

**CITY OF LA CROSSE, WISCONSIN
CITY PLAN COMMISSION
REPORT
January 2, 2019**

➤ **AGENDA ITEM – Tim Acklin (18-1255)**
Application of Tomah VA Medical Center for a Conditional Use Permit allowing Community Living Arrangement at 3120 Farnam Street.

➤ **ROUTING:** J&A 1/2/2019

➤ **BACKGROUND INFORMATION:**

The applicant (Tomah VA Medical Center) is requesting a Conditional Use Permit to use the property depicted on attached **MAP PC18-1255** as part of their Compensated Work Therapy (CWT)-Transitional Residence (TR) Program. The property would be donated to the applicant by the current owners and be used to house up to 8 people in the program, a care manager, and a VA security assistant who will be work evenings, weekends and holidays. The Transitional Residence Program is designed to provide veterans with an opportunity to develop and practice responsible, positive life skills as they prepare for community reintegration.

The applicant states that they would like to have this facility in La Crosse as there is a large veteran population here that is being underserved. Also La Crosse offers more job opportunities than Tomah. This house is also an ideal location for this facility as it is located on a bus route and is less than a mile away from La Crosse's CBOC on State Road. The existing home has 7 bedrooms, 4 bathrooms, and a large community area. The applicant has stated that a few of the residents would have to double up in some of the bedrooms but would be able to meet the Federal Criteria for room size and square footage per person. Their application states that they will be able to provide approximately seven (7) off-street parking spaces. They are also providing additional parking neat their outpatient clinic where residents can be shuttled to the home if needed. Additional parking for visitors and other staff would have to park on the street. They have stated that the majority of their residents in the program do not have cars.

There would be 1, full-time Care Manager on site to run the program. Additionally, there will be a Security Assistance on site for night, weekend and holiday hours. There will also be 1 house manager and 1 assistant house manager that would all reside on the premises and assist with running the facility. The 2 house managers would also be participants in the program. Additional information can be found in their cover letter, petition, and VA Handbook that is attached as part of the legislation.

Though not licensed by the State, this type of facility falls under the City's Community Living Arrangement Ordinance and must meet the distance and density requirements. Since this facility is within 2,500ft of 4 other facilities it does not meet the distance

requirement. Adding an additional 8 people would not exceed the density restriction. Since they do not meet the distance requirement the applicant must apply for a Conditional Use Permit.

➤ **GENERAL LOCATION:**

3120 Farnam Street.

➤ **RECOMMENDATION OF OTHER BOARDS AND COMMISSIONS:**

The Bluffside Neighborhood Association have discussed this item at their monthly meetings since September 2018. Several neighborhood residents have expressed their concerns for safety, the number of people that would be living there, the decline of property values, lack of off-street parking, loss of tax base, and inadequate staffing.

The Tomah VA also held a listening session at their clinic on 2600 State Rd for the surrounding neighbors in September. The listening session included the Director of the Tomah VA and 7 other staff members. They provided more detail on the scope of the program, how this facility fits into the overall program, where the residents that would be allowed to live in this facility are at in their treatment and the program, and the levels of security, rules, and how the facility is managed. The neighbors asked many questions and voice their concerns. One of their largest concerns was the conflicting information between what was stated to them at this meeting versus the information that was included as part of their petition. The Director was concerned about that suggested that the application should maybe be withdrawn or referred so it can be revised. Other concerns by the neighbors included safety for their families, potential decline of property values, too large of a facility with too many people, possible future expansion, loss of tax base, budget for continued maintenance of the house, not compatible with the surrounding single family neighborhood, inadequate staffing or qualified staff with credentials, and lack of off-street parking.

A 60-day referral of this item was approved at the applicant's request to revise their application at the October 2018 cycle of meetings.

A 30-day referral of this item was approved at the request of City Staff to gather additional information at the December 2018 cycle of meetings.

The Tomah VA also held an informational session/open house on December 18th at the American Legion Post 52 for neighbors and the public to provide additional information on their application and to answer any questions.

➤ **CONSISTENCY WITH ADOPTED COMPREHENSIVE PLAN:**

N/A

➤ **PLANNING RECOMMENDATION:**

Per Municipal Code 115-364(b)(2) Planning staff uses the following provisions when reviewing Conditional Use Permit petitions for Community Living Arrangements:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare.

Since this type of facility is new to La Crosse there is no local data on whether it will be uniquely detrimental to or endanger the public health, safety or welfare. Planning staff asked for data from other "like" facilities in other communities to compare as part of their revised petition. Additionally, several questions were raised by the neighborhood about the credentials, training, and number of staff proposed and whether it was enough to adequately operate the facility in a safe manner. Also, it was unclear in their original petition on where in the rehab process the occupants in the proposed facility would be in the Program. There was also a request from both staff and neighbors about other facilities like this one and what their track record was, are they located in a residential neighborhood, police reports, staffing needs, etc.

The applicant stated at their public informational meeting and at the City Plan Commission Meeting that the occupants staying in this facility would be at the end of the program having met very specific criteria to be allowed to stay there. In their revised proposal they have provided, or stated, the following to address these concerns:

- *They have added an additional staff member/security guard to be present during evening hours, weekends, and holidays. No other TR Program in the country has an additional security staff member.*
- *They will not house violent offenders or sex offenders.*
- *There are 21 CWT-TR programs in residential neighborhoods throughout the United States. There are 45 larger single-family homes- each with 6-10 beds- in VA's TR program. In the history of the CWT-TR program (since 1994), no home has had its CUP pulled due to noncompliance.*
- *According to the VA national program office, in the past two years there have been zero reported incidents from CWT-TR programs throughout the nation that have negatively impacted neighbors or neighborhood safety. Additionally, there have been zero reports of property damage caused by TR program residents.*
- *In the past 2 fiscal years there have been no reported suicide deaths in the nation's TR Program.*
- *Their program is accredited by The Joint Commission for Behavioral Health Standards and through the Comprehensive Accreditation of Rehabilitation Facilities (CARF) programs. They are required to notify both boards of the addition of a location within 30 days of Veteran occupancy.*
- *They have stated in their proposal that no drugs, alcohol, or firearms are permitted.*

- *No overnight guests are permitted*
- *Only Veterans meeting screening criteria will be admitted which may result in less than eight Veterans occupying the home occasionally.*

2. That the City will be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the costs of providing such services.

The applicant's petition stated that the property would be donated to the Tomah VA. Since the applicant is a non-profit organization it is anticipated that the applicant will be seeking tax exempt status for the property. Currently the property is assessed at \$445,200. (\$52,700 Land, \$392,500 Improvement). In 2018 the taxes for this property were \$12,985.08 with the City share at \$5,363.32. Concerns were raised by the neighbors about that amount of tax base being lost. (School-\$4,987.82, County-\$1,837.27, WTC-\$796.67) Staff also had concerns about the cost of municipal services being provided to this property that would now fall on private citizens if the property were to become tax exempt. Staff asked the applicant about establishing a PILOT payment for municipal services as part of their CUP. The applicant has stated that they are willing to negotiate a PILOT with City and their legal counsel. At this time, they are not sure what the amount will be. The applicant has stated that the full amount of taxes would still be paid for 2019, and possibly 2020, depending on how long it would take to transfer ownership of the property. Until then they would lease the property from the current owners.

3. That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

At the applicant's public informational meeting and at the City Plan Commission meeting several neighbors raised the issue about the property already being too large for the neighborhood and that it is located much higher than many of the surrounding properties. The applicant has stated that they would be willing to look at installing trees, shrubs or other landscaping on their property to help mitigate privacy issues. Additionally, the applicant and current owners of the property have stated that the large majority of the upper story windows on the house that face the adjacent neighbors are too high for people to look out of. Interior pictures of these windows are attached to the legislation. They also stated that they have included maintenance and upkeep of the house in their yearly budget and the residents will be responsible for maintaining both the interior and exterior.

There is also a large concern from the surrounding property owners/neighbors that the value of their properties will decrease as a result of this program being located at this location. While neighbors have stated range of approximately 8-25% expected loss of value of their home there have been no studies or data supporting that from either the neighbors or from staff research. The applicant has provided a study, which a copy of is attached to the Legislation, that examined "supportive housing" in New York City and

found little evidence to support significant impact on value of homes within 500ft.

Additionally, staff researched a study undertaken by the American Planning Association in the 1990's on the impact of group homes when clustered in potentially converting residential neighborhoods to "social services districts" and no conclusive evidence was found, however, APA recommended CLA's not be located within the same block in residential neighborhoods. Staff also consulted with the GIS Administrator to look at mapping correlations between high densities of Police calls and CLA's and found no correlation. Lastly, the City Assessor's Department was consulted by the Planning Department regarding the potential for neighboring real estate values to be impacted by a CLA and the Assessor's office has found no evidence of value impact in neighborhoods with CLA's. The APA study further confirmed that numerous studies around the country have found no evidence of real estate value impact.

- 4. That the establishment of the conditional use will not impede normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

Concerns were raised about the applicant's possible plans for future acquisition and expansion of the surrounding properties either for an addition, or a new building, or a surface parking lot. The applicant has stated in their proposal that they will not expand or add on to the house to accommodate more residents, nor will they purchase any adjacent properties for other facilities or surface parking.

- 5. That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided.**

Concerns were raised by both staff and neighbors about off-street parking. Their petition states that they are proposing 8 program occupants with 1-2 on site staff. Their proposal states that they would be able to provide 7 off-street parking spaces. 3 spaces are located in the garages with an additional 4 located in the driveway. 3 additional parking spaces would be provided near their outpatient clinic where their staff parks. A shuttle would be available if needed to transport residents to the home. The applicant also states that most of the participants in the program do not own cars. The property is also located on a bus route. Any additional cars would have to park on the street or can be shuttled from their outpatient clinic.

- 6. That appropriate measures to address transportation demand have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.**

Neighbors have raised concerns about the potential increase in traffic congestion in the neighborhood due to vehicle usage by the large number of occupants, visiting staff, and visiting families and friends. The applicant has stated that they will provide a shuttle service for parking at their outpatient clinic for guests or non-residents.

7. That the conditional use shall conform to all applicable regulations of the district in which it is located.
8. That when applying the above standards to an application by a community living arrangement the City Plan Commission shall:
 - i. Bear in mind the City's general intent to accommodate community living arrangements in applying these criteria.
 - ii. Exercise care to avoid an over-concentration of community living arrangements which could create an institutional setting and seriously strain the existing social structure of the community. Considerations relevant to the determination include:
 - A. The distance separating the proposed community living arrangement from other such facilities.

There are four (4) other Community Living Arrangement facilities located within 2,500ft of this property. Three (3) of them are located within 3-5 blocks.
 - B. The capacity of the community living arrangement and the percentage by which the facility will increase the population of the aldermanic district and/or the City.

This pertains to Community Based Residential Facilities (CBRF) only. The proposed population of this CLA is 10. The current CLA population of Aldermanic District is 8. CLA population should not exceed 1% of the population of the aldermanic district. The population of Aldermanic District 7 is 3,910. (2010 Census) 1% of 3,910 is 39.
 - C. The total capacity of all community living arrangements in the City.

This pertains to Community Based Residential Facilities (CBRF) only. The total population of all CLA's in the City 250. 1% of the City's population of 51,320 (2010 Census) is 513.
 - D. The impact on the City of other community living arrangements.
 - E. The success or failure of integration into communities or other community living arrangements operated by the individual or group seeking the conditional use permit.
 - F. The ability of the City to meet the special needs, if any, of the applicant facility.

Per Wisconsin ACT 67, Conditional Use Permit applicants are to provide substantial evidence they meet or agree to meet the criteria listed in the municipal code for the conditional use. The Planning Department requested several items from the applicant during the referral period to address outstanding issues including empirical data to supplement the department's findings on the safety of these facilities. While no amount of research can perfectly guarantee safety, even in the case the home were to be occupied as a single family residence, due diligence is required to provide evidence the facility will be safe. The department is therefore basing its recommendation on a combination of factors listed in this report including the commitment the applicant has made to staffing, our internal review of GIS correlations between incidents and CLA's in the City and the applicants own research referenced in the letter of December 19, 2018, page 2 (Safety) and page 3 (Screening Criteria).

Another issue that has been prevalent in discussions is the off street parking requirement. While the criteria in the code only requires the district requirements of 2 off street stalls to be met, the Planning Commission can exert some discretion given the unique nature of the use. The City has typically not allowed for stacking of vehicles for commercial or multi-family developments, however, should a family occupy the residence, there would be no prohibition on stacking. The City has traditionally been accommodating to unique uses and given the existing driveway and garage configuration can handle 5 stalls and the on-street frontage given the corner lot has room for as many as an additional 14 spaces, the proposed occupancy will likely be accommodated.

This item is recommended for approval with the following recommendations for conditions of approval:

1. Per Section 115-401(b) of the Municipal Code an annual review of this community living arrangement and its CUP will be held to determine compliance with the requirements stated herein including the effect of the adult family home or community living arrangement on the health, safety and/or welfare of the City's residents.
2. A Payment for Municipal Services Agreement be executed between the City and owner/applicant.
3. No more than 8 veterans participating in the program are permitted to live at this location.

