

Virtual Public Hearing
Conditional Use Application
238 N 6th St
Temporary Shelter
Tuesday, November 16, 2021
5:00 p.m.

Ms. Sihelnik, Vice President of Council, called the public hearing to order at 5:04 pm and stated that the applicant is seeking Conditional Use approval for a temporary shelter at 238 N 6th St, located in a CR (Commercial Residential) area which allows temporary shelters as a Conditional Use, under certain criteria and limitations defined in the Zoning Ordinance.

Due to COVID-19, the City was forced to change their meeting format to prohibit the public's ability to physically attend the meeting and for public comment to be provided via email, telephone, or in person in the Penn Room or in writing.

Attending: City Councilor Marmarou and City Clerk Kelleher (physically) City Councilors Goodman-Hinnershitz, Reed, Sihelnik, Waltman, Ventura, Cepeda-Freytiz, Solicitor Lachat, Zoning Administrator Peris, Deputy City Clerk Smith, applicant J. Scott, Atty. E. Winters and neighboring property owner C. Ekvall (virtually)

All parties were provided with an electronic copy of the agenda prior to the start of the hearing. The agenda includes the meeting ad, the Planning Commission resolution, the application, and the Zoning staff report.

Mr. Lachat asked Attorney Winters if he objected to entering the Agenda packet with all attached materials into the record as Exhibit 1. Mr. Winters stated that he has no objection.

Pastor Scott and Mr. Ekvall were sworn in by the City Clerk.

I. Testimony from Applicant

J. Scott (applicant)

Attorney Winters, the applicant's attorney, stated that the property owner, Road to Damascus, is a 501c3 and wishes to operate a crisis center at this property to serve 9-10 women who are homeless or displaced from housing for some reason. He stated that the women are able to stay at the facility for 14 days minimum or a maximum of 60-90 days. Those staying longer than 14 days will be charged rent. He stated that the applicant also owns 234 N 6th which adjoins 238. He stated that the rear lot provides 20 off-street parking spaces for both properties.

Attorney Winters stated that the clients are required to receive weekly spiritual counseling, interact with the staff, provide photo ID, be out and about in the community by 8 am daily and return to the facility before lockdown begins at 8 pm. This will be a non-smoking facility. The owner of Road to Damascus, Pastor Scott, has been working with the Fire Marshal to upgrade the current sprinkler system and no other property improvements planned.

Ms. Sihelnik inquired if Pastor Scott has anything to add. Pastor Scott stated that Attorney Winters properly covered the plan for the facility.

Attorney Winters stated that clients will be helped with advancement programming, receive medical assistance from a nurse, and receive life skill assistance to help them prepare a resume and seek employment, etc. which will allow them to relocate into their own housing with 60-90 days.

Ms. Sihelnik stated that the facility will serve women who are in crisis.

- **Council's Cross Examination**

Mr. Marmarou inquired if this facility will be rental units or a boarding house.

Attorney Winters stated that the application is for a temporary shelter as clients are limited to staying at the facility for 90 day periods and contribute to household costs after 2 weeks. He noted that the emphasis will be on having the clients save money that will allow them to move into other housing. He added that the program is for women who have been displaced from their housing for some reason.

Mr. Marmarou inquired about the amount of the rent payments. Pastor Scott stated that the amount depends on how much the client receives in their employment. As an example she stated that if someone earns \$400 a month they would be expected to pay \$150-200 rent a month. She stated that the goal is to have the women save money so they can afford to move into their own housing.

Mr. Marmarou questioned if a 20 space parking lot is sufficient and he noted that this block and neighborhood does not have a sufficient amount of curb-side parking available for the existing uses.

Ms. Cepeda-Freytiz questioned the name of the owner. Attorney Winters stated that Road to Damascus is the owner.

Ms. Reed disconnected from the meeting at this time.

Ms. Cepeda-Freytiz questioned the maximum occupancy and if children are permitted to stay at the facility. Attorney Winters stated that the facility can serve no more than 10 women at a time and that it is his understanding that children are not permitted.

Ms. Cepeda-Freytiz questioned if the property has apartments. Attorney Winters stated that there are 9 bedrooms and with doubling up of one room housing can be provided for 10 women.

Ms. Cepeda-Freytiz questioned their experience in providing this type of service facility. Attorney Winters stated that this is a new endeavor for Pastor Scott but that she has been researching this issue for the past few years with similar organizations. He expressed the belief that the Pastor's plan is viable.

Ms. Cepeda-Freytiz questioned how this facility will differ from Safe Berks. Attorney Winters stated that Safe Berks serves only women that have become homeless due to abuse. Abuse is only one of the qualifying issues at this facility. He noted that Safe Berks often runs at capacity.

Ms. Cepeda-Freytiz inquired if the rent remitted will be escrowed to assist the women to save money allowing them to relocate into their own housing. Pastor Scott stated that the goal is to find the women jobs so they can afford to pay rent for the room they occupy, dependent on the amount they earn. The rent will not be escrowed. She stated that the staff or a church member would work with the women to help them develop a plan to save money in addition to making a rental payment. She added that this program is geared to help women who have some means to successfully move on within a 60-90 day timeline, not those who are perpetually homeless and require advanced stays. Those who do not have the means to successfully move on within the 60-90 day timeline will be referred to other programs.

Ms. Cepeda-Freytiz questioned how the facility will deal with those having substance abuse issues or addictions. Pastor Scott stated that these individuals would be referred into the Team Challenge program for evaluation. She added that there will be a medical director on call who can provide COVID testing and other medical services. Attorney Winters stated that this program is not designed as a detox facility or a facility that will take in clients after they complete a detox program. This is a program for women who have the ability to gain employment and move into their own housing within a 60-90 day period.

Ms. Goodman-Hinnershitz noted her place of employment and her experience in similar types of services. She inquired about the living facilities. Pastor Scott stated that each floor has one common area living room, bathroom and kitchen with three (3) private bedrooms. She noted that this program is limited to no more than 9 women so staff has the ability to directly provide sufficient daily assistance to all residents and help them move on within the

60-90 day period.

Ms. Goodman-Hinnershitz questioned if there is a screening assessment for individuals prior to entry into the program. Pastor Scott stated that there is an entry assessment including a medical and background check. She again noted the need for the incoming client to have photo ID. She noted that in addition to Team Challenge she is also researching other organizations that can provide assistance to those with substance abuse issues.

Ms. Goodman-Hinnershitz inquired if the women entering the program will be required to sign an agreement on the terms of the program. Pastor Scott stated that there will be a program agreement requirement.

Councilor Cepeda-Freytiz inquired if there will be live-in supervision. Pastor Scott stated that there will be 24 hour supervision by hired employees, but not live-in supervision. Attorney Winters agreed.

Ms. Sihelnik inquired about how old this non-profit is and how it is sustained. Pastor Scott stated that the non-profit was formed in 2016 and they are beginning to apply for State grants. She stated that currently she is providing financial support to the organization along with donations from others. She stated that they are working with Helping Harvest to run a food pantry. Also personal items such as clothing, shampoo, soap, etc. are being donated.

Ms. Sihelnik inquired if this non-profit is open to providing Services in Lieu of Taxes to assist with various community programs. Pastor Scott stated that her church in Pottstown is very community based and there is an annual community event, along with donations of community needs. She stated that she intends to do the same in Reading.

II. Testimony from City Staff

Mr. Peris, Zoning Administrator, stated that this applicant has had two (2) sessions with the Planning Commission first for 234 N 6th in July and later for 238 N 6th. The first session caused the applicant to revise the plan for both properties and focus the shelter use at 238 N. 6th St, with 234 to be used as an office/clinic. Both properties share the 20 space off-street parking lot behind the properties. The property was approved in 2008 as a three unit rental. He stated that the Planning Commission recommends approving the temporary shelter use.

In response to a question, Mr. Peris stated that this property is not located within a historic district.

Mr. Peris asked Council to consider adding the following conditions from the staff report (CU 2021-03) if the use is approved:

- (a) The Applicant shall comply with all provisions applicable to a residential care facility as specified by the Zoning Ordinance.
- (b) Applicant shall install security cameras and a security system at the Subject Property and adjacent properties in common ownership.
- (c) Public curb and sidewalk and other walkways throughout and adjacent to the site shall be repaired and maintained in accordance with City standards.
- (d) The building façade shall be maintained in accordance with City standards.
- (e) In consultation with Planning staff, Applicant shall submit a Minor Land Development and/or Annexation Plan with the City of Reading Planning Commission to address the provisions required by the Subdivision and Land Development Ordinance, including: neighborhood revitalization; architectural enhancement; vehicular and pedestrian site accessibility; curbs and sidewalks; driveways; off-street parking; stormwater management; sanitary sewage disposal; water supply; utilities; landscaping and street trees; solid waste disposal; and other supplemental requirements that may apply to the proposed use.
- (f) Architectural plans, rendering and/or elevations shall be submitted in order to demonstrate compliance with applicable code requirements.
- (g) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements. If required by the Department of Public Works, sewer planning modules shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Pennsylvania Department of Environmental Protection, and other agencies with jurisdiction.
- (h) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required water supply improvements
- (i) All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.
- (j) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.
- (k) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.
- (l) The Applicant shall provide all licenses that are required by law for the ownership and/or operation of the facility.

As per Condition (a), The Applicant shall comply with all provisions applicable to a residential care facility as specified by the Zoning Ordinance. Zoning section 600-1203 I states that:

I. Residential care facility, including group care facilities and group care institutions. See the zoning district regulations concerning which types are allowed in various districts.

(1) The following standards shall be for all residential care facilities:

(a) A site plan and architectural plans, drawn to scale, shall be submitted. These plans shall show the location and dimensions of off-street parking, private entrances, walkways, landscaping, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

(b) No residential care facility shall be located within 800 feet of another group care facility, group institution, school, day-care home, or day-care center.

(c) One off-street parking space shall be provided per employee computed on the basis of the estimated maximum number of employees at any one time, plus one space for each four patient/client beds.

(d) The premises at which the residential care facility is located shall be owned or leased by the social service agency sponsoring the group care facility.

(e) The sponsoring entity shall document to the Zoning Administrator that all building, fire, plumbing, heating, electrical and similar systems meet the standards set by the City and by the Commonwealth of Pennsylvania.

(f) See also § [600-1201B](#).

(2) The following standards are for all group care facilities:

(a) Group care facilities, by design and intent, shall provide for the temporary needs of transient residents.

(b) No group care facility shall have more than nine residents at any given time, not including live-in supervisors. **[Amended 12-16-2013 by Ord. No. 83-2013]**

(c) The only physical changes to the dwelling shall be those required by law. When the use is abandoned, any subsequent use shall conform to permitted uses in that zoning district.

(d) No more than two live-in supervisors shall reside in the group care facility.

(e) Although live-in supervision is not required, the sponsoring social service agency shall document to the Board that the agency shall provide the residents of the group care facility with the physical safety and the emotional support they require. Because residents of a group care facility are likely to be suffering from personal crises, some form of immediate contact with a counselor should be available at all hours. Likewise, immediate contact with sponsoring social service agency should be available to members of the public who may be in need of the services of the group care facility.

(3) The following standards are for all group care institutions.

(a) The group institution, by design and intent, shall provide for the long-term needs of its residents and shall not accommodate the needs of transient individuals.

(b) A licensed physician, psychologist, counselor or social worker in the employ of or under contract to the social service agency shall be responsible for the assignment of residents to the group institution.

(c) At least one supervisor shall be on call during all hours during which any resident of the group institution is on the premises.

(d) The dwelling unit shall not be altered in any manner that would change the original dwelling unit character of the group institution.

III. Public Comment (No More than 3 minutes per speaker)

Councilor Sihelnik opened the floor for public comment.

Mr. Ekvall, who owns three properties across from 234-38 N 6th Street, stated that 238 N 6th Street currently has a Free Food sign which has caused increased foot and vehicular traffic. He stated that he recently witnessed a truck parked in front of the properties handing out

food to pedestrians and passing vehicles which has created traffic jams and public safety issues for the neighborhood. He expressed the belief that the 20 space lot is for 238 N 6th only. He inquired if the food truck could be relocated to the parking lot which would alleviate the traffic issues on N. 6th Street.

Mr. Ekvall also inquired about how the organization will keep bedbug outbreaks at bay and prevent severe problems. He also stated that there is another similar group home use located at the end of the block.

IV. Other Testimony and Evidence

None.

V. Rebuttal by Applicant

Attorney Winters stated that the property will be serviced regularly by an exterminator and incoming clients will be assessed prior to entry which will identify potential problems. He also expressed the belief that the use of private bedrooms will prevent the infestation of bedbugs throughout the property.

Pastor Scott stated that Ehrlich's services the property every two weeks. She stated that the food program started during the school year during COVID to make sure school aged children had access to food through the Chosen 300 program at 234 N 6th St. She stated that there is a sign on 234 N 6th regarding free food as that is a service offered by an organization that is located on the 2nd floor of 234 N 6th. She stated that individuals are able to come in to pick up a food box, noting that the individuals are usually redirected to the rear parking lot to gain entry to the building.

Pastor Scott stated that there are no church services conducted at either building as she has a church in Pottstown. She stated that there are two (2) businesses operating at these properties – the food program is no longer operating and the free food sign is on 234 N 6th St. She stated that every Monday, Wednesday and Friday the homeless are invited in for a hot meal. She noted that food is cooked at the building and that she has a Safe Serve certificate from the State.

Ms. Goodman-Hinnershitz disconnected from the meeting.

Mr. Ekvall questioned if there are assigned spaces for each property or business. Pastor Scott stated that the lot has a total of 20 spaces.

Attorney Winters expressed the belief that as the women staying at the facility must be out by 8 am and return by 8 pm that will alleviate potential parking problems on the lot and eliminate increased foot traffic.

Councilor Cepeda-Freytiz questioned how a non-profit can charge rent and if rental inspections will be required. Mr. Peris stated that rental inspections are only performed at

residential properties not at institutional properties, such as bed and breakfasts, hotels, etc. He noted that this property would only be inspected if it was sold to a new owner. (*Note: the property will be regularly inspected by the Health Inspector as food is prepared on site and by the Fire Marshal*)

VI. Announcement of expected date of decision

Councilor Sihelnik announced that City Council will render a decision by adopting a resolution at the December 13th Regular Meeting of Council. She thanked everyone for participating.

Councilor Marmarou, moved, seconded by Councilor Cepeda-Freytiz, to adjourn the hearing.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk