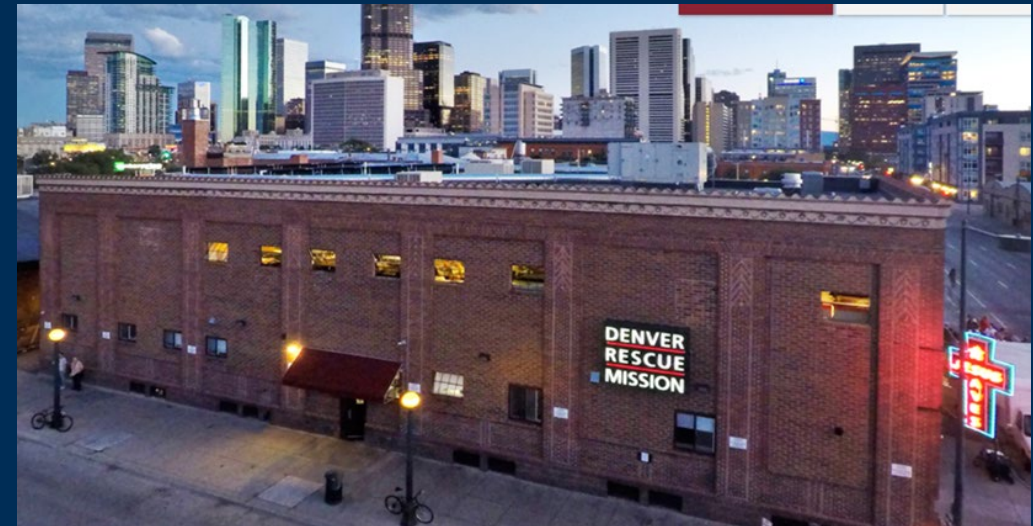


# Group Living Code Amendment

## Shelter Sub-group Phase 3 Meeting 2

Shelter Sub-group Phase 3 Meeting 2  
Tuesday March 12, 2019  
4:00-7:00pm



# Agenda

Time	Topic	Objective(s)
4:00 – 4:20	Welcome and Check In	Connect
4:20 – 4:30	Meeting Agenda, Objectives and Housekeeping  Objectives: 1) Agree to new categorization of shelter types 2) Consider/agree to new spacing, density and size limitations for shelters, including considering geographic units for large, permanent shelters	Orient to now and desired future
4:30 – 4:40	Staff Presentation on Zoning Code Updates in Peer Cities	Learn
4:40 – 5:20	Proposed Consolidation of Shelter Types  Review and discuss proposed solutions to identified problems – focus on small and temporary shelters	Discuss → Decide
5:20 – 6:45	Regulating Large, Permanent Shelters and Achieving Equitable Distribution of Shelters  How do we update/combine population caps, spacing and regulations to best achieve desired future?	Discuss → Decide?
6:45 – 7:00	Gratitude, Next Steps and Close  Check out: How confident are you feeling about today's progress/decisions?	Close meeting; orient to what's next

# Problem Statements

1. The specific use type name of " Shelter for the Homeless" needs to be updated.
  - **12/11/18 Subgroup Recommendation: change to "Shelter"**
2. The terms "bed" and "Residents" are used inconsistently, and the use of "beds" as a measure of facility size does not reflect best practices for limiting the size of shelters
  - **12/11/18 Subgroup Recommendation: change to "guests"**
3. Definitions of shelter types are confusing, have ineffective and inequitable public involvement procedures, and make it difficult to combine a continuum of residential and program options in one facility.
  - **Proposal on agenda for consideration/recommendation**
4. Current limitations on spacing, density and size for shelters are difficult to administer and have unintended consequences, including overreliance on emergency determinations to expand existing facilities and continued concentration of legacy facilities in certain neighborhoods.
  - **Question on agenda for consideration/recommendation**
5. City Council districts are the wrong geographic units for regulating the maximum number of beds for shelters as permanent, primary uses
  - **Questions on agenda for consideration**

# Peer Cities Review

## Recent Shelter-related Zoning Code Updates adopted in Peer Cities

- Portland (2017). Permitted **emergency shelters** in **business and industrial zones**, **reduced buffers from 1,300 to 600 feet**, expanded **small shelter** provisions. Shelters shall be no farther than a half mile from **public transportation**.
- San Jose, CA (2017). Code Amendment allows assembly use buildings to take in up to 50 people year-round as long as the building's primary use remains for assembly. A **150-foot buffer to residential use**. An **Assembly Use provide temporary shelter shall be registered** with the Housing Department.
- Los Angeles (2017). Code Amendment to **expand the definition of Shelter** for the homeless. Included definitions on provider and temporary accommodations.

# Peer Cities Review

## Recent Zoning Code Updates in Peer Cities

- Minneapolis (2015-2016). Code amendment created two categories of shelters. **Emergency Shelters are allowed in all zoning districts** with a conditional use permit except in the IL Industrial Living Overlay District. **Overnight shelter occupancy is limited to 150 persons or 1 person per 200 square feet of gross floor area** (whichever is less), except in the DS Downtown Shelter Overlay District, where their occupancy is limited to 350 persons. In addition, overnight shelters will continue to be allowed as an accessory use to religious institutions in all zoning districts, as they have since 1998.

# Peer Cities Review

City	Name of Use	Beds allowed/Occupancy max	Distance from other facilities	Other Spacing/Density Requirement?	Parking requirement
Denver	Shelter for the Homeless	8-200 (depending on type)	0-2,000 feet	No more than 950 beds per council district	Commercial Low (.5 space / 1,000 sf)
Los Angeles	Shelter for the Homeless	30 beds	300-600 feet (varies by zone district)	No	1 space per 100 sf
Minneapolis	Emergency Shelter/Overnight Shelter	150 beds (Downtown Overlay allows up to 350)	1,000 feet	No	No standard minimum
Oakland	Emergency Shelter/Transitional Housing/Supportive Housing	100 beds	300 feet	No	No standard minimum
Seattle	Community Center	N/A	600 feet in residential zone districts, no separation required in non-residential zone districts	No	1 space per 350 sf
Austin	Emergency or Temporary Shelter for Homeless Persons	100 beds	.5 miles (2,640 feet)	No	1 space per 4 beds
Salt Lake City	Homeless Shelter	100 beds	300 feet	No (Annual Report written to Council Member per District)	1 space for 4 beds

# Current System:

Type	Community Participation and Permitting Req (process)	Permitted Districts	Spacing/Density	Cap (# of beds)
Permanent	<p>Zoning Permit with Informational Notice (ZPIN)</p> <p><i>Permit process where specific review criteria must be met where in addition to compliance with any applicable use limitations.</i></p>	Permitted in all zone districts, except the SU, TU, TH, RH, E-MU-2.5, MS/ MX-2x, MS/MX-2, MX-2A, CMP-H, CMP-H2, CMP-ENT, OS-B, and OS-C zone districts.	<p>Large Res Care (no other facilities within 2000', no more than 2 in 4000' radius)</p> <p>500 feet from a school</p>	200 for new facilities 950 per City Council District
Religious Assembly 8 or fewer guests OR open ≤ 120 days/year	No requirement	All	None	8
Religious Assembly 8+ OR >120 days	No requirement	All	Large Res Care (no other facilities within 2000', no more than 2 in 4000' radius)	NA
Operated in building owned by a govt entity or nonprofit, open for ≤ 120 days/year OR serving ≤ 100 guests	DDHS involvement, Meeting, notification of RNO and neighbors, community oversight committee, no ZP	All	None	100
Operated in building owned by a govt entity or nonprofit, open for > 120 days/year OR serving >100 guests	DDHS involvement, Meeting, notification of RNO and neighbors, community oversight committee, no ZP	All	Large Res Care (no other facilities within 2000', no more than 2 in 4000' radius)	NA

# Key shelter characteristics identified by committee

- Number of guests
  - Smaller facilities integrate better into community and provide better services
  - Participant definition of “small” varies
- Duration of services during the year
- Location relative to other services and amenities, integration into communities
  - Less related to definition



# Proposed System: DRAFT language for internal review

Type	Community Participation and Permitting Req (process)	Permitted Districts	Spacing/Density	Cap (# of residents)
Large Permanent More than 100 guests	Zoning Permit with Special Exception Review (ZPSE) or similar  <i>Permit process where uses with a potential limited impact on adjacent properties must be reviewed by the Board of Adjustment in addition to compliance with any applicable use limitations.</i>	Permitted in all zone districts, except the SU, TU, TH, RH, E-MU-2.5, MS/ MX-2x, MS/MX-2, MX-2A, CMP-H, CMP-H2, CMP-ENT, OS-B, and OS-C zone districts. (No change from current)	TBD	None proposed
Medium Permanent <100 guests	Zoning Permit with Special Exception Review (ZPSE) or similar  <i>Permit process where uses with a potential limited impact on adjacent properties must be reviewed by the Board of Adjustment in addition to compliance with any applicable use limitations.</i>	All	TBD	100
Small Permanent 8 or fewer guests	Zoning Permit	All	NA	8
Temporary operated 130 days or fewer	Zoning Permit	All	NA	?

Note: Current “Temporary” language permits operation for 120 days/year. This proposal extends to 130 days to allow for shelter guest capacity to rotate among three facilities to cover an entire year, per recommendation of Denver’s Road Home.

# Key questions related to proposed Shelter types update

## Religious Assembly uses vs. other providers:

Code currently incentivizes small (8 or fewer guests) or temporary (120 days or fewer) for shelters operated by a religious assembly use.

- Would the group consider extending this incentive to other shelter operators?

Currently, only religious assembly uses can operate temporary shelters with no population cap. This proposal would extend this allowance to all operators who operate temporarily (130 days or fewer).

- Would the group consider implementing this concept?
- Alternatively, would the group consider that all temporary shelters, regardless of operator, be limited to 100 guests, as is currently permitted for shelters “operated in a building owned by a government entity of nonprofit”?

## Permanent Shelter population cap:

Currently the code only permits up to 200 guests, with some exceptions for facilities open as of January 2005. This results in repeated emergency declarations to exceed population caps, and encourages older, nonconforming facilities to remain because they are able to serve larger numbers of guests.

- Are limitations on the number of guests served in a permanent shelter necessary?

DRAFT language for internal review

# Geographic Limitations

- Code currently permits “no more than 950 beds” in shelters (as a permanent primary use) in any one City Council District (note that this regulation does not impact the other current shelter types)
- Districts are substantially amended every 10 years to account for changes and shifts in population, including at least once since the 950-bed language was adopted in 2005, making this geographic system unreliable for the purposes of ensuring equitable distribution, and creating nonconforming uses.
- Current shelter capacities are substantially lower than the cap in all City Council districts.
- Other subdivisions of the city such as statistical neighborhoods (78 currently designated) and Census Tracts (there are approximately twice the number of Census tracts as there are neighborhoods) are smaller and subject to change over time and/or are not equally or equitably sized.