

Memorandum

City of Lawrence

Planning & Development Services

TO: David L. Corliss, City Manager

FROM: Scott McCullough, Director

CC: Cynthia Boecker, Assistant City Manager
Diane Stoddard, Assistant City Manager

Date: For August 4, 2009 City Commission Meeting

RE: SUP-01-02-07 – Lawrence Community Shelter at 944 Kentucky St.
– Hearing to consider increased occupancy at shelter

On July 7, 2009 the City Commission established a hearing date of August 4, 2009 pursuant to Section 20-1306(l) of the Land Development Code to consider an amendment to SUP-01-02-07 to increase the overnight participant occupancy at the Lawrence Community Shelter (LCS) currently established at 31 (33 total including staff). Newspaper, posted and mailed notice of the City Commission's public hearing has been provided in accordance with Section 20-1301(q) of the code.

At the public hearing, the City Commission shall accept and consider all relevant information and evidence concerning the Special Use. After the conclusion of the public hearing, the City commission will consider all relevant evidence and information. The City Commission may amend, suspend or revoke the Special Use if it finds, based upon a preponderance of the information and evidence, that such action is supportable in fact.

The City Commission shall make one or more of the following findings if it seeks to amend, suspend, or revoke the Special Use:

- i. a condition of the Special Use has been violated;
- ii. violation of City Code provisions governing zoning regulations; [Building](#) (Chapter 5); Housing (Chapter 5); or the environmental code (Chapter 9); and/or
- iii. violation of any other applicable City Code provisions or any State or Federal law or regulation by the [Landowner](#) or Agents thereof, provided that such violations relate to the conduct or activity authorized by the Special Use or the qualifications of the [Landowner](#) or Agents thereof to engage in such conduct or activity.

In this instance, the Special Use Permit is limited to an occupancy of 31 overnight participants (33 including staff). However, shelter representatives have publicly stated

that the occupancy of the shelter is being exceeded at this time, thus invoking item "i" above. The Commission should make a finding that a condition of the Special Use has been violated in order to consider amending, suspending, or revoking the special use permit.

History

Social service activities have been provided to the members of the homeless community at this location on the northeast corner of 10th & Kentucky Streets since 2000 when a special use permit for the Community Drop-In Center was approved. Services at this location were expanded in 2003 when a permit for the Lawrence Open Shelter was approved to provide temporary overnight accommodations. In 2005, the Lawrence Community Shelter was formed when the Lawrence Open Shelter and the Community Drop-In Center merged.

The most recent special use permit for the LCS operations was approved by the City Commission on April 17, 2007 for a period of three years, set to expire on April 17, 2010. The approval required annual reporting of activities, services and on-going communication with nearby neighbors. Since the SUP was approved, there have been several agenda reports to the City Commission regarding LCS operations and additional efforts to address service needs:

- 01/24/08 – Letter from LCS to Mayor indicating a fundraising consultant had been hired
- 05/06/08 – City Commission received 2007 annual report of activities as required by SUP
- 04/21/09 – City Commission received 2008 annual report of activities as required by SUP
- 04/21/09 – City Commission approved text amendments to the Development Code to permit Temporary Shelters in non-residential districts with a special use permit and to establish standards for shelters [Ord. No. 8388 published 05/07/09]
- 06/16/09 – City Commission discussed status of shelter due to the increased activity associated with the Salvation Army closing its shelter.
- 07/07/09 – City Commission received a staff report on compliance issues at the shelter (occupancy issues) and established the August 4, 2009 hearing date to consider amending, suspending, or revoking the SUP.

In reaction to the Salvation Army closing its shelter on May 31, 2009, LCS is currently exceeding its occupancy limitation of 31 overnight participants (33 total occupants) as established by SUP-01-02-07. According to LCS, the shelter is sleeping 31 in the Kentucky Street side of the structure as previously approved, 21 in the day room on the 10th Street side, and 21 on the patio behind the building. Forty-two additional people

are currently sleeping at the shelter, either in enclosed space on the first floor or outside on the patio.

LCS desires to have the City Commission amend the SUP as follows:

31	sleeping on the 944 Kentucky side under the current SUP
19	sleeping on the first floor of 214 West 10th
<u>26</u>	sleeping on the lower level of 214 West 10th
76	total sleeping
<u>6</u>	staff
82	total for the building

Plans to modify the structure to account for increased occupancy include:

- (1) Extending the existing sprinkler system into all of the other first floor and basement rooms so that every room in the building, including offices, will have fire sprinkler coverage. This installation will include taking out two or three non-supporting walls in the basement to open up the space in order to reduce the number of sprinkler heads and to improve the route to exits.
- (2) Resolve ingress/egress issues in the basement by construction of walls or additional access points.
- (3) Install a shower in the basement.

LCS estimates that completion will take 2-3 weeks after permits are issued.

The following information was requested of and provided by LCS in preparation for the hearing.

1. What programs exist at the shelter?

- a. The shelter's main program is to house the homeless.
- b. In addition, there are four program areas under case management, all of which are outcomes based: housing, employment, benefits, and intervention. These programs and their outcomes are described in the LCS annual report.
- c. The daily living program of the drop in center includes breakfast, laundry facilities, storage, mail, telephone, refuge from the weather.
- d. Beginning with the 2009-10 academic year, the shelter is collaborating with the Baker University School of Nursing to develop a health program for guests of the shelter and people who come to the drop in center.

2. How will these programs be impacted by increasing the occupancy?

The request to modify the SUP to increase the occupancy is for the night shelter number of persons allowed to sleep. This increase will enhance the shelter's ability to fulfill its first program responsibility which is to house the homeless. Since the requested

increase is for the night shelter, its impact on the other programs will not be significant beyond what has already occurred since the numbers of people using the shelter in the day has already increased due to the closing of the Salvation Army's day services. There is no question that the requested increase will make the building and its grounds more crowded but the programs have continued and have generally met the increased program demands. The health and the jobs programs, for example, will be and have been affected by the space limitations of the current building rather than by the numbers of people using the building. Both programs will be strengthened by the increase in space when the shelter relocates.

3. Do the existing programs align with the CCH's vision for the one shelter?

Yes. The CCH approved a description of the one shelter in December 2007 that includes:

- (A) a three-phase service delivery process of intake, recovery, and advancement which the current shelter follows;
- (B) a general description of census, hours, physical services, and programmatic services. Some of this is envisioned for a larger, permanent shelter such as dining service with three meals a day and additional staff offices that are not possible now but the Programmatic Services such as HMIS access, communication and transportation services, and networking and referrals to service providers are all in place and will not be affected by the increase in capacity.
- (C) Specific descriptions of substance abuse, mental and general health, employment, and social services programs are included in the approved vision and are currently being followed by LCS.

Discussion

An important element of the existing SUP is the timeframe of 3 years, which was provided to permit LCS the opportunity to relocate the shelter to a more appropriate area in the city. LCS staff and City staff continue to make this a priority.

Increasing occupancy at this location is viewed by shelter proponents as a necessity since the Salvation Army's closing on May 31, 2009. While sheltering on a smaller scale exists in the community, LCS is the only large-scale, overnight shelter serving the homeless population.

Amending the SUP at this location to increase the occupancy to 76 overnight participants (82 total) will more than double the number of guests at the site and could be viewed as a significant increase in intensity at the property. The shelter has a history of externalities at the shelter, including incidents of crime, incidents of nuisance activities to nearby owners and their properties, perceived or real impacts to the downtown shopping district, etc. While the impacts to nearby neighbors may increase with the increased occupancy, if approved, the impact to downtown and the larger area is likely not to be increased since the Salvation Army was also located in downtown and LCS is attempting to account for this loss in service.

The governing body has been clear in its direction to work toward relocating the shelter and efforts have substantially picked up in the last few months, in staff's opinion. This issue would not be presenting itself if the Salvation Army had not decided to focus on other important aspects of homelessness and close its shelter on May 31, 2009.

Options include the following:

- Option 1 – Permit the requested increase in occupancy and maintain the direction to work with expediency to relocate the shelter to a more appropriate location in the city.
- Option 2 – Permit a lesser increase than requested and maintain the direction to work with expediency to relocate the shelter to a more appropriate location in the city.
- Option 3 - Deny the request and direct staff to work with LCS or another organization on serving the homeless population that is no longer being served by the Salvation Army.

All of these options would maintain the conditions of original approval, including the expiration date of April 17, 2010.

Requested Action:

Make a finding that a condition of the special use permit (SUP-01-02-07) has been violated by increasing the occupancy of the shelter from the restriction of 31 overnight participants and move to amend, suspend, or revoke the special use permit.

If the City Commission amends the special use permit to permit an increase in occupancy at the shelter, an appropriate motion would include the following language:

Move to amend SUP-01-02-07 to increase the occupancy of overnight participants from 31 to 82, including staff, with all other conditions of SUP-01-02-07 remaining.