

Updated Application Statement  
804, 808, and 812 Washington Street, Park Ridge, IL  
09-15-11

We are seeking to build three houses to be occupied by the frail elderly, older people who can no longer live on their own without assistance from a care giver. Like other community residences for people with disabilities (that Park Ridge allows as of right as long as they are not within 1,000 feet of an existing community residence), the residents of each home will constitute a functional family that emulates a biological family as much as possible. Under the community residence model with which these homes will comply, each home will be staffed with a properly trained care giver who acts in the role of the parent while the residents are in the roles of the siblings.

The three proposed community residences are, under Park Ridge's zoning code, "Community residence, small" which can house up to eight residents including live-in staff. The zoning code defines a "community residence" as: "A group residence consisting of a group home or specialized residential care home licensed, certified or accredited by the appropriate state or federal agencies, and serving as a single housekeeping unit for the housing of unrelated persons with functional disabilities who share responsibilities, meals, recreation, social activities and other aspects of residential living. "Community Residence" does not include a residence which services persons as an alternative to incarceration for a criminal offense, or persons whose primary reason for placement is substance or alcohol abuse, nor does it include a nursing or medical facility." (Sect. 10.3(b)).

This is the precise use proposed for each home. We have submitted plans for Site Plan Review of the three contiguous single-family residences on North Washington Street. Each of the homes is proposed in strict compliance with all single family requirements and criteria. Even though single family homes are normally exempt from Site Plan Reviews (as specifically excluded under Section 4.5(c) of the Zoning Ordinance), the City requested that we submit the three homes to Site Plan Review. The City attorney subsequently required, contrary to the process described in the Zoning Ordinance for the Site Plan Review process (under Section 4.5.D.2.b.iii), that our application be heard by the City Council in order to receive any approvals. At its May 19 meeting, the Appearance Commission issued full approval for all three homes. We have appeared at several Plan Commission and City Council meetings and are currently scheduled to be heard again in front of the City Council on September 19.

The only reason these proposed homes are before the City Council is because each would house more than five residents with disabilities. If any of them housed just five people, it would be a permitted use allowed as of right and treated identically to any other proposed single-family residence. To treat them otherwise because the residents have disabilities would be a very direct violation of the nation's and Illinois' fair housing statutes.

Here's why: Under the definition of "family" in Park Ridge's zoning ordinance, any five unrelated people are allowed to live together ("Family. A parent or parents and their

children, or a group of not more than five (5) persons who are not parents and children, who maintain a common household in a dwelling unit. This definition does not include convents, rectories, sororities, fraternities or similar uses.”) It is extremely well-settled law that under the Fair Housing Amendments Act of 1988 that President Reagan signed, a group of people with disabilities that complies with the cap on the number of unrelated people in a city’s definition of “family” must be treated the same as any other group of five unrelated people. The Fair Housing Amendments Act of 1988, however, requires that cities make a reasonable accommodation to allow community residences for people with disabilities that house more unrelated residents than the local zoning code definition of “family” allows.

And that is the only reason our proposal faces more than a simple administrative staff review. Eight people with disabilities would occupy the house proposed for 808 N. Washington and six would live in each of the houses at 804 and 812 N. Washington. If any of these proposed homes had only five residents, it would have to be treated identically to all other single-family houses and the provisions governing community residences would not be applicable because it would not be a community residence; it would be a family under the city’s definition of “family.” Imposing additional restrictions on a family that is comprised of people with disabilities would constitute pretty blatant illegal discrimination. The case law on this question is very well settled and beyond dispute.

### **Nature of Our Residents and How They Live**

The three homes will house frail elderly people, most likely 75 years and older. (Please note that the state license each community residence will receive establishes a minimum age of 55, but our market is for an older people who need assistance, but can thrive outside the institutional setting of a nursing home.) Because women tend to live longer than men, we anticipate more women than men to live in the homes. Residents, irrespective of gender, have common needs and share common functional disabilities. These disabilities may include mobility issues, cognitive impairment, physical limitations, wheelchair dependency, visual or hearing impairment, frailness, fall-risk propensities, as well as the inability to drive, shop, climb stairs or navigate non-handicap accessible buildings. Residents in this type of living environment wish to share meals, and recreational and social activities, and other aspects of residential living. Just like any single-family home, each home will operate independently as a family unit. Residents will share responsibilities, meals, recreational and social activities and other aspects of residential living like a biological family, albeit within the more limited capabilities of the frail elderly with disabilities.

The intent is to create a “home” atmosphere that is staffed 24/7 and provides meals, lodging and other supportive care in a safe and comfortable social environment. We will provide residents with various activities as well as transport them in a mini-van to outside outings and special events from time-to-time. (The mini-van will be stored off-site when not in use.) We will design individualized service plans to meet each resident’s needs and desires. These homes function very differently than institutional uses like nursing homes

and assisted living facilities. Our homes provide a family-like living environment in a house to give Park Ridge's elderly residents an upscale residential atmosphere.

We will always have one employee present in each house, usually a companion-aide. Additional shift staff will be provided when needed. More than one companion-aide will be required for each home but will alternate on a shift-by-shift basis with only one present at any one time. Any overlaps in staffing will last only a matter of minutes in duration as working shifts change. In accordance with Park Ridge's zoning for community residences, any companion-aide who lives in a home will count toward the maximum occupancy.

Companion-aides will assist residents with their general needs. The aides will prepare meals, provide cleaning, do laundry and assist residents with their individual functional disabilities. The aides do not provide any medical treatment or assessments (for example, companion-aides will never administer medication, but they may remind a resident to do so).

### **Licensing**

At the Plan Commission meetings, we were asked to address state licensing issues for the proposed homes. After reviewing all applicable state licensing types, we and the City Attorney agreed, as confirmed by the City Attorney's statements at the September 6th City Council meeting, that the homes should be licensed as "Shared Housing Establishments" under the state act. This form of licensing sets minimum requirements upon us for how each home must be operated. For example, residents must be at least 55 years old and the residences cannot be used as a nursing home or assisted living facility. We have agreed to meet all of the conditions specified with this form of license and the City Attorney has stated (at the September 6th City Council meeting) that a Shared Housing License fits within the definition, uses and conditions specified for Community Residences under Park Ridge's Zoning Ordinance. It is important to note that "Shared Housing" refers only to the type of license — that is its moniker. The licensing definition makes it abundantly clear that the license covers community residences for the frail elderly and that the use is not "shared housing" as commonly understood. This is typical of state licenses that use bureaucratic titles that are not identical to the zoning terms used by localities since Illinois is one of just 10 states without statewide zoning for community residents.

### **Parking**

Per staff's concurrence in their July 12th Staff Report to PZ as well as their statements at the Plan Commission meetings, the proposed plan meets all parking requirements as set forth in the Zoning Ordinance. No variances have been requested. Although specifically excluded from residential parking requirements under Section 12.9.A of the Ordinance, the applicant has also included handicap accessible parking spaces on each lot at the request of staff. Each lot contains extra driveway parking in addition to the required parking spaces. Lastly, on-street parking is available and is provided in larger quantities

than normal do to the continuous parking available across the street along the park (because there are no homes, the parking is not reduced by driveway curb-cuts).

### **Trip generation**

All the facts point toward the three proposed homes generating far fewer automobile trips per day than three houses occupied by biological families, especially those with teenagers who drive. Per the zoning ordinance, a maximum of 17 residents (assuming full occupancy) would be permitted among the three Community Residences (each live-in staff member must be counted in the total number of occupants allowed).

The elderly residents do not drive cars, one of the effects of being frail and elderly — they typically are not licensed, no longer capable of driving, and will not have a car at the community residence. The only resident who drives a car will be the staff member. These residents leave their homes far less frequently than an average single-family home resident. Trip generations come primarily from the few guests who 1) don't typically visit during peak rush travel times; and 2) visit with far less frequency than guests visiting any other traditional single family home. Accordingly, there are no greater generation of trips to/from the subject homes, and in fact, far less generated with this type of use. No factual evidence to the contrary has been introduced at any public hearing on our application.

The resident makeup and operation of the subject homes also results in far fewer trip generations than single-family homes occupied by a biological family. Typical single - family inhabitants behave far more independently and individually than the residents of our proposed homes. For example, on any given morning in an average single family home (during peak travel times), a father may leave the home for work, children may be driven to more than one school, and a mother later leaves the home for work or other activities — all at different times with separate trips. At the end of the day, these trip generations are reversed in the evening peak hour time periods. But the proposed homes will generate far fewer trips during these peak time periods since their residents do not drive and there are no children living in the homes.

Another illustration of reduced trip generations results from the grouping of daily activities within the proposed residences. For example, in any average single family home, a mother, father and their children would all typically have their hair cut on a different day in a different location from one another. To accommodate this single task, many trips would be made to and from any such home. But within the proposed homes, a hair stylist may be brought into the home to attend to all residents at once, or alternatively, an outing may be organized to bring all residents to a particular hair salon at the same time. This manner of addressing each resident's requirements on a group basis lessens the overall number of trip generations within each of the subject homes (whether the need is to provide hair cutting, medical services, shopping availability, entertainment, or any other task which is provided on a group basis).

### **Conformance to Zoning Standards**

The preliminary plans submitted are intended to fully comply with all facets of the city's Municipal Code and Zoning Ordinances including those typically required for all single family home applications. Each of the proposed homes has been designed with its own distinct elevation and all design guidelines required for single family residences have been strictly adhered to. From the street perspective, each residence's appearance is intended to be consistent with any other newly-constructed single family home approved by the City. The Appearance Commission has verified the homes conformity to required design standards - as well as their appropriateness as infill parcels into an existing neighborhood - as evidenced by their final approval of the plans.

Current usage of the subject property is R-2 single family and remains the same with the proposed submittal. No variations are being requested by the Applicant. The submission meets all FAR, lot coverage, open space and setback requirements for single family homes. Per the Zoning Ordinance criteria, each home provides more than the required number of interior and exterior parking spaces. Although not required under the Ordinance, approximately half of the required parking spaces have been designed as handicap accessible. Further, the driveway supplies additional parking over and above those required by code. Even though the number of parking spaces provided exceeds those required under the ordinance, residents targeted no longer drive and will not require parking/storage of any personal automobiles.

Because the three proposed homes meet the defined purpose outlined for R-2 zoning according to Section 7.1.B and because each of the homes have been designed exactly as any typical single family dwelling, the proposed homes will not alter the residential character of the neighborhood nor would, in any way, be incompatible with the surrounding neighborhood. Appearance Commission approval confirms these two requirements have been met as evidenced by statements contained in their approved meeting minutes.

No factual evidence has been presented that suggested the existence of these three community residences will adversely impact surrounding properties. We are unaware of any study that has found allowing three community residences for the frail elderly to locate adjacent to each other has any impact on property values, property turnover, or neighborhood safety. That's probably because the proposed uses are still single family residential structures in form and function.

The Appearance Commission determined that each of the design standards has been fully met. No variances are being requested. The type of resident will result in less traffic generation and parking needs than a typical biological single family use. The proposed homes will generate no children and put no additional demand on school or park district operations — and in fact generating less demand than traditional single family dwellings with children.

To the extent that the Applicant meets the 2 conditions contained in Section 10.3.B.1 and 10.3.b.2 of the Zoning Ordinance, the City is required to approve all three Community

Residences despite the fact that each is located within 1000 feet of another. There is simply no evidence before any city body that the three proposed homes do not comply with all the criteria for allowing them to locate adjacent to each other. The Findings of the Facts produced by the Plan Commission had no basis in fact and the factual evidence before the Plan Commission was, indeed, the opposite of its conclusions.

### **Request for Approval**

We request that Park Ridge approve ordinances allowing construction of the three community residences for the frail elderly at 804, 808, and 812 N. Washington as proposed. We can accept the stipulations contained in the draft ordinances as a condition of those three approvals. At a bare minimum we request that the City Council approve the center home at 808 N. Washington. We were not given a chance before the Plan Commission to make that request.

We hope we will be given the opportunity to present expert testimony before the City Council on September 19 to provide factual evidence that has not yet been heard in support of our proposal.

As noted at the beginning of this document, the only reason we must seek zoning approval is that each home would house more than the five unrelated people allowed under Park Ridge's definition of "family." By issuing approval of the three homes as requested, Park Ridge can make the reasonable accommodation we seek on behalf of the future disabled frail elderly residents of the independent small community residences proposed for 804, 808, and 812 N. Washington.