



MEMORANDUM

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOOD

To: Salt Lake City Planning Commission

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

Date: June 14, 2017 Planning Commission meeting

Re: Review additional issues to the Eleemosynary (proposed Congregate Care) Text Amendment (PLNPCM2016-00024)

ACTION REQUIRED: Review and forward a recommendation to the City Council for the proposed eleemosynary (proposed congregate care) text amendment.

RECOMMENDATION: That the Planning Commission recommend approval of the text amendment related to petition PLNPCM2016-00024 as outlined in the May 10, 2017 Staff Report to include the additional revisions requested by the Commission at the May 10, 2017 meeting and as proposed in this memorandum. All changes are reflected in [Attachment A – Proposed Ordinance Changes](#).

RECOMMENDED MOTION: Based on the information in the staff report, the information presented, and the input received during the public hearing, I move that the Commission recommend that the City Council approve the text amendment related to petition PLNPCM2016-00024 more particularly described below:

1. Remove 25 person cap in the definition of “Assisted Living Facility;”
2. Remove the 800 foot distance requirements that violate the Fair Housing Act;
3. Rename “Eleemosynary” to “Dwelling, Congregate Care facility”;
4. Redefine the proposed “Dwelling, Congregate Care facility” land use definition;
5. Create two sizes of “Dwelling, Congregate Care facility”, (small) and (large); and,
6. Reorganize the districts where the proposed “Dwelling, Congregate Care facility (large) and (small)” are allowed.

BACKGROUND/DISCUSSION:

On May 10, 2017 the Planning Commission was presented (see [May 10th staff report](#)) with a proposed text amendment to:

1. Develop a land use classification for temporary housing for the terminally and seriously ill (similar to the INN Between land use);
2. Review compatibility concerns for how this land use and similar land uses located in the Institutional zoning district may impact adjacent residential neighborhoods;
3. Fix an unintended error in the definition of “Assisted Living Facilities” from a previous text amendment; and
4. Fix a legal issue relating to Fair Housing Act (FHA) which prohibits spacing requirements for specialty housing types.

At this meeting the Planning Commission tabled the item and directed planning staff to make additional changes to the proposed text amendment, those changes are outlined in this report.

REQUEST 1: *Change the Language in the Proposed “Small Congregate Care” Definition from “Clients” to “Individuals”*

On May 10, 2017, the Planning Commission asked staff to change the proposed language in the definition of “small congregate care” from “clients” to “individuals” to be more specific to density. The commission also asked staff to explore whether it was appropriate to include live-in staff in the definition.

Staff also reviewed the parking requirements for “small congregate care” facilities and staff found that it would be helpful to simplify the parking requirement allowed in the smaller facilities. The parking requirement for the proposed large congregate care facility would remain the same.

Proposal to change “clients” to “individuals”

Changing the term “client” to “individual” would guarantee that the density allowed is capped at six individuals and maintain consistent terms throughout the zoning ordinance. An individual can be either a family member or a patient staying at the facility. Staff is not identifying provider staff in the definition because in reviewing other similar land use types, service provider staff is not included in the occupancy calculation.

The new definitions proposed:

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY

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

ELEEMOSYNARY FACILITY DWELLING, CONGREGATE CARE FACILITY

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

Proposal to simplify the Parking Requirements for the Proposed “Small Congregate Care”

Staff is proposing to simplify the required parking for the small facilities because the existing parking requirement is aimed at larger facilities not smaller facilities. Since there are up to 6 individuals, the proposal is to require 3 parking spaces per facility and 1 parking space for every 2 support staff present during the busiest shift. The intent is to simplify the requirement and also require a reasonable amount of on-site parking that would still allow a small facility to be compatible with the neighborhood. These changes are reflected in [Attachment A – Proposed Ordinance Changes](#).

REQUEST 2: Remove the 25 Cap for the Proposed Congregate Care and Assisted Living Facilities in the Institutional Zoning District and make them conditional uses

On May 10, 2017, the Planning Commission asked staff to remove the 25 person cap for congregate care and assisted living facility as there were concerns about the arbitrary nature of the cap. Staff was also directed to make both land uses a conditional use in this zoning district. The conditional use process can address the impacts of congregate care and assisted living facilities land use in many different ways (example: limit density, set hours of operation, address smoking areas, fences, etc.) The Commission directed staff to come back and respond to impact concerns, particularly how to mitigate negative impacts of the use when proposed and in the event that they are expanded and to explore qualifying provisions. The latter is further discussed in request 3 of this memorandum.

Proposal revisions

Staff has changed the proposed text to remove the cap in the Institutional zoning district and to make both uses conditional uses. These changes are reflected in [Attachment A – Proposed Ordinance Changes](#).

REQUEST 3: Consider Qualifying Provisions beyond Conditional Use

On May 10, 2017 the Planning Commission asked staff to consider creating new qualifying provisions beyond the conditional use to further address any specific impacts of congregate care and assisted living facilities in the Institutional zoning district.

Planning staff has explored whether further qualifying provisions could be added and after a thorough review of impacts, has not recommended further qualifying provisions outside those tools currently available. Planning staff has not found additional impacts for these land uses which warrant additional qualifying provisions. Staff has reviewed the range of ways the conditional use and base zoning regulations address any new use or intensification of the land uses in the Institutional zoning district. It is staff's opinion that those regulations and review standards adequately allow the Planning Commission to address anticipated impacts and to impose conditions in response to impacts. Below staff outlines impacts, tools and mitigation measures.

Review of Impacts, Tools & Mitigation Measures

The following is a list of impacts identified by the Planning Commission and by the public:

1. Density and intensity
2. Noise, light and lack of privacy
3. Visual compatibility
4. Traffic
5. Parking
6. Smoking
7. Safety
8. Littering
9. Indecent exposure (public urination)
10. Sexual offenders or felons that have not been reported to the neighbors
11. Closeness to school
12. Patients/clients walking around
13. Potential illegal activity by residents of the facility
14. Potential residents with mental illness residing at the facility

Items 8-14 of the list above are impacts that cannot be addressed through the zoning ordinance or land use regulation. Staff has reviewed impacts 1-6, and shows below how they can be addressed with regard to the proposed congregate care facilities and assisted living facilities in the Institutional zoning district through the appropriate tools that exist in the zoning ordinance. Item 7, safety of individuals living at a facility, lists how it can be addressed by building code.

1. Density & Intensity Impacts

Tool: Definitions (Section 21A.62)

Mitigation: Proposed change to create two classes for the proposed "Dwelling, Congregate Care facility", (small) and (large) would allow facilities to be located where they are compatible with the neighborhood and stipulate density of individuals.

Tool: Institutional Zoning District Requirements for Setbacks & Height (Section 21A.32.080)

Mitigation: Setback regulations define a buildable area of a building and height limitations regulate the maximum height of buildings. Both requirements control the volume of a structure on the land and, therefore, help define the intensity of use.

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: The conditional use process addresses the intensity, size, and scale of the use.

2. Noise, Light and Lack of Privacy

Tool: Institutional Zoning District Requirements for Setbacks, Buffers, Open Space, Lighting (Section 21A.32.080)

Mitigation: Setbacks, open space and landscaping requirements provide buffers between the institutional and residential uses and reduce noise and creates privacy.

Lighting regulations are meant to decrease light spillover on adjacent properties.

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: The conditional use process can regulate fences, hours of operation, and design.

3. Visual Compatibility

Tool: Institutional Zoning District Requirements for Setbacks, Buffers, Open Space, (Section 21A.32.080)

Mitigation: Setbacks, open space and landscaping requirements provide visual compatibility with the residential neighborhood.

Tool: Institutional Zoning District Requirements for Height (Section 21A.32.080)

Mitigation: The maximum building height requirement in the Institutional zoning district is 35 feet, which is compatible even with the lowest density residential neighborhoods, 28 feet for the most part.

Tool: Conditional Building and Site Design (Section 21A.59.065)

Mitigation: In the Institutional zoning district if the height is proposed between 35 and 75 feet it would be approved through the conditional building and site design review process provided, that for each foot of height over thirty five feet (35'), each required yard shall be increased one foot (1')

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: The conditional use process can review mass, scale, style, design, and architectural detailing.

4. Traffic

Tool: Institutional Zoning District Requirements for Traffic & Parking Study (Section 21A.32.080)

Mitigation: The Institutional zoning district has a provision that does not allow expansion of an existing use unless a traffic and parking study provides clear and convincing evidence that no significant impacts will occur.

5. Parking

Tool: Parking (Section 21A.44.030)

Mitigation: Parking requirement adequately requires parking spaces for guests, staff and visitors. Consequently reducing impacts by preventing parking spillover onto residential streets.

6. Smoking

Tool: Conditional Use Process (Section 21A.54.080)

Mitigation: Smoking areas can be addressed in the conditional use process.

7. Safety (safety of individuals living at a facility)

Tool: Utah Building Code 308.2

Mitigation: Building code categories provides safety provisions according to capacity.

Group R-3 – A facility with more than 5 persons

Group R-4 – A facility with 6 to 16 persons

Group I-1 - A facility with more than 16 persons

ATTACHMENTS:

- A. [Proposed Ordinance Changes](#)
- B. [Additional Public Comment](#)

ATTACHMENT A: PROPOSED ORDINANCE CHANGES

1. Changes to Land Use Tables and Qualifying Provisions.

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

	FR-1/43,560	FR-2/21,780	FR-3/12,000	R-1/12,000	R-1/7,000	R-1/5,000	SR-1	SR-2	SR-3	R-2	RMF-30	RMF-35	RMF-45	RMF-75	RB	R-MU-35	R-MU-45	R-MU	RO
<u>Dwelling, congregate care facility (large)</u>												C	P	P		C	P	P	P
<u>Dwelling, congregate care facility (small)</u>	C	C	C	C	C	C	C		C	C	C	P	P	P	P	P	P	P	P
Dwelling, group home (large) ¹⁴											C	C	C	C	C ¹⁸ 14	C	C	C	C ¹⁸ 14
Dwelling, group home (small) ¹⁵	P	P	P	P	P	P	P		P	P	P	P	P	P	P ¹⁹ 15	P	P	P	P ¹⁹ 15
Dwelling, residential support (large) ¹⁶													C	C			C	C	C ²⁰ 16
Dwelling, residential support (small) ¹⁷												C	C	P		C	C	P	P ²⁴ 17
Eleemosynary facility	C	C	C	C	C	C	C		C	C	C	C	P	P		C	P	P	P

Qualifying provisions:

1. A single apartment unit may be located above first floor retail/office.
2. Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).
3. Reserved.
4. Reserved.
5. See subsection 21A.02.050B of this title for utility regulations.
6. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
7. Subject to conformance to the provisions in section 21A.02.050 of this title.
8. Subject to conformance with the provisions of subsection 21A.24.010T of this title.
9. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
10. In the RB zoning district, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
11. Accessory guest or servant's quarters must be located within the buildable area on the lot.
12. Subject to conformance with the provisions of section 21A.36.150 of this title.
13. Prohibited within 1,000 feet of a single- or two-family zoning district.
14. ~~No large group home shall be located within 800 feet of another group home.~~
15. ~~No small group home shall be located within 800 feet of another group home.~~
16. ~~No large residential support shall be located within 800 feet of another residential support.~~
17. ~~No small residential support shall be located within 800 feet of another residential support.~~

- ~~18.~~ **14.** Large group homes established in the RB and RO districts shall be located above the ground floor.
- ~~19.~~ **15.** Small group homes established in the RB and RO districts shall be located above the ground floor.
- ~~20.~~ **16.** Large residential support established in RO districts shall be located above the ground floor.
- ~~21.~~ **17.** Small residential support established in RO districts shall be located above the ground floor.

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

	CN	CB	CS ¹	CC	CSHBD ¹	CG	TC-75	SNB
Dwelling:								
<u>Congregate care facility (large)</u>		P		P	P	P	P	
<u>Congregate care facility (small)</u>		P					P	
Group home (large) ²⁰		P		C		C	P	
Group home (small) when located above or below first story office, retail, or commercial use, or on the first story where the unit is not located adjacent to street frontage ²⁴	P	P	P	P	P	P	P	P
Residential support (large) ²²				C		C	C	
Residential support (small) ²³				C		C	C	
Eleemosynary facility		P					P	

Qualifying provisions:

1. Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D and chapter 21A.59 of this title.
2. Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.
3. When located in a building listed on the Salt Lake City register of cultural resources (see subsections 21A.24.010T and 21A.26.010K of this title).
4. Subject to Salt Lake Valley health department approval.
5. Pursuant to the requirements set forth in section 21A.36.140 of this title.
6. Subject to location restrictions as per section 21A.36.190 of this title.
7. Greater than 3 ambulances at location require a conditional use.
8. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
9. A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
10. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
11. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. In CN and CB zoning districts, the total square footage, including patio space, shall not exceed 2,200 square feet in total. Total square footage will include a maximum 1,750 square feet of floor space within a business and a maximum of 450 square feet in an outdoor patio area.
14. Prohibited within 1,000 feet of a single- or two-family zoning district.
15. Residential units may be located above or below first floor retail/office.
16. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
17. In the SNB zoning district, bed and breakfast use is only allowed in a landmark site.
18. Medical and dental offices are not allowed in the SNB zoning district, except for single practitioner medical, dental and health offices.
19. Permitted in the CG zoning district only when associated with an on site food service establishment.
- ~~20. No large group home shall be located within 800 feet of another group home.~~
- ~~21. No small group home shall be located within 800 feet of another group home.~~

- ~~22. No large residential support shall be located within 800 feet of another residential support.~~
- ~~23. No small residential support shall be located within 800 feet of another residential support.~~

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

	D-1	D-2	D-3	D-4
Dwelling:				
<u>Congregate care facility (large)</u>	P	P	P	P
<u>Congregate care facility (small)</u>	P	P	P	P
Group home (large) ¹²		C	C	
Group home (small) ¹³	P	P	P	P
Residential support (large) ¹⁴		C	C	
Residential support (small) ¹⁵		C	C	
<u>Eleemosynary facility</u>	P	P	P	P

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
3. A car wash located within 165 feet (including streets) of a residential use shall not be allowed.
4. Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to a conditional building and site design review.
5. No check cashing/payday loan business shall be located closer than 1/2 mile of other check cashing/payday loan businesses.
6. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
7. Subject to conformance with the provisions of chapter 21A.59, "Conditional Building And Site Design Review", of this title.
8. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
9. Prohibited within 1,000 feet of a single- or two-family zoning district.
10. Must be located in a fully enclosed building and entirely indoors.
11. If a place of worship is proposed to be located within 600 feet of a tavern, social club, or brewpub, the place of worship must submit a written waiver of spacing requirement as a condition of approval.
- ~~12. No large group home shall be located within 800 feet of another group home.~~
- ~~13. No small group home shall be located within 800 feet of another group home.~~
- ~~14. No large residential support shall be located within 800 feet of another residential support.~~
- ~~15. No small residential support shall be located within 800 feet of another residential support.~~

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

	G-MU
Dwelling:	
<u>Congregate care facility (large)</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>P</u>
Group home (large) ⁶	C
Group home (small) when located above or below first story office, retail or commercial use, or on the first story where the unit is not located adjacent to the street frontage ⁷	P
Residential support (large) ⁸	C
Residential support (small) ⁹	C
Eleemosynary facility	P

Qualifying provisions:

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

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

	RP	BP	FP	AG	AG-2	AG-5	AG-20	OS	NOS	A	PL	PL-2	I	UI	MH	EI	MU
Dwelling:																	
<u>Assisted living facility (large)</u>													P ⁴⁶ C	P			P
<u>Congregate care facility (large)</u>													P ⁴⁶ C	P			P
<u>Congregate care facility (small)</u>													P	P			P
Group home (large) ⁴⁷																	C
Group home (small) ⁴⁸			P	P	P	P											P
Residential support (large) ⁴⁹																	C
Residential support (small) ²⁰																	P
Eleemosynary facility											P	P	P ^{46, 24}	P			P

Qualifying provisions:

1. Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2. When located in a building listed on the Salt Lake City register of cultural resources.
3. When located on an arterial street.
4. Subject to Salt Lake Valley health department approval.
5. In conjunction with, and within the boundaries of, a cemetery for human remains.
6. Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
7. When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.
8. Kennels, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.
9. Trails and trailheads without parking lots and without directional and informational signage specific to trail usage shall be permitted.
10. Greater than 3 ambulances at location require a conditional use.
11. Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.
12. Subject to conformance with the provisions in section 21A.36.300, "Alcohol Related Establishments", of this title.
13. If located on a collector or arterial street according to the Salt Lake City transportation master plan - major street plan: roadway functional classification map.
14. Subject to conformance to the provisions in section 21A.40.060 of this title for drive-through use regulations.
15. Prohibited within 1,000 feet of a single- or two-family zoning district.
16. Occupancy shall be limited to 25 persons.

- ~~17. No large group home shall be located within 800 feet of another group home.~~
- ~~18. No small group home shall be located within 800 feet of another group home.~~
- ~~19. No large residential support shall be located within 800 feet of another residential support.~~
- ~~20. No small residential support shall be located within 800 feet of another residential support.~~
- ~~21. No eleemosynary facility shall be located within 800 feet of another eleemosynary, group home or residential support.~~

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

	FB-UN1	FB-UN2	FB-SC	FB-SE
Dwelling:				
<u>Congregate care facility (large)</u>		<u>P</u>	<u>P</u>	<u>P</u>
<u>Congregate care facility (small)</u>	<u>C</u>			
Eleemosynary facility		<u>P</u>	<u>P</u>	<u>P</u>

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

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

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

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

Eleemosynary facility. Congregate care facility.

4. Changes to Chapter 21A.62 Definitions

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

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

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

ATTACHMENT B: ADDITIONAL PUBLIC COMMENT

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

Dear Katia,

I am writing to address in more detail some of the issues brought up at the May 10th Planning Commission meeting. Thank you for sharing this letter with the Commissioners. I welcome them to tour our facility before next week's meeting, to gain first hand experience with the impact on the neighborhood (which is virtually nill) and the inner workings of The INN Between program.

1. I reiterate my concern about eliminating Elemosynary Facility, especially as it relates to removing the nonprofit requirement language. A nonprofit typically lacks the resources to launch a new building quickly or to operate an extremely costly program; however, a for-profit with deep pockets could take advantage of this land use to launch a housing facility for medically frail individuals with the intention of operating as a for-profit and thereby generate extremely high profits. This is not the intention of the current zoning or of any nonprofit using this land use definition.
2. I strongly support the line of reasoning that capacity issues should be address under the conditional use permit.
3. I reiterate my concern about placing a cap on the number of clients (beds) on Eleemosynary (or Congregate Care should it become that) based on the notion that the Institutional zone must be limited so as to not impact the surrounding Residential zones. Residential zones are, by definition, already in residential areas, which would dicate that any cap placed on Institutional zones would have to equally be placed on Residential zones.
4. A Commissioner expressed concern about the lack of licensing and oversight. Although nonprofits in Salt Lake City are not required to obtain a business license, they must obtain all required licensing by the State Bureau of Health, the County Heath Department and the Fire Department. The INN Between complies with oversight from several authorities as follows:
 - a. The Bureau of Health has exempted The INN Between from licensing because they understand our program and acknowledge that we emulate a home environment, and people don't need a license to die at home. However, we have to follow their strict guidelines, including that our residents be capable of independent living. They inspect our facility periodically. As a side note - Group Homes are typically licensed as Residential Care Facilities and it may be worthy of consideration of allowing Group Home as a permitted or conditional use in Institutional Zones (it currently is not).
 - b. The Fire Department and County Health Department do annual inspections.
 - c. Intermountain Healthcare, our hospice medical care provider, is in our home many times each week delivering care to their patients. If they witness unsafe conditions, they are obligated to file reports with Adult Protective Services, the Health Department, the Police Department, and other appropriate authorities. (The INN Between has never had a report filed with any of these agencies, to the best of my knowledge).

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5. When selecting the wording to describe the clients versus the staff, which would likely include live-in staff, please make the language very clear to distinguish the two. For example The INN Between, under current zoning, can house 16 clients in addition to our live-in staff. Most programs using this land use definition (Ronald McDonald House, The INN Between, Other Side Academy, etc.,) have live-in staff which should not be considered in the bed count for zoning purposes.
6. A citizen mentioned the issue of distance limits for sex offenders. We researched this and discovered that distance limits were removed several years ago. Today, there is no distance limit for sex offenders living near a school as per the Fair Housing Act.
7. A citizen was concerned about our clients being incapacitated for long periods. Our clients are capable of independent living and self-preservation, typically up to the end of life, with the active dying stage occurring very quickly.
8. A citizen was concerned about the referral process as it relates to HIPPA guidelines, and made the assertion that The INN Between cannot obtain medical records due to HIPPA. It is true that zoning cannot include the release of HIPPA protected information; however, The The INN Between does require written proof of medical condition (through medical records), and all clients are required to sign a HIPPA release authorizing their information to be shared with The INN Between.
9. A citizen argued that Medicare, Medicaid or insurance would pay for housing these individuals at a nursing home. Unfortunately, this is not true, and is precise reason why The INN Between is a critical and necessary program, and why other communities are looking at ways to emulate our program.

I'll close by saying that, although it's difficult to pronounce, Eleemosynary Facility is a narrowly-defined and well-defined land use definition that, in today's existing language (minus the 25-bed cap) adequately covers programs like The INN Between and therefore truly requires no additional modification (other than to remove the cap). It was crafted with thought and planning for Ronald McDonald House, limits the scope to nonprofit organizations that serve individuals who have nowhere else to go as they suffer from and receive treatment for illness or injury.

Furthermore, Eleemosynary Facility sets a framework for other cities and communities to follow as they attempt to launch programs to address their terminally ill/medically frail, aging, low-income, and homeless populations, putting Salt Lake City in a leadership position throughout the United States.

Thank you for your consideration.



Kim Correa, Executive Director

