



Staff Report

PLANNING DIVISION
DEPARTMENT of COMMUNITY and NEIGHBORHOODS

To: Salt Lake City Planning Commission
From: Mayara Lima, Principal Planner
(801) 535-7118 or mayara.lima@slcgov.com
Date: April 10, 2019
Re: PLNPCM2019-00104 – Conditional Use for a Large Group Home

Conditional Use

PROPERTY ADDRESS: 661 E 100 S
PARCEL ID: 16-05-101-014
MASTER PLAN: Central Community
ZONING DISTRICT: RMF-45 Moderate/High Density Multi-Family Residential District

REQUEST: A request by Tim Stay, representing The Other Side Academy, to operate a large group home on the property located at 661 E 100 S. The site would be an expansion of The Other Side Academy's campus located adjacent to the subject property, and would accommodate administrative and educational functions, as well as sleeping rooms for 164 individuals within the existing building on site.

RECOMMENDATION: Based on the information in the staff report, Planning Staff recommends that the Planning Commission approve the proposal with the following conditions:

1. The facility shall obtain a license from the state that is authorized by Title 62A of state code or its successor.
2. The applicant shall obtain the necessary permits for a change of use of the building from the Building Services department and shall comply with any modifications required for the change in use.

ATTACHMENTS:

- A. [Vicinity and Zoning Map](#)
- B. [Site Photographs](#)
- C. [Application Materials](#)
- D. [Master Plan Policies and Zoning Standards](#)
- E. [Analysis of Standards – Conditional Use](#)
- F. [Attorney's Office Memo](#)
- G. [State Requirements for Recovery Residences](#)
- H. [Public Process and Comments](#)

PROJECT DESCRIPTION: This proposal is a request to operate a large group home on the property located at 661 E 100 S. The applicant would like to convert the existing building on site into a recovery facility that offers housing and vocational training to unrelated individuals. The existing building was created in 1993 as an assisted living facility and currently features 46 sleeping rooms,

kitchen, dining room, office and space to accommodate recreational and educational activities. Using the current layout, the group home is proposed to house 164 individuals without any modifications to the building or the property.

Operational Details

The operation of this group home would be incorporated into the campus of The Other Side Academy located adjacent to the subject property. The Academy is a vocational and life skills training and educational program for individuals coming from incarceration or homelessness resulting from a history of substance abuse. Residents are required to enroll for minimum of two years, during which they live on-site and participate on vocational trainings. These vocational trainings are done through affiliated business entities and currently include a moving service, a thrift store, a landscape maintenance service, and occasionally a food truck.

Customers and clients are not served at this location. The administrative functions of the group home and the vocational training businesses operate only during regular business hours, typically from 7:00 AM till 6:00 PM. The individuals enrolled in the program live on The Academy campus on a twenty-four hour basis, and are offered educational and recreational activities throughout the day. Due to the multi-site characteristics of the campus, some foot traffic between buildings is expected.

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

KEY CONSIDERATIONS:

Consideration 1: Neighborhood Compatibility and Potential Impacts

The subject property is surrounded by residential, institutional and commercial uses, as well as vacant properties. Directly to the north is a vacant lot zoned I, Institutional. Other surrounding parcels are zoned RMF-45. To the west is a complex of apartment buildings that has not been occupied for several years. Located directly to the east is the existing The Other Side Academy's group home. To the south and across 100 S is senior multifamily housing. Beyond the adjacent properties, there are multifamily buildings, a single family dwelling, places of worship, a middle school, offices and retail businesses.

The proposed group home would replace an existing assisted living facility, which may be different in its functions and business operations, but it is similar in intensity of use. The vocational training business on the subject property would be limited to administrative functions and would not be expanded from its current location. No other changes are proposed to the site. Therefore, the property will continue to have fencing on the sides and rear, adequate exterior lighting, vehicular and pedestrian access, and parking for staff.

Consideration 2: Proximity Restrictions for Group Homes

The zoning ordinance requires that group homes maintain a separation distance of at least 800 feet. The subject property is adjacent to another group home, also operated by The Other Side Academy, and therefore, would violate the distance restriction. However, this restriction has been identified in the past by the City Attorney's Office as unenforceable due to its potential illegality under the provisions of the federal Fair Housing Act ([Attachment F](#)). Thus, the City will not be enforcing the distance requirement and the proposal cannot be denied based on the distance requirement.

Consideration 3: Group Home Licensing and Maximum Occupancy

The Zoning Ordinance requires licensing of Large Group Homes, per the use definition.

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 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.

Therefore, the group home will need to obtain a license from the Utah Department of Human Services (DHS). The least restrictive license from DHS that would qualify as a Group Home is known as a "Recovery Residence." The rules for licensing a "Recovery Residence" contain specific standards for the establishment's operations and physical conditions, including minimum room size and number of toilet and shower stalls. These standards will dictate the maximum occupancy of the building.

The list of rules particular to "Recovery Residences" are located in [Attachment G](#). Other general DHS rules may also apply.

DISCUSSION:

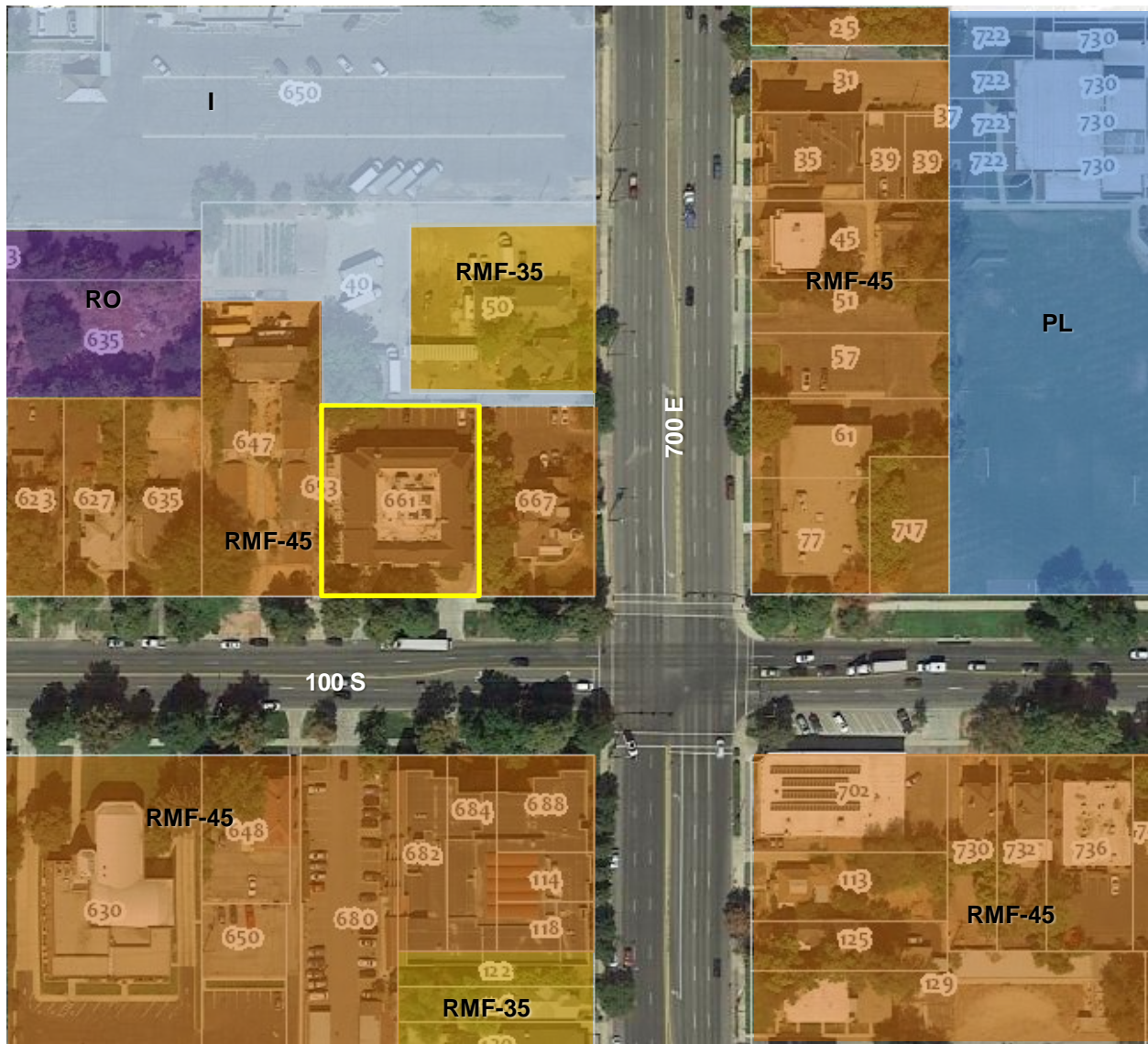
The proposed use would be located within a neighborhood with a diversity of uses, and would replace another use of similar intensity. Although in a separate parcel, the new facility would operate in a similar manner and alongside an existing group home. Thus, the proposed use is expected to operate compatibly within the context of its location and with minimal negative impacts to surrounding properties.

NEXT STEPS:

If the request is approved, the applicant will be required to apply for a building permit to change the use of the building and to make any necessary modifications. Exterior alterations will require Historic Landmarks Commission approval. The applicant will also need to obtain the appropriate license as listed in the conditions of approval.

If the request is denied, the proposed group home will not be able to operate at this location.

ATTACHMENT A: Vicinity and Zoning Map



ATTACHMENT B: Site Photographs



Figure 1 – Front façade of the existing building. No exterior changes are proposed.



Figure 2 – The driveway runs to the east side of the property, adjacent to The Other Side Academy current group home. The red building seen on the back is also part of The Academy campus.



Figure 3 - The complex of apartment buildings located to the west of the subject property has not been occupied for several years.

ATTACHMENT C: Application Materials

January 28, 2019

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



Conditional Use Permit Application

To Whom It May Concern:

Please find attached the Conditional Use Permit Application for a Dwelling – Large Group Home for 661 E 100 S.

The Other Side Academy has already been granted a conditional use permit for its existing campus. We are now seeking to expand our campus by purchasing the property directly adjacent to the Armstrong Mansion and we were informed that we would need to apply for a Conditional Use Permit for the property located at 661 E 100 S.

We will not be modifying the interior or exterior structure in any way and we do not have any remodeling planned for the building, but we plan to occupy it as is.

This building will be used in addition to the existing buildings that are part of The Other Side Academy and will be used for residential, dining, administrative, educational, and business purposes.

Please contact me if you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Tim Stay", is written over a horizontal line.

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

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 thrift store located in Murray, and occasionally a food truck service, and a landscape maintenance 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 the first graduates of The Other Side Academy is extremely high and has been shown to consistent of similar programs, like Delancey Street in California, that has been operating since 1971. The Directors of The Academy are graduates of Delancey Street, and bring decades of experience and success in this living and working environment.

The Academy currently operates on a campus in adjacent buildings and is seeking to expand its program to include the building at 661 E 100 S (currently the Avenues Courtyard Senior Living Center). For the purpose of this application, we will refer to the building located at 661 E as the Avenues Building. This conditional use permit application is for this expansion of our operations to this adjacent property to the Armstrong Mansion.

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 661 E will be from the parking lot located to the north of the building, or at the drive-through driveway in the front of the building.

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 up to 6 staff members are expected to reside on-site in individual apartment units located within the Avenues.

Employees

There are ten regular employees and staff of The Academy, as well as board members and advisors who occasionally visit. There will be at least 2 full-time employees on-site at the Avenues building at all times, while the other 6 employees will generally be working in the Armstrong Building, at our Thrift Store in Murray or in one of our other buildings during the day.

All of the students at 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 directly to the north of the Avenues Building is currently vacant and is zoned Institutional. On the north side of the vacant lot is 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 east of Avenues Building is the Armstrong Mansion, zoned RMF-45, and is part of the current campus of The Other Side Academy, as are the two buildings north of the Armstrong Mansion, located at 50 S and 54 S on the west side of 700 East. These two buildings are both zoned RMF-35. All of these properties currently have a conditional use permit for a Large Group Home from Salt Lake City relating to The Other Side Academy. All three buildings will continue their existing uses in the operation of the campus. The Academy also has two apartment building on the east side of 700 E located at 35 S and 45 S that are used solely for sleeping for a portion of our students.

The property on the other side of the street of 100 East, to the south of the Avenues Building, is zoned RMF-45, and includes the Parklane Independent Senior Living residences, commercial offices for attorneys, and a church building belonging to The Church of Jesus Christ of Latter-Day Saints.

The property to the West of the Avenues building is known as the Madsonia Apartments, and is zoned RMF-45. It has been vacant for many years.

Dining Facilities

No public dining or food service will occur on-site, and no patron parking is needed.

The Academy plans to utilize the current commercial kitchen that exists within the Avenues Building that is in current operation serving meals to the senior residents of the Senior Living Center. Students will not use their dorms for food preparation. Food preparation and cooking will occur in the existing commercial kitchen by the students and meals will be served to the residents in the dining space.

Storage and loading will primarily occur at the back side of the Avenues Building, but may occasionally need to be done from the drive-thru driveway as currently occurs with the Senior Living Center.

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 Avenues Building is 2 spaces, plus 5 spaces for the staff, for a total of 12 required parking spaces. The existing parking lot has 13 parking stalls on the north side of the building.

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 three years, The Academy has made a concerted effort to introduce themselves to their neighbors and to befriend and serve them. Though there are no single family homes directly adjacent, there are 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 have expressed gratitude for the Academy for cleaning up the properties that the Academy acquired, several of which had been vacant for years and had been actively used by vagrants. The properties had become overgrown and were filled with trash and weeds. Drug paraphernalia were prevalent throughout the site. All of this was cleaned up. The property is now clean, landscaped and attractive.

The Academy also does a 24 hour in-house security walk of the campus and this has resulted in any homeless moving on, so they are not camping in the vacant lot behind the structure. Based upon the information gathered during our last conditional use permit, we understand that the incidence in crime in several categories decreased since we moved into the neighborhood.

Neighbors continue to be particularly interested in unsightliness of the collapsing structures directly west of the Avenues Building on 100 S East known as the Madsonia Apartments 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.

Avenues Building

The Avenues Building will become part of The Academy’s campus and will function for multiple uses—business, educational, and residential.

The ground floor will function as administrative offices, kitchen, dining room, laundry room, recreational rooms, as well as additional administrative and business offices of the multiple vocational service enterprises operated by The Academy. There are also 6 sleeping rooms on the ground floor. Business and recreational 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 for the students that reside within the Avenues. The Academy will continue to also utilize the dining room and kitchen currently located at 50 S 100 E.

The upper two levels of the Avenues Building include multiple sleeping rooms used previously as rooms for the Senior living residents. These are proposed as dormitory-style residences, with two to four per sleeping room. There will be no cooking within the individual dormitory-style room as the students will all eat in the common dining space on the ground floor. The second story has a total of 20 sleeping rooms, and the third story also has a total of 20 sleeping rooms in essentially the same layout. Several 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 164 individuals.

There is a existing fire sprinkler system throughout the building as well as a functional fire alarm system. There is an Otis elevator to each floor and there are two staircases accessible from each floor. There is a backup diesel generator located on the north side of the building next to the parking lot. There are all the ADA required access ramps, bathrooms, and bedrooms in the building.

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

Landscaping

There are no proposed changes to the existing landscaping of the property. Please see attachment for details on existing landscaping.

Lighting

There are no proposed changes to the existing exterior lighting. Please see attachment for details on existing lighting.

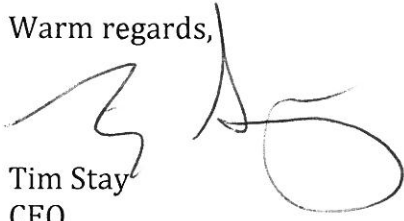
Attachments

Additional supporting documents are attached, which include:

- 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
- Landscaping and Lighting plans
- Existing floor plans

Please feel free to contact me by phone at 801-362-8998, or by email at tim@theothersideacademy.com with any questions regarding this application or its supporting documentation.

Warm regards,

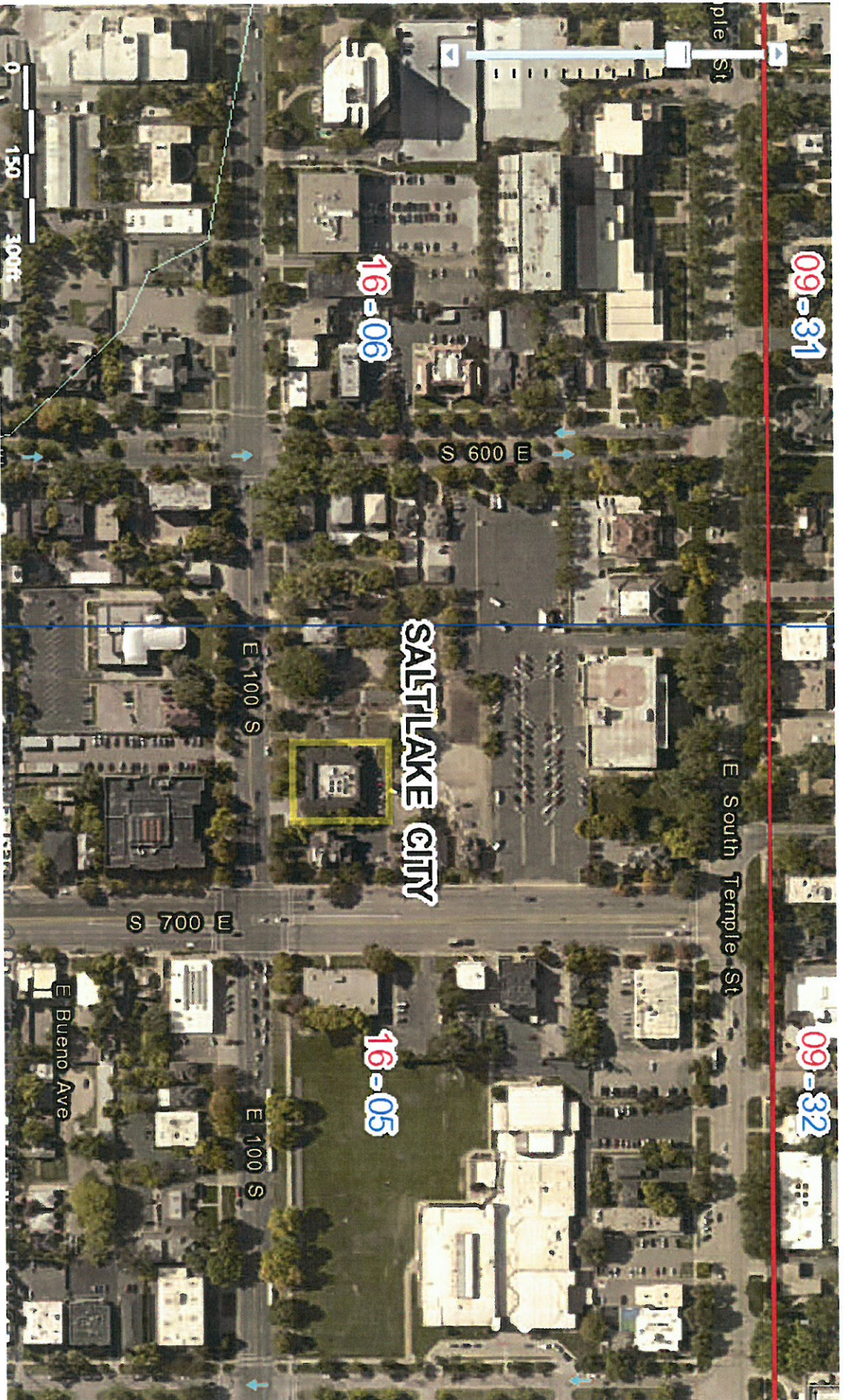
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Tim Stay
CEO
The Other Side Academy

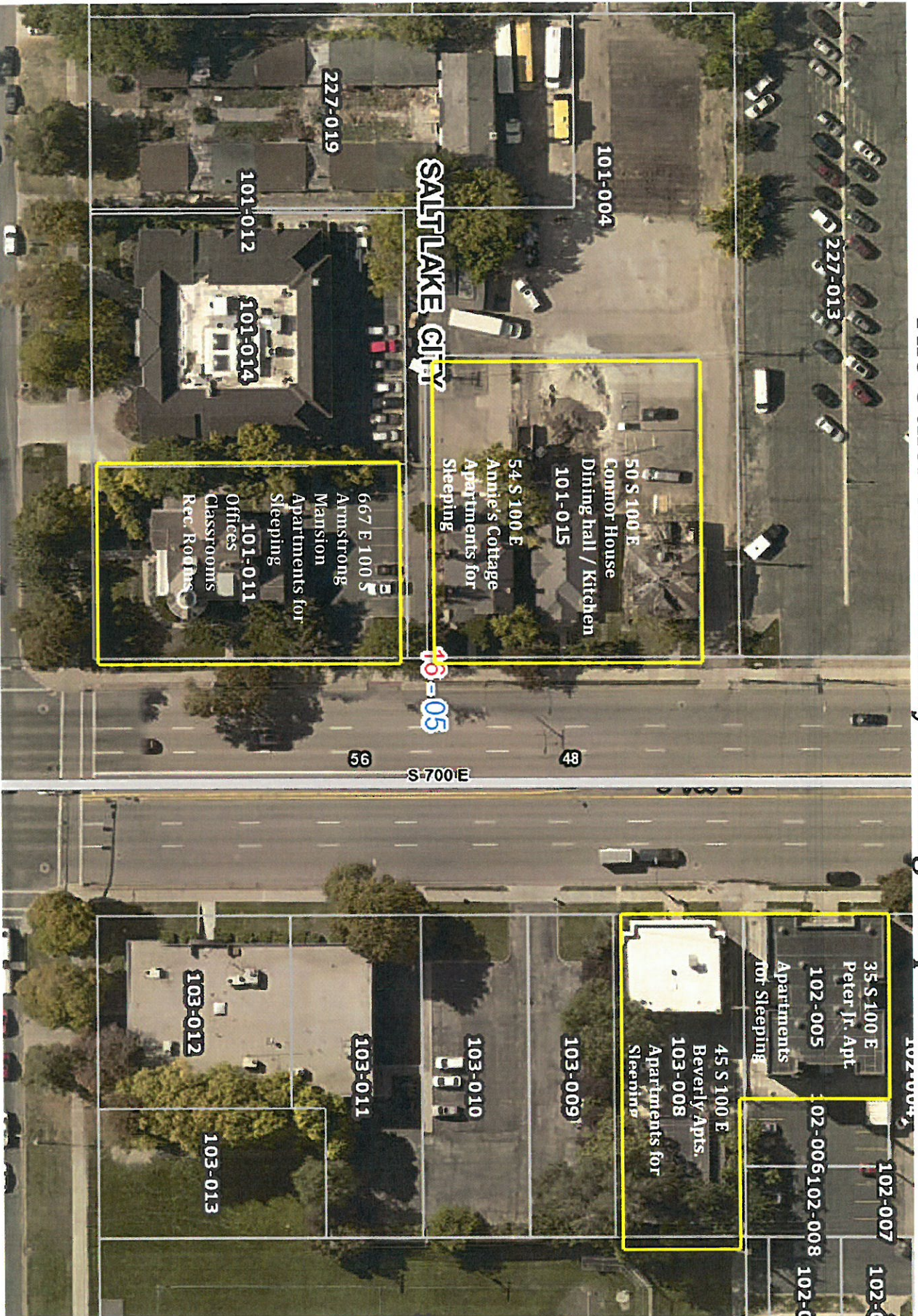
Attachment A

The Other Side Academy
Vicinity, Campus and Site Maps

Vicinity Map



The Other Side Academy Existing Campus



SALT LAKE CITY

43-05

101-004

227-013

227-019

101-012

101-014

50 S 100 E
Connor House
Dining hall / Kitchen
101-015

54 S 100 E
Annie's Cottage
Apartments for
Sleeping

667 E 100 S
Armstrong
Mansion
Apartments for
Sleeping
Offices
Classrooms
Rec Rooms
101-011

56

S-700E

48

35 S 100 E
Peter Jr. Apt
102-005
Apartments
Not Sleeping

45 S 100 E
Beverly Apts.
103-008
Apartments for
Sleeping

102-007

102-008

102-006

102-008

103-009

103-010

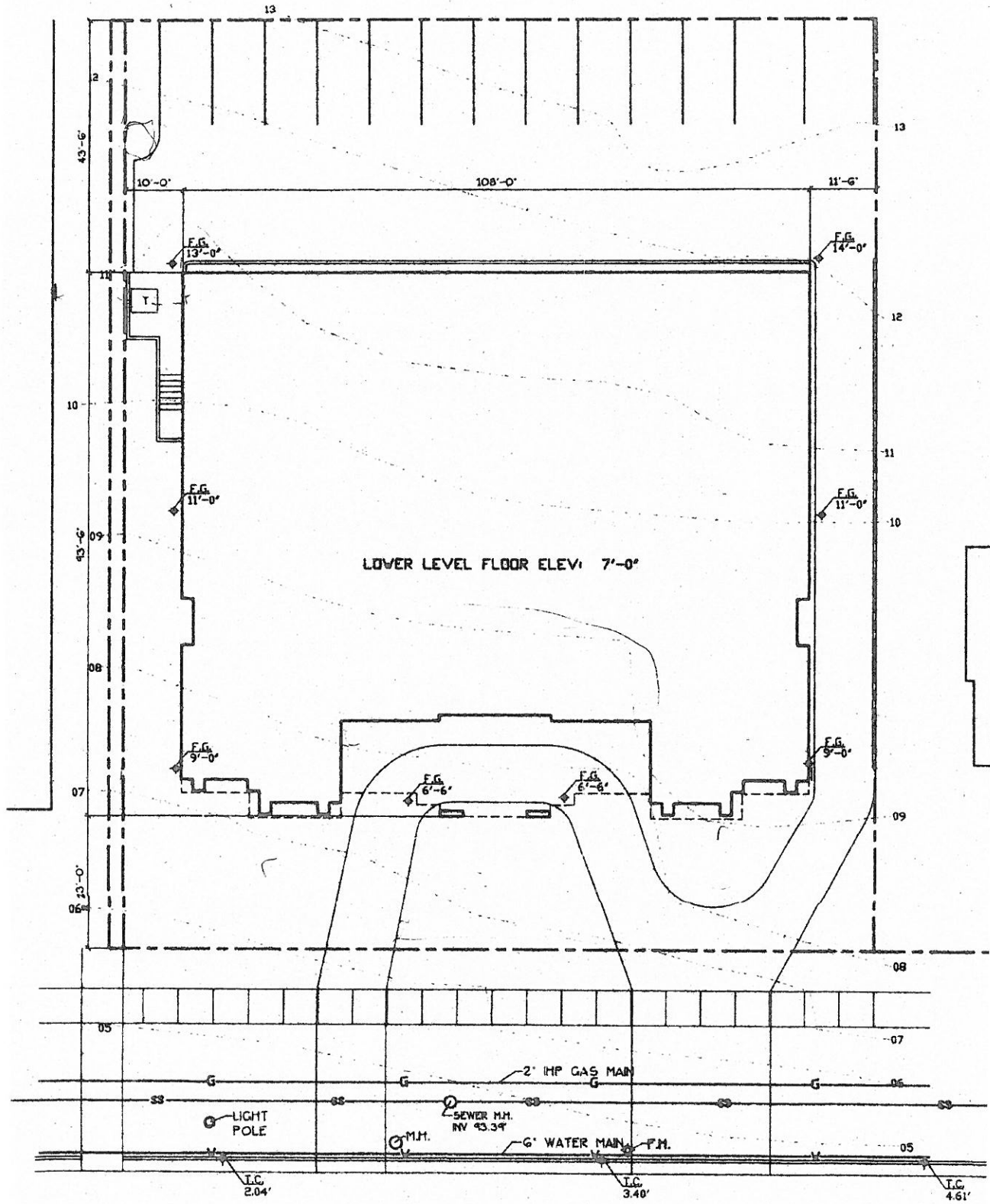
103-011

103-012

103-013

The Avenues Building





100 SOUTH STREET



Attachment B

Front Elevation Photos of Existing Buildings

Front View of The Avenues Building



The Other Side Academy | Conditional Use Permit Additional Applicant Materials

Front View of The Avenues Building



The Other Side Academy | Conditional Use Permit Additional Applicant Materials

Attachment C

The Other Side Academy Landscaping and Lighting

LIGHTING

EXISTING LAMP POLE

EXISTING MOTION SENSOR LIGHTS

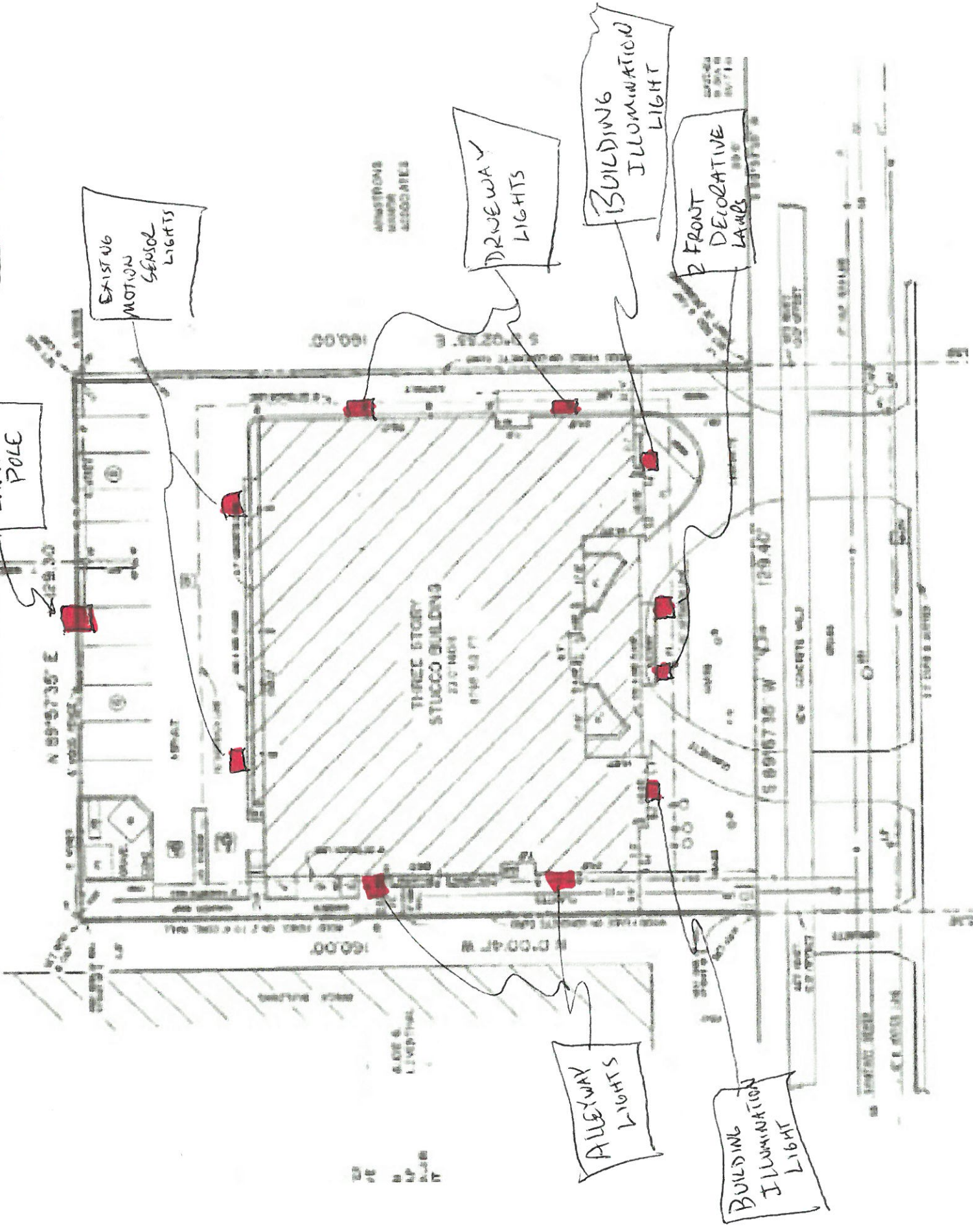
DRIVEWAY LIGHTS

BUILDING ILLUMINATION LIGHT

2 FRONT DECORATIVE LAMPS

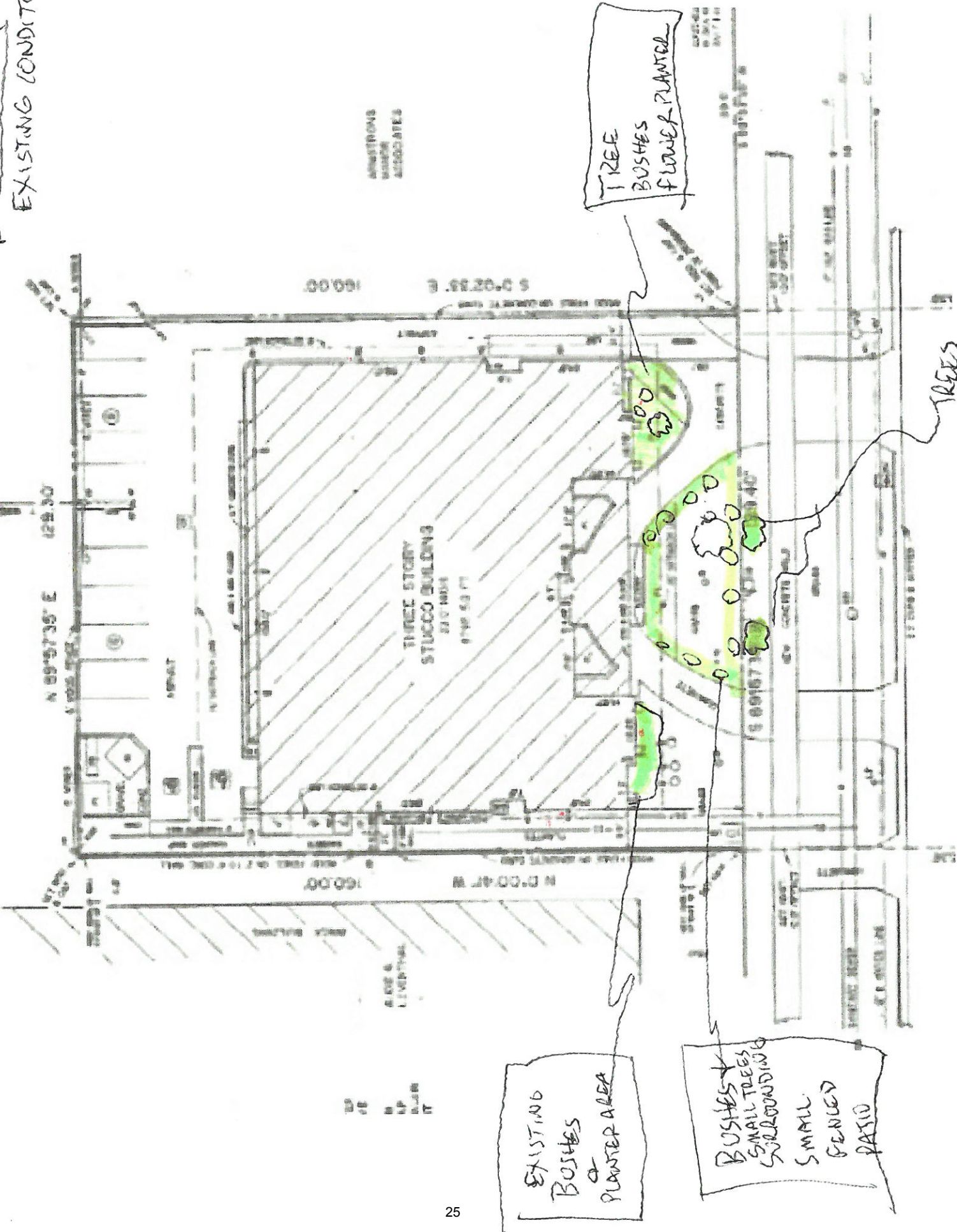
ALLEYWAY LIGHTS

BUILDING ILLUMINATION LIGHT



LANDSCAPING

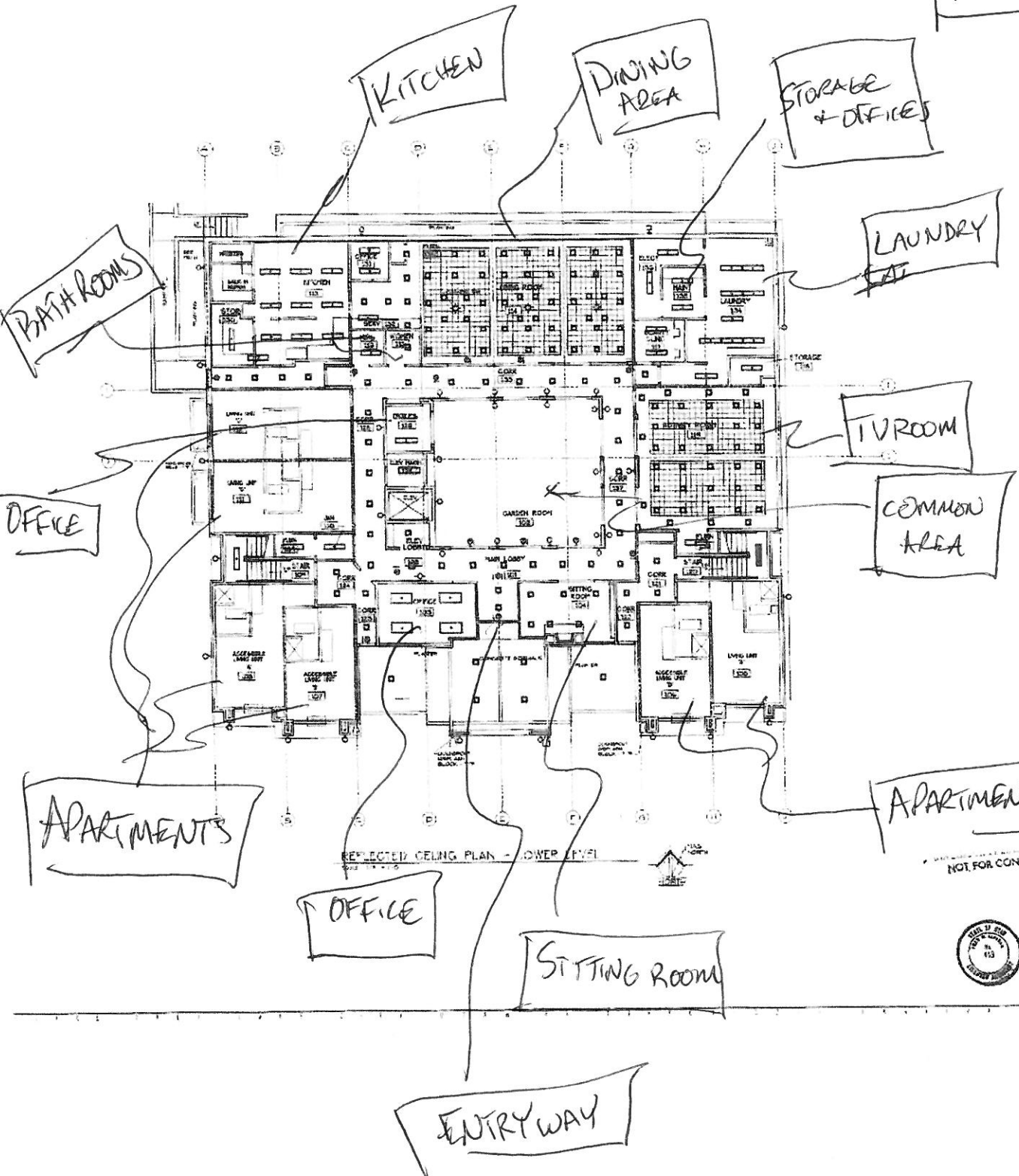
EXISTING CONDITIONS



Attachment D

The Other Side Academy Floor Plans

MAINFLOOR



BABCOCK
DESIGN
GROUP

ARCHITECTURE
INTERIORS

FIRST SOUTH
BOARDING
HOUSE
FOR
ELDERLY
RESIDENTS

APARTMENTS

NOT FOR CONSTRUCTION



A-10

P22021

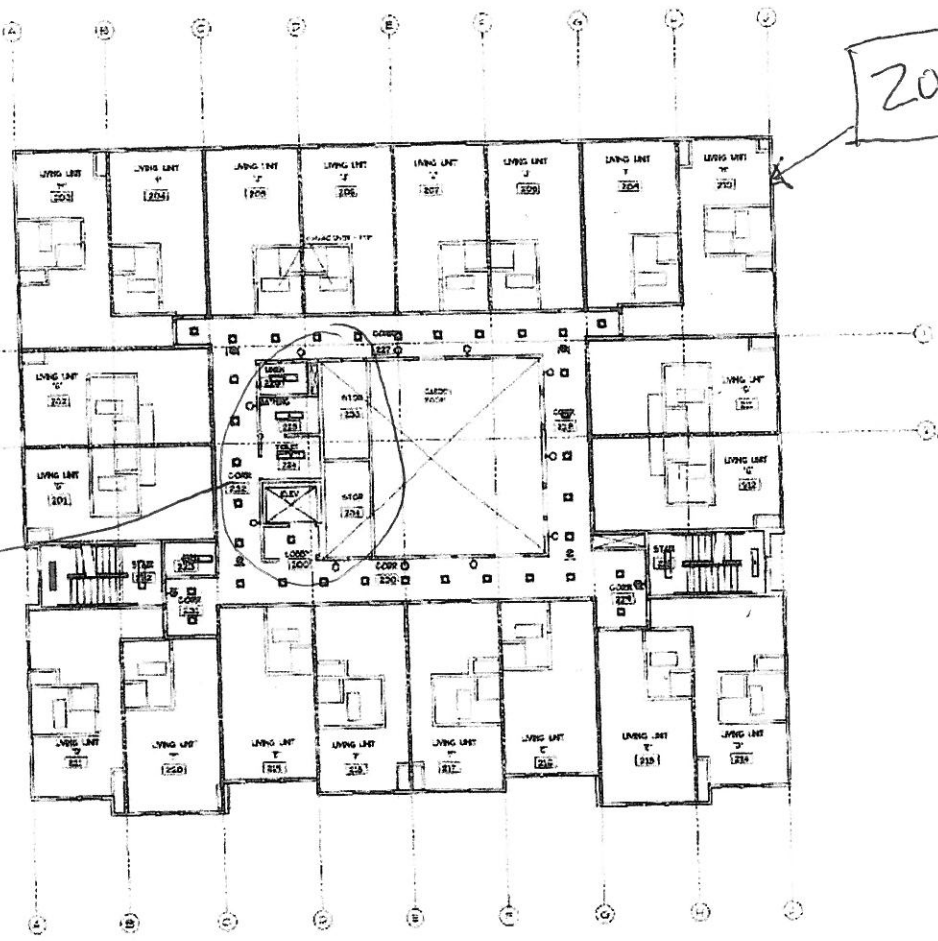
14 FEB 1994

SECOND FLOOR

20 APARTMENTS

BABCOCK
DESIGN
GROUP
ARCHITECTURE
PLANNING
INTERIORS

OFFICE STORAGE



REFLECTED CEILING PLAN - FIRST FLOOR
SCALE: 1/8" = 1'-0" SCALE: 1/8" = 1'-0"



FIRST SOUTH
BOARDING
HOUSE
FOR
ELDERLY
RESIDENTS
NO. FOR CONSTRUCTION

- NOTE:
1. PROVIDE BACKWALLS FOR ALL SALES PLUMB DOOR & OPEN HANDRAILS TOILET ACCESSORS ETC.
 2. ADD TO RELATE ALL GALLS BETWEEN UNIT A AND CORRIDOR WALLS.
 3. SEE SHEET A & B FOR HALL TYPES.



A-20

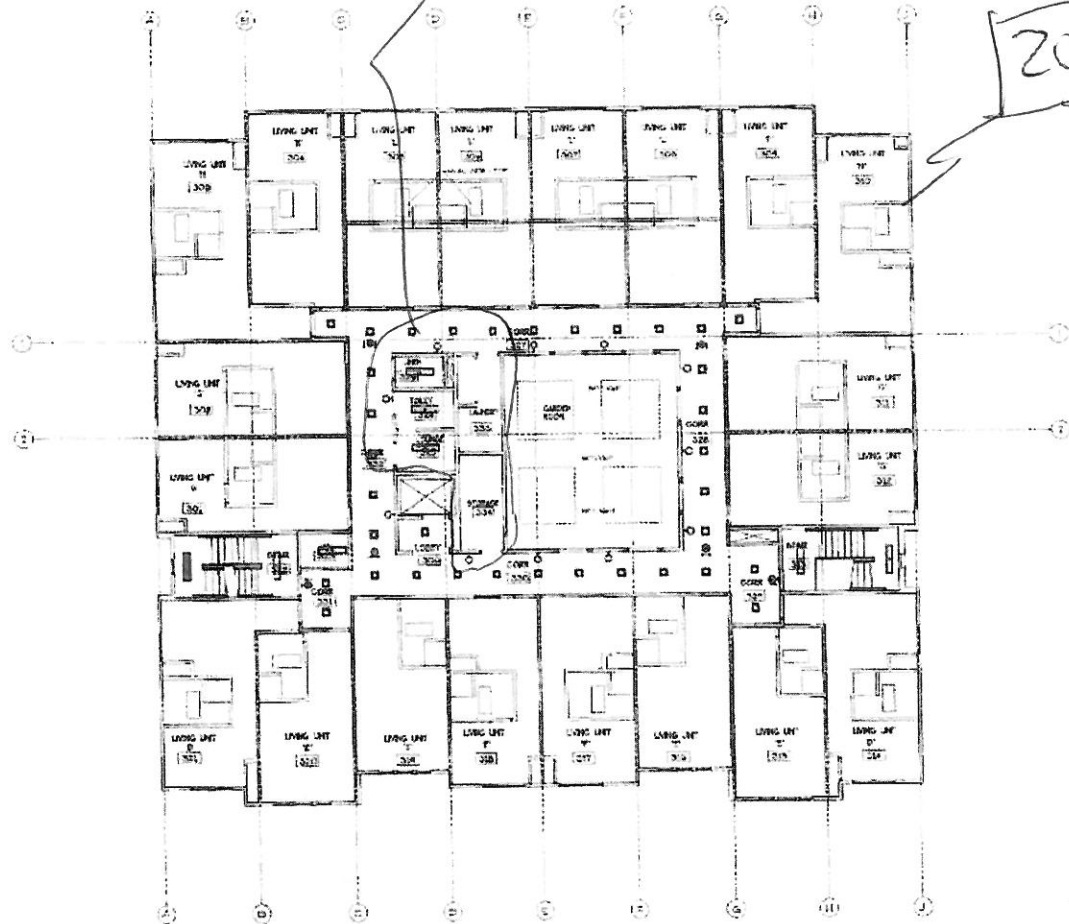
1/27/24

DATE: 1/27/2024

OFFICE + STORAGE

THIRD FLOOR

20 APARTMENTS



BABCOCK DESIGN GROUP

ARCHITECTS

PLANNERS

INTERIORS

LANDSCAPE

CONSTRUCTION

MANAGEMENT

OPERATIONS

REPAIRS

MAINTENANCE

INSPECTION

QUALITY CONTROL

CLIENT RELATIONS

MARKETING

SALES

LEASING

PROPERTY MANAGEMENT

COMMUNITY DEVELOPMENT

ENVIRONMENTAL DESIGN

ARTS & CULTURE

RECREATION

SPORTS & FITNESS

ENTERTAINMENT

EDUCATION

HEALTHCARE

INDUSTRIAL DESIGN

PRODUCT DESIGN

USER EXPERIENCE

RESEARCH & ANALYSIS

STRATEGY

BRAND DEVELOPMENT

ADVERTISING

PUBLIC RELATIONS

EVENTS

COMMUNICATIONS

TECHNOLOGY

INNOVATION

REFLECTED CEILING PLAN - SECOND FLOOR



NOT FOR CONSTRUCTION

FIRST SOUTH BOARDING HOUSE FOR

ELDERLY RESIDENTS



A-21

7/20/04

11/01/2004

ATTACHMENT D: Master Plan Policies and Zoning Standards

Central Community Master Plan

The subject property is located within the Central Community Master Plan (adopted November, 2005) and is designated on the future land use map as “Medium-High Residential Density”. The master plan does not specifically address group home, however it sets housing goals such as the following:

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

Staff Discussion: The current zoning of the property is RMF-45 Moderate/High Density Multi-Family Residential District, which is in agreement with the master plan’s future land use map. A group home is a housing type that serves a specific share of the population.

Plan Salt Lake

This citywide master plan adopted in 2015 provides a vision and policies for the future of Salt Lake City. The guiding principles relevant to this project are related to growth and housing:

- ***Growing responsibly while providing people with choices about where they live, how they live, and how they get around.***
- ***Access to a wide variety of housing types for all income levels throughout the City, providing the basic human need for safety and responding to changing demographics.***

These guiding principles are further explained as being related to providing a range of housing types and supporting a diversity of housing choices for “*all abilities, incomes, and stages of life*”.

Staff Discussion: A group home serves a specific share of the population and thus must be considered as part of the desired variety of housing types and choices.

RMF-45 Moderate/High Density Multi-Family Residential District

Zoning Standard	Requirement	Proposed	Status
Minimum lot area	10,000 sq ft	~20,500 sq ft	Complies
Minimum lot width	80 ft	~129 ft	Complies
Minimum distance from another group home	800 ft	-	Not applicable
Maximum building height	45 ft	37 ft	Complies
Front Yard Setback	20% of lot depth, need not to exceed 25 ft	23 ft	Complies
Interior Side Yard Setback	10 ft / 10 ft	10 ft / 11.5 ft	Complies
Rear Yard Setback	25% of lot depth, need not to exceed 30 ft	43.5 ft	Complies
Off-Street Parking	12 stalls	13 stalls	Complies
Landscaped front yard	Yes	Yes	Complies

Landscaped interior yard	One side	One side	Complies
Maximum Building Coverage	60%	~46%	Complies

Staff Discussion: The lot complies with the minimum required lot area and lot width for the change of use. The existing building also complies with bulk and height standards.

ATTACHMENT E: 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 property is located in the RMF-45 Moderate/High Density Multi-Family Residential District, where a Large Group Home is allowed as a conditional use. [Attachment D](#) shows that the proposed use generally complies with zoning standards.

Finding: If approved by the Planning Commission, the proposed use complies with the applicable provisions of the Salt Lake City Zoning Ordinance.

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

Analysis: Consideration #1, discussed earlier in this report, provides an analysis of compatibility of the proposed use and surrounding uses.

Finding: The proposed use would be located within a diversity of uses, including an existing group home, and would replace another use of similar intensity. Thus, the proposed use is expected to operate compatibly within the context of its location.

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

Analysis: The proposed use is allowed as a conditional use in the zoning district and the applicable master plans encourage a variety of housing types as observed in [Attachment D](#).

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	Large Group Home is allowed as a conditional use in the RMF-45 Moderate/High Density Multi-Family Residential District.
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	The proposed use complies with the applicable provisions of the Salt Lake City Zoning Ordinance and is consistent with housing goals of the Central

		Community Master Plan and Plan Salt Lake.
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	The subject property is surrounded by a diversity of uses, including an existing group home. The proposed use would replace another use of similar intensity with no changes to the site or the existing building.
4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered	Complies	No changes are proposed to the existing building.
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	The property is currently served by a circular driveway with two access points from the street. No changes are proposed.
6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, non-motorized, and pedestrian traffic	Complies	Parking is located behind the building. A sidewalk located along the west property line provides a connection between the parking lot and the building.
7. The site is designed to enable access and circulation for pedestrian and bicycles	Complies	The site is served by internal and public sidewalks, providing access to the site from the surrounding neighborhood.
8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street	Complies	The proposed use would replace another of similar intensity. Thus, it is not expected to add any significant impact to the service level of the abutting or adjacent streets.
9. The location and design of off-street parking complies with applicable standards of this code	Complies	The existing parking lot is able accommodate the required minimum number of parking stalls. No changes are proposed.
10. Utility capacity is sufficient to support the use at normal service levels	Complies	The Public Utilities department reviewed the proposal and provided no objections to the conditional use.
11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts	Complies	The property is fenced on the sides and rear with a solid 6-foot tall wood fence and it is landscaped in the front and one of the side yards.
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	The proposed 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	Administrative functions will operate during regular business hours. The residential portion will operate similarly to other residential uses in the area.
14. Signs and lighting are compatible with, and do not negatively impact surrounding uses	Complies	Existing exterior lighting is adequate and is not proposed to change. No signs are proposed at this time.
15. The proposed use does not undermine preservation of historic resources and structures	Complies	The property is located within the Central City Historic District, but the building is not considered contributing. Although the property is surrounded by local landmarks and contributing historic structures, the use is not

		expected to undermine any of these historic structures.
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Finding: In analyzing the anticipated detrimental effects of the proposed use, Planning Staff finds that the request complies with the criteria listed above and that there will be no significant detrimental effects to the surrounding neighborhood.

ATTACHMENT F: 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 G: 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 requirements.

R501-18-3. Definitions.

(1) "Currently Enrolled Client" is an individual who is a participatory resident of the sober living environment of a recovery residence and is also referred to as "Client" in this chapter.

(2) "Manager" is an individual designated in-writing by the director to oversee the day-to-day supervision of staff and clients as well as the overall operation of the facility. The manager or substitute manager cannot be a currently enrolled client.

(3) "Recovery Residence" is as defined in Subsection 62A-2-101(22) and includes a variety of sober living settings.

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) R501-14 by either:

(i) participating in the background clearances for all staff; or

(ii) obtaining an approval by the Office of Licensing for an exemption as outlined in R501-

14.

(d) all applicable local, state, and federal laws.

(2) A recovery residence wishing to offer clinical treatment services, shall comply with R501-19 and obtain a residential treatment license. No clinical treatment shall occur at a recovery residence site.

(3) A recovery residence wishing to offer social detoxification services shall comply with R501-11 and obtain a social detoxification license prior to offering any social detoxification services onsite. No services shall be provided to those in active withdrawal at a recovery residence site.

(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; or
- (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 program shall employ, contract with, or otherwise provide as needed, referral information for client access to the following:

- (a) Physician

- (b) Psychiatrist
- (c) Mental health therapist (LCMHT); or
- (d) Substance use disorder counselor (SUDSC).
- (2) The recovery residence shall have an identified recovery residence director(s) who shall have:
 - (a) Utah licensure, in good standing, as a substance use disorder counselor, licensed clinical social worker or equivalent; or
 - (b) a minimum of 2 years experience in one of the following:
 - (i) administration of a recovery residence;
 - (ii) substance use disorder treatment education; or
 - (iii) recovery/support services education.
 - (3) The director's responsibilities that shall not be delegated include:
 - (a) monitoring all aspects of the program and operation of the facility;
 - (b) policy and procedure development, implementation, compliance and oversight per R501-2 Core Rule requirements and to also include:
 - (i) clearly defining responsibilities of the director, manager, and staff of the program;
 - (c) supervision, training and oversight of staff;
 - (d) overseeing all client activities.
 - (4) The recovery residence director may manage directly or employ a manager as defined in this chapter, to work under the supervision of the director.
 - (a) The director shall perform the manager's duties when the manager is on scheduled or unscheduled leave unless the manager designates a manager-substitute.
 - (5) The director is responsible for maintaining the following documentation for self and all direct service staff:
 - (a) 40 hours of training completed prior to working with clients and ongoing training sufficient to maintain proficiency in the topics of:
 - (i) recovery services in substance use disorder settings;
 - (ii) peer support;
 - (iii) emergency overdose;
 - (iv) recognition and response to substance-related activities; and
 - (v) current certification in First Aid and CPR.
 - (b) documented training regarding compliance with current licensing rules to include:
 - (i) R501-1, General Provisions;
 - (A) including the annual required Licensing Code of Conduct; and
 - (B) Client Rights;
 - (ii) R501-2, Core Rules;
 - (iii) R501-18 Recovery Residence rules; and
 - (iv) all current program policies and procedures.
 - (6) The recovery residence shall have a director or manager conduct on-site visits daily in order to ensure client safety and support clients.
 - (a) Site visits shall be documented per-site, not per-client;
 - (b) site visits shall assess and document the following:
 - (i) general safety;
 - (ii) general cleanliness;
 - (iii) verification that only admitted residents reside or stay overnight at the residence;
 - (iv) no presence of alcohol or substances of abuse unless lawfully prescribed; and
 - (v) medications in locked storage.
 - (7) The director or manager shall have documented face-to-face or telephone daily contact with each admitted client.
 - (8) The recovery residence director shall ensure administrative on-call availability at all times and remain able to respond to the recovery residence staff and the Office of Licensing immediately by phone, or at the residence in-person within one hour.
 - (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;

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) all information that could affect the health, safety or well-being of the client to include:
 - (i) medications;
 - (ii) allergies;
 - (iii) chronic conditions; or
 - (iv) communicable diseases;
- (e) intake documentation indicating that the client meets the admission criteria, including the following:
 - (i) not currently using or withdrawing from alcohol or substances of abuse; and
 - (ii) not presenting with a current clinical assessment that contraindicates this level of care.
- (f) individual recovery plan, including the signature and title of the program representative preparing the recovery plan and the signature of the client; the recovery plan shall include the following:
 - (i) documentation of all services provided by the program, including a disclosure that no clinical treatment services occur on-site at the recovery residence; and
 - (ii) documentation of all referred supportive services, not directly associated with the recovery residence site.
 - (g) the signed written lease agreement for the recovery residence, if required;
 - (h) a signed agreement indication that the client was notified in writing prior to admission regarding:
 - (i) program and client responsibilities related to transportation to and location of off-site services;
 - (ii) program and client responsibilities related to the provision of toiletries, bedding and linens, laundry and other household items;
 - (iii) program and client responsibilities related to shopping, provision of food and preparation of meals;
 - (iv) fee disclosures included Medicaid number, insurance information and identification of any other entities who may be billed for the client's services;
 - (v) rules of the program;
 - (vi) client rights
 - (vii) grievance and complaint policy;
 - (viii) critical incident reports involving the client; and
 - (iv) discharge documentation.

R501-18-8. Building and Grounds.

(1) The recovery residence shall ensure that building and grounds are safe and well-maintained. Furnishings, finishings, fixtures, equipment, appliances and utilities are operational and in good condition.

- (2) The recovery residence shall:
- (a) have locking bathroom capability sufficient to preserve the privacy of the occupant;
 - (b) provide access to a toilet, sink, and a tub or shower; as follows per the International Building Code:
 - (i) maintain a client to toilet ratio of 1:10, and
 - (ii) maintain a client to tub/shower ratio of 1:8.
 - (c) provide a mirror secured to a wall at convenient height;
 - (d) ensure that each bathroom is ventilated by a screened window that opens, a working fan or heating/air conditioning duct that circulates air;
 - (e) provide a minimum of 60 square feet per client in a multiple occupant bedroom and 80 square feet in a single occupant bedroom. Storage space shall not be counted;

(f) ensure that sleeping areas shall have a source of natural light, and shall be ventilated by a screened window that opens, a working fan, or heating/air conditioning duct that circulates air;

(g) ensure that each client is provided with a solidly constructed bed, box spring and mattress that is maintained and provides for client comfort and is commensurate with all other client beds in the residence;

(h) ensure that male and female bedrooms are separated within the residence either by floors, walls or locking doors. If locking doors are used, a policy must identify the use of locks to delineate separation;

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

(j) if a fire clearance is not required or provided from the local fire authority:

(i) 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;

(ii) 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;

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

(l) provide storage commensurate with the clients' assessed ability to safely access hazardous chemicals, materials and aerosols, including but not limited to:

(i) poisonous substances;

(ii) explosive or flammable substances;

(iii) bleach; and

(iv) cleaning supplies;

(m) maintain hazardous chemicals, materials, and aerosols in their original packaging and follow the manufacturer's instructions printed on the label.

(n) maintain a sober environment free from non-prescribed substances and alcohol.

R501-18-9. Food Service.

(1) Meals may be catered, prepared by staff or prepared by clients.

(2) The recovery residence shall have at least one kitchen.

(3) If the recovery residence allows staff or clients to prepare food for clients, it shall comply with food service requirements as follows:

(a) develop and follow a food service policy to address:

(i) how special dietary needs and food allergies will be tracked and accommodated;

(ii) how safe food preparation and cleanup will be ensured;

(b) document compliance with, or exemption from, requirements of the local health department to include:

(i) health inspections and clearances; and

(ii) food handler's permits for anyone preparing food for anyone other than self;

(c) food of sufficient nutrition and variety shall be provided;

(d) menus shall be available upon request; and

(e) this does not prohibit clients from preparing their own food and choosing to share with other clients.

(4) The recovery residence shall provide enough seating at tables or tray tables to accommodate all clients simultaneously.

R501-18-10. Medical Standards.

(1) The recovery residence shall not admit anyone who is currently in an intoxicated state or withdrawing from alcohol or drugs or otherwise unable to understand terms and consent to reside in the recovery residence.

(2) Before admission or employment, clients and staff shall be screened for Tuberculosis by a questionnaire approved by the local health department; if further screening is indicated, clients and staff will:

(a) follow appropriate protocol according to the local health department;

(b) provide proof of negative test results for Tuberculosis; and

(c) test annually or more frequently as required.

(3) 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.

(4) A recovery residence shall ensure that clients who manage their own medications keep all prescription and non-prescription medications in individually accessed locked storage that is not accessible to other clients when not in active use.

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

(6) Naloxone shall be safely maintained and available onsite, and staff and clients shall be trained in its proper use.

KEY: licensing, human services, recovery residence

Date of Enactment or Last Substantive Amendment: February 7, 2018

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

ATTACHMENT H: Public Process and Comments

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

Public Notices:

- Notice of the project and request for comments sent to the Chairs of the Central City, East Central and Greater Avenues Community Councils on February 14, 2019 in order to solicit comments. The 45-day recognized organization comment period expired on March 31, 2019.
- Open House notice was mailed on February 21, 2019.
- Open House was held at The Other Side Academy at 50 S 700 E on March 7, 2019. Two members of the public attended the Open House and were in support of the proposal.

Public Hearing Notice:

- Public hearing notice mailed on March 28, 2019.
- Public hearing notice posted on City and State websites on March 28, 2019.
- Sign posted on the property on March 28, 2019.

Public Comments:

- The Community Council Chairs did not ask staff to attend a meeting to present the project and did not provide any public comment.
- At the time of the publication of this staff report, two public comments were received by phone: one with questions and comments about the history of the property and another opposing the proposal. The citizen opposing the proposal presented concerns that the group home campus is becoming too large and causing impacts to the existing neighborhood. The citizen mentioned traffic and pollution impacts from the operations of the moving service, which is one of The Other Side Academy's vocational training business.