not be required unless specifically requested by the zoning administrator; (vii) Noise, fumes or odors; 		<p>the property will be used for the residential use of a group home.</p> <p>The proposed office use is not expected to have any negative impact on adjacent properties, due to its limited size and indoor location.</p>
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ATTACHMENT G: ATTORNEY'S OFFICE MEMO

MEMORANDUM

To: Nick Norris, Planning Director

cc: Nick Tarbet, SLC Council Staff
Neil Lindberg

From: Paul Nielson, Senior City Attorney
Allison Parks, Research Attorney

Date: February 8, 2017

Subject: Group Home Spacing Requirements and the Fair Housing Act

Issue

Does the Fair Housing Act prohibit spacing requirements for group homes?¹

Short Answer

Yes. Spacing requirements specifically for group homes violate the Fair Housing Act (the Act), but, depending on the facts, may be allowed if the City creates a robust record, with concrete evidence, sufficiently justifying the restriction. If a court finds the City's record insufficient, not only will the City's restriction be overturned but the City may also be liable for actual and punitive damages, attorney's fees, and costs.

Discussion

Salt Lake City has recently received applications for new group homes, compelling the city to re-examine the ordinance requiring group homes be located 800-feet from another group home. The city's spacing requirements for group homes violate the Fair Housing Act because the spacing requirement applies only to facilities that serve disabled persons, a protected class under the Act. Spacing requirements may be allowed if the city creates a record containing concrete evidence justifying the restriction. If the restriction benefits disabled persons or responds to a legitimate safety concern, and those are clearly documented, then it may be legal. However, many local governments have failed in their attempts to justify restrictions when the justification is based on anecdotal evidence or blanket stereotypes. Spacing requirements for group homes must really benefit, not discriminate against, disabled persons.

I. Spacing Requirements for Group Homes Violate the Fair Housing Act.

The Fair Housing Act prohibits discrimination in housing and housing related policies on the basis of certain protected characteristics.² The protected characteristics under the Act include

disability, race, color, religion, sex, familial status, and national origin.³ “Disability” is defined as individuals with physical or mental impairments such as developmental disabilities, mental illnesses, drug addiction, and alcoholism.⁴ Local governments can violate the Act through land use regulations that “function unfairly” to exclude persons with disabilities from certain neighborhoods without a sufficient justification.⁵ “Moreover, Congress explicitly intended for the [Fair Housing Act] to apply to zoning ordinances and other laws which would restrict the placement of” homes that serve disabled persons.⁶

A prima facie case of intentional or “facial” discrimination prohibited by the Act is demonstrated by showing a protected group has been subject to explicitly differential treatment.⁷ Whether a housing policy “involves disparate treatment through explicit facial discrimination” depends on “the explicit terms of the” policy.⁸ “[A] plaintiff need not prove the malice or discriminatory animus of a defendant to make out a case of intentional discrimination where the defendant expressly treats someone protected by the [Act] in a different manner than others.”⁹ For example, a law is facially discriminatory and violates the Act if the law singles out disabled persons and treats them differently than similarly situated persons who are not disabled.¹⁰

Land use regulations that require a defined distance between residential facilities that serve disabled individuals are generally found to be facially discriminatory and are impermissible under the Act.¹¹ The Act “is intended to prohibit the application of special requirements through land-use regulations, restrictive covenants, and conditional or special use permits that have the effect of limiting the ability of [the disabled] to live in the residence of their choice in the community.”¹² The Act protects the rights of disabled individuals to choose where they live and placing restrictions on where those residence may be located or the number of disabled persons who could move into a community violates this right.¹³

For example, in the case of *Larkin v. State of Michigan Department of Social Services*, Geraldine Larkin applied for a license to operate a home for disabled adults but was denied because a state statute specifically prevented the proposed facility from being located 1,500-feet from a similar state licensed facility.¹⁴ The Sixth Circuit found the law to be facially discriminatory because the restriction applied only to group homes that served disabled persons and not to any other living arrangement.¹⁵ Similarly, in the case of *Bangerter v. Orem*, the Tenth Circuit reasoned that a city ordinance that placed restrictions on a group home for the disabled was intentionally discriminatory because the law facially singled out the disabled and placed different restrictions on them.¹⁶

II. Salt Lake City’s Group Home Ordinance Violates the Fair Housing Act.

Salt Lake City’s ordinance singles out and places restrictions on group homes that specifically serve disabled persons. Under Salt Lake City Code, group homes are defined as residential treatment facilities that provide a group living environment and specialized services to “persons with emotional, psychological, developmental, or behavioral dysfunctions, impairments, or chemical dependencies.”¹⁷ The ordinance requires that no group home “shall be located within 800-feet of another group home.”¹⁸ This spacing requirement only applies to residential facilities that house and provide services to disabled persons.¹⁹

The city's group home ordinances violates the Fair Housing Act because, like the laws challenged in *Larkin* and *Bangerter*, the spacing requirement specifically and only applies to housing for disabled persons and places different restrictions on them.²⁰ The city's requirement that group homes must be located 800-feet from other group homes places a restriction only on residential facilities that serve disabled persons and not any other living arrangement. The ordinance is facially discriminatory because it singles out disabled persons and places restrictions on where the residence may be located or the number of disabled persons who could move into a community.²¹

III. A Facial Violation of the Fair Housing Act May Be Permissible if Justified.

Courts may permit facially discriminatory regulations if the city's restriction is found to be justified by a comprehensive evidentiary record. To determine whether a facially discriminatory ordinance is acceptable under the Act, the defendant must demonstrate either: 1) "the restriction benefits the protected class" or 2) the restriction is "justified by an individualized safety concern."²² This standard is applied in the Tenth, Sixth, and Ninth Circuits. Local governments fail to adequately justify their restriction when scant evidence is provided or when restrictions "are based on unsupported stereotypes or upon prejudice stemming from ignorance or generalizations."²³ Although restrictions may be upheld if they are narrowly tailored to the individuals affected and the benefit of the restriction to the residents of the center outweighs whatever burden there may be,²⁴ if the justifications are found to be inadequate, then plaintiffs may be awarded injunctive and monetary relief, including actual and punitive damages, attorney's fees, and costs.²⁵

For example, in *Larkin*, the court found that the spacing restriction was impermissible.²⁶ After finding the state law facially discriminatory, the court rejected the state's justification for the 1,500-foot spacing restriction.²⁷ The state defended the law, claiming the spacing requirement "integrates the disabled into the community" and prevented the creation of an "institutional environment."²⁸ The court definitively held that integration is not a sufficient justification for maintaining restrictions on the disabled community.²⁹ While deinstitutionalization is a legitimate goal for the state to pursue, the court found the state's reasoning flawed because they provided no evidence that facilities will cluster absent the spacing requirement and provided no evidence that facilities clustered during the time the spacing requirement was not enforced.³⁰ Spacing restrictions on group homes for the disabled may effectively inhibit the goal of deinstitutionalization by placing a finite number of group homes that can operate within a community.³¹

The Township in *Horizon House Development Services, Inc. v. Township of Upper Southampton* presented the same justification for their 1,000-foot spacing requirement, stating the restriction "was enacted to prevent the 'clustering' of people with disabilities and to promote their 'integration' into the community."³² The court was unpersuaded by the Township's witnesses who provided unsupported allegations that clustering was bad.³³ The court held that the Township did not provide sufficient evidence to support the ordinance that indefinitely limited housing for disabled persons.³⁴

Other courts have similarly found that defendant's justifications of facially discriminatory policies fail when they provide no evidence to justify a facially discriminatory law. The court in *Nevada Fair Housing Center, Inc. v. Clark County* did not accept the county's defense of their spacing requirement of 1,500-feet for group homes when it provided no "explanation that the statute benefits the [disabled] or responds to legitimate safety concerns (rather than being based on stereotypes) in justification for the group home statute's facial discrimination."³⁵

Conversely, courts have upheld facially discriminatory ordinances when they are supported by evidence and the benefit of the restriction to the impacted individuals outweighs whatever burden there may be. In the case of *Sierra v. City of New York*, the court upheld the facially discriminatory ordinance when the city produced extensive evidence of concrete physical and psychological effects of the prohibited housing arrangement, "rather than merely generalizations and conclusory assertions."³⁶ The city's evidence included testimony supported by factual reports.³⁷ The court still rejected some of the city's evidence that was based, at most, on anecdotal evidence and stereotypes.³⁸

Following a different line of analysis, the Eighth Circuit in *Familystyle of St. Paul, Inc. v. City of St. Paul*, upheld a state law requiring homes for the disabled to be separated by a quarter-mile.³⁹ The court found the spacing requirement to be justified because the law ensures "that residential treatment facilities will, in fact, be 'in the community,' rather than in neighborhoods completely made up of group homes that re-create an institutional environment."⁴⁰ However, the Eighth Circuit's decision in *Familystyle* can be distinguished from the cases cited above because the court applied the less-demanding level of scrutiny under the Equal Protection Clause.⁴¹ This case law is not followed in the Tenth Circuit.

We are unaware of any justification supporting the group home spacing requirements set forth in the land use tables at Chapter 21A.33 of the *Salt Lake City Code*.

Conclusion

Spacing requirements for group homes that specifically serve disabled persons violates the Fair Housing Act. Going forward, if the city is making determinations about whether to keep the spacing requirement, the city must sufficiently justify the restriction by compiling a comprehensive record of concrete evidence demonstrating the restriction benefits disabled persons or responds to a legitimate safety concern. A facially discriminatory decision will be struck down and the city may be liable for actual and punitive damages, attorney's fees, and costs, if the decision is only supported by anecdotal evidence or based merely on blanket stereotypes. The City Attorney's Office is not presently aware of any justification supporting the spacing requirements as set forth in city ordinances. It may be prudent for the city to consider amendments to the *Salt Lake City Code* to address the concerns noted herein.

¹ The analysis herein also likely pertains to residential support uses.

² See 42 U.S.C. § 3604. The Fair Housing Act uses the term “handicap” to refer to disability. For the purposes of this memorandum, the term disability will be used in its place.

³ See *id.*

⁴ See *id.* § 3602(h); U.S. DEP’T OF HOUS. & URBAN DEV. AND U.S. DEP’T OF JUSTICE, STATE AND LOCAL LAND USE LAWS AND PRACTICES AND THE APPLICATION OF THE FAIR HOUSING ACT, at 6 (Nov. 10, 2016).

⁵ See *Texas Dep’t of Hous. & Cmty. Affairs v. Inclusive Cmty’s Project, Inc.*, 135 S. Ct. 2507, 2521-2522 (2015).

⁶ *Larkin v. State of Mich. Dep’t of Soc. Services*, 89 F.3d 285, 289 (6th Cir. 1996).

⁷ *Bangerter v. Orem City*, 46 F.3d 1491, 1501 (10th Cir. 1995).

⁸ *International Union v. Johnson Controls*, 499 U.S. 187, 199 (1991) (Title VII employment case).

⁹ *Bangerter*, 46 F.3d at 1501.

¹⁰ See *Nevada Fair Housing Center, Inc. v. Clark County*, 565 F.Supp.2d 1178, 1183 (D. Nev. 2008).

¹¹ See *Larkin*, 89 F.3d 285 (holding distancing requirement of 1500-feet facially discriminatory); *Nevada Fair Housing Cntr.*, 565 F. Supp. 2d 1178 (holding distancing requirement of 1500-feet facially discriminatory); *Horizon House Develop. Serv., Inc. v. Township of Upper Southampton*, 804 F. Supp. 683 (E.D. Pa. 1992) (holding distancing requirement of 1000-feet facially discriminatory).

¹² H.R. REP. NO. 100-711(1988).

¹³ *Larkin*, 89 F.3d at 291.

¹⁴ *Id.* at 287-88.

¹⁵ *Id.* at 290-90.

¹⁶ *Bangerter*, 46 F.3d at 1500.

¹⁷ SALT LAKE CITY, UTAH, CODE § 21A.62.040.

¹⁸ *Id.* § 21A.33.020. While this memo only evaluates the spacing requirement in the code, it should be noted that there are various other restrictions on group homes that may similarly violate the Fair Housing Act. For example, large group homes are conditional in certain zoning districts while other housing accommodations are not so restricted.

¹⁹ The code additionally restricts the location of residential support dwellings, which specifically provide support and services to “disabled persons.” See *id.* §§ 21A.33.020, 21A.62. Because the ordinance similarly defines and restricts group homes and residential support dwellings, for simplicity, this memorandum will refer to both as simply group homes.

²⁰ See *Bangerter*, 46 F.3d at 1500.

²¹ See H.R. REP. NO. 100-711; *Bangerter*, 46 F.3d at 1500.

²² *Community House v. City of Boise*, 490 F.3d 1041, 1050 (9th Cir. 2006); *Larkin*, 89 F.3d at 290.

²³ *Bangerter*, 46 F.3d at 1504.

²⁴ *Id.*

²⁵ 42 U.S.C. § 3613.

²⁶ See *Larkin*, 89 F.3d at 290.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.* at 291 (noting that the “state is forcing the [disabled] to integrate based on the paternalistic idea that it knows best where the disabled should choose to live.”)

³⁰ *Id.*

³¹ *Id.*

³² *Horizon House Develop. Serv., Inc.*, 804 F. Supp. at 694-94.

³³ *Id.*

³⁴ *Id.*

³⁵ *Nevada Fair Housing Cntr.*, 565 F.Supp.2d at 1186.

³⁶ 579 F.Supp.2d 543, 551 (S.D.N.Y. 2008).

³⁷ *Id.* at 549-551.

³⁸ *Id.* at 548-550.

³⁹ *See Familystyle of St. Paul, Inc. v. City of St. Paul*, 923 F.2d 91 (8th Cir. 1991).

⁴⁰ *Id.* at 94.

⁴¹ Under the Equal Protection Clause, disability is not a suspect class. Therefore, when evaluating whether the discrimination is justified, the court will apply rational basis (whether the law is rationally related to a legitimate government interest).

ATTACHMENT H: STATE REQUIREMENTS FOR RECOVERY RESIDENCES

R501. Human Services, Administration, Administrative Services, Licensing.

R501-18. Recovery Residence Services.

R501-18-1. Authority.

This Rule is authorized by Section 62A-2-101 et seq.

R501-18-2. Purpose.

This rule establishes:

- (1) basic health and safety standards for recovery residences; and
- (2) minimum administration and financial requirements.

R501-18-3. Definitions.

- (1) "Recovery residence" is as defined in Subsection 62A-2-101(22).
- (2) "SUD" means Substance Use Disorder.

R501-18-4. Legal Requirements.

- (1) A recovery residence shall comply with this R501-18 and:
 - (a) R501-1, General Provisions;
 - (b) R501-2, Core Rules;
 - (c) all applicable local, state, and federal laws.
- (2) Prior to offering any residential treatment services, a recovery residence shall comply with R501-19 and obtain a residential treatment license.
- (3) A recovery residence shall comply with the Americans with Disabilities Act.
- (4) A recovery residence shall only serve adults.

R501-18-5. Administration.

- (1) The recovery residence shall ensure that clients receive supportive services from a person associated with the licensee or from a licensed professional. Supportive services include but are not limited to:
 - (a) vocational services;
 - (b) peer support;
 - (c) skills training;
 - (d) community resource referral.
- (2) A list of current clients shall be maintained on-site at all times and available to the Department of Human Services Office of Licensing upon request.

R501-18-6. Staffing.

- (1) The recovery residence shall have an identified recovery residence director(s) who shall have at least one of the following:
 - (a) a minimum of two years of documented administrative experience in recovery residence;
 - (b) a minimum of two years documented substance use disorder treatment;
 - (c) a minimum of two year documented recovery support services; or
 - (d) minimum Utah licensure as a substance use disorder counselor, licensed clinical social worker or equivalent.
- (2) The director's responsibilities that shall not be delegated include:
 - (a) policy and procedure implementation and oversight;

- (b) quality assurance plan implementation and oversight;
 - (c) training curriculum;
 - (d) supervision of staff;
 - (e) oversight of client activities;
 - (f) ensure continual compliance with local, state and federal laws;
 - (g) notify the Office of Licensing 30 days prior to changes in program administration or purpose;
 - (h) ensure that the program is fiscally sound;
 - (i) ensure program maintains the staffing ratios outlined in program policy and procedure;
 - (j) ensure that the program has general liability insurance, professional liability insurance, vehicle insurance, and fire insurance; and
 - (k) monitoring all aspects of the program as outlined in the quality assurance plan.
- (2) The recovery residence director may employ a manager, who may be a client, to work under the supervision of the director. The manager may be responsible for the day-to-day staff, volunteer, and client supervision and operation of the facility. The responsibilities of the manager shall be clearly defined in the recovery residence policies and procedures. Whenever the manager is on leave (vacation, sick, etc.), the director shall designate a substitute to assume managerial responsibility. The recovery residence director, whether physically present or not, shares responsibility for the acts and omissions of the manager.
- (3) The recovery residence shall provide each director, recovery residence manager, substitute, and staff, including clients serving in those capacities, with a minimum of:
- (a) 40 hours of training completed prior to working with clients. Training topics shall include: SUD curriculum, peer support, emergency overdose response, recognition of and response to drug-related activities, and certified first aid and CPR;
 - (b) training prior to working with clients that includes, but is not limited to: how to comply with Core and Recovery Residence Rules, program policies and procedures, ethics, conflicts of interest, and case management;
 - (c) ongoing training to maintain proficiency in the above topics.
- (4) A recovery residence with 6 or fewer licensed client capacity:
- (a) shall have a recovery residence manager(s), who may be a client, and substitute(s), who may be a client, approved in writing by the recovery residence director;
 - (b) shall have a residence director, manager or substitute on-site a minimum of 5 days per week in order to assess safety and support clients. These visits shall be scheduled and documented;
 - (c) shall have a residence director, manager or substitute have daily client contact with each admitted client. These contacts shall be documented;
 - (d) the recovery residence director shall ensure that the recovery residence director or a manager, substitute, or staff maintains on-call availability at all times and remains able to respond to the recovery residence and the Office of Licensing immediately by phone, and remains able to respond in person at the recovery residence within one hour.
- (5) A recovery residence with 7 or more licensed client capacity:
- (a) shall have a recovery residence manager(s), who may not be a client, and substitute(s), who may not be a client, approved in writing by the recovery residence director;
 - (b) shall have a residence director, manager or substitute on-site a minimum of 7 days per week in order to assess safety and support clients. These visits shall be scheduled and

documented;

(c) shall have a residence director, manager or substitute have daily client contact with each admitted client. These contacts shall be documented;

(d) the recovery residence director shall ensure that the recovery residence director or a manager, substitute, or staff maintains on-call availability at all times, and remains able to respond to the recovery residence and the Office of Licensing immediately by phone, and remains able to respond in person at the recovery residence within one hour.

(6) The recovery residence shall determine and comply with a written policy which clearly defines the minimum staff-to-client ratios and levels of supervision of clients by the person(s) associated with the licensee.

(7) The recovery residence shall have a written:

(a) emergency plan posted and available to clients;

(b) grievance procedure posted and available to clients.

(8) A recovery residence which utilizes non-client volunteers shall provide training and evaluation of non-client volunteers. Non-client volunteers providing care without paid staff present shall have direct communication access to the recovery residence manager or recovery residence director at all times. Non-client volunteers shall be trained in recovery residence policies and procedures, objectives, and scope of service. All volunteers will be supervised by the recovery residence director who is responsible for their conduct.

(9) Professional Staff shall include the following individuals who are either employed, under contract or are otherwise available for referral to the clients of the recovery residence:

(a) a licensed physician; and/or

(b) a licensed psychiatrist; and/or

(c) a licensed mental health therapist; and/or

(d) a licensed substance use disorder counselor (SUDC).

R501-18-7. Direct Service.

(1) This subsection supersedes Core Rules, Section R501-2-5. The recovery residence client records shall contain the following:

(a) name, address, telephone number, email;

(b) admission date;

(c) emergency contact information with names, address, email, and telephone numbers;

(d) an intake application and assessment indicating that the client meets the admission criteria;

(e) individual recovery plan, including the signature and title of the persons preparing the recovery plan and the signature of the client;

(f) documentation of services provided, including the signature and title of the persons providing recovery residence services;

(g) documentation of supportive services not directly associated with the recovery residence;

(h) the signed written lease agreement for the recovery residence;

(i) signed crisis intervention reports;

(j) the recovery residence's client recovery plan shall offer and document individualized and supportive services;

(k) treatment is not a required component of a recovery residence. However, off-site treatment referrals shall be made available upon request. On-site treatment and other services

must first be licensed in accordance with applicable Office of Licensing categorical rules;

(l) clients will be notified prior to admission regarding their responsibilities related to the transportation and location of off-site services.

R501-18-8. Physical Environment.

(1) The recovery residence shall provide written documentation of compliance with the following:

- (a) local zoning ordinances;
- (b) local business license requirements;
- (c) local building codes;
- (d) local fire safety regulations;
- (e) local health codes; and

(f) local approval from the appropriate government agency for new program services or increased client capacity.

(2) Building and Grounds:

(a) the recovery residence shall ensure that the appearance, safety and cleanliness of the building and grounds are maintained.

R501-18-9. Physical Facility.

(1) Live-in staff, who may be a client, shall have a separate sleeping area with a private bathroom.

(2) The recovery residence shall have a designated secure location that serves as an administrative office for records, secretarial work, and bookkeeping if such work is done onsite.

(3) Bathrooms:

(a) the recovery residence shall have locking bathrooms. Clients shall have access to a toilet, lavatory sink, and a tub or shower. These shall be maintained in good operating order and in a clean and safe condition;

(b) client to bathroom ratios shall comply with the residential international building code, as administered by the local government authority;

(c) each bathroom shall be maintained in good operating order;

(d) there shall be mirrors secured to the walls at convenient heights;

(e) each bathroom shall be ventilated by mechanical means or equipped with a screened window that opens;

(f) clients will be notified prior to admission regarding their responsibilities related to the provision of toiletries.

(4) Sleeping Accommodations:

(a) a minimum of 60 square feet per client shall be provided in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted;

(b) sleeping areas shall have a source of natural light, and shall be ventilated by mechanical means or equipped with a screened window that opens;

(c) each bed, none of which shall be portable, shall be solidly constructed;

(d) sleeping quarters serving male and female clients shall be structurally separated and have locking bedroom doors;

(e) clients shall be allowed to decorate and personalize bedrooms with respect for other clients and property;

(f) a bedroom on the ground floor shall have a minimum of one window that may be used

to evacuate the room in case of fire;

(g) a bedroom that is not on the ground floor (this includes basements) shall have a minimum of two exits, at least one of which shall exit directly to outside the building that may be used to evacuate the room in case of fire;

(h) furniture and residence equipment shall be of sufficient quantity and quality to meet recovery residence and client needs;

(i) all furniture and residence equipment shall be maintained in a clean and safe condition;

(j) clients will be notified prior to admission regarding their responsibilities related to the provision of bedding and linens.

(5) Weapons Safety:

(a) all facilities shall have and comply with a written weapons policy.

(6) Laundry Service:

(a) recovery residences shall provide either equipment or reasonable access to equipment for washing and drying of linens and clothing;

(b) laundry appliances shall be maintained in good operating order and in a clean and safe condition.

R501-18-10. Food Service.

(1) Meals may be prepared by staff or clients at the recovery residence or meals may be catered.

(2) If the recovery residence provides food for clients, it shall comply with food service requirements as follows:

(a) current weekly menu shall be posted in the kitchen and the office;

(b) the staff or clients responsible for food service shall maintain a current list of clients with special nutritional needs, shall provide food that meets those needs, and record in the client's service record information relating to special nutritional needs.

(3) The recovery residence shall have one or more kitchens, which shall have clean and safe operational equipment in sufficient quantity for the preparation, storage, serving, and clean-up of all meals.

(4) The recovery residence shall have dining space/s large enough to provide seating for all clients. The dining space shall be maintained in a clean and safe condition.

(5) When meals consumed by clients are prepared by staff or other clients, the recovery residence shall have and comply with a written policy that complies with all minimum requirements of the local Health Department.

(6) Clients will be notified prior to admission regarding their responsibilities related to the provision or preparation of food.

R501-18-11. Medical Standards.

(1) The recovery residence shall not admit anyone who is currently experiencing convulsions, in shock, delirium tremens, in a coma or unconscious.

(2) Before admission, clients shall be screened for Tuberculosis by a questionnaire approved by the local health department.

(3) All clients and staff shall provide current proof of negative test results for Tuberculosis and shall be tested annually or more frequently when directed by the local health department.

(4) A recovery residence that manages clients' medications shall keep all prescription and

non-prescription medications in locked storage that is not accessible by clients when not in active use.

(5) Each recovery residence shall have and comply with a written policy and procedure regarding the safe storage and disposal of medications.

(6) A recovery residence shall ensure that clients who manage their own medications keep all prescription and non-prescription medications in locked storage when not in active use, using individual locked storage that is not accessible by any client other than the client who owns the medication. Clients will be notified prior to admission regarding their responsibilities related to the provision of locked storage for personal medications.

(7) Non-prescription medications shall be stored in their original manufacturer's packaging together with manufacturer's directions and warnings.

(8) Prescription medications shall be stored in their original pharmacy packaging together with the pharmacy label, directions and warnings.

R501-18-12. Hazardous Chemicals and Materials.

(1) The recovery residence shall provide safe storage for hazardous chemicals, materials, and aerosols, including but not limited to poisonous substances, explosive or flammable substances, bleach, and cleaning supplies. The recovery residence shall maintain hazardous chemicals, materials, and aerosols in their original packaging and follow the manufacturer's instructions printed on the label.

KEY: licensing, human services, recovery residence

Date of Enactment or Last Substantive Amendment: December 22, 2014

Authorizing, and Implemented or Interpreted Law: 62A-2-101; 62A-2-106

ATTACHMENT I: PUBLIC PROCESS & COMMENTS

Public Notice, Meetings, Comments

The following is a list of public meetings that have been held, and other public input opportunities, related to the proposed project:

PUBLIC PROCESS AND INPUT

Timeline

- The application was submitted on December 28, 2016.
- Notice of the application, and request for input, was provided to the Central City Neighborhood Council, Greater Avenues Community Council, and East Central Community Council.
- A comment period of 45 days was provided, ending on February 17, 2017. No written comments were provided by the community councils during that period.
- A public notice mailing for the February 16th Open House was sent to all property owners and residents within 300 feet of the proposal. That notice was sent February 3rd.
- A public open house was held on February 16th, 2017. At least 5 individuals attended the open house with questions and comments about the proposal. The applicant and a representative from The Other Side Academy attended the open house to answer questions. A sign-in sheet and comment forms from the open house are attached. Not all attendees signed-in.
- The Other Side Academy also held their own private Open Houses on site. They contacted persons at properties near The Academy and the surrounding Community Councils, and invited them to the Open House, which included a tour of the property. The Open Houses were held on Tuesday January 31st and Saturday February 4th.
- Public notice mailings were mailed out on March 9th for the Planning Commission public hearing. The site was also posted with a sign noticing the meeting on that date.

The following is a list of the public comments received for this project:

- Two completed comment sheets were submitted at the Open House. One supported the proposal, but noted concern about the 45 S property's proximity to Bryant Middle School. One opposed the proposal and noted it should be used for affordable housing instead of an institutional type use.
- Other concerns expressed at the Open House included concerns regarding property values decreasing, the number of people walking around the neighborhood, recidivism rates of residents, and perceived or potential increases in criminal activity, such as property crimes. Those concerns are addressed in the Analysis of Standards in [Attachment F](#).
- Fourteen e-mails/letters were received in support of the request and are attached.
 - The comments generally supported the programming. Some commented on the improvements they have made to the neighborhood and upkeep of the properties.
 - One of the comments came from a probation officer who worked directly with the residents.
 - Two of the comments were from adjacent property representatives, including the Masonic Temple and The Courtyard assisted living facility.
 - One comment came from a resident living on an adjacent block.
- Two e-mails/letters were received in opposition to the request and are attached.

- One of the e-mails included concerns regarding historical character and compatibility of a group home with that character. Historic preservation considerations for a Conditional Use are addressed in the Analysis of Standards in Attachment F.
 - One e-mail did not cite any specific concerns.
- One e-mail was received requesting the petition information. After supplying the information, no other e-mails were received from the individual.
- One phone call was received from an adjacent apartment building owner with questions about the proposal. The caller also expressed concerns about the potential for crime and financial impacts to the leasing of the apartment building.

Echeverria, Daniel

From: Jared Parkinson [REDACTED]
Sent: Friday, February 17, 2017 8:11 AM
To: Echeverria, Daniel
Subject: Conditional Use - the Other Place

Please give me notice of any meetings, decisions or filings concerning the Other Side Academy proposed. I own property located at 613 East 100 South, Salt Lake City, and I am OPPOSED to a group home being located at the corner of 700 East and 100 South.

Thank you, Jared

Jared G. Parkinson
WATER LAW PC
623 East 100 South
Salt Lake City, UT 84102

NOTICE OF CONFIDENTIALITY - ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

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JBAFT Properties

623 East 100 South
Salt Lake City, Utah 84102
Telephone: [REDACTED]
Email: [REDACTED]



FEBRUARY 16, 2017

Daniel Echeverria
Danielecheverria@slcgov.com
Salt Lake Zoning
Salt Lake City, Utah

RE: Conditional Use at 667 E 100 South, 54 S 700 East, 50 S 700 East and 45 South 700 East
Request: to operate a large group home to individuals who commit to a two-year residency
Zoning District RMF-35; (Moderate Density Multi-Family) RMF-45 (Moderate/High Density Multi Family
Residence
APPLICATION #: PLNPCM106-0120, 01021, 01023 and 01024

Dear Mr. Echeverria:

I own the Simon Bamberger historic home at 623 East 100 South. The conditional use requested contradicts the historic ambiance of the neighborhood and the Historic District area along 100 South 700 East.

The Bamberger House built 1981-1988 is a national landmark on the National Register of Historic Places since May 30, 1975. The home derives its primary significance from its original owner, Simon Bamberger, one of the most significant figures in Utah political history. The building was converted into professional offices, with apartments, keeping where possible original design features. The home now exists in maintained condition, and sound structurally.

The Bamberger Home is a stately, well constructed Victorian. It is an orderly and detail designed building. It also serves as an excellent reminder of Utah's former Governor Bamberger's personal accomplishments and role in Utah history, which is not inclusive in this letter, although available.

Section 106 of the National Historic Preservation Act requires that federal agencies take into account the effect their undertakings on historic properties, and the federal agency consult with the Utah Historic Properties Office: to identify historic properties in the project area; assess the effects a project may have; and to seek ways to avoid or reduce adverse effects to historic properties.

The functionality of being listed on the National Historic Register is to assist communities in preserving significant buildings, sites, objects and structures that convey a sense of community history. For the historic district advocates not only the self-evident aesthetic advantages of historic preservation, but also the potential for preservation to help promote economic development, community planning, tourism, environmental sensitivity and land-use planning. An intense long-term rehabilitation program does not support historical preservation of the community.

Sincerely

Lee S. Sorenson

Lee S. Sorenson, Trustee JBAFT Properties

ATTACHMENT A

Records are available giving a fuller detailed account. A summary of Simon Bamberger from our records includes his birth in Germany, his financially successful Utah and Nevada business ventures and business enterprises which included the 1892 construction of the Bamberger Railroad, originally named "The Great Salt Lake and Hot Springs Railway" which by 1908 reached Ogden, Utah, and operated until 1952. The Bamberger Railroad served another important Utah enterprise, the summer resort of Lagoon, which Bamberger established after his railroad reached Farmington in 1895. The Lagoon resort is still in operation as Utah's most popular amusement park.

His election as governor in 1916 served to bridge political differences which cut through Utah politics for nearly half century. He pushed through legislation that prefigured some of the most significant, far-reaching 20th century reforms in the United States. Prior to being Governor, he served only one term as one of three Democrats elected to the Utah State Senate. Other reforms by Bamberger as Governor include a special session of the Legislature to ratify the 19th Amendment to the US Constitution, which passed in 1920 guaranteeing national women's suffrage, a right which Utah women had been granted by unanimous vote of the territorial legislature in 1869 and in the Utah State Constitution in 1895. Bamberger brought Utah to the forefront of securities regulation; created a public health department and a public utilities commission to regulate the price of gas and electricity, popular election of judges on a nonpartisan basis, a modified line-item veto to assist the governor in curbing pork barrel politics; a longer school year; and a water rights commission to supervise water usage in residential development of rural areas, a crucial issue in Western states.

Echeverria, Daniel

From: Lisa Adams [REDACTED]
Sent: Friday, March 17, 2017 2:28 PM
To: Echeverria, Daniel
Cc: Reberg, Mike; Norris, Nick; Gust-Jenson, Cindy; tim@theothersideacademy.com; [REDACTED]
Subject: The Other Side Academy, conditional use request.

Dear Commissioners,

I write this email as a resident of Salt Lake City, rather than as a Council Member, and hope you will regard it as such. I would like to encourage you to find a way to keep TOSA in our city, by granting them the conditional use they are seeking. I do not think it is likely that another purchaser will come forward for the foreseeable future and add value to this neighborhood, in the way TOSA proposes.

This proposal, and the presence of TOSA, helps with our housing crisis; keeps the students from becoming homeless; teaches life and employment skills; and dramatically reduces recidivism.

It is my hope that you can find a way forward for granting this conditional use. If you feel that current ordinance precludes such action, I would urge you to initiate changes to the ordinance, with the guidance of the able planning staff.

Sincerely,
Lisa R. Adams

Sent from my iPhone

Echeverria, Daniel

From: woolahe [REDACTED]
Sent: Friday, March 17, 2017 9:41 AM
To: Echeverria, Daniel
Subject: The Other Side Academy - SLC

March 14, 2017

Daniel Echeverria
Salt Lake City Planning Commission
451 S. State Street, Room 326
Salt Lake City, UT

Dear Daniel,

I had the pleasure of visiting your great city twice in the last year to visit The Other Side Academy (TOSA). I had the privilege of participating in an eight-day immersion process to learn how TOSA works from the inside, so we can replicate TOSA in Peoria, IL.

We have visited a number of Leadership Academies like TOSA across the country, but haven't seen anything nearly as amazing or successful as what you have in SLC.

Our planned TOSA-Peoria opening date is Spring of 2018.

Through TOSA and Salt Lake City's vision and willingness to try something different, you have provided an example that many other cities are looking to replicate. Keep up the great work.

When we summarize the things that TOSA has brought to Salt Lake City, these are the reasons we plan to replicate your success story to Peoria :

- TOSA has made the neighborhood safer by cleaning up their property and surrounding properties.

- TOSA has removed people from the streets of SLC, and is in the process of helping them become productive citizens.

After leaving TOSA, upon the conclusion of my eight-day immersion experience, I felt like I had gained 60 new close friends. People that I would be proud to work with, enjoy life with and even live with. The students & staff are brothers, sisters, sons, dads, moms & friends being given the opportunity to finally have a safe place where they can do the hard work of transforming their lives into something meaningful.

Please do all you can to allow TOSA to continue making the amazing transformations to the people, the community, and your great city, from their current Campus property.

Attachment I-
Public Comments

Yours Truly,
Howard Woolard
Board Member - TOSA Peoria

March 13, 2017

Daniel Echeverria
Salt Lake City Planning Commission
451 S. State Street, Room 326
Salt Lake City, UT

Dear Daniel,

I had the pleasure of visiting your great city twice in the last year to visit The Other Side Academy (TOSA). I had the privilege of participating in an eight-day immersion process to learn how TOSA works, so we can replicate TOSA in Peoria, IL. We have been to a few Leadership Academies like TOSA, but have never seen anything as amazing or successful! Our planned open date in Peoria is Spring of 2018.

Through TOSA and Salt Lake City's vision and willingness to try something different, you have provided an example that many other cities are looking to replicate. Keep up the great work.

What has TOSA brought to Salt Lake City, its people and the community, from an outsider's perspective.

- TOSA has made the neighborhood safer by cleaning up our property and our surrounding properties.
- TOSA has removed hiding and camping places that the homeless people were using and cleaned up syringes and other drug paraphernalia left on the ground for children to find.
- TOSA has night security walking the block, running off bad characters.
- TOSA provides services for our neighbors, including shoveling walks and raking leaves.
- TOSA helps the elderly in the senior care facilities and surrounding neighborhood with service and free manual labor.

- There have been no violence or threats of violence among any of TOSA's students.
- TOSA has saved the taxpayers of Utah over \$2.5 million last year, by keeping students out of jail, off the streets, out of the Homeless Shelters.
- TOSA is not a drug rehab or treatment facility, but we are a school where our students are learning to live lives of integrity and accountability and learning how to work really hard.
- TOSA students are running and operating successful vocational training schools, such as our Moving vocational training school, our Food Truck vocational training school, and our Lawn Services vocational training school, where they are getting on-the-job training and skills that will help them get a job when they re-enter society.

After leaving TOSA, upon the conclusion of my eight-day immersion experience, I felt like I had gained 60 new close friends. People that I would be proud to work with, enjoy life with and recommend to others. They are brothers, sisters, sons, dads, moms & friends being given the opportunity to finally have a place where they can do the hard work of transforming their lives into something meaningful.

Please do all you can to allow TOSA to make the amazing transformations to the people, the community and your great city.

Yours Truly,

Tim Krueger
CEO
Bedford Falls, LLC

Sean Cramer
11159 Via Encantada Way
South Jordan, UT 84095
March 15, 2017

Salt Lake City Planning Commission
Attention: Mr. Daniel Echeverria
451 South State Street
Salt Lake City, UT 84111

Ladies and Gentlemen of the Commission:

I respectfully request that you grant a Conditional Use for Large Group Homes and Office Use permit to The Other Side Academy, located at 667 E 100 South. I've had the privilege of meeting the founder and staff of the academy, toured their campus, and presented a talk to the students. I am extremely impressed with their mission, and the work they've done to the properties in question.

It is understandable that the Commission is concerned with granting a conditional use permit of the nature The Other Side Academy seeks. I'd like to point out a few circumstances that I feel justify granting their request.

- The Academy has significantly improved the condition of the properties in question.

- One of the vacant buildings was being used as a drug den by vagrants. The Academy's presence, cleanup efforts, and night security, resulted in the removal syringes and drug paraphernalia, and effectively shut down this dangerous operation.

- The Academy is a good neighbor. They regularly assist residents with snow removal and other labor, and provide service to the elderly in the senior care facilities and surrounding area.

I'm confident that after learning more about the mission of The Other Side Academy, the businesses they've created, and the money they've saved the taxpayers of Salt Lake City, you'll find ample reason to grant this permit. They are truly a neighbor who exemplifies why so many call Salt Lake City their home.

Thank you for your consideration,



Sean Cramer

Echeverria, Daniel

From: Amy-Kate Andrews [REDACTED]
Sent: Wednesday, March 15, 2017 1:46 PM
To: Echeverria, Daniel
Subject: SLC Planning Commission Hearing | TOSA

Hi Mr. Echeverria:

My name is Amy-Kate Andrews, and I'm emailing you to advocate for The Other Side Academy (TOSA), as I heard they are being discussed as a part of the SLC Planning Commission.

I live on 555 E 100 S, so just a block away from TOSA, and I have nothing but good things to say about them. I strongly believe they are a safe, friendly, and positive part of our neighborhood, and I would very much like to see them be able to stay where they are and continue to contribute to our community by helping those who need it most. We owe it to vulnerable people to not ostracize them for wanting to change their lives - we should welcome it and help to integrate them into our neighborhoods.

Thank you in advance and thank you for your time!

Best,
Amy-Kate Andrews



To whom it may concern:

The Other Side Academy has recently become our neighbors. I have to admit when I first found out that a "home for wayward boys" was moving in I was somewhat concerned. I am the Administrator of a 46 apartment assisted living center with frail seniors of whom I am very protective.

But since they have moved in, they have cleaned up the area significantly. The young men who live there have performed various acts of service for our residents including shoveling our walks and driveway before my paid service even showed up, moving furniture and even singing Christmas Carols to our residents on Christmas Eve.

I have one resident who feeds a feral cat on the property behind ours and adjacent to The Other Side Academy. She has been treated with kindness and respect by the staff and residents at TOSA.

This coming spring they will be working with a University of Utah architect group and will be building us a series of garden boxes for our residents.

They are good neighbors and I am impressed with the work they are doing. They have a commitment to bettering the neighborhood and teaching the young men the art of service to community.

I can without reservation recommend them as a neighbor.

Sincerely,

Shirene Saddler

Administrator
The Avenues Courtyard

Testimonial for The Other Side Academy

I first learned about The Other Side Academy when it was mentioned as a new nonprofit in my neighborhood at one of my church meetings. Its mission to provide a vigorous educational/work residential program for people struggling with criminal behavior and those suffering from addictions peaked my interest – especially since it is modeled after Delancey Street, a program based in San Francisco I became familiar with through my “Alternatives to Prison” course while a student at Stanford University. I decided to visit The Other Side Academy at its home base in the former Armstrong Mansion last November and met with the highly experienced program managers (who also reside at the site) and the Academy’s CEO, Tim Stay, to learn more of the inspiring story of how the Academy came to be. I also had a chance to meet the resident students and was so moved by the good works and life transformations taking place that I chose The Other Side Academy as the nonprofit I presented to 100 Women Who Care SLC for their consideration at their quarterly donation meeting in December. The group voted a resounding “yes” to support The Other Side Academy as the winning charity and we were all pleased to present \$15,000 to the Academy to help launch one of its training school businesses, a moving company called “Other Side Movers” with the byline “We move lives.”

Already our neighborhood has benefitted from the positive spirit and presence of The Other Side Academy. When Tim Stay called me to ask about any service opportunities to help the local community, I was touched by the service he mentioned the resident students were already doing to clear the snow from the sidewalks and driveways of local churches and homes of those in need. The Other Side Academy went a step further and donated the services of its new moving company enterprise to help a local family undertake its move. When I spoke to the family, they were thrilled and filled with gratitude at the unexpected help and the professional move. Surely The Other Side Academy is a remarkable addition to our neighborhood.

Lisa Cannon
Entertainment Attorney
Cannon Consultancy



Lola Zagey <lola@theothersideacademy.com>

Beverly Apartment - Owner Authorization

adam maher <[REDACTED]>
To: Lola Zagey <lola@theothersideacademy.com>

Mon, Mar 13, 2017 at 2:05 PM

February 12, 2016

To Whom It May Concern

As the owner of a business located on North Temple I am interested in the progress and success of my area. I have been pleased to see the developments around The Other Side Academy as they have purchased the historic Armstrong Mansion and become a long term part of our community. Aside from the fact that TOSA is engaged in a much needed public service, I have been impressed with the personal contact I have had with the directors and residents as I have attended their meetings and seen them perform a move for my neighbor. Since that time I have recommended their services to my clients as well. As TOSA brings and end to the blight and decay of the surrounding properties they can count on my support as a neighbor and as a business and property owner.

Regards,

Adam Maher

Owner, Furst Construction Company

[Quoted text hidden]

March 14, 2017

Salt Lake City Planning Commission
Mr. Daniel Echeverria
Principal Planner
P.O. Box 145480
Salt Lake City, Utah 84114-5480

RE: The Other Side Academy

Dear Mr. Echeverria:

On March 22, 2017, you will be holding a Planning Commission meeting regarding the zoning application for The Other Side Academy. I would like to take the chance to **provide my complete support for the zoning approval for The Armstrong Manor, Beverly Apartments Building, Madsonia Apartments lot, and the other unused buildings being requested.**

Not only is the program a necessary component to help address the ever increasing societal problem with drug addiction, especially heroin, it is a place where some people have the first opportunity to learn how to be good citizens. The Other Side Academy is making a difference in Salt Lake City and can only provide a positive direction for its staff and students, as well as the community it is immersed in.

They deserve to grow and to provide help to so many more that need it because since The Other Side Academy began operating, they have:

- Cleaned up the Manor property and the surrounding area of homeless camps, drug paraphernalia, and trash
- Assisted the neighborhood and Avenues Courtyard Senior Care Facility with snow shoveling, grounds keeping, and manual labor
- Provided night security around the block and kept the area safe reducing violent crimes in the area
- Have had 100% clean drug tests from all students and staff

Also, as you well know, the area where The Other Side Academy is located, the Armstrong Manor, is surrounded by empty, condemned, and dilapidated buildings that are under the protection from demolition under the Historic Landmark Commission's "historic district" preservation umbrella. The financial burden of bringing these building to meet the requirements of being a "historic building" would be so overwhelming that the buildings have become useless. Now these historic relics only house drug addicts and vagrants – a dangerous combination.

The Other Side Academy deserves to renovate and utilize these building as a large group home because this organization saves lives. It is estimated that they have saved Utah taxpayers over \$2.5 million last year by teaching their students to become citizens – staying out of jail, off the streets, and out of

Attachment I-
Public Comments

homeless shelters. The vocational training is successful by allowing on-the-job training for every students as well as, giving them keys to succeed upon re-entry to society.

The Other Side Academy is changing lives, breaking generational cycles of poverty, homelessness, and addiction, as well as developing hard-working, accountable, and healthy members of society. Their philosophy is sound and Salt Lake City needs them to expand and take on a bigger role.

Sincerely,

Dondra J. Reyes
3879 W Seagull Drive
West Valley City, Utah 84120

[REDACTED]
[REDACTED]

Echeverria, Daniel

From: Steve Lund [REDACTED]
Sent: Wednesday, March 15, 2017 8:00 AM
To: Echeverria, Daniel
Subject: The Other Side Academy

Dear Mr Echeverria,

I hope that you will take a positive view to the zoning matter coming before you regarding the Other Side Academy. I am a personal witness to the good that is done there. The disciplines and methodologies employed at the Academy have created a community asset enjoyed by very few American cities. Given the scale and cost of the problems they are addressing, and the community friendly approach that they take, I would hope that every effort would be taken to remove obstacles for them.

It is evident to me that they have improved their neighborhood, and will continue to be a positive influence upon a troubled landscape. I note that in this area where drug culture extends, Academy clients have never failed a drug test, and have, to my knowledge, never been involved in a violent or threatening incident. I suppose this could not be said of any of the neighboring apartment complexes.

As a member of the State Board of Regents, it is clear to me that the Academy is saving millions of dollars of state penal expenditures while achieving the ends of higher education by preparing otherwise unemployable folks with new skills and a runway towards fully productive lives.

If I may be a further assistance in evaluating this matter, please do not hesitate to contact me directly.

Sincerely,
Steven J. Lund
Chairman
Nu Skin Enterprises

[REDACTED]



**Salt Lake City
Planning Commission**
451 South State Street
Salt Lake City, Utah

Dear Commissioners,

It comes to my attention The Otherside Academy is in need of community support to secure it's place in our neighborhood. As a 25 year resident of the Avenues neighborhood on J Street and a neighborhood jogger for 20 of those years I have been impressed with the Otherside Academy's stewardship of the Armstrong Mansion. I urge you to approve applications to enlarge their campus in the area. Governmental efforts to deliver services to marginalized populations are usually met with an out cry from the public against them. In a case like this the planning commission can allow someone else to take the lead and fill in the supporting role for a change. My personal experiences with OA have been uniformly positive. More important than that I believe in their philosophy and their process. They address problems directly and solve them one person at a time.

Thank you for your support,

Rikard H Pearson
General Manager
Hampton Inn & Suites
Salt Lake City-University/Foothill
Salt Lake City, UT 84108
801-583-3500



Echeverria, Daniel

From: Larry Stay [REDACTED]
Sent: Wednesday, March 15, 2017 10:52 AM
To: Echeverria, Daniel
Subject: The Other Side Academy

Dear Mr. Echeverria,

I work downtown in the World Trade Center at City Creek. I am a fan of The Other Side Academy. The school is based on a successful model in San Francisco, Delancey Street Foundation. Delancey Street has been producing positive result among their graduates for decades. Given the participation of alumni from Delancey Street in The Other Side Academy, there is every expectation it will prove to be successful as well, reducing the load on the courts, jails, parole officers and restoring parents to families as productive members of society.

The Other Side Academy is a school that imbues its students with personal accountability for their actions and trains them in a vocation so that they can become self-reliant and productive members of society. It is not a drug rehabilitation facility although every student has tested clean since the day they opened enrollment. It is not a half-way house for those in the criminal justice system. It is a school giving life skills to greatly underserved population.

Although their first class has yet to graduate, they are having a positive impact on the neighborhood surrounding the school. They have cleaned their property and that of the adjoining properties. Their purchase of one of their properties shut down a site used by vagrants for dealing and using drugs. Hiding and camping places used by homeless vagrants have been removed and the syringes and other drug debris have been cleaned up. They have raked leaves and shoveled walks for the neighbors and are generally considered to be excellent neighbors. They neighborhood is both safer and more beautiful because they are here.

It seems reasonable to assume, if they are not granted their zoning permit and have to move, that the properties will revert to their previous state and that vagrants and drug users will return to the neighborhood. This does not seem to be a desirable outcome.

Dear Mr. Echeverria, please use your influence to approve the zoning request of The Other Side Academy. The neighborhood and the City of Salt Lake will be better because of it.

Sincerely,
Larry Stay

Thursday, March 16, 2017

Dear Salt Lake City Planning Commission,

I have been the assigned Probation Agent for 40 Offenders at The Other Side Academy (TOSA) for approximately 7 Months. During this time, I have visited TOSA on many occasions and it is a very suitable establishment and in my opinion an asset to the community of Salt Lake City. I have personally given Chemical Analysis tests for the use of illegal substances on all 40 of my assigned offenders and they have all tested negative on numerous occasions.

Additionally, my beloved Grandmother is a resident The Courtyard Assisted living. My assigned offenders are unaware of this. I meet with her every Sunday and she frequently tells me how great it is to have the TOSA family next door. I was originally apprehensive when I heard TOSA was going to be taken over the Armstrong Mansion. I am very pleased with the relationship they have with a beloved family member and now have zero concerns for her well being. I would hope you would take the personal opinion of this professional Law Enforcement Officer into consideration on the future development of TOSA.

I have nothing to gain financially or personally from the development of TOSA. This is my personal opinion of TOSA and I cannot legally speak for my Agency as a whole.

If you have any questions feel free to contact me.

Thank you,



Agent David Hanna
Adult Probation & Parole

dhanna@utah.gov

Echeverria, Daniel

From: Virginia Lee [REDACTED]
Sent: Tuesday, March 14, 2017 3:16 PM
To: Echeverria, Daniel
Cc: tim@theothersideacademy.com
Subject: Conditional Use Permit for The Other Side Academy

Mr. Echeverria,

Several years ago when The Other Side Academy was newly opened, I personally met with staff members to learn about their work. I was gathering information in the hope that I could persuade a drug-using neighbor of mine, whose Armstrong grandparents once owned the Academy's home, to seriously consider committing to the Academy's program.

Unfortunately, my neighbor was unwilling to commit to the hard work the program, modeled on San Francisco's successful and very tough Delancey Project, requires of participants to themselves succeed in rehabilitating themselves--learning life skills they never learned. My neighbor still has a drug problem that her 80-year-old father is unable to handle.

In its eighteen months of operation, It is my understanding that the Academy has:

- Made the neighborhood safer by cleaning up its property and surrounding properties.
- Shut down a drug den for vagrants in one of the abandoned buildings the Academy has purchased.
- Removed hiding and camping places that homeless people were using, and cleaned up syringes and other drug paraphernalia left on the ground for children to find.
- Night security walking the block, running off bad characters.
- Does service for its neighbors, including shoveling walks and raking leaves.
- Helps the elderly in senior care facilities and surrounding neighborhood with service and free manual labor.
- Succeeded in not having any one of its students having had a dirty drug test in the 18 months since the Academy has been open.
- Succeeded in there having been no violence or threats of violence among any of the Academy's students since it opened.

The Academy may well have saved the taxpayers of Utah over \$2.5 million last year, by keeping its students out of jail, off the streets, out of the Homeless Shelters.

It is my understanding that the Academy is not a drug rehab or treatment facility, but rather a school where its students are learning to live lives of integrity and accountability--and learning how to work

Attachment I-
Public Comments


really hard. Its students are running and operating successful vocational training schools, such as its Moving vocational training school, its Food Truck vocational training school, and its Lawn Services vocational training school. Academy students are getting on-the-job training and skills that will help them get a job when they re-enter society.

I am hopeful that circumstances may be such that my neighbor may yet avail herself of the benefits of the Academy's program--breaking the inevitable poverty and homelessness that will ensue upon her father's death, and her addiction. Four stints at the Utah State Prison have done little for her.

I believe the Academy, when granted a Salt Lake City Conditional Use Permit, may yet assist her to finally become a productive, tax paying, healthy member of society.

Thank you for your kind attention to this matter. Please contact me if I can answer any question.

Respectfully,

Virginia C. Lee
USB #1923
1458 Princeton Avenue
Salt Lake City, Utah 84105-1923


Echeverria, Daniel

From: Bonnie Wolsey-Dickinson [REDACTED]
Sent: Wednesday, March 15, 2017 9:26 AM
To: Echeverria, Daniel
Subject: The Other Side Academy zoning application

To the members who serve on the Salt Lake City Planning Commission:

I am writing on behalf of The Other Side Academy to support a conditional use for a large group home for the Armstrong Mansion, for the adjoining 3 properties to the north and for the Beverly Apartments across the street.

Nearly 2 years ago, I was invited by my neighbor, Joseph Grenny to a meeting outlining a plan to deal with the serious issue we face as a community- public safety as it is related to the repetitious cycle of incarceration/release/reoffend. I lived in California during the beginning of the Delancy Street Project so I knew of the success of that program. But to be truthful, I didn't think that Utah had the kind of "zeitgeist" to launch and sustain such an ambitious project on behalf of individuals who had violated the community's trust.

Long story, short, after hearing the vision of Joseph, his carefully recruited staff and representatives of the law enforcement and legal communities, I was a believer. So much so that I went home and wrote a check for \$5000 to help them get started. Most of the other people there did the same. It is significant that the funding for the establishment of The Other Side Academy came from Utahns who will not benefit directly from TOSA but see it as an investment in public safety, human capital and simply the right thing to do.

Since its' beginnings TOSA has exceeded all of my expectations. I have had the pleasure of getting to know the very committed staff and the dedicated students who have created this community of learners, who make it a daily practice to serve their neighbors, commit to the success of one another and the project and break the cycle of homelessness, poverty, addiction and incarceration.

Attachment I-
Public Comments

Salt Lake City is one of the most beautiful cities in the country. TOSA's mission not only supports the preservation of Salt Lake's classical beauty but enhances the historical values of community, initiative and resilience that are embedded in its' people. People care for and protect spaces they feel invested in. TOSA students have cleaned, maintained, protected and upgraded their physical surroundings at the Armstrong Mansion at the same time they have done so on a personal level. There have been zero incidences of violence, drug use or vandalism since TOSA students moved in. Their future is inextricably linked to enhancing and protecting the beautiful neighborhood they are part of.

Please consider the evidence of 2 years of Tosa's success in changing lives and its' continued commitment to upgrading and protecting this vulnerable neighborhood as you make decisions about the future. There is no better investment in public safety than addressing the root causes in the way that TOSA has. They are not just wringing their hands over the situation; they are showing us the way.

Respectfully,

Bonnie Wolsey-Dickinson

OPEN HOUSE
The Other Side Academy Conditional Use
ATTENDANCE ROLL
February 16, 2017

PRINT NAME	Natacie White
ADDRESS	635 E 100 S
ZIP CODE	84102
EMAIL	[REDACTED]
PRINT NAME	Jennifer Anderson
ADDRESS	623 E. 100 S
ZIP CODE	84102
EMAIL	[REDACTED]
PRINT NAME	DAVID SCHER
ADDRESS	
ZIP CODE	84103
EMAIL	
PRINT NAME	
ADDRESS	
ZIP CODE	
EMAIL	
PRINT NAME	
ADDRESS	
ZIP CODE	
EMAIL	

OPEN HOUSE PUBLIC COMMENT FORM

2/16/2017



Planning Division
Department of Community and
Neighborhoods

The Other Side Academy Conditional Use

Name:

Jared Parkinson

Address:

Zip Code

Phone:

E-mail

Comments:

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 daniel.echeverria@slcgov.com or via mail at the following address: Daniel Echeverria, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by March 3, 2017.

OPEN HOUSE PUBLIC COMMENT FORM

2/16/2017



Planning Division
Department of Community and
Neighborhoods

The Other Side Academy Conditional Use

Name:

George Chapman

Address:

1186 S 1100E

Zip Code

Phone:



ail

Comments:

Without a vigorous
public outreach, I am
against this since/unless
adjacent neighbors all agree
I do not like institutional use
~~too~~ affordable better

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 daniel.echeverria@slcgov.com or via mail at the following address: Daniel Echeverria, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by March 3, 2017.

OPEN HOUSE PUBLIC COMMENT FORM

2/16/2017



Planning Division
Department of Community and
Neighborhoods

The Other Side Academy Conditional Use

Name: DAVE ALDERMAN

Address: 1217 4th Ave

Zip Code 84103

Phone: [REDACTED] E-mail [REDACTED]

Comments: FULLY SUPPORT THE WEST SIDE HOUSING.

CONCERN IS THE BEVERLY APTS ADJACENT TO BRYANT
MIDDLE SCHOOL. HAS THE SCHOOL COMMUNITY COUNCIL
BEEN CONTACTED ABOUT THEIR CONCERNS?

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 daniel.echeverria@slcgov.com or via mail at the following address: Daniel Echeverria, Salt Lake City Planning Division, PO Box 145480, Salt Lake City, UT 84114-5480. Please provide your comments by March 3, 2017.

ATTACHMENT J: DEPARTMENT COMMENTS

Transportation (Michael Barry at michael.barry@slcgov.com or 801-535-7147)

Each unique parcel must provide required parking for its intended use per 21A.44.030. Cross access agreements must be recorded where applicable; based on the aerals provided, cross access agreements appear to be required and it is not known by this reviewer (Michael Barry) if the agreements have already been recorded.

Planning Staff Note: *An access easement exists for access to the rear of the 50 & 54 S 700 East properties.*

Public Utilities (Jason Draper at jason.draper@slcgov.com or 801-483-6751)

There are two things that we will be concerned with. The first is that the commercial kitchen will require a grease interceptor. The second issue is fire flow. We will need to know the fire flow requirement and if any new hydrants are required. If the flow is insufficient or if new hydrants are required based on a change of use, then the water main may need to be upsized.

Engineering (Scott Weiler at scott.weiler@slcgov.com or 801-535-6159)

Engineering has no objections to the proposed conditional use.

Fire (Kenney Christensen at kenney.christensen@slcgov.com or 801-535-6619)

Planning Staff Note: *The below requirements are an overview of the standards Fire looks at for changes to the use (occupancy) of a building. If approved, the proposal will need to provide the required information to the Building Services department and modifications to the buildings or other improvements may be required.*

For any occupancy the following is needed:

- Provide record of certified address assigned by the city engineer office; all drawing sheets shall contain the certified address in the title block including the unit or suite number if applicable. The application for permit shall have the same certified address, unit or suite number.
- Fire hydrants shall be within 400 feet (600 feet; parking lots & residential) of the structure or facility.
- If required; FDC shall be installed on the certified address side of the structure and within 100 feet of a fire hydrant located near an approved fire department access road.
- FDC and fire hydrants shall be unobstructed and have a minimum 3 feet clearance. Immediate access to fire department connections and hydrants shall be maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or moveable object. Access to fire department connections shall be approved by the fire official.
- Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of 2015 IFC and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the

exterior of the building or facility. If the structure is built on property line then an Alternate Means & Method may be applied for.

- The angles of approach and departure for fire apparatus access roads shall be within the limits established by the fire code official based on the fire department's apparatus (Fire apparatus access roads shall not exceed 10 percent in grade). Traffic calming devices shall be prohibited unless approved by the Fire Prevention Bureau (AM&M Agreement).
- Fire department access roads shall be a minimum of *26 ft. clear width (exclusive of shoulders) and a clear height of 13 ft. 6 inches. Fire department access roads shall be design HS20 with turning radius of 45 ft. outside and 20 ft. inside. The access road shall not have a dead end greater than 150 ft. Fire access roads shall be capable of supporting vehicle loading (88,000 LBS) under all weather conditions. *{If the structure is less than 30 feet tall the access road can be reduced to a minimum 20 ft. clear width (exclusive of shoulders) when approved by the Fire Prevention Bureau, NO fire truck aerial access would be allowed, AM&M agreement would be required with alternative design.}
- The aerial access road shall have no utility lines over the road or between the structure and the access road; where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided (the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater).
- When two access roads are required then one of the roads shall not be closer than 15 ft. to the structure and greater than 30 ft. from the structure.
- Gates or other approved barricades across fire apparatus access roads, trails or other access ways, not including public streets, alleys or highways. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200 and shall be approved by the fire official

Design Criteria:

- 2015 IFC 102.3 Change of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the International Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code and the International Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.
- If the structure is not a change of use from the most recently permitted and licensed use approved by the city; Existing buildings shall comply with not less than the minimum provisions specified in IFC Table 1103.1 and as further enumerated in IFC Sections 1103.2 through 1103.10. The provisions of IFC Chapter 11 shall not be construed to allow the elimination of fire protection systems or a reduction in the level of fire safety provided in buildings constructed in accordance with previously adopted codes.
- Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups listed in IBC Section 302. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will

be occupied. Structures with multiple occupancies or uses shall comply with IBC Section 508. Where a structure is proposed for a purpose that is not specifically provided for in this code, such structure shall be classified in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.

Police Department

Planning Staff Note: *The Police Department provided the below recommendations as a review of the proposal in accordance with Crime Prevention Through Environmental Design (CPTED) principles. These principles relate to aspects of the design of a facility and how the design can deter criminal activity through visibility of the site and its surroundings. Some of the review recommendations have been incorporated as conditions of approval, including lighting, fencing, and vegetation maintenance.*

My recommendation would be to increase the amount of current windows on the North and West side of the buildings kitchen areas specifically. Your alley way will be a negative activity generator for sure. Loitering with minimal amount of supervision and direct access to the kitchen areas. If there are windows on all sides you increase visibility and mitigate crime from happening or at least create a greater awareness for crime which can be observed and reported.

Make sure there is sufficient lighting during the evening hours. Fencing around each building will also secure the building from outside criminal elements and provide easier identification from staff concerning where the public can be and where someone should not be.

To avoid incidents of break in and vandalism, it is proposed that the vegetation surrounding the buildings and more importantly directly under the windows be replaced with some sort of hostile vegetation. This will prevent vandalism and burglaries through window access. Also some trees appear to be low hanging, I would develop some sort of maintenance program to ensure that trees do not obstruct view out each window for all of the buildings. The more eyes you can put looking out the windows the better. In common areas put seats and tables looking out, try to position desks in offices to provide views of parking areas and common areas to increase visibility.

Zoning/Building Services Department

See the attached comment sheet on the following page from the Building Services department.

Planning Staff Note: *Some of the concerns included in the Zoning/Building Services department review comments are addressed by the conditions of approval, including the comments regarding accessory uses on accessory lots. To address the accessory use on accessory lot issue, the lots at 50 & 54 S will need to be consolidated. Other comments are addressed in the issues section of the report as limitations of the scope of approval, including the inability to use the proposed kitchen for commercial use. As noted in the review comments the proposed change of use of the structures to a group home will require review from Building Services staff for compliance with building code and may require improvements. This has also been noted as a condition of approval.*

Memorandum

To: Daniel Echeverria, Principal Planner

From: Ken Brown, Senior Development Review Planner

Date: February 1, 2017, 2017

Re: PLNPCM2016-01020 Other Side Academy Conditional Use

It appears that the scope of this proposal for a life-skills and vocational training and apprentice program, with on-site residency of participants and staff within the RMF-35 and RMF-45 zoning district does not fit within the definition of a Large Group Home or any other permitted or conditional use category listed in 21A.33.020 Table Of Permitted And Conditional Uses For Residential Districts, nor does it fit within any other categories on any other use chart within the City. This issue was discussed in the Development Review Team meeting of October 24, 2016 and it was understood that a zoning map amendment, as well as a zoning text amendment was going to be initiated to create a new use category that would address this issue. It appears that this route has not been pursued.

It appears that this “campus” proposal is spread across four (4) separate parcels of land, one of them being across the street. Except for the Beverly Apartments across the street; this issue was discussed in the Development Review Team meeting of October 24, 2016 and it was understood that along with the zoning map amendment, as well as a zoning text amendment; all of the parcels would be consolidated so that they could operate as a campus. As currently presented; each parcel will need to stand on its own, with each site being licensed by the state of Utah, each site meeting the development standards as required for the proposed use, each site providing adequate parking for employees, staff and residents occupying the building, etc. and any accessory uses will need to be accessory to the use on that particular site. Accessory Uses on an Accessory Lot is not a permitted use for any zoning district within the City and therefore; use of the Middle House as a dining or meeting hall for the residents of any of the other sites within the “campus” would not appear to be appropriate.

When reviewing this “campus” proposal, spread across four (4) separate parcels of land, as a Large Group Home; the current wording of the ordinance requires an eight hundred foot (800’) separation from any other group home and it appears that any waiver of this requirement would need to be addressed within any conditional use approval for each site.

Except for approved home office applications submitted for a business license for a specific site by any individual that resides at that site; the operation of a commercial business entity that is not listed as a permitted or conditional use for the zoning district in which it is located would not appear to be

appropriate (moving service, food truck service, landscape maintenance service, auto detailing service, etc.).

21A.36.010 A. Enclosed Business Activity states that all business activity shall be conducted wholly within an enclosed building except where specifically provided otherwise, and since the proposed outdoor recreation, outdoor classroom, outdoor assembly space, or other similar functions are not listed as a use authorized by the RMF-35 and RMF-45 permitted and conditional use charts; each site would need to identify how these uses will occupy the site as an accessory use to that particular site.

Any application for a building permit for remodel/expansions greater than one thousand (1,000) square feet in gross floor area shall include a site plan, drawn to scale and fully dimensioned, showing the location and size of a recycling collection station.

Other concerns for this proposal that may need to be considered are as follows;

- Armstrong Mansion - 667 E 100 S
 - This building is an historic structure, is located in the Central City Historic District within an RMF-45 zoning district and requires a Certificate of Appropriateness for any modifications planned/required.
 - City permit records and the Zoning Certificate for this site recognize this structure as a legal nonconforming bed and breakfast. This change of use proposal to modify the structures to dormitory-style residences, on-site staff residency and administrative office for several service enterprises operated by “The Academy” will need to be reviewed with the building code personnel in the building permits office to verify that it will comply with all life/safety issues and other requirements of the proposed use.
 - The use of this site as the business office of the several service enterprises operated by “The Academy” does not seem appropriate (moving service, food truck service, landscape maintenance service, auto detailing service). None of these uses are listed as a permitted or conditional use authorized by the RMF-45 use chart.
 - The use of this site to satisfy the parking needs of the entire campus is not appropriate. Off-site parking is not a use authorized by the permitted and conditional use chart for the RMF-45 zoning district.
 - The use of this site to satisfy any recycling collection station requirement is not appropriate. Only uses located within the mixed use zoning districts are authorized to share a recycling collection station.
- Annie’s Cottage - 54 S. 700 E
 - This building is located in the Central City Historic District within an RMF-35 zoning district and requires a Certificate of Appropriateness for any exterior modifications planned/required.
 - City permit records recognize this structure as a Mental Health Residential Treatment Center which was remodel into a bed and breakfast without review, permits or inspections around 2002 and has since been remodeled into a 3 unit apartment house without review, permits or inspections. It appears that the use as a 3 unit apartment house has not yet been resolved and the site does not contain sufficient lot area for the development of a 3 unit apartment house. This change of use proposal to modify the structures to dormitory-style residences and on-site staff

residency will need to be reviewed with the building code personnel in the building permits office to verify that it will comply with all life/safety issues and other requirements of the proposed use.

- Middle House – 50 S 700 E
 - This building is located in the Central City Historic District within an RMF-35 zoning district and requires a Certificate of Appropriateness for the modifications planned/required.
 - City permit records recognize this structure as a single family dwelling. This change of use proposal will need to be reviewed with the building code personnel in the building permits office to verify that it will comply with all life/safety issues and other requirements of the proposed use.
 - The use of this site as a commercial kitchen for surrounding properties, as a commissary for a food truck, or as an off-site catering business is not authorized by the permitted and conditional use chart for the RMF-35 zoning district.
 - Outdoor storage of moving vehicles and a food truck at this location is not a use that is authorized by the RMF-35 permitted and conditional use charts, and is specifically prohibited by the Standards for any Home Office business license application.
- Beverly Apartments – 45 S 700 E
 - This site is located in an RMF-35 zoning district.
 - City permit records and the Zoning Certificate for this site identify two (2) separate structures. The front building is an eight unit apartment house with the rear building being a two-family dwelling. This change of use proposal to modify the structures to dormitory-style residences and on-site staff residency will need to be reviewed with the building code personnel in the building permits office to verify that it will comply with all life/safety issues and other requirements of the proposed use.

ATTACHMENT K: PROPERTY RELATED CRIME REPORTS

Property Crime Incidents Within ~1,000 feet of Proposal by Year

2014

Incident Type (2014)	Count
Breaking & Entering	13
Property Crime	17
Robbery	4
Theft	39
Theft of Vehicle	9
Total	82

2015

Incident Type (2015)	Count
Breaking & Entering	8
Property Crime	10
Robbery	2
Theft	31
Theft from Vehicle	11
Theft of Vehicle	2
Total	64

2016

Incident Type (2016)	Count
Breaking & Entering	10
Property Crime	13
Robbery	1
Theft	23
Theft from Vehicle	15
Total	62