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From: [Debbie Tarry](#)

Sent: Thursday, October 8, 2020 9:34:01 AM

To: [Susan Chang](#)

Cc: [Doris McConnell](#); [Betsy Robertson](#); [Pollie McCloskey](#); [Heidi Costello](#); [Colleen Kelly](#); [John Norris](#)

Subject: RE: Questions about Enhanced Shelter

Response requested: No

Sensitivity: Normal

Susan –

Here are responses to your questions (and some follow-up questions from Councilmember McConnell). Please let me know if you have any follow-up questions. We will plan to put this in the green folder for Monday night's discussion.

1. Lake City Partners describes a program in which if guests are not working towards solutions, "they are not a good fit for our program." This contradicts page 13 of the State grant which says that participants can't be removed for failure to participate in support services or treatment, failure to make progress on a housing stability plan, and alcohol/substance abuse cannot be used as a reason to remove someone from the program. How do you reconcile LCP's description of the program to the community and the state grant requirements?

ANSWER: *Lake City Partners' response to this question about "being a good fit" is specific to their guests' behavior and safety concerns of their guest, not whether their guests fail to participate in support services, treatment, or make progress on their housing stability plan. If guests are giving others a hard time, not being a good neighbor, disturbing others, etc., let alone exhibiting aggressive/violent behavior, this distracts from one's ability to focus on housing. Thus, while LCP works with guests on an ongoing basis to focus on treatment, support and permanent housing and expects guest to be working on those solutions with the case management and support staff, if their behavior gets in the way of them being a positive member of the shelter community, then they may not be a good fit and may need to be removed from the shelter.*

2. I would like to have examples, both good and bad, of low barrier-enhanced shelters. They don't need to be exactly the same, but I would think the differences would be small enough if services are provided that we could get a sense of what low-barrier means in terms of effect on the surrounding area. During the Sept 22 meeting, the King County representative gave 3 or 4 examples of successes when asked by the public. I recall him mentioning
 - a. (A) the King County Jail at 5th and James which is nowhere near residential areas and already has a lot of homeless people in the area around the KC Courthouse;
 - b. (B) Renton—I think he must have been referring to the Red Lion Inn, which according to my conversation with Councilmember McIrvine and Seattle Times articles—the city is trying desperately to get KC to move the shelter location because of the detrimental effect it has had on their business district and huge increase in fire calls. This is a low barrier shelter with services and has residents from the former Morrison Hotel in Seattle.
 - c. (C) Bellevue - Doris is trying to set up a meeting with Councilmember Zahn to ask about this location, but I have heard that this is not a low barrier shelter.
 - d. One of the things that convinced me that the 198th & Aurora project was the right thing to do was being able to tour Patrick Place in Seattle. I would really like the chance to see some examples—good and bad—of what we might be getting in to. The only other example I know of is the Licton Springs Tiny House village which has since been closed by the City of Seattle because of its effect on the neighborhood—there are numerous Seattle Times articles about it—from those articles, it was a low barrier shelter with navigators at the site connecting people to services and housing; however, drug and alcohol were allowed on site with the thought that it would keep the problem from affecting the neighborhood.

ANSWER: *The majority of shelters in King County, especially if funded by King County or the City of Seattle, are low barrier. Most are enhanced, in that they operate 24/7 with supportive services. The City of Seattle has 3,770 year-round shelter beds in 74 shelters and King County has 1,290 year-round shelter beds in 38 shelters. Most of the shelters are in neighborhoods adjacent to residential areas, schools, and other facilities.*

The King County Regional Homeless Authority tracks system and program level performance on a quarterly and annual basis. This is a link to the performance data - <https://regionalhomelessssystem.org/system-performance/> Narrowing the data to emergency shelter (project type) and single adults (target population) shows that there are 75 shelters. It appears that the shelters include a variety of formats (parking lots, facilities, encampments, etc.) and have a range in the number of individuals that they can accommodate. Some of the shelters that you have asked about are included in the performance data. According to the website, 73 of the shelters have met at least the minimum standards of at least one of the overall program standards, which include: Percent permanently housed (40%); Average stay (90 days); Return to homelessness (10%); Homeless entries (90%); and Utilization rate (85%). The website does not provide information on physical impacts to surrounding areas.

Regarding specific shelters, one example of a 24/7 shelter in a residential neighborhood is the Harborview Hall shelter. This is a 24/7 shelter for both men and women. The shelter originally opened with space for 85 people in a congregate setting and now operates at 50 spaces in the same setting due to COVID. All are welcome at the shelter if they can meet the shelter community behavior expectations. The shelter is located directly across the street from Harborview Hospital where the predominate neighborhood use is residential. The First Hill Neighborhood Association actively supported the location of the shelter in the community and has continued to be an active partner in its success.

Regarding the Red Lion Hotel in Renton, there has certainly been a lot written about the facility. Additional information that should be considered includes that since moving to a single room setting (from a congregate shelter in downtown Seattle), emergency calls associated with the facility have declined by over 50% (again, same population, simply different location). This is likely attributable to the benefit of a more respectful, person centered facility.

The Eastside Men's Shelter located at 515B 116th Ave. NE (Lincoln Center Office Park) is a low barrier shelter operated by Congregations for the Homeless (CFH) that provides overnight shelter to approximately 100 men each night. (Additionally, at the start of the COVID-19 pandemic, some of its most vulnerable clients were moved to a hotel—currently 12-16 live there.) CFH operates a day center with an array of services at the same location, essentially creating a 24/7 location with shelter and services. The shelter accepts all men, based only on behavioral requirements.

The shelter is in a business zone, just east of I-5 and surrounded by other business uses, mostly car dealerships, as well as other tenants in the Lincoln Center Office Park. The shelter started as a rotating winter shelter in 2008 and found a year-round home in 2012 at an old papermill/warehouse that was acquired by Sound Transit for the light rail maintenance base. In 2015, when Sound Transit needed to demolish the building, Bellevue provided space for CFH in the Lincoln Center building, which is owned by the City.

In land use terms, this shelter is considered temporary. CFH is working with King County to develop a permanent location that would include shelter, services, supportive housing, and affordable housing in the Eastgate area. The Bellevue Code prescribes a specific process for siting a permanent shelter facility. In contrast, a temporary use like the current location is considered a "temporary public safety facility" that is not subject to the same requirements. However, through the lease agreement, the City of Bellevue provides guidelines about which parts of the property the CFH clients can/cannot access, conduct, and the like. CFH also provides a 24-hour telephone number that is answered by a live person that any other tenants or neighbors can call. Additionally, CFH has maintained relationships with those tenants and neighbors to address any concerns as they arise. Finally, Bellevue meets periodically with CFH to ensure they are being a good neighbor.

In terms of behavioral impacts, there have been instances of loitering, trespassing and drug use, but they happen infrequently and both CFH and the City work to address them quickly.

3. The panel was not able to answer questions about the rules and regulations regarding sex offenders. What are those requirements relative to how close they can live to daycare centers, schools, and community centers? How would the Enhanced Shelter handle this issue?

ANSWER: *Per Washington State law, sex offenders are required to register with the County sheriff in the county where the offender resides. The registration requirement does not establish any residency restrictions. Such restrictions are set by the sentencing court.*

State laws (RCW 9A.44.130, RCW 71.09 and the Community Protection Act of 1990) provide guidance on the types of sex offenders that are required to register and when they are to register. Specifically, any adult or juvenile who has been convicted of certain sex offenses after February 28, 1990, who is on active supervision or a sex offense (probation or parole, revoked "Community Custody"), or who has been committed as a sex violent predator, must register.

Proximity of residence to schools, churches, playgrounds, and parks, is set by state law and regulations of the Washington State Department of Corrections (DOC). DOC may establish certain conditions (RCW 9A.704) in which an offender must comply, such as restrictions on where they live, who they may/may not interact with, restrictions regarding alcohol use, etc. State law does provide that in some cases an offender would be restricted from living within a "community protection zone" which is defined as within 800 feet from a public or private school as set forth in RCW 9A.44.030(6). Because the City is pre-empted from regulating residency restrictions, the residence location restrictions and other restrictions on telephone access, internet access, whom they can have contact with, etc.) can only be decided by the DOC or a sentencing court (under RCW 9A.44.507 and RCW 9A.44.703). Restrictions of this sort are made on a case-by-case basis for each offender. Further, the DOC or the sentencing court can remove restrictions over time as the offender completes Community Custody. And in the absence of such restrictions, offenders are free to move and travel as they desire (per constitutional rights). Per RCW 9A.844 the City is specifically pre-empted and precluded from adopting any "rules, regulations, codes, statutes, or ordinances pertaining to residency restrictions for persons convicted of any sex offense at any time.

These laws apply regardless if a sex offender is living housed or unhoused. Offenders who do not have a fixed residency are required to check in weekly with the County sheriff. The King County Sheriff's Office has a sex offender database that is available to the public.

4. Reading the email about the SEPA DNS for the Enhanced Shelter sent to us on Friday. This says the City is looking at allowing Enhanced Shelter as a use in all R-48 along arterial and within 1/2 mile of a transit stop. I am surprised by this scope creep. That last time we talked about this, we were considering a Conditional Use Permit with potential rezoning of the one site later. We had a discussion about backyard encampments a few years ago about how shelters do not belong in residential neighborhoods—would you be able to direct me to that staff report? Why are we now looking in to changing the use tables to now allow Enhanced Shelters in even more residential areas? If this is the route we are taking, this is something that needs a much larger community discussion, and I would say, another public meeting and a mailers to the neighborhoods around these areas.

ANSWER: *On August 10, 2020, most of the City Council expressed support for Staff's proposal for the adoption of interim regulations to allow for the operation of an enhanced shelter in the R-48 zone until such time as permanent regulations could be adopted and/or a rezoning of the Oaks property could occur, as well as development of a community outreach plan.*

The City Council Adopted Ordinance No. 762, amending the Shoreline Municipal Code for transitional encampments on March 20, 2017. Assuming that this is the discussion you are remembering regarding backyard encampments, here is a link to that staff report - <http://cosweb.ci.shoreline.wa.us/uploads/attachments/cck/council/staffreports/2017/staffreport032017-8a.pdf>

The action of adopting interim regulations is a legislative action that is not legally mandated to provide specific mailings and notifications to surrounding properties. Although that is the case, staff has taken many steps to notify community members and stakeholders in proximity of the Oaks facility of the potential enhanced shelter. You will see in the answer to question five below that staff believes that it is very unlikely that another agency would try to site another enhanced shelter in Shoreline beyond the current proposal. It is for these reasons that notice was not expressly provided to all owners of R-48 zoned property within the City.

5. Can you explain why we would look at regulations that open up the possibility of Enhanced Shelters in even more residential neighborhoods? Some of those locations, even on arterials, are in areas that I would find objectionable given how they are directly adjacent to residential primarily R-6 zones. Are we looking to have more than one Enhanced Shelter in Shoreline? If I were even considering opening up R-48 to Enhanced Shelters, I would want additional criteria' such as xxx distance from daycare, schools, and community centers. Do interim regulations require review every 6 months?

ANSWER: As discussed with the City Council on August 10, 2020, staff recommended that Interim Regulations would be a way to legislatively make changes to the City's development regulations within a timeframe that would allow an Enhanced Shelter to be in operation by the end of 2020 which is a requirement of the Department of Commerce grant program. If approved, the interim regulations would amend the use table to allow enhanced shelters within the R-48 zone at locations that meet the recommended indexed criteria. As you will see from the October 12, 2020, staff report there are a total of nine sites, the Oaks site being one of them, within the R-48 zone that would meet the indexed criteria. Although this is the case, staff believes it highly unlikely that there would be any proposal from an agency to site another enhanced shelter at any of these sites. The reason for this includes:

- Most of the sites already have structures in which people are living, including single and multi-family residences. Except for the Oaks, the existing structures on the other parcels would not be suitable for an enhanced shelter.
- Operating an enhanced shelter is expensive and strictly from a financial perspective is not a profitable investment. King County sought State grant funds to provide funding to address facility improvements and operation of the enhanced shelter at the Oaks site. Another agency would have to obtain funding to lease, acquire, operate and/or improve a facility.
- King County is one of the few agencies that have the financial and staffing resources to sponsor an enhanced shelter. They are not looking to add additional enhanced shelters, beyond the one proposed at the Oaks site, in Shoreline.

Councilmembers can propose additional index criteria for the interim regulations, such as proximity to daycare facilities, as part of the Council's deliberative process. Examples of proximity regulations can be found in SMC 20.40.220, requiring 400 feet distance for Adult Cabarets and SMC 20.40.502 Secure Community Transitional Facility, requiring 200-600 feet distance from risk potential facilities (schools, daycare, parks, etc).

By state law, Interim regulations cannot be effective for longer than 6 months but may be renewed for one or more 6 months period so long as a public hearing and findings of facts are made prior to each renewal. If during this 6-month period the City elects not to adopt permanent regulations, then the interim regulations automatically expire without any further action of the Council at the end of the 6 months, or earlier if the Council wants this to occur. Of course, during this time the City will be working on permanent regulations that would eliminate the need for the interim regulations. It is likely, that in case of the Oaks site, that staff would recommend a process to change the zoning from R-48 to MB to be consistent with the parcels both south and north on Aurora and making enhanced shelter an allowed use in the MB zone. Currently homeless shelters are already allowed in the MB zone, subject to index criteria (SMC 20.40.405).

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From: Susan Chang <schang@shorelinewa.gov>
Sent: Saturday, October 3, 2020 12:32 PM
To: Debbie Tarry <dtarry@shorelinewa.gov>
Cc: Doris McConnell <dmcconnell@shorelinewa.gov>; Betsy Robertson <brobertson@shorelinewa.gov>
Subject: Questions about Enhanced Shelter

Dear Debbie,

As a follow up to the Sept 22 community meeting, I have the following questions about the proposed Enhanced Shelter:

(1) Lake City Partners describes a program in which if guests are not working towards solutions, “they are not a good fit for our program.” This contradicts page 13 of the State grant which says that participants can’t be removed for failure to participate in support services or treatment, failure to make progress on a housing stability plan, and alcohol/substance abuse cannot be used as a reason to remove someone from the program. How do you reconcile LCP’s description of the program to the community and the state grant requirements?

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Susan

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