

Emergency Shelters – Zoning Code Amendment Proposal

Below is city staff responses to concerns expressed about the proposal

Availability of land for emergency shelters (currently and under the proposal)

Currently, emergency shelters (as defined in LMC 19.09.223) are allowed in the Downtown Commerce District and the General Commercial (GC) District. Under the proposal, emergency shelters will be allowed in the Mixed Use – Office/Commercial (O/C) District and portions of the General Commercial District.

The total size of the DC district is approximately 68 acres. The total size of the O/C district is approximately 100 acres. Under the proposal, a new emergency shelter cannot be located within 1,500 feet of an existing emergency shelter. This buffer would limit the creation of new shelters in the DC district because Community House on Broadway and the Emergency Support Shelter are located near the DC district. If the buffer remains as proposed, only 5± acres of the DC district would be available. Only a very small portion of the O/C district would be affected by the buffer separating existing emergency shelters.

The O/C district is affected by other proposed buffers (325 feet from single-family residential zoning districts and parks a half acre or more in size and 650 feet from schools). Proposed buffers around Victoria Freeman Park, Kessler Elementary School, Lake Sacajawea Park and a single-family district would restrict emergency shelters to approximately 80 acres of the 100± acre size of the district.

Currently, emergency shelters are allowed in all portions of the GC district (232± acres). Under the proposal, emergency shelters would be allowed only in portions of the GC district. The proposal would eliminate GC district lands as follows:

- 81.5± acres zoned GC district lands that are basically west of Lake Sacajawea Park. These lands are not near services that the homeless typically use. Existing providers indicated that those areas would rank low in priority as a site for a future shelter.
- 4.8± acres located at northwest corner of Columbia Heights Road and Fisher Lane intersection. Single-family residential zoning is located on three sides of this area. The proposed 325 foot buffer from single-family residential districts would impact all of this GC district area.
- 19± acres of land in five areas around the Downtown core area. Three of those areas are completely eliminated because of the buffer from existing emergency shelters. Of the remaining two areas, 19± acres are available for a new shelter.

- 33± acres of GC district land around Tennant Way and Oregon Way. The total amount of GC district land in that area is 108 acres buffers eliminating 33 acres results in 75 acres being available for emergency shelters.

In conclusion, of the 232± acres of General Commercial District lands, approximately 94 acres (40.5%) would be available for emergency shelters under the proposal. In addition, approximately 80 acres of Office/Commercial District land would be available for emergency shelters. The total amount of land available is 174± acres.

What is the current capacity of emergency shelters? How many shelter beds currently available in Longview? What is their vacancy rate? Turn-away rate? I.e. are there currently enough beds – would this proposal exacerbate a bad situation? *Please see the attached response from Cowlitz-Wahkiakum Council of Government staff.*

On what basis will the BOA review and evaluate a “written management plan” to determine its sufficiency?

Comment: The proposed zoning code amendments would require a management plan that, at a minimum addresses the following:

a. The specific nature of the emergency shelter, its intended occupants, and the onsite services that are provided;

Comment: This is a basic requirement to describe the project.

b. Its potential impact on nearby land uses and proposed methods to mitigate those impacts;

Comment: A review of the literature on emergency shelters will reveal common complaints about emergency shelters impacts on neighborhoods (e.g. littering, loitering, neighborhood crime). The applicant would be expected to address how those common complaints will be minimized. Any concerns relating to the specific type of emergency shelter or to the specific neighborhood would be identified during the application process (which includes a public hearing). Any of the newly identified issues could be addressed by the applicant in an amended management plan. ABA members can consult with city staff (e.g. police) for an evaluation of proposed mitigation as well as staff-proposed mitigation.

c. Identification of the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility; and

Comment: This is simply a requirement to identify who is responsible for addressing any concerns that may arise.

d. Identification of staffing, supervision and security arrangements appropriate to the facility.

Comment: As an SPU, the proposed code recognizes that each application to site a facility is likely to be unique in its size, scope, location, capacity and residency requirements. Rather than attempt to impose staffing, supervision and security arrangements in advance of an application, the SPU process will allow the applicant to tailor these parameters to the actual proposed use and, in turn, allow the BOA to evaluate the application once these parameters are made part of an application.

Where are the allowed sites in relation to transportation, employment services, and other essential services?

Comment: One of the primary intents of the proposal was to ensure that emergency shelters would be located within walking distances of most services that homeless would need. Most of the social, transit and employment services are located within or near the Downtown Core area. The primary transit center for RiverCities Transit is located a half block north of the O/C district. Private employment agencies are located in the O/C district or near it. (The local Washington State Employment Security office is located in Kelso.) The Community Action Program is located in the Downtown Commerce District. The office for Housing Opportunities of Southwest (formerly Longview Housing Authority) is located in the O/C district.

A shelter is defined as restricting stays to 90 days. If this definition is used, how will the City know if people are staying there 90 days or longer? What is the City's ability to track and enforce this requirement?

Comment: The City's zoning code definition for an emergency shelter is as follows:

19.09.223 Emergency shelter.

“Emergency shelter” means congregate facilities providing housing to shelter families and individuals offered on an emergency basis for a period not to exceed 90 days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency.

The time period given in the above definition is intended to differentiate an emergency shelter from another type of a land use such as a transitional housing. It is not a requirement the violation of which would result in code enforcement action. . By way of illustration, the City zoning code definition for a hotel follows:

19.09.345 Hotel.

“Hotel” means a building in which lodging is provided for a fee to guests for up to 30 consecutive nights and may provide such things as restaurants, meeting rooms, and/or other auxiliary facilities and services. Hotels shall be licensed by the State Department of Health.

The hotel definition also contains a time period. City staff does not contact hotel staff and ask if anyone is staying longer than “30 consecutive nights.” However, if the City receives complaints that persons are living full time at hotel such that it appears that the facility is no longer operating as a hotel, as permitted, the City will take action as appropriate.

The proposed regulation doesn’t define homelessness. Which definition is being used? There are different definitions from Office of Superintendent of Public Instruction and HUD. This is not specified in the document.

Comment: There was no intent to define homelessness. It is a function of the shelter to determine who is homeless and in need of their services. Defining homelessness will serve no function in resolving any land use issues.

There are other uses that require a special use permit such as marijuana and sex shops. Do these special uses require a management plan? What criteria will be used to evaluate management plans to determine whether they are acceptable?

Comment: A special property use permit is not required for marijuana producers, processors and retailers. The marijuana industry is highly regulated by the State of Washington. A special property use permit is not required for a sex shop either. The zoning code has a whole chapter addressing “Adult Entertainment Establishments.”

There is a buffer from schools and parks. If there were a plan to develop a homeless youth shelter wouldn’t you want it near schools?

Comment: The proposed buffer from a school is 650 feet which is basically the long length of a city block. Many children walk a block or more to access schools. The purpose of the buffer is to prevent the school grounds from becoming a “front porch” for an emergency shelter. It is basic human nature to avoid a crowd of strangers, whether those persons are homeless or not. The purpose of the buffer is to avoid the school grounds from being dominated by emergency shelter residents.

I am also concerned about potential Fair Housing violations. It’s been demonstrated that a disproportionate number of homeless people are people of color and people with disabilities. It seems there could be a case for discrimination because of the limited availability of allowable sites for shelter and services.

Comment: The proposal does not limit the number of emergency shelters that can be sited in the city. It does restrict where they can be located. This is a typical function of zoning codes. For instance, city zoning codes often restrict where apartment buildings can be located.

How “expensive and time consuming” is the special property use permit approval process?

Comment: Currently, the fee for a special property use permit is \$682.00. The Appeal Board of Adjustment meets once a month. Depending on when the City receives the application and it is determined to be complete, a decision on the special property use permit can be reached from one to three months.

The content of the management plan are poorly sketched out in the language of the ordinance.

Comment: The management plan is one aspect of the approval decision making. The following criteria apply for all special property use permits:

LMC 19.12.050

(3) No such special property use permit shall be granted by the board unless it finds:

(a) That the use for which such permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare;

(b) In making such determination the board shall be guided by the following considerations and standards:

(i) That the use will not be detrimental to the character and use of adjoining buildings and those in the vicinity,

(ii) That the use will not create a hazard in the immediate area either for pedestrian or vehicular traffic,

(iii) That adequate ingress and egress will be available for fire and other vehicular emergency equipment,

(iv) That adequate off-street parking will be provided to prevent congestion of public streets.

As stated in the proposal, the management plan is intended to assist the ABA in finding the emergency shelter will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, morals and general welfare. The management plan will provide information to help the ABA make a decision. If the criteria were completely objective there would be no need for the special property use permit because the applicant would meet the objective criteria or not.

Different types of emergency shelters have different impacts. For instance, Community House on Broadway often has a group of people on the sidewalk in front of the building yet a passerby rarely sees a person in front of the Emergency Support Shelter. The proposal states that the management plan is binding. The intent of making the management plan binding is to help ensure that the project approved does not evolve into a program that will have a greater impact on the neighborhood.

The proposed ordinance provides no standards.

Comment: The proposal primarily shows changes to the Longview Municipal Code. A new emergency shelter would be subject to development standards already existing in code such as setbacks, parking, building height and sign requirements. The application would also be subject to the approval criteria for all special property use permit applications.

Address the general assertion that we allow marijuana stores, bars, taverns, and nightclubs in zones we don't allow shelters.

Comment: Marijuana stores, bars, taverns, and nightclubs are different types of land uses with different impacts than emergency shelters.

Date: August 17, 2016

Corrected on September 1, 2016 (bottom line on page 5)