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**THE HEARING EXAMINER OF THE CITY OF BELLINGHAM
WHATCOM COUNTY, WASHINGTON**

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| IN RE: | HE-22-PL-015 |
| LIGHTHOUSE MISSION INC., Applicant | FINDINGS, CONCLUSIONS, AND DECISION |
| 910 W. Holly Street | |
| USE2021-0035 / Conditional Use Permit for Interim Housing Use | SHARON RICE HEARING EXAMINER |

SUMMARY OF DECISION

The requested conditional use permit for the reconstruction of a five-story large interim housing facility for Lighthouse Mission Inc. at 910 W. Holly Street, Bellingham, Washington, including the requested waiver to exceed a total of 200 permanent beds, is **APPROVED** subject to conditions.¹

SUMMARY OF RECORD

Request:

AVT Consulting LLC, on behalf of Lighthouse Mission Inc. (Applicant), requested a conditional use permit (CUP) for the reconstruction of a large interim housing facility for Lighthouse Mission Ministries (LMM), consisting of a five-story building with a total floor area of approximately 80,000 square feet on an approximately 20,000 square-foot lot at 910 W. Holly Street, Bellingham, Washington. The permanent facility would be used primarily as a low-barrier shelter for individuals experiencing homelessness, with other specialized shelters, services, gathering spaces, administrative functions, and three commercial spaces fronting W. Holly Street. The facility proposes up to 200 low-barrier dormitory beds along with 100 specialized shelter beds for a typical daily total of 300 beds.

¹ Findings begin on page 8.

1 **Hearing Date:**

2 The Bellingham Hearing Examiner convened a virtual open record hearing on the
3 request on June 8, 2022. The public hearing was continued to June 13, 2022 to
4 complete public comment and party responses. After conclusion of the hearing on June
5 13, 2022, the record was held open two business days to allow for post-hearing written
6 public comment from members of the public who had technology-related barriers to
7 participation in the virtual hearing, with additional time for responses to any timely
8 post-hearing comment by the parties. One post-hearing public comment was received,
9 and the record closed on June 17, 2022. No in-person site visit was conducted, but the
10 undersigned viewed the subject property and its environs on Google Maps.

11 **Testimony:**

12 At the hearing the following individuals presented testimony under oath:

13 *For the Applicant*

14 Ali Taysi, AVT Consulting LLC, Applicant's Representative

15 Bridget Reeves, Lighthouse Mission, Chief Operating Officer

16 Hans Erchinger-Davis, Lighthouse Mission, President and CEO

17 Justin Reeves, Lighthouse Mission, Operations Manager

18 *For the City*

19 Kurt Nabbefeld, Development Services Manager, City of Bellingham

20 Tara Sundin, Community and Economic Development Manager, Bellingham

21 Anya Gedrath, City of Bellingham Planner II

22 Don Almer, Deputy Chief of Police

23 *Public Comment*

24 Alice Cords

25 Johanna Morris

26 Christina Morris

27 Brianne O'Hare

28 Jean Hamilton

29 Edwin Martinez

30 Geoffrey Vogel

Wendy Powell

Chris Eltrich

Cindy Louws

Scott Jones

Rebecca Hutchins

Nick Vann

Danne Neill

Alison Gallant

Arlene Feld

Joseph Wilson

Pam Ives

John Templeton

Cara Carbone

Ken Bell

Kris O'Hare

Stacy Bloch

Susan Jewell

Trista Moreno

Karen Steen

31 *Findings, Conclusions, and Decision*

32 *Page 2 of 58*

33 H:/DATA/HEARING EXAMINER/DECISIONS/Lighthouse Mission 910 W. Holly St. CUP Decision

OFFICE OF THE HEARING EXAMINER
CITY OF BELLINGHAM
210 LOTTIE STREET
BELLINGHAM, WA 98225
(360) 778-8399

1 Mary Friar
2 Marla Bronstein

Thomas Neumann

3 **Exhibits:**

4 At the open record hearing, the following exhibits were admitted in the record:

5 Exhibit 1 Planning and Community Development Department Staff Report including
6 the following attachments:

7 A. Land Use Permit Application Materials:

- 8 1. Site Plan, Floor Plans, Renderings, updated May 17, 2022
- 9 2. Land Use Application, dated November 2, 2021
- 10 3. Project Narrative, updated May 17, 2022
- 11 3.1 Facilities and Bed Numbers chart
- 12 4. Operations Plan, updated May 17, 2022
- 13 5. Parking Analysis, updated May 17, 2022
- 14 6. Response to Request for Information #1, dated February 24, 2022
- 15 7. Response to Request for Information #2, dated May 17, 2022
- 16 8. Whatcom County Annual Report on Homelessness 2021 Annual
17 Report, dated July 2021
- 18 9. City of Bellingham Data on Homelessness
- 19 10. Stormwater Site Plan, prepared by Freeland & Associates, Inc.,
20 dated May 2022
- 21 11. Site and Context Photos
- 22 12. Background Information: aerial photos and maps
- 23 13. Applicable Sections of the Bellingham Comprehensive Plan

24 B. Vicinity and Aerial Map

25 C. Zoning and Comprehensive Plan Designation Map

26 D. Notices

- 27 1. Neighborhood Meeting Notice and Posting Photos
- 28 2. Notice of Complete Application, dated November 29, 2021
- 29 3. Request for Information #1, dated December 2, 2021

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- 4. Notice of Application and Optional Determination of Non-Significance, dated March 24, 2022
- 5. Affidavit of Mailing, Mailing List, and Verification, issued March 24, 2022
- 6. Certificate of Posting and photos of posting, dated March 28, 2022
- 7. Request for Information #2, dated April 27, 2022
- 8. Notice of Public Hearing with Posting Certification and photos of posting, dated May 25, 2022
- E. SEPA Determination of Non-Significance (SEP2021-0044), issued May 24, 2022
- F. Design Review Permit (DR2021-0023) Decision, issued May 31, 2022
- G. Public Comments received prior to Notice of Public Hearing:
 - 1. D. Susan Jewell email, April 12, 2022
 - 2. Karen Steen emails, April 7, 2022, June 18, 2021, May 25, 2021, and April 7, 2021
 - 3. Geoff Vogel email, April 7, 2022
 - 4. Mary Friar email, April 5, 2022
 - 5. B. Belsher email, April 3, 2022
 - 6. Jeff Pernick emails, March 26, 2022 and October 18, 2021
 - 7. Thea Posch email, March 26, 2022
 - 8. Ross and Laura Bailey email, March 26, 2022
 - 9. Rios Nelson email, March 26, 2022
 - 10. George Sherry email, March 25, 2022
 - 11. John and Sandra Bruton emails, March 25, 2022, November 22, 2021 and October 17, 2021
 - 12. Brian Smarts email, March 24, 2022
 - 13. Jan Von Rossenvinge email, October 19, 2021
 - 14. Nick Phillips email October 18, 2021
 - 15. Angela Polito email, October 17, 2021
 - 16. Ginger Decker email, October 16, 2021
 - 17. Pam Ives email, October 15, 2021
 - 18. Gary Beban email, October 8, 2021
 - 19. Alison Gallant email, October 5, 2021
 - 20. Scott Jones email, October 5, 2021

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- 21. Bri O’Hare email, October 5, 2021
- 22. Rebecca Hutchins email, October 5, 2021
- 23. Kira Bravo email, October 5, 2021
- 24. Laurie McConkey email, July 16, 2021
- 25. LaVera Langeman emails, May 29, 2021 and May 13, 2021
- 26. Warren Sheay email, May 27, 2021
- 27. George Dyson email, May 27, 2021
- 28. Annie Shannahan email, January 1, 2021
- 29. Carol Eckoff email, April 15, 2022
- 30. Johanna Morris email, April 21, 2022
- 31. Warren Page email, April 18, 2022
- 32. Ken and Alice Cords email, May 9, 2022

H. Police Reports for 1530 Cornwall Avenue / 910 W Holly Avenue

I. Public Comments received after Notice of Public Hearing:

- 1. Gerry Heaney email, May 30, 2022
- 2. Angie Patterson emails, May 30, 2022 and May 28, 2022
- 3. Chris Peterson email, May 28, 2022
- 4. Brady and Shirley Bobbink email, May 29, 2022
- 5. LaVera Langeman email, May 29, 2022
- 6. Kris Johnson email, May 29, 2022
- 7. Jennifer Figgie email, May 30, 2022
- 8. David Nelson email, May 30, 2022
- 9. Diane Caruso email, May 30, 2022
- 10. Paul Peterson email, May 30, 2022
- 11. Chris Eltrich email, May 30, 2022
- 12. Lisa McCoy email, May 30, 2022
- 13. Cindy Louws email, May 30, 2022
- 14. David Bradley email, May 30, 2022
- 15. Jeff Pernick email, May 30, 2022
- 16. Tom Thompson email, May 30, 2022
- 17. Combiz Jelveh email, May 30, 2022
- 18. Greg Bettencourt email, May 30, 2022
- 19. Scott Jones email, May 30, 2022

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- 20. Lynne Nelson email, May 30, 2022
- 21. Rebecca Hutchins emails, May 30, 2022 and October 5, 2021
- 22. Alison Gallant email, May 30, 2022
- 23. Bri O’Hare email, May 30, 2022
- 24. B. Belsher email, May 30, 2022
- 25. Karen Steen email, May 30, 2022
- 26. Johanna Morris email, May 28, 2022
- 27. Cornelia Verdoes email, May 27, 2022
- 28. Allene Gail email, May 27, 2022
- 29. Marvin and Bernice Vreugdenhil email, May 27, 2022
- 30. Julie Johansen email, May 27, 2022
- 31. Julie Gerbrandt email , May 27, 2022
- 32. Greg Smith email , May 27, 2022
- 33. Elaine Taylor email, May 27, 2022
- 34. Sarah Murphy-Kangas email, May 27, 2022
- 35. Carrie Fenner email, May 27, 2022
- 36. Ian Cairns email, May 26, 2022
- 37. Barbara Goebel email, May 27, 2022
- 38. Michael Senti email, May 27, 2022
- 39. Ryan Jensema email, May 27, 2022
- 40. John and Sandra Bruton emails, May 27, 2022 and May 26, 2022
- 41. Nancy Sheehy email, May 26, 2022
- 42. Natalie Baloy email, May 26, 2022

J. City of Bellingham Hearing Examiner Decision in the consolidated appeals HE-18-PL-008 and HE-18-PL-009, related to the Drop-In Center at 1013 W. Holly Street, issued February 15, 2018

Exhibit 2 Notice of Appearance and Memorandum from Robert Carmichael, Carmichael Clark PS, dated June 3, 2022

Exhibit 3 Public Comments received prior to Public Hearing:

- 1. Paul Manzi & Susan Reece email, June 8, 2022
- 2. Laurie Hagen McConkey email, June 8, 2022
- 3. John Stark email, June 8, 2022
- 4. Chris Renoud email, June 8, 2022
- 5. Peter Frazier email, June 8, 2022

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6. Pam Ives email, June 8, 2022
7. Karin Gunderson emails, June 8, 2022 and June 5, 2022
8. Ginger Decker email, June 7, 2022
9. Joseph Wilson email, June 6, 2022
10. Kathy Gayda email, June 6, 2022
11. John Epps email, June 5, 2022
12. Gary Beban email, June 3, 2022
13. Danne Neill email, June 6, 2022
14. Marissa McGrath email, June 6, 2022
15. Karin Gunderson email, dated June 5, 2022
16. LaVera Langeman email, June 5, 2022
17. Connie Pilon email, June 3, 2022
18. John Crews email, June 3, 2022
19. Zach Cook email, June 2, 2022
20. Janet Crews email, June 1, 2022
21. Linda Pilon email, June 1, 2022
22. Jonathan Scanlon email, June 1, 2022
23. David Laney email, June 1, 2022
24. Steffany Raynes email, May 31, 2022

Exhibit 4 Updated Shelter Protection Area ordinance and boundary map

Exhibit 5 Applicant PowerPoint presentation slides

Exhibit 6 Tara Sundin PowerPoint presentation slides

Exhibit 7 Planning Staff PowerPoint presentation slides, dated June 8, 2022

Exhibit 8 Public Comments received at Public Hearing:

1. William P. Bryant email, June 13, 2022
2. Bri O'Hare email, June 13, 2022
3. Geoffrey Vogel emails, June 13, 2022
4. Stacy Bloch email, June 13, 2022
5. Brian Smart email, June 13, 2022
6. Scott Jones email, June 13, 2022
7. Danne Neill email, June 13, 2022
8. Sandra Fitzgerald email, June 9, 2022
9. Erik Dyrland email, June 10, 2022

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10. Marla Bronstein email, June 9, 2022

Exhibit 9 Post-hearing public comment:

1. Rosie Crow email, June 14, 2022

Exhibit 10 City Staff Final Written Responses to public comment, submitted June 17, 2022

Exhibit 11 AVT Consulting transmittal memorandum with attached Applicant Final Response to Public Comment & the Hearing Examiner’s Questions, dated June 17, 2022

After considering the testimony and exhibits submitted, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

Site and Context

1. Lighthouse Mission Inc. (Applicant) requested approval of a conditional use permit (CUP) to allow reconstruction of an existing large interim housing facility. The existing Light House Mission property is proposed to be redeveloped with a new larger structure to be put to the same use. The facility would be permanently used primarily as a low-barrier shelter for individuals experiencing homelessness, with additional specialized shelters, services, gathering spaces, administrative functions, and three commercial spaces fronting W. Holly Street. *Exhibit 1 and 1.A.*

2. The Applicant, also known as Lighthouse Mission Ministries (LMM), has 58 staff and approximately 1,100 volunteers annually and is privately funded by individuals, churches, businesses, foundations, and other organizations. Founded in 1923, LMM currently works throughout Whatcom County on its mission of breaking the cycle of homelessness by providing meals, shelter, case management, recovery support, and counseling. In addition to the current low barrier shelter known as Basecamp, LMM operates a recovery shelter for men (Ascent Program), a recovery shelter for women and children (Agape Home), and several outreach programs (Street Connect and Shower Connect) to provide resources at different locations around Bellingham for people experiencing homelessness. Last year, LMM served 600+ meals each day and sheltered 200 to 300 individuals each night. Although a religious organization, LMM does not require participation in religious activities as a prerequisite for admission or a requirement to access services. *Exhibit 1.A4 (see Mission Statement, page 1).*

- 1 3. Approximately 20,119 square feet in area, the rectangular property addressed as
2 910 W. Holly Street, Bellingham (the subject property) is made of up of eight
3 historic, platted lots.² Currently, the subject property is developed with the
4 approximately 9,822 square foot multistory building known as the Light House
5 Mission, with associated paved parking and storage areas. The Applicant has
6 operated an interim housing facility in the neighborhood since 1923, and the
7 Mission has been at the subject property since the mid-1970s. *Exhibits 1, 1.A3,*
8 *1.F, and 1.J.*
- 9 4. The subject property decreases in elevation by approximately 10 feet from Astor
10 Street to Holly Street. It contains no steep slopes, wetlands, streams, or other
11 environmentally sensitive areas regulated by the City's critical areas ordinance,
12 established in Bellingham Municipal Code (BMC) Chapter 16.55. *Exhibits*
13 *1.A3 and 1.F.*
- 14 5. Three streets abut the subject property: it fronts W. Holly Street; F Street abuts
15 the northwest side boundary, and Astor Street abuts its rear boundary to the
16 northeast. All three are 60-foot rights-of-way; each is improved with two-way
17 travel lanes and no on-street parking. Designated as primary arterials W. Holly
18 and F Streets are fully improved with curbs, gutters, and 5.5-foot wide
19 sidewalks along the subject property's frontage. Designated as a residential
20 access street, Astor Street is improved to minimum street standard with no curb,
21 gutter, or sidewalks abutting the site. None of the abutting streets meets the Old
22 Town Subarea Plan standards. *Exhibits 1, 1.A1, and 1.F.*
- 23 6. Located in Area 10 of the Lettered Streets Neighborhood, the subject property
24 has a Commercial zoning designation. It is located within the City Center
25 Design Review District, subject to the standards in Bellingham Municipal Code
26 (BMC) Chapter 20.25, and the Old Town Overlay District, subject to the
27 standards in BMC Chapter 20.35. The property is designated Commercial by
28 the Bellingham Comprehensive Plan land use map. *Exhibit 1.*
- 29 7. Surrounding land uses include a mix of residential and commercial uses on
30 parcels that share the subject property's zoning, overlay, and neighborhood
designations. The abutting parcel to the southeast is largely vacant. Across W.
Holly Street to the south is another property owned by the Applicant, which is
developed with the Lighthouse Mission New Life Center. Across F Street to the

² The legal description of the property is: Lots 9 through 16, Block 12, Supplemental Map of
Whatcom, City of Bellingham, Whatcom County, Washington. Assessor's parcel number: 380225
545367 000. *Exhibit 1.*

1 west is a gas station with parking lot. The subject property is accessible by
2 public transit (Whatcom Transportation Authority (WTA) stops #2183, #3058,
3 #2182) with multiple bus routes that go downtown, and it is within walking or
4 biking distance of grocery stores, multiple businesses, potential employers,
5 social services, and health clinics. *Exhibits 1 and 1.F; Google Maps site view.*

5 8. Development of the proposal requires approval of Type II and Type III-A
6 permits. The Type II design review permit, administratively reviewed and
7 decided by the Planning Department, is required because of its location within
8 the Old Town Overlay District and City Center Design Review District.
9 Required pursuant to BMC 20.35.065.C.4 and BMC 20.15A.020, the
10 conditional use permit is subject to a Type III-A process and decided by the
11 Hearing Examiner. Consistent with BMC 21.10.050, the Applicant did not
12 request consolidated review of the applications. The Planning Department
13 reviewed and approved the design review permit (DR2021-0023) on May 31,
14 2022 subject to 25 conditions. *Exhibits 1 and 1.F.* Of note, the interim housing
15 use is the use subject to CUP review and approval; the proposed administrative
16 offices and commercial spaces fronting Holly Street are allowed outright.

14 9. Currently, Lighthouse Mission Ministries/the Applicant serves approximately
15 150 people in Old Town at the following facilities:

- 16 • 50-bed recovery program for men at 923 W. Holly Street (Ascent
17 Program);
- 18 • 60 beds recovery program for women and children at 1215 F Street (Agape
19 Home); and
- 20 • 40 emergency/overflow beds for winter shelter at 1013 W. Holly Street.

20 In addition to services in Old Town, the Applicant operates its current drop-in
21 center (DIC) at the former Public Market at 1530 Cornwall Avenue. The DIC
22 was initially approved at 1013 W. Holly Street, but at the beginning of the
23 COVID-19 pandemic, it was relocated to Bellingham High School in order to
24 allow adequate social distancing. When students returned to in-person classes,
25 the DIC was again relocated to its current Cornwall Avenue location and
26 renamed Basecamp, where it provides 200 low barrier beds for men and women
27 under a temporary building encampment permit (USE2020-0029). The
28 temporary building encampment permit runs from July 15, 2020 to June 17,
29 2024 (three years plus an option of an additional one-year extension for a total
30 duration of four years.) Per BMC 20.15.060, temporary building encampments
are temporary in nature and may not be approved for more than five years.

1 In anticipation of Basecamp’s permit expiration, the Applicant undertook an
2 extensive search for a permanent location. Two primary factors in the site
3 search included: 1) that the location needs to facilitate access to other services
4 by guests of the shelter and be walkable from the urban core; and 2)
5 consolidating Applicant programs in one building provides significant
6 efficiencies in programming and economic considerations, effectively
7 leveraging the Applicant’s budget. The final conclusion of this search was that
8 the best option was to preserve the use at the location where it has existed for
9 nearly 50 years, on real property already owned by the Applicant, at the Light
10 House Mission at 910 W. Holly Street. *Exhibit 1; Hans Erchinger-Davis*
11 *Testimony.*

9 *Proposal*

10 10. The proposal would demolish the existing (and currently vacant) Mission
11 building and associated parking and storage structures, and redevelop the site
12 with a larger building containing the same “large” “interim housing” use.³ The
13 proposed new facility is intended to consolidate many Mission services in one
14 location, which would facilitate and streamline administrative functions. The
15 proposed new building would be five stories tall and contain approximately
16 80,000 square feet of floor area, and would continue to be used as a large
17 interim housing facility.⁴ The proposal is to provide approximately 200 beds in
18 two primary low barrier shelters and 100 beds in multiple individual “micro-
19 shelters” for men, women, and families with specialized care needs. The
20 request for a total of 300 permanent beds requires a waiver pursuant to BMC
21 20.15A.020 and .050. Proposed programming in the new building would
22 include:

- 23 • Three entrepreneur commercial spaces
- 24 • Facility maintenance department
- 25 • Storage for donations, food, and programs
- 26 • Day room
- 27 • Exterior covered decks

28 ³ Per BMC 20.08.020, “interim housing” means a facility that: A. Includes overnight sleeping
29 accommodations for those who are homeless on entry, whether generally or for specific populations (e.g.,
30 youth, those with mental health challenges, families with young children, and seniors); B. Is located in a
building or other permanent structure; C. Is of longer operational duration than a temporary shelter; D.
Hosts residents on a daily, weekly, monthly, or multiple-month basis; and E. Includes a sponsor and
managing agency.

⁴ A “large interim housing facility” means between 41 and 200 beds, per BMC 20.15A.050. Facilities
with more than 200 beds require a waiver.

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- Food service and kitchen
- Medical clinic
- Shower and laundry services
- Administration offices
- Chapel / community hall / classroom
- Men’s dormitory (140 beds)
- Women’s dormitory (60 beds)
- Several micro-shelters including:
 - Family shelter (26 beds)
 - Men’s behavioral health dormitory (13 beds)
 - Women’s behavioral health dormitory (12 beds)
 - Men’s medical respite dormitory (13 beds)
 - Women’s medical respite dormitory (12 beds)
 - Flex dormitory (24 beds)

Two elevators and three stairwells would provide access to all floors. *Exhibits 1.A, 1.A1, 1.A3, and 1.A3.1.*

11. The first floor of the proposed structure would have a facility maintenance department, several offices, bathrooms, the mechanical room, and several storage rooms for donations and supplies. It would also establish three entrepreneur commercial spaces, intended to be operated by guests, with a small entry adjacent to the public sidewalk on W. Holly Street, with patio space to facilitate outdoor seating or other commercial activities, providing a mixed use, pedestrian oriented component for the site frontage. Also on the first floor, a primary entry for families in crisis would be located along the W. Holly Street frontage to separate intake for these guests from the general population. Families would enter through this entrance and proceed to a separate reception area on the ground level, from which they can access stairs and elevators to the family dorm without passing through the common rooms. A seven-stall parking garage and loading/unloading area is proposed at the first-floor level with direct access to W. Holly Street. *Exhibits 1.A, 1.A1, and 1.A3.*

12. The primary entrance for guests of the low barrier shelters would be on the second floor, oriented to the intersection of Astor and F Streets. This floor would contain a check-in area with indoor queuing, a large day room with a fireplace, kitchen, meeting rooms, medical clinic, several offices, men’s and women’s bathrooms, showers, and small storage rooms. A large exterior covered patio for guests and pets is proposed off of the day room, oriented to but above W. Holly Street. The third floor would include administrative offices, meeting rooms, a small storage room for functions of the chapel, bathrooms, and

1 two exterior covered decks for micro-shelter program guests, and the chapel,
2 which would also serve as a classroom and community hall. *Exhibits 1.A, 1.A1,*
3 *and 1.A3.*

4 13. The 140 proposed men’s low-barrier shelter beds and 60 women’s low barrier
5 shelter beds, to be located on the fourth floor of the new building, would replace
6 the existing beds currently provided by the Applicant at Basecamp on Cornwall
7 Avenue. The segregated men’s and women’s dorms would each have their own
8 restrooms and covered outdoor patio area. Guests who have stayed the night
9 before are allowed to reserve their beds, keeping their belongings in the storage
10 areas. Available beds are assigned to new guests on a first come, first served
11 basis. Each bed has built in, secure storage under the mattress. Guests who
12 check-in and stay during the day, or who leave but intend to return, are allowed
13 to leave their belongings in their secure storage locker. This means guests do
14 not have to take all their belongings with them when they leave for
15 appointments. For this reason, the storage is expected to reduce the incidence of
16 personal items being temporarily stored and/or discarded in public places. The
17 Applicant proposes daytime staffing of six to eight employees to supervise and
18 assist the guests in the low barrier shelter plus volunteers during the day and
19 three employees at night. Also on the fourth floor, a flex dorm would provide
20 another 24 beds for unique emergency shelter needs as they arise. *Exhibit*
21 *1.A3.1; Testimony of Bridget Reeves and Hans Erchinger-Davis.*

22 14. The fifth floor would be improved with offices, restrooms, a kids’ playroom,
23 living room, kitchenette, dining room, storage room, and the majority of the
24 proposed micro-shelters. These new programs are intended to provide shelter
25 and services for individuals not currently able to access the services they need
26 through the low barrier shelter and, as a result, remain living on the streets in a
27 state of chronic homelessness. The micro-shelters, which have eligibility
28 criteria that differ from each other and from the low barrier shelter, are
29 organized into dorms separated by bed type, each with its own restrooms and
30 covered exterior patio. The proposed men’s behavioral health micro-shelter
would serve up to 13 men with behavioral health needs, who would be provided
more intensive case management, space to be during the daytime away from the
general day room and would be connected with outside behavioral health
support. These 13 beds would replace the current 10 beds of this kind offered in
the Men’s Recovery Program. Thirteen additional beds for medically fragile or
elderly men would be provided in a separate dorm. A separate family shelter
would provide 26 beds for up to six families. A women’s behavioral health
micro-shelter would serve up to 12 women with behavioral health needs, who
would be provided more intensive case management, space to be during the

1 daytime away from the general day room and would be connected with outside
2 behavioral health support. Twelve beds would be provided in a separate dorm
3 for medically fragile or elderly women. Except for 10 men's behavioral health
4 beds, none of these services are currently provided by the Applicant in
5 Bellingham. The Applicant proposes two to four daytime employees to
6 supervise and assist guests in the fifth-floor micro-shelters, in addition to partner
agency service providers who would be on site during the days, and one
employee overnight. *Exhibits 1, 1.A, 1.A1, 1.A3, and 1.A3.1.*

7 15. The proposal includes a request for permission to operate an overflow
8 emergency shelter to serve unhoused persons during extreme weather and
9 natural disaster events (e.g. hard freeze and snow, extreme heat, smoke,
10 significant flooding, etc.) or public emergencies on an as needed basis.⁵ To be
11 provided in the third floor chapel, these 100 additional emergency beds are not
12 intended for day-to-day use, specific programming, or other regular occupancy.
13 These beds would replace the 40 beds of this type that were provided at the old
14 Drop-in Center at 1013 W. Holly Street. The Applicant proposes to enlist two
15 volunteers to supervise/assist guests during emergency shelter operation. The
16 100 emergency beds would be regulated as a temporary building encampment in
BMC Chapter 20.15 and would be exempt from permitting requirements so long
as they comply with the provisions at BMC 20.15.100. *Exhibits 1, 1.A, 1.A1,
and 1.A3.1.*

17 16. In operating the proposed large interim housing facility, the Applicant intends to
18 continue to collaborate with staff from other agencies on-site and off-site at
19 other existing facilities. The proposal plus these additional off-site facilities
would result in approximately 410 people served daily in Old Town as follows:

- 20 • 300 beds on site (200 low barrier beds + 100 specialized shelter beds);
- 21 • 60 beds at the Agape Home at 1215 F Street, which is an existing recovery
22 program for women and children; and
- 23 • 50 beds in the Ascent Program at 923 W. Holly Street, which is an existing
24 recovery program for homeless men.

25 Thus, the instant proposal would constitute a 126 bed increase over the
26 Applicant's capacity prior to the pandemic, and a 260 bed increase over the

27
28 ⁵ Pursuant to BMC 20.15.100, an "emergency" is an unanticipated and imminent threat to public health,
29 safety, or the environment that requires immediate action within a time frame too short to allow strict
compliance with the requirements of this chapter.

1 current number persons experiencing homelessness who are served in Old
2 Town. *Exhibits 1, 1.A3, and 1.A31.*

3 *Interim Housing Standards*

4 17. The new building is proposed to be built to the property line along most of the F
5 Street frontage and approximately 17 feet from Astor Street. Based on guidance
6 from Public Works about required frontage improvement, it would be set back
7 approximately seven feet along the W. Holly Street frontage to accommodate
8 frontage improvements, including intersection ADA ramping, the signal pole,
9 and ADA access to the building. Along the Astor Street side of the structure,
10 improvements include a bike storage facility with space for 36 bikes, ADA
11 ramping, a garden area, raised landscape beds, and garbage and recycling
12 dumpsters accessed by a driveway that would also provide off-street parking for
13 emergency services vehicles. A low perforated metal screen is proposed along
14 the bike storage and garden area to create a project boundary at the street edge.
15 Due to the slope of the site, a portion of the first floor would be below grade
16 along Astor and F Streets, which would make the “second floor” entry to the
17 low barrier shelter actually at ground level. *Exhibits 1, 1.A1, and 1.A3.1.*

18 18. The Old Town Overlay District development standards established in BMC
19 Chapter 20.35 require improvements along the site frontages including widened
20 sidewalks, landscaping, street trees, and utilities. Compliance with these
21 provisions would be determined through the building permit review process.
22 New water and sewer connections to existing water and sewer mains that abut
23 the site would be made in all three frontages. Stormwater mains abut the subject
24 property in F and Astor Streets. There are existing fire hydrants at the
25 intersection of W. Holly and F Streets and at Astor and F Streets. *Exhibit 1.A3.*

26 19. The Applicant conducted a parking analysis of the existing demand generated by
27 the services the Applicant provides at the several locations whose operations
28 would be consolidated into the proposed redeveloped Mission building.
29 Counting all vehicles parked at 910 W. Holly Street, and at Basecamp, and the
30 New Life Center (923 W. Holly Street) on six different days during Lighthouse
Mission’s busiest hours (with the most staff on shift) over a period of two weeks
in January 2021 to arrive at high-use parking averages for each location. The
parking counts included staff, service providers, shelter guests, and volunteers.
Basecamp, where the current low barrier shelter is operating, had a peak demand
of eight stalls and averaged 6.3 stalls, even at full capacity (200 guests). The
parking study provided a high-demand average of 28.7 vehicles for all three
locations, and a highest total count of 31 vehicles. *Exhibit 1.A5.*

1 20. Regarding the number of future shelter guests who would have vehicles needing
2 to be parked, the Applicant offered the following. At the current Basecamp,
3 approximately 1% of guests not in a family own a vehicle, while 30% of
4 families at the Agape House own a vehicle. The vast majority of low barrier
5 shelter guests do not have the means to maintain, insure, and register a vehicle.
6 In the redeveloped building on site, the Applicant anticipates having
7 approximately 274 low barrier shelter and specialized shelter guests and six
8 families at a time, resulting in an anticipated parking demand of five stalls for
9 shelter guests. *Exhibit 1.A5; Justin Reeves Testimony.*

10 21. In the new facility with the three operations consolidated, the Applicant
11 anticipates a maximum of 26 staff members (each with a vehicle) at once, up to
12 five volunteer vehicles, and up to three community partner vehicles at any given
13 time. Additionally, the Applicant owns and operates 12 vehicles that would
14 need to be parked. A small percentage of shelter guests would be likely to have
15 vehicles, which as calculated above is expected to result in an average of five
16 guest vehicles at any given time. Because the commercial units would be
17 operated by shelter guests, and customers would be able to utilize on-street
18 parking, the commercial units are not anticipated to generate additional parking
19 demand. The Applicant submitted that having 26 staff members parking at the
20 facility at the same time would be a very rare occasion and that therefore, using
21 26 as the number of staff parking stalls provides a conservative, or worst-case
22 scenario, total parking demand of 51 parking stalls at a time. *Exhibits 1.A3 and
23 1.A5; Testimony of Bridget Reeves, Hans Erchinger-Davis, and Justin Reeves.*

24 22. To address the parking demand calculated above, the proposal would provide 52
25 parking stalls: seven on-site garage parking stalls accessed from W. Holly
26 Street, seven off-site parking stalls at the New Life Center building at 923 W.
27 Holly Street, and 38 off-site leased parking stalls on Port-owned property two
28 blocks (approximately 700 feet) from the subject property along Roeder Avenue
29 in front of All American Marine and connected to the subject property by
30 existing public sidewalks. The parking lease arrangement is proposed to have a
five-year duration, during which time the Applicant and City would be able to
monitor actual parking demand and evaluate the necessity and/or numbers of
leased stalls going forward. Regarding allocation of the available stalls, two of
the Applicant-owned vehicles would park on site, three would park across the
Street at 923 W. Holly Street, and the remaining seven would park in the leased
stalls. The remaining five on-site stalls and seven stalls at the 923 W. Holly
Street would be used by volunteers, community partners, and other parking
demands. Lighthouse staff and guests would be required to park in the leased
stalls. Of note, there are up to 79 stalls on-street parking stalls within a 500-foot

1 radius of the subject property, in which customers of the commercial spaces
2 proposed in the new building could park. *Exhibits 1.A3 and 1.A5; see also*
3 *Exhibit 5, slide 20; Justin Reeves Testimony; BMC 20.15A.020.M.*

4 23. The Applicant submitted, and Planning Staff agreed, that use of the leased stalls
5 and the occasional use of street stalls by Applicant staff would increase the
6 presence of Lighthouse Mission Ministries staff in the neighborhood, which is
7 anticipated to have positive side effects. From a “crime prevention through
8 environmental design” (CPTED) perspective, staff parking in the area is a form
9 of natural surveillance and territorial reinforcement - two passive CPTED
10 strategies that have been shown to significantly reduce crime. Having Staff eyes
11 on the street is expected to be a deterrent to negative activities, because staff
12 would be more aware of and have opportunities to engage with the community
13 outside the building about undesirable activities in the area while traveling to
14 and from their vehicles. *Exhibits 1 and 1.A3; Justin Reeves Testimony.*

15 24. Addressing the use-specific standards for large interim housing uses established
16 in BMC 20.15A.020, the Applicant offered the following. The proposed use is
17 allowed in the underlying commercial zoning district subject to the instant Type
18 III-A process. The proposed 300 permanent shelter beds in the overall 80,000
19 square foot building satisfy the minimum floor area requirement of 35 square
20 feet per bed. The proposed structure would be designed to meet 2018
21 International Building Code Standards, or standards that are current at the time
22 of building permit application. All exterior lighting would be low-intensity,
23 shielded, and downward-facing, and the building permit application would
24 include a photometric site lighting plan designed to ensure that no light from the
25 project extends off-site.⁶ Trash receptacles meeting City standards would be
26 provided throughout the facility. Staff and guests would participate in regular
27 trash patrols of the immediate vicinity, which requirement would be
28 memorialized in the Operations Plan. An identified point of contact information
29 would be posted on site 24/7 and would be provided to BPD. Current partner
30 agencies include the Homeless Outreach Team, GRACE and LEAD team,
SeaMar, Lake Whatcom Treatment Center, Compass Health, Pioneer Center
North, Bellingham Public Library, Northwest Youth Services, Unity Care NW,

⁶ Lighting was addressed in the issued design review permit (DR2021-0023), which states that “Exterior lighting on the building shall be downlit and shielded with cutoff fixtures as much as physically possible, and contained to the project area (abutting sidewalks, for example). Entrances and areas susceptible to loitering should be well-lit.” The permit required that a lighting plan be submitted and reviewed at time of building permit. *Exhibit 1.F.*

1 Skagit Community Detox, Sunrise Services, and Whatcom Community Detox.
2 *Exhibits 1, 1.A3, and 1.A4; BMC 20.15A.020.A, .D, .G, .H, .I, .U, and .Z.*

3 25. Regarding staffing, the Applicant proposes to have staff at the facility 24 hours a
4 day, seven days a week. The proposal calls for a minimum of six to eight staff
5 specifically serving the shelter function of the facility from 7:00 a.m. to 10:00
6 p.m. During the business day, additional Applicant employees who perform
7 administrative functions would also be in the building and available in situations
8 calling for additional staff. There are also volunteers and partner agency
9 representatives on site during business hours. A minimum of three staff are
10 proposed to supervise and assist guests overnight from 10:00 p.m. to 7:00 a.m.
11 Staff are trained in emergency protocol, airborne and blood borne pathogen
12 protocol, de-escalation, Trauma-Informed Care, Mandatory Reporting, CPTED,
13 suicide prevention, the culture of poverty, addiction, and boundaries. The
14 proposed facility would have a higher ratio of staff to guests than is the case at
15 the current Basecamp location because administrative and operational staff
16 would be on-site at the new facility who are not currently based on-site at the
17 Cornwall location. The Applicant submitted that it has experience managing the
18 guest population with the proposed staffing numbers and that the increase in
19 staffing proposed at the new facility does not reflect or cause any staff to guest
20 ratio concerns. *Exhibits 1, 1.A3, 1.A7, and 11; Bridget Reeves Testimony; BMC*
21 *20.15A.020.R.*

22 26. Regarding the pedestrian and bicycle connectivity standard of BMC
23 20.15A.020.N, the Applicant noted that the existing and proposed improved
24 sidewalks along the site's three frontages connect to a variety of services near
25 the site, including downtown, grocery stores, other retail services, and bicycle
26 lanes. The subject property is within 0.1 miles of multiple transit stops along W.
27 Holly Street. The property is within the service areas of Parkview Elementary,
28 Whatcom Middle, and Bellingham High Schools, all three of which are
29 accessible by existing / proposed sidewalks and by bike routes / marked bike
30 lanes connecting to the site. The school bus stop for Parkview Elementary
School is at the intersection of G and Bancroft Streets, which is connected by
accessible by pedestrian paths to the site. That said, no unaccompanied children
are invited to stay; children would only be in the facility with families in the
family micro-shelter. *Exhibit 1.A3; BMC 20.15A.020.T.*

27 27. Addressing use-specific public health standards, the Applicant stated that its
28 current practices regarding food donations are consistent with applicable USDA,
29 WSDA, and Whatcom County Health Department standards. In the new
30 building, the Applicant would continue to implement best practice food safety

standards in cooperation with the health department. The plans call out a certain number of restroom facilities, but the Applicant is currently working with the City and the Health Department to verify the adequacy of toilet facilities and plans can be amended to reflect the determination of the Health Department. *Exhibits 1 and 1.A3; BMC 20.15A.020.J and .K.*

28. The proposed building was designed to provide internal room for queuing during check-in for each shelter type. The primary entry directly connects to the internal waiting area to facilitate ease of access and staff coordination of guests during peak hours. This design choice resulted from the difficulties experienced at the former drop-in center initially operated at 1013 W. Holly Street, where queuing for check-in occurred on the public sidewalk and resulted in significant conflicts with other uses in the neighborhood. In that building, the main area needed to be cleared twice a day to clean and set up beds, and then to take down beds and clean for day use. The new building provides separate sleeping and day use areas such that guests would be able to stay inside while checking into the dorms for the night. No queuing on F Street is anticipated. Additionally, the site design includes monitored outdoor spaces, including two large decks facing W. Holly Street, several smaller decks serving micro-shelter populations, and on-site areas near the main entry that are separated from the public right-of-way. Shelter guests would have the opportunity to spend time outdoors without being in public spaces. The building is set back from the sidewalk along Astor Street to give staff more authority over outdoor activities, because they would be occurring on private property. Loitering around the building in the public right-of-way would be discouraged. This design is intended to reduce the likelihood of negative behaviors occurring outside. *Exhibit 1.A3; BMC 20.15A.020.O.*

29. Consistent with BMC 20.15A.020.Q, the record contains the Applicant's operations plan. This plan addresses the seven required areas of interest identified in the code, including: staffing/staff responsibilities; facility management including emergency plan; facility maintenance; provision of human and social services, with staffing and outcomes; outreach to surrounding property owners, businesses, and a "good neighbor" policy; accurate record keeping; and detailed guest responsibilities including adherence to a signed contract acknowledging the code of conduct. Some excerpted provisions in the operations plan include (among other items): mandatory guest compliance with code of conduct; continual staff monitoring perimeter of the facility; ongoing engagement with Bellingham Police Department; no drug or alcohol use while on site; no weapons (guests would be required to check weapons in with staff, who would keep all weapons in a locked room while guests are on the premises); no physical or verbal aggression or bullying is tolerated; developed

1 protocol in place for staff to make emergency calls as needed; guests are
2 encouraged to help with general morning clean-up duties; only two guests are
3 allowed outside to smoke at a time, and they would be supervised by staff; and
4 no loitering on or around the premises or outside the perimeter fence after hours
5 (7:00 p.m. to 6:30 a.m.). *Exhibit 1.A4*. In addition, the Applicant maintains a
6 database of over 22,000 guests who have stayed in its facilities since it began
7 operating and would continue to update the database daily. New guests go
8 through an intake process that includes admission paperwork and an in-person
9 conversation with staff to gather necessary identifying and demographic
10 information. Registered sex offenders are not accommodated at the facility. If
11 Staff becomes aware that a guest checking in has an active felony warrant, the
12 Applicant maintains a protocol for addressing such situations with BPD. *Exhibit*
13 *1.A3; BMC 20.15A.020.V, .W, and .Y*.

- 14 30. As part of its good neighbor policy, LMM intends to maintain a line of
15 communication with the community surrounding the new facility to accept
16 feedback and provide resources. Community members and businesses would be
17 invited to raise concerns that are specific to the site and operations. The
18 Applicant employs a dedicated Downtown Bellingham Liaison staff member
19 whose role is to support Old Town residents and businesses with issues related
20 to homelessness. The Applicant employs a dedicated litter patrol staff member
21 seven days a week to pick up litter around the 910 W. Holly Street building and
22 surrounding areas and also engages community and service groups and local
23 faith organizations to clean up Old Town. A neighbor advisory forum, started
24 by the Applicant, meets bi-weekly to discuss issues/problems and to devise and
25 implement tangible solutions for surrounding property owners. This forum is a
26 group composed of neighboring businesses, landowners, social workers,
27 Bellingham Police Department representatives, and LMM's Downtown
28 Bellingham Liaison. The Applicant provides to surrounding businesses referral
29 cards, which contain basic information about the services available at the facility
30 and a coupon for free espresso at the cafe. *Exhibit 1.A4; Hans Erchinger-Davis*
Testimony.

31 *Request for Waiver to Allow 300 Permanent Beds*

- 32 31. Pursuant to BMC 20.15A.020.A, large (or larger) interim housing facilities are
33 those that serve up to 200 individuals. Pursuant to Note 2 to the interim housing
34 use table at BMC 20.15A.020.A, "experienced managing agencies with
35 programs that include multiple facilities serving varying populations of people
36 experiencing homelessness may request a waiver from the maximum number of
37 adults for a larger interim housing facility per BMC 10.15A.050." The
38 Applicant requests a waiver of the 200-person limit in support of the opportunity

1 to serve 300 individuals in the redeveloped facility on site, 200 in the low barrier
2 shelter and an additional 100 individuals in the various micro-shelters. *Exhibit*
3 *1.A3; Testimony of Ali Taysi and Hans Erchinger-Davis.*

4 32. In support of their request for waiver, the Applicant offered the following
5 information. Lighthouse Mission Ministries submitted that it is an experienced
6 managing agency consistent with the interim housing provisions. The
7 redeveloped facility has been designed to separate various vulnerable
8 populations into micro-shelters within the building, which would reduce safety
9 concerns for guests, staff, and volunteers within the facility. The specialized
10 micro-shelters are located on the fifth floor with separate spaces for each
11 program and separate elevator access, separate men's and women's restrooms,
12 exterior covered decks, and administrative spaces. The family shelter area
13 would provide separate sleeping spaces for each family, separate bathroom
14 facilities, and a separate building entrance on W. Holly Street. During intake,
15 guests would be taken directly to their respective program areas via the stairway
16 and/or the elevator. These design elements would reduce points of conflict
17 between the various programs and allow for better staff management. In
18 addition, CPTED principles have been incorporated into the interior and exterior
19 design of the building, including design features to discourage loitering, interior
20 and exterior security cameras, and off-street outdoor spaces that would be
21 predominantly situated on decks elevated above street grade to reduce interface
22 with pedestrians, among other elements. Increased staffing is proposed to
23 manage the increased guest counts. *Exhibit 1.A3.*

24 33. The additional 100 beds in the six micro-shelters (family, men's behavioral
25 health, women's behavioral health, men's medical respite, women's medical
26 respite, and "flex") are dedicated to specialized programs serving the most
27 vulnerable homeless populations, who require the most care and supervision.
28 Only individuals meeting screening criteria would be admitted to these
29 programs. The Applicant submitted that individuals from these populations,
30 being separately accommodated and provided access to services, would be less
likely to generate impacts outside or inside the facility if the waiver is granted
than they would be if it is not. Specifically, the Applicant argued that the
segregated, small populations served by the program would not result in greater
impacts to the community surrounding the facility and guests within the
program than the 200 low barrier shelter guests alone would generate if the
waiver were not granted. The design and operational elements incorporated into
building design and overall programming would mitigate potential health and
safety impacts for facility residents and neighbors from the increased bed count.
Exhibit 1.A3.

1 34. Distinguishing the proposed use of the chapel as a separate emergency shelter
2 during life-threatening inclement weather or other emergencies from the request
3 to increase the maximum size of the “large” interim housing shelter from 200 to
4 300 permanent beds, Planning Staff recommended a condition of approval that
5 would limit the facility’s capacity to 300 guests and noted that any additional
6 shelter (including the referenced emergency shelter for up to 100 persons) would
7 require a separate application for temporary building encampment under BMC
8 20.15 unless it adheres to the restrictions established in BMC 20.15.100. With
9 such a condition, the Applicant submitted, and Planning Staff agreed, that the
10 proposal to increase the capacity above 200, adding another 100 permanent beds
11 in micro-shelters for specialized populations, would not increase impacts to the
12 surrounding neighborhood beyond the impacts that would be generated by the
13 200 beds allowed without waiver. Specifically, Staff submitted that the waiver
14 would not result in greater health and safety impacts to facility residents or to
15 the neighboring community than would occur if the proposal were limited to 200
16 beds. Planning Staff submitted that the Applicant has a strong record of
17 providing shelter and services to individuals facing homelessness and is just
18 such an agency appropriate for waiver as was contemplated when the waiver
19 provisions were created. With the recommended conditions, Staff submitted
20 that the modification to allow 300 permanent beds would result in a safe facility,
21 with minimal negative impacts to the community, and should be approved.
22 *Exhibits 1 and 10; Testimony of Anya Gedrath and Kurt Nabbefeld.*

17 *Conditional Use Standards*

18 35. In the City of Bellingham, criteria for condition use permit approval require a
19 project proponent to demonstrate that a given proposal would promote the
20 health, safety, and general welfare of the community. *BMC 20.16.010.B(1)*.
21 The Applicant submitted, and City Staff agreed, that the individuals who would
22 be served by the proposal are part of the community, and that providing shelter
23 and services to them promotes the welfare of the community as a whole, and
24 also that serving this vulnerable population benefits the rest of the community.
25 Both Applicant and Staff representatives submitted information indicating that
26 the number of people experiencing homelessness is rising sharply in
27 Washington, propelled by the shortage of affordable housing and poorly funded
28 mental health and substance abuse systems. This trend reflects a nation-wide
29 increase in in virtually all areas experiencing economic and population growth.
30 Whatcom County’s Point-in-Time Census of Homeless Residents indicates that
from 2012 to 2018, the homeless population grew from 493 to 815 people. In
2019, this number rose to 700, and in 2020 it was 707. The published 2021
Point in Time (PIT) Count Report for Whatcom County identified 859
individuals known to be experiencing homelessness, which is the highest

1 number recorded since data collection began. *Exhibits 1, 1.A3, 1.A8, 1.A9, and*
2 *6; Testimony of Tara Sundin, Hans Erchinger-Davis, and Ali Taysi.*

3 36. Applicant and Staff representatives submitted that providing sleeping
4 accommodations, food, hygiene facilities, and access to necessary services is a
5 benefit not only to those served but to the community at large by preventing
6 those served from having to live out in the open within the community, which
7 condition causes impacts to the host neighborhood. The proposal would
8 increase the number of persons currently able to be served by more than 100
9 (detailed in Finding 16 above). As a result of the proposed micro-shelters, some
10 of the hardest to serve individuals currently living in the open in Bellingham
11 would now have access to shelter and the services needed to begin the transition
12 out of homelessness. By including an additional 100 beds for emergency shelter
13 situations within the purpose-designed/built facility, the proposal maximizes
14 efficient service provision and reduces the chances that persons experiencing
15 homelessness in Bellingham will die due to exposure, while simultaneously
16 maximizing the opportunity to reach those in need of information about
17 available services. The Applicant submitted, and Planning Staff agreed, that the
18 design of the building, ongoing compliance with interim housing regulations,
19 and ongoing compliance with the recommended conditions of permit approval
20 would maintain and protect the health, safety, and general welfare of the
21 community. *Exhibits 1, 1.A3, and 1.A6; Testimony of Ali Taysi and Hans*
22 *Erchinger-Davis.*

23 37. Pursuant to BMC 20.15A.020.A, larger interim housing uses are allowed in
24 Commercial general use type, which legislative determination demonstrates that
25 the instant proposal is consistent with the purpose and intent of the subject
26 property's zoning. More specifically relating to the instant proposal, an interim
27 housing use has been in operation onsite for approximately 45 years. Further,
28 the three proposed commercial spaces fronting W. Holly Street would be
29 consistent with the commercial zoning. *Exhibit 1; Anya Gedrath Testimony.*

30 38. The Applicant submitted that the proposed facility would generate impacts that
are common in a commercial zone, including pedestrian, bicycle, and vehicular
traffic, noise, or visual impacts from the structure. In light of concerns that
interim housing facilities can draw more persons experiencing homelessness to a
given shelter, and that neighbors report impacts from the existing homeless
population in the neighborhood, the Applicant incorporated operational and
design features into the facility intended to address such previously encountered
impacts as those that resulted from the operation of the Drop-In Center at 1013
W. Holly Street. These features include:

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- Indoor and outdoor waiting areas outside of the public right-of-way to prevent queuing or loitering, refuse, and continual interaction with pedestrians in the right-of-way;
- CPTED principles and security features including cameras, designed lighting, physical separation between the facility and the sidewalk, and secured bike storage, among others;
- Adequate waste receptacles and dedicated trash patrols on and around the site;
- On-site intake and recordkeeping;
- 24/7 staffing and on-site supervision;
- Required compliance with a code of conduct that includes a prohibition of on-site use or sale of alcohol and illegal drugs, registered sex offenders being served in the facility, threatening and unsafe behavior, etc.;
- Storage of guest weapons in a secured location;
- Good Neighbor Policy and active strategies to promote neighborhood engagement;
- Coordination with BPD regarding active felony warrants;
- Coordination with other service providers; and other strategies.

Exhibits 1, 1.A3, and 1.A4.

39. Based on input from the neighborhood and other stakeholders, Council was persuaded that the following impacts were resulting from the low barrier shelter use known as Basecamp, being operated at 1522/1530 Cornwall Avenue: debris, human waste, animal waste unauthorized encampments, disorderly conduct, fires, property damage, pedestrian and vehicular obstruction, and public intoxication, the majority of which were occurring during dark hours. Council enacted a shelter protection area (SPA) around Basecamp for the purpose of reducing, if not eliminating, these identified undesirable impacts of the shelter on the surrounding neighborhood. Within the SPA, certain behaviors and activities were prohibited, and City officials are authorized to enforce the prohibition of the unwanted behaviors listed above in permit parking and other public spaces. In establishing the SPA, it was Council's desire that such impacts be addressed in a manner that employs compassion, empathy, and full acknowledgement of all rights of those experiencing homelessness, but also that impacts resulting from interim housing uses be dispersed rather than concentrated in the immediate vicinity of the use. Council identified a

1 progressive enforcement concept using education, social outreach, referral to
2 services, incremental enforcement, and use of the least intrusive means of
3 achieving enforcement. *Exhibit 4; Anya Gedrath Testimony.*

4 40. Having found the SPA to be an effective tool around Basecamp, and desiring to
5 avoid concentration of negative impacts in the neighborhood surrounding the
6 subject property, Bellingham City Council adopted a shelter protection area
7 around the proposed redeveloped Mission facility at 910 W. Holly Street on
8 June 7, 2022 that would become effective upon issuance of a certificate of
9 occupancy for the new building (and remain in effect until rescinded by
10 ordinance). The adopted SPA would specifically apply the provisions of BMC
11 10.24.070.B and 11.33.060.A within a geographical area extending 20 blocks
12 around the subject property, including all area within the outer edges of H
13 Street, Clinton Street, C Street, and Roeder Avenue. *Exhibits 1 and 4; Anya
14 Gedrath Testimony.*

15 41. In order to further be satisfied that the proposed 300-bed shelter would not be
16 detrimental to the surrounding neighborhood, Planning Staff recommended
17 conditions of approval for the currently requested application that would require
18 the following (among other/more specifically detailed items):

19 Operation in strict compliance with the development standards in BMC
20 20.15A and permit conditions subject to facility closure and/or permit
21 revocation upon demonstration of failure to comply; strict compliance with
22 approved maximum permanent bed count, any increase of which would be
23 required to undergo new public land use processes; Implementation
24 of/compliance with the adopted shelter protection zone; Applicant is
25 required to maintain dedicated staffing to implement “Good Neighbor
26 Programs” and respond to operational concerns raised neighboring property
27 owners/ land uses; maintenance of at least the proposed levels of staffing,
28 and increasing thee staffing levels if more are required by approved
29 operations; maintaining at least 51 off-street parking spaces within one-
30 quarter mile, subject to revision by the Planning Director based on future
parking demand demonstration which could potentially increase or decrease
the required number of stalls; provision of a 24-hour point of contact to the
City and BPD; prohibition against sheltering unattended minors under 18
years of age, with referral to Child Protective Services; prohibition against
shelter for registered sex offenders at the facility; reporting of unregistered
sex offenders to BPD, and notice to current and prospective guests of said
reporting; reporting of any immediate threat to health and safety by a guest
or prospective guests to BPD; Applicant may not obstruct BPD in arresting
guests/ prospective guests consistent with law; compliance by employees,

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volunteers, and guests with code of conduct; waiting for service/shelter is required to occur onsite (as opposed to within the public right-of-way); mandatory twice per month meeting with City and BPD representatives for at least the first 18 months of operations; ongoing updating of safety protocols based on operational reviews; adequate trash control, including neighborhood patrols; maintaining the number of toilets determined necessary by the Health Department; compliance with current Health Department / State COVID-19 /communicable disease guidelines pertaining to congregate living ongoing Applicant coordination with BPD; Applicant obtaining all necessary Building, Fire, and Health Department permits prior to occupancy of the interim housing facility, and notice that operations will be required to cease should the Building Official, Fire Marshal, or County Health Department determine that there is a threat to human life, health, and safety; City review and approval of any changes to the operations; and advance notice that if the City receives substantiated complaints of neighborhood impacts that cannot be mutually resolved, the City may request a hearing with the Hearing Examiner to review additional conditions to protect public health and safety.

Subject to these conditions, as more fully detailed in the staff report, Planning Staff submitted that the proposed use could be operated without detriment to the surrounding neighborhood. *Exhibit 1; Anya Gedrath Testimony.*

42. The Applicant submitted, and Planning Staff agreed, that the proposal as designed and conditioned would be consistent with and would specifically implement the following goals and policies of the Bellingham Comprehensive Plan:

- Policy H-49 Support implementation of the Whatcom County Plan to End Homelessness.
- Policy H-50 Continue to encourage and support the development of emergency, transitional and permanent supportive housing with appropriate on-site services for people with special needs and the homeless throughout the City and county. Moving people into permanent housing as quickly as possible should be a priority.
- Policy H-52 Maintain an inventory and expand the city’s supply of interim housing for target populations.
- Policy H-51 Foster and support partnerships that have proven to be successful in reducing homelessness, preventing

homelessness, and assisting the chronically homeless with needed care.

Staff submitted that the proposal, as conditioned, would be consistent with a longer list of goals and policies identified in the attachments to the staff report because it would: promote well-design community connectedness, a sense of place, a mix of housing, vibrant urban villages, a vibrant local economy with a mix of housing types, including homeless shelters, and a well-designed, pedestrian-friendly development. Planning Staff further submitted that the proposal is consistent with the City of Bellingham's 2018 - 2022 Consolidated Plan, which supports a low-barrier shelter and identifies “address and prevent homelessness” as one of five goals and priorities. *Exhibits 1, 1.A3, and 1.A13.*

43. Although public roads and utilities surrounding the subject property are developed, none of the streets meets the Old Town Subarea Plan Standards. If approval is granted, the Applicant would be required to improve the subject parcel’s frontage along Astor, F, and W. Holly Streets to a three-quarter street standard for the full length of the west, north, and east block faces. *BMC 20.35.070.G(1-2)*. Proposed improvements include a six-foot sidewalk and 4.5-foot landscaping strip measured to front of curb along F and W. Holly Streets consistent with the Old Town Subarea Plan. Regarding the Astor Street frontage, the City is in the process of drafting a letter of intent to improve this street as part of a public improvement project. Should the City’s project not proceed, the Applicant would be responsible for all three block faces. Municipal water, sewer, and storm sewer utilities are in place along the site frontages. The Applicant would connect to, and where necessary, improve the existing utility mains to accommodate the demands of the proposed building consistent with adopted Code standards. With these improvements, the Applicant submitted, and Planning Staff agreed, that the proposal would contribute to the continued orderly and reasonable use of adjacent properties, as well as allow the continued orderly expansion of, and not create excessive demand upon, public roads, utilities, and services. *Exhibits 1, 1.A3, 1.A10, and 5 (slide 7); Ali Taysi Testimony.*
44. In addition to the fact that the Mission has been operating on-site for approximately 45 years, the Applicant submitted that the proposed interim housing use and the associated three commercial spaces fronting W. Holly Street would be compatible with the essential character of this portion of the Lettered Streets Neighborhood and the Old Town Subarea Plan, which at Policy 3.1.1 supports a mix of residential and commercial uses and requires ground floor commercial on Holly Street. The proposal’s compliance with the Old Town Subarea Plan’s building design policies (3.1.2) and site design policies (3.1.3)

1 has been reviewed and was approved in design review permit DR2021-0023 on
2 May 31, 2022. The Applicant submitted that the proposal would be compatible
3 with surrounding existing uses including a mix of residences, industrial
4 buildings, offices, personal services, eating and drinking establishments, and
5 more. Planning Staff concurred, asserting that the City Council's adoption of
6 BMC 20.15A affirms interim housing uses are allowed, and are thus
7 categorically capable of compatibility, throughout the City's zoning districts.
8 *Exhibits 1 and 1.A3; Testimony of Ali Taysi and Anya Gedrath.*

7 45. As noted previously, W. Holly and F Streets are designated primary arterials,
8 which are intended to move traffic throughout the vicinity, and are fully
9 dedicated and improved. There is a Whatcom Transit Authority (WTA) route
10 along W. Holly Street. The proposal is anticipated to result in minimal traffic
11 increases on the arterials and on Astor Street through employee, volunteer,
12 community partner, and guest vehicles accessing the site. City Staff submitted
13 that the anticipated traffic volumes can be accommodated by the local street
14 network. *Exhibit 1.* The adequacy of off-street parking is addressed above.

13 46. The Applicant anticipates that the proposed facility would generate minor smoke
14 and noise influences as experienced outside the building. Designated smoking
15 areas are proposed to be limited to the elevated outdoor decks. Noise from
16 outdoor conversation on the decks and patios of the facility are not anticipated to
17 exceed the levels of noise that would typically be generated by other mixed uses
18 or residential balconies. Addressing the potential for additional noise impacts,
19 the Applicant has proposed operational measures including required compliance
20 with the code of conduct, staffing, and security measures, which are intended to
21 ensure noise impacts are within the limits established in BMC 10.24.120. The
22 proposed outdoor spaces would be oriented towards commercial uses on W.
23 Holly Street and away from neighborhood residential uses. Proposed lighting
24 would be required to be downlit, shielded, and low-intensity. Mechanical
25 equipment and trash receptacles would be screened consistent with design
26 standards, which would reduce visual impacts. Planning Staff submitted that,
27 with the recommended conditions, the proposal is not expected to generate
28 impacts greater than those associated with previous uses of the subject property
29 and surrounding parcels. Conditions of approval would limit hours, noise, and
30 lighting associated with operations and are intended to ensure the project does
not create substantially detrimental influences. *Exhibits 1, 1.A3, and 3.*

27 47. Notified of the proposal, the Washington State Department of Archaeology and
28 Historic Preservation (DAHP) determined that the existing Mission building is
29 not eligible for historic listing. There are no known natural, scenic, or historic

1 features of major consequence on or in the vicinity of the subject property that
2 would be adversely impacted by the proposal. Planning Staff submitted that,
3 conditioned to comply with the approved design review permit, the proposal
4 would preserve view corridors and would not impact landmark buildings as
5 defined in the Old Town Subarea Plan. *Exhibit 1.*

6 *Procedural Findings: Staff Review, Notice, and Comment*

- 7 48. The CUP application was submitted on November 4, 2021 and notice of
8 complete application was issued November 29, 2021. *Exhibit 1 and 1.D2.*
- 9 49. The City's Planning and Community Development Department assumed the role
10 of lead agency for review of the proposal's probable, significant adverse
11 environmental impacts as required by the State Environmental Policy Act
12 (SEPA). Using phased provisions pursuant to WAC 197-11-060(5), a SEPA
13 determination of non-significance (DNS) (SEP2021-0031) was issued on
14 November 16, 2021 for the proposed demolition of the existing Lighthouse
15 Mission Ministries buildings, including all structures and parking areas (Phase 1
16 of 2). This determination was issued after the Department of Archaeology and
17 Historic Preservation (DAHP) determined that the existing building is not
18 eligible for historic listing. A determination of non-significance was issued
19 relating to the potential need for a stormwater NPDES permit (SEP2021-0044)
20 on May 24, 2022 for the construction of the new facility (Phase 2 of 2). *Exhibits*
21 *1 and 1.E.*
- 22 50. Notice of public hearing, site posting, and certificate of mailing was issued May
23 25, 2022. *Exhibit 1.D8.*
- 24 51. The City received extensive public comment during the neighborhood meeting,
25 notice of application, and notice of hearing periods, verbal comment provided
26 during the public hearing, and one timely post-hearing comment. Concerns
27 expressed by the commenting public can be categorized and paraphrased as
28 follows.

29 Many commenters expressed the opinion that the proposal would perpetuate
30 an existing environment in which residents in the surrounding residential
areas, employees, and guests of Old Town commercial uses, and those
accessing the City's waterfront would feel unsafe and uncomfortable due to
the prevalence of homelessness. Having already experienced the Drop-In
Center formerly located at 1013 W. Holly Street, these commenters are
concerned that the proposal will establish a permanent prevalence of the
homeless population in this part of Old Town, preventing other development
from coming in. They feel the City and BPD are not doing enough to protect

1 and secure housed residents, businesses, and neighborhoods from the adverse
2 impacts of being surrounded by persons experiencing homelessness, which
3 include crime, vandalism, litter, loitering, sleeping in street, verbal and
4 physical altercations, threats, harassment, trespass, living in vehicles, mental
5 illness, alcohol and drug use, drug dealing, fires, vagrancy, jaywalking,
6 biohazards and excrement, panhandling, and public solicitations.

7 Some commenters contended that while the guests of the shelter may not
8 themselves engage in crime against the homes and businesses in the
9 neighborhood, their presence draws others to the area, including individuals
10 who manufacture and/or sell drugs out of vehicles parked in the neighborhood
11 and individuals who are drawn to the Applicant's vulnerable guests as easy
12 victims of crimes ranging from theft to assault.

13 Several commenters submitted that the subject property is an inappropriate
14 location for a permanent low-barrier shelter because it is too close to existing
15 residential neighborhoods. Some submitted that a location outside of the core
16 of the City – outside of Old Town and Downtown – would be more suitable.
17 Along this vein, some submitted that it is unfair to concentrate service for
18 unhoused populations in Old Town, requiring the one neighborhood to bear
19 the brunt of adverse impacts from attracting those experiencing homelessness
20 to one location for services, shelter, and meals; they suggested it would lessen
21 the intensity of impacts if the services were more evenly distributed between
22 various neighborhoods.

23 Others expressed the belief that the City was involved in site selection, and/or
24 that the Applicant should be required to work harder to locate the use
25 elsewhere to avoid concentration of this use in this area.

26 Many submitted concerns about public health and safety impacts they
27 anticipate will arise from the proposed facility. Citing the effects the former
28 Drop-In Center had on the streets of Old Town, they submitted that the
29 undesirable behaviors listed in the first paragraph above would occur around
30 the facility and would extend into surrounding residential neighborhoods in
people's yards, parks, schools, businesses, and public rights-of-way, causing
the residential neighborhoods to be unsafe. Some expressed concern about the
adequacy of restroom facilities and the unhoused relieving themselves in the
neighborhood.

Members of the public submitted that the proposed operational concept is not
adequate to protect the public from adverse impacts. Some contended that the
proposed low barrier shelter model itself is ineffective, attracts homeless
persons to the facility, and perpetuates homelessness. Some contended that
the Applicant has failed to actually help a significant percentage of people

1 served to escape the cycle of homelessness. Some stated that the proposed
2 method of dealing with substance use and weapons is not adequate to protect
3 public safety. Several objected to the proposed reliance on participation by
4 members of the community in “policing”, reporting issues, being required to
5 participate in advisory groups, etc., to obtain relief from the impacts of the use.

6 Others specifically objected to the proposed levels of staffing as being
7 inadequate generally and also specifically citing the five-story design of the
8 structure and the various populations housed as all requiring differing levels of
9 supervision and assistance that cannot be satisfied by three staff overnight.

10 Some expressed concern about where those who are turned away from the
11 facility will go when denied entry, submitting that the Applicant’s practice of
12 refusing service to dangerous individuals pushes those individuals and the
13 danger into the surrounding neighborhood.

14 Some submitted suggestions or requests for amending the proposal, including
15 (not limited to):

- 16 • Limit services to participants in recovery/rehab/restorative programs;
- 17 • Prohibit the Applicant from soliciting or contracting for homeless clients
18 from other counties/out of state;
- 19 • Keeping the low barrier shelter at the current Basecamp location; and
- 20 • City/BPD full-time community safety officer to support the use in the
21 neighborhood.

22 Some commenters opposed the requested waiver to increase beds beyond 200
23 based on the impacts described above, contesting that a 200-bed maximum
24 would be more appropriate for the subject property. One primary concern on
25 this point was that the larger facility would attract homeless persons from out
26 of the area. Several people alleged that the Applicant advertises outside of the
27 County and even out of state with the express purpose of drawing more
28 homeless persons to its facilities.

29 Some who opposed the proposal submitted that the Applicant’s track record
30 fails to demonstrate a successful approach of transitioning people from
homelessness to housing. They argued that guests come for meals, laundry,
showers, but then leave and do not access counseling and other services that
could result in ending homelessness. Some contended that the Applicant has a
history of not being responsive to neighbor concerns, with some individuals
testifying that their attempts at communicating concerns to the Applicant were
never responded to.

1 Some comment in opposition submitted that the public process engaged in by
2 the City was inadequate, resulting in procedural flaws including allegations
3 that the information at the neighborhood meeting misrepresented and omitted
4 information about the proposal. Some argued that posted signs for this
5 proposal should be kept up permanently, that the mailed notice radius should
6 have been larger than 500 feet, and that information about the proposal on the
7 City’s website was incorrect and inadequate including an error that caused the
8 project to be categorized under “City Center” rather than the “Lettered Streets”
9 neighborhood. Some contended that the Lettered Streets Neighborhood
10 Association provided no information about the project.

11 Several contended that the proposed parking will be inadequate and that the
12 project would increase the number of homeless living/sleeping in vehicles in
13 the project vicinity. In this vein, others expressed concern for the safety of
14 staff and volunteers required to walk from the off-site parking to the facility
15 through the streets that will be impacted by the project attracting homeless to
16 the neighborhood.

17 Some opposed the project based on the identity of the Applicant, contending
18 that churches, who don’t pay taxes, should not be allowed to do projects that
19 impact the neighborhood as this one will. Others alleged that the Applicant
20 discriminates in service provision based on religious principles.

21 Some submitted that the City has a conflict of interest in overseeing the permit
22 due to its interest in addressing homelessness.

23 Several testified that the shelter protection area would push the project’s
24 impacts outside the SPA boundaries into the wider neighborhood.

25 Some testified that homeowners who can afford to move elsewhere would do
26 so as a result of this project, and that owners of rentals in the neighborhood
27 would hire property management companies to deal with their residential
28 rentals, rather than handling homeless trespassing themselves, which will
29 cause rents to go up.

30 Some argued that taxpayers would end up subsidizing the infrastructure
improvements and public services needed for the proposal, and homeowners
shouldn’t be burdened with this additional cost.

Some comments submitted that the building is ugly, that the five-story
building would be out of character for the neighborhood, and that the religious
imagery proposed is inappropriate. Others expressed concern that the
proposed design doesn’t appear to adequately provide access for disabled
persons.

1 Many expressed concern over what they perceived as lack of response by BPD
2 to calls regarding concerns around existing/former interim housing projects,
3 with several reporting being told the Police department is understaffed and
4 cannot respond to all calls regarding issues with homeless, and some testified
5 that they have been instructed to email concerns into BPD. Some contended
6 that the SEPA review process ignored impacts to police services.

7 *Exhibits 1.G1 through G11, 1.G13 through 1.G33, 1.I6, 1.I15, 1.I17, 1.I19,*
8 *1.I21-26, 1.I36, 1.I40-41, 3.1-3.2, 3.6-3.8, 3.13, 3.15-16, 3.24, 8.1-8.4, 8.6-8.10;*
9 *Testimony of Alice Cords, Johanna Morris, Brianne O'Hare, Geoffrey Vogel,*
10 *Wendy Powell, Scott Jones, Rebecca Hutchins, Danne Neill, Allison Gallant,*
11 *Arlene Feld, Pam Ives, John Templeton, Cara Carbone, Chris O'Hare, Stacy*
12 *Bloch, Susan Jewell, Trista Moreno, Karen Steen, Mary Friar, Marla Bronstein,*
13 *and Thomas Neumann.*

14 52. The City also received substantial comment in support of the proposal. Several
15 individuals submitted that the Applicant's track record demonstrates expertise,
16 that the requested waiver allowing 300 beds should be granted, and that the
17 proposal is an appropriate manner of addressing the crisis facing unhoused
18 persons that is consistent with Bellingham's values. Some submitted that the
19 building design and proposed operations would address the problems
20 experienced at the previous Drop-In Center, such as jay walking and people
21 lining up on sidewalks. One member of the public, who used to own a house
22 near the Drop-In Center, testified that he is very familiar with impacts that
23 occurred in the neighborhood after commencement of that facility. Testifying
24 that he is on the neighborhood advisory board for the current Basecamp, he
25 stated that he has been pleased and surprised at his positive experience on the
26 board, that the Applicant has done an exceptional job of listening to and
27 addressing issues brought forward including crime, vandalism, and other
28 legitimate concerns. This commenter noted that homelessness will not go away
29 and that Bellingham needs facilities scaled to the current problem, and he thinks
30 the proposal is appropriate and should be approved. Several current and/or
former volunteers for Applicant facilities testified that they agree that the
Applicant is an agency with expertise, that their operational model makes for a
safe environment for guests, staff, and volunteers, and that the proposed staffing
levels are in fact adequate. A sitting Port Commissioner testified in support of
the proposal, endorsing the concentration of services on the subject property to
maximize efficiency, and confirming the Port's intention to supply leased off-
site parking. *Exhibits 1.G12, 1.I1 through 1.I4, 1.I7 through 13, 1.I16, 1.I20,*
1.I27 through 35, 1.I37 through 39, 1.I42, 3.3-3.5, 3.9-3.10, 3.14, 3.17-3.23, 8.1,
and 9; Testimony of Jean Hamilton, Edwin Martinez, Wendy Powell, Chris
Eltrich, Cindy Louws, Nick Vann, Joe Wilson, and Ken Bell.

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53. In response to public comment, Bellingham Police Department Deputy Chief of Operations Don Almer testified regarding the proposal. Deputy Chief Almer provided data he compiled entitled Area Review Analysis, which reviewed crime statistics from the area around 2020 Cornwall Avenue, Drop-In Center at 1013 W. Holly Street, and Basecamp at 1530 Cornwall Avenue. The available data contains gaps that render it incomplete, largely resulting from the duration the interim housing use was located in each address. Having reviewed the call data, Chief Deputy Almer concluded that the reviewed interim housing uses have experienced an increase in calls to BPD during the review periods; however, he specified that it is not possible to identify the interim housing use as the only reason calls increased. He cited the pandemic and the economic difficulties that have ensued as other factors that could be related. Even in the face of data showing increased police response to the areas around interim housing uses, Chief Deputy Almer testified that in his opinion the currently proposed facility offers design and operational differences from the previous Drop-In Center that would improve the community’s experience of the facility. Noting that low barrier does not mean no barrier, Chief Deputy Almer testified that the increased size and proposed layout of the facility would mitigate some of the primary concerns related to the former DIC at 1013 W. Holly Street, particularly in that guests have the option to be inside during the entire day, unlike the DIC which required all guests to be on the sidewalk simultaneously during at least two programming transitions each day. He also noted the proposed facility prevents access directly from the sidewalk and provides outdoor areas for guests that are not in the right-of-way, which would reduce the opportunities for conflict between guests and the general public. In providing more amenities and services within the building, the proposal would be more likely to keep guests on site, where they would have increased opportunities to interface with support services intended to facilitate their transition out of homelessness. Chief Almer noted that the Applicant has requested and obtained BPD trainings for its staff and volunteers, and that the proposed facility is designed with effective “crime prevention through environmental design” (CPTED) principles, which would improve the Applicant’s ability to monitor activities on and around the property. The Chief also noted that in each new interim housing facility location, as BPD was called and Applicant staff learned appropriate responses to situations, the number of calls from each facility decreased. Currently the Applicant has a monthly meeting with City and BPD representatives to identify trends and determine what is working, and BPD and the Applicant are interested in continuing this practice. The Chief also submitted that the adopted shelter protection area (SPA) around the proposed facility, if approved, is expected to facilitate guest compliance with rules in that it would deter negative influences in the immediately surrounding neighborhood

1 that have been experienced in the previous locations. He also noted that the
2 SPA authorizes the Applicant to take corrective actions short of calling the
3 police and also gives neighboring commercial and residential uses a zone of
4 protection from the deleterious influences complained of at the former locations.
5 Whether the SPA would have the effect of displacing the deleterious influences
6 into surrounding areas, or elsewhere in the City, is a question the Chief didn't
7 feel could be answered at this juncture. In his testimony, the Chief confirmed
8 that BPD is experiencing a staffing crisis; they are down 36 active positions and
9 are facing a large number of pending retirements. As a result, it has been
10 necessary to "triage" calls and send responses to the most serious situations.
11 BPD is advertising and plans to fill the vacancies; however, the Chief anticipates
12 the staffing situation won't be completely addressed for 18 to 24 months.
13 *Deputy Chief Don Almer Testimony; Exhibits 1, 1.H, and 10.*

14 54. Regarding concerns about criminal activities in the vicinity of the facility,
15 Planning Staff also offered the following. City representatives and the BPD
16 remain committed to ensuring public health and safety for the whole community
17 and intend to work closely with the Applicant to ensure compliance with BMC
18 20.15A and the conditions of CUP approval if granted. In response to calls
19 about crimes or suspicious activities around the facility, enforcement actions are
20 expected to be commensurate with applicable laws as well as with the severity
21 of the violation alleged to have been committed. It is intended that BPD would
22 conduct empathetic law enforcement, emphasizing education and setting clear
23 expectations and a consistent message. It is anticipated that having staff and
24 volunteers walk the 700 feet from the leased parking stalls to the facility would
25 provide increased "eyes on the street," which is expected to reduce criminal
26 behavior due to additional opportunities for communication and observation of
27 behaviors. Going forward, Applicant staff, volunteers, and the general public
28 would be encouraged to contact the BPD (or 911 in an emergency) if they
29 observe illegal activity either within or outside the facility. City Staff submitted
30 that crime takes place throughout the City, and not all crime near the facility
would be committed by a shelter guest. Further, Staff asserted that it is
appropriate to acknowledge that existing shelters are not responsible for all pre-
existing real or perceived impacts associated with individuals experiencing
homelessness in Bellingham, and that similarly, impacts following approval, if
granted, cannot universally be assumed to be directly attributable to proposed
shelter. *Exhibits 1, 5 (slide 20), and 10.*

55. Of note, City Staff contended that, aside from encouraging individuals to alter
their behavior and access services within the facility, the Applicant does not
have authority over individuals off premises or within the public rights-of-way

1 (e.g., the public sidewalk), except that in certain instances, they can limit access
2 to their programs and facilities. This process is called “barring” and prohibits
3 those whose observed behavior on- or off-campus violates the code of conduct.
4 For individuals restricted from the facility, the Applicant’s mission includes
5 continuing to attempt to connect such individuals with other services to address
6 their needs. This includes hospital stays for those whose medical needs exceed
7 the facility’s capacity, crisis stabilization for mental health or detox situations,
8 BPD if there are safety concerns, among other referrals. Given the adoption of
9 the shelter protection area by City Council, which would go into effect upon
10 certificate of occupancy issuance for the facility, Applicant staff would be able
11 to remind individuals of the SPA while monitoring the facility and to discourage
12 inappropriate activity in the right-of-way. Based on past success with the SPA
13 at the current Basecamp location, the SPA is expected to be an effective tool for
14 reducing negative impacts in the project vicinity including debris, human waste,
15 animal waste, unauthorized encampments, disorderly conduct, property damage,
16 fires, public urination, pedestrian and vehicular obstruction and public
17 intoxication. *Exhibits 1, 1.A3, and 1.A7.*

18 56. Addressing questions regarding how the proposal could be a better fit for the
19 neighborhood than the former Drop-In Center, Planning Staff offered the
20 following. The interim housing provisions with which the project must comply
21 were written and adopted by Council to address the concerns submitted by
22 neighbors after commencement of the former Drop-In Center (DIC). The
23 proposal is for a purpose-built facility designed to comply with the newly
24 adopted regulations, and it is much larger than the previous facility. Two
25 primary design elements providing increased compatibility with the
26 neighborhood are the separation of the sleeping dorms from the day use area and
27 the creation of outdoor space for guests on all floors, which together would
28 allow guests to stay inside the facility for a much greater percentage of their
29 stay. All functions and activities associated would occur indoors, including
30 intake. Because the proposed facility was designed to address the specific
concerns voiced about the earlier DIC and with the conditions recommended by
Staff to minimize potential adverse impacts, Planning Staff submitted that the
proposal would satisfy the interim housing use-specific development standards
and criteria for CUP approval. *Exhibits 1 and 10; Anya Gedrath Testimony.*

57. Regarding nuisance concerns (not crime or safety related), the Applicant would
provide a 24-hour point of contact to be the neighborhood liaison to the public
and to BPD, whose contact information would be available on the Applicant’s
website and distributed to the neighborhood. Daily after 7:00 p.m., shelter
guests would be asked to stay on site and would be advised that they risk losing

1 their bed for the night if they leave. Some individuals who use the facility
2 during the day may choose not to stay overnight on site. The Applicant
3 submitted that clearly established and communicated parking limitations
4 (prohibiting overnight camping), street lighting, 24/7 staffing, video
5 surveillance, and shelter protection zone enforcement by Applicant staff and
6 BPD would discourage guest and visitor congregation in the neighborhood after
7 hours. *Exhibits 1, 1.A3, and 1.A7.*

6 58. Regarding the City's responsibility to address homelessness, Planning Staff
7 submitted that the City and County are working cooperatively to provide
8 permanent housing solutions, respond to the demand for emergency shelter, and
9 address the root causes of homelessness, with a current combined annual budget
10 of approximately ten million dollars. The two governments work in conjunction
11 with more than a dozen local housing and human services non-profit
12 organizations, of which the Applicant is one. The instant proposal is one of
13 many interim housing projects the City is currently engaging in with partner
14 organizations. *Exhibits 1, 6, and 10; Tara Sundin Testimony.* Of note, the
15 topics of the City's responsibility for / approaches to addressing homelessness
16 are outside the scope of the instant proceedings, which are limited to considering
17 whether the specific proposed land use complies with criteria for permit
18 approval and applicable development standards.

16 59. Pursuant to RCW 35.21.915, a religious organization may host the homeless on
17 property they own or control (as through a lease) and a local government may
18 not impose conditions other than those necessary to protect public health and
19 safety. Planning Staff interprets this state law to mean that housing / shelters
20 hosted by religious organizations are allowed land uses notwithstanding public
21 opposition based on potential negative impacts to property values. *Exhibits 1
22 and 2.*

22 60. Addressing the public comment expressing dissatisfaction with the notice
23 provided of the instant application and proceedings, Planning Staff submitted
24 the following. The applicable interim housing regulations require a Type III-A
25 process for larger interim housing proposals pursuant to BMC 20.15A.020.
26 Type II design review and SEPA review processes were also required to address
27 the standards of the City Center Design Review District and the Old Town
28 Overlay District (BMC Chapters 20.35 and 20.25). Planning Staff followed the
29 noticing requirements for each permit type as established in BMC 21.10.200.
30 Pursuant to BMC 21.10.20.D(3), the required mailing radius is 500 feet, which
is not modified arbitrarily or upon request. In addition to the required mailing,
the subject property was posted with notice signage before the pre-application

1 neighborhood meeting, the design review board meeting, for at least two weeks
2 after the notice of application was mailed, and at least 10 days before the June
3 8th public hearing. Notice of the continuance of the public hearing until June
4 13th was given verbally on the record at the beginning and the end of the June
5 8th hearing. Due to the virtual nature of the hearing, a post-hearing written
6 public comment period was established for persons experiencing technological
7 barriers to participation. There are no requirements to post notice signage
8 permanently. Public comments were received from the initial notice up through
9 the post-hearing comment period. While the public notice was initially listed on
10 the City's website under "City Center" rather than under "Lettered Streets," this
11 did not prevent members of the public who were interested in redevelopment of
12 the Mission from providing public comment. After the categorization error was
13 brought to staff's attention, it was corrected on the website, and notice remained
14 posted on the City's website for 30 days. Finally, the Lettered Streets
15 Neighborhood was contacted about the proposal. *Exhibits 1, 1.D, and 10; Anya
16 Gedrath Testimony.* Also responding to comments challenging adequacy of the
17 public process, an Applicant representative submitted the following: the
18 proposal was the subject of three public meetings; in five separate instances,
19 yellow "land use action" signs were posted on site for a combined total of 68
20 days; the hearing notice was posted 21 days; the Applicant directly sent letters
21 or emails to neighborhood associations, to council members, and submitted a
22 press release. All who commented and attended the neighborhood meetings
23 were added to the parties of record list. *Ali Taysi Testimony.*

- 18 61. Regarding concerns expressed about project funding and increased taxpayer
19 burden, Planning Staff submitted that nearly all of the improvements involved in
20 the proposal would be funded directly by the Applicant, which is responsible for
21 all building and construction costs, including infrastructure improvements for
22 the entire block faces of W. Holly and F Streets. The City has tentatively agreed
23 to fund infrastructure improvements along the Astor Street frontage. While it is
24 true that taxpayers pay for public services in the City, including Fire, Police, and
25 utilities, these public services would be required across the City in response to
26 calls for service, regardless of the location of a low-barrier shelter. Owners of
27 property in the immediate vicinity of the project are not specifically tax-
28 burdened due to the location of the proposal. The use is allowed in the
29 underlying zone through the conditional use process. Planning Staff submitted
30 that approval is not anticipated to adversely impact values of surrounding
properties for two reasons. First, the Mission has been present on site for about
45 years, the Applicant's Ascent Program and Agape Home are both nearby, and
the Drop-In Center was located nearby in 2017-2018. These circumstances
imply that to the extent such uses can influence property values, the influences

1 are already in place. The proposal would not change the land use of the site, and
2 if anything, would improve it because the building would be new, built to code,
3 and designed specifically to contain the interim housing use while controlling
4 impacts to the neighborhood. Secondly, similar to minimization of other
5 categories of adverse impacts, the potential for any remaining adverse financial
6 impact is expected to be significantly reduced through strict implementation of the
7 operational policies proposed by the Applicant and recommended conditions of
8 permit approval. To the extent that surrounding property owners feel approval
9 would impact their property values, if land use approval is granted, they may
10 request a change in valuation for property tax purposes from the County
11 Assessor's office pursuant to RCW 36.70B.130. *Exhibits 1 and 10.*

9 62. Addressing concerns about parking, Planning Staff noted that parking for the
10 proposal is regulated pursuant to BMC 20.15A.020.M, which states: "The
11 maximum number of off-street parking spaces required for each facility will be
12 determined by the director or hearing examiner taking into consideration factors
13 such as the potential number of residents and site constraints." Planning Staff
14 submitted that, contrary to assertions in public comment, the proposed interim
15 housing facility is not similar to a hotel from a planning perspective, in that
16 many of the guests do not own and cannot afford vehicles. Planning Staff
17 further submitted that the Applicant's parking demand analysis satisfies their
18 Department's requirements for review and that the 52 stalls proposed including
19 the five year lease (and the minimum of 51 stalls as conditioned) would satisfy
20 minimum parking requirements. The Applicant's five-year lease with the Port
21 for the off-site parking would give the Applicant and the City adequate time to
22 assess parking demand going forward. In the event that the off-site parking
23 cannot be extended beyond the lease period (or in perpetuity), the Applicant
24 waived objection to Planning Staff's recommended condition of approval that
25 would require the operator to continue providing at least 51 parking stalls within
26 a one-quarter mile walking distance, unless future parking analysis demonstrates
27 that fewer stalls are needed. The condition also provides the Planning Director
28 authority to require additional off-site parking to be secured if more are needed.
29 *Exhibits 1 and 11.*

24 63. Regarding aesthetic comments, these concerns are not within the scope of the
25 land use approvals under consideration in the instant proceedings. They were
26 taken into consideration during review of the required design review permit.
27 *Exhibits 1, 1.F, and 11.*

28 64. Applicant representatives also responded to public comment during and after the
29 hearing, at the request of the undersigned. Speaking to comments challenging

1 the mass and scale of the proposed structure being “out of character” with the
2 surrounding neighborhood, the Applicant submitted a graphic showing the
3 heights already approved and/or allowed upon redevelopment under current
4 zoning on the surrounding properties. On the blocks adjacent to/surrounding the
5 subject property, building heights of up to seven stories and 130 feet are allowed
6 and can be expected to occur with redevelopment. One building of 40,000
7 square feet and seven stories has already been approved in the block across from
8 the site’s F Street frontage, along G Street. The proposal is consistent with the
9 75-foot height limit of the zone. Additionally, the proposal is anticipated to
10 generate much lower traffic volumes than a similarly sized multifamily
11 residential building, which is a use that can be expected to occur as Old Town
12 properties redevelop. *Exhibit 5 (slide 30); Ali Taysi Testimony.*

13 65. Addressing comments questioning the Applicant’s success rate in other
14 locations, the Applicant submitted that its recovery programs have a 70%
15 success rate based on metrics that include sobriety, housing, church
16 involvement, employment and education measured one year after graduation.
17 The Applicant submitted that the low barrier shelter model is a necessary first
18 step in the trust building required to encourage people to engage in restorative
19 programs that address the underlying issues leading to their homelessness. At
20 the proposed facility, recovery programs would be available to all guests, who
21 would be able to meet with more than 20 agencies and partner service providers
22 on-site. In some cases, transportation to off-site appointments would be
23 provided by the Applicant. Based on this increased opportunity for service
24 engagement, the Applicant anticipates that the proposed facility would result in
25 higher rates of recovery than previous programs. *Exhibits 1, 1.A7, and 11.*

26 66. Specifically addressing comments requesting information distinguishing the
27 proposal from the Drop-In Center that operated at in 2017, the Applicant
28 reiterated/offered the following. The building at 1013 W. Holly Street was too
29 small and was not designed with spaces that allowed for guests to remain
30 indoors while the main area was transitioned from day to night activities,
causing all guests to have to gather on the sidewalk at the same time twice per
day, which was the primary cause of neighborhood conflict. The proposed
building is designed to contain all guests at all stages, including: queuing for
check-in; sufficient indoor day room space such that all guests would not ever
be required to wait outside at once; second-story outdoor space on-site
inaccessible to unauthorized people; separate individual outdoor balconies for
each micro-shelter; centralized administrative staffing on-site, increasing
employee count during business hours and providing operational efficiencies;
separate entrances for each shelter use, including low barrier shelter entrance off

1 of Astor and away from main Holly Street arterial; and easier ambulance access.
2 In addition, the following operational improvements would improve the
3 interaction of the facility with the neighborhood to a point that reduces adverse
4 impacts significantly: implementation of a Good Neighbor Policy; facilitation of
5 a Neighborhood Advisory Group; three commercial spaces generating daytime
6 eyes on the street and fostering connections between guests and the
7 neighborhood; a dedicated full time staff-neighborhood liaison; a larger outreach
8 team engaging those experiencing homeless; implementation of a Shelter
9 Protection Area to deter loitering and car parking, motorhomes, and predatory
10 behaviors. Further, the Applicant agrees to comply with conditions as
11 recommended by Planning Staff, which would require the allow/following:
12 partial or full facility closure if the Applicant fails to address adverse impacts
13 arguably within Applicant's control; prohibition against facility activities
14 conducted in the adjacent public rights-of-way (Condition 15); daily trash
15 collection and litter management; and a 12 to 18 month period of mandatory
16 monthly meetings including Applicant, City, and BPD staff to address emerging
17 issues. *Exhibits 1, 5 (slide 29), and 11; Testimony of Bridget Reeves, Hans
18 Erchinger-Davis, and Ali Taysi.*

14 67. Addressing public comment regarding the adequacy of proposed staffing, the
15 Applicant submitted the following. The Applicant submitted that it is an
16 experienced managing agency that has demonstrated the ability to determine
17 adequate staffing levels for the need in their past operations. Currently, the low
18 barrier shelter operated at Basecamp has been successfully operating its 200-bed
19 shelter with two staff at night. During its tenure, there has never been an
20 encounter between guests behaving in a violent manner towards people or
21 property the neighborhood at night. The code of conduct, with which guests are
22 required to comply, prohibits behavior that would put others in the facility into
23 an unsafe situation. Guests are adults who typically wish to be safe, warm, and
24 able to sleep at night. Thus, guests are personally motivated to abide by the
25 code of conduct and to hold other guests accountable for it. Finally, the
26 Applicant conduct an internal program – the Exodus Program – in which guests
27 contribute to their own recovery by assisting or mentoring others in recovery.
28 The Applicant submitted that the proposed staffing numbers would be adequate
29 and would not result in adverse situations for neighbors, staff, partner agencies,
30 volunteers, or guests, especially at night. *Exhibit 11; Testimony of Bridget
Reeves and Hans Erchinger-Davis.*

68. Addressing parking concerns, the Applicant submitted that while the maximum
parking demand to serve the facility would be 51 parking stalls, in typical
conditions, peak demand would be lower than 51 stalls (typically 47 stalls or

1 fewer), because it would be rare for all staff to be present simultaneously.
2 Additionally, the 700-foot distance between leased parking and the facility is
3 shorter than many staff currently walk from assigned parking to the existing
4 facilities. Seven hundred feet is not an uncommonly long distance for
5 employees in urban areas to walk to work from available parking. The proposed
6 path is a public sidewalk with existing street crossings. Finally, the walking
7 route would provide opportunities additional eyes on the streets surrounding the
8 facility, constituting a passive CPTED strategy that would enhance staff's
9 knowledge and understanding of, as well as their ability to respond to,
10 conditions outside the facility. Should the provided parking be insufficient,
11 recommended Condition 7 would require renegotiation of the leased parking at
12 least six months prior to its expiration and includes language authorizing
13 administrative increase to minimum parking stalls should conditions arise
14 demonstrating the need. *Exhibits 1.A5, 5 (slide 20), and 11; Testimony of Justin
15 Reeves and Hans Erchinger-Davis.*

12 69. In closing, the City acknowledged that the project may result in impacts in the
13 neighborhood; however, conditioned as recommended, Planning Staff submitted
14 that the proposal meets the criteria for large interim housing use and for
15 conditional use permit approval. They noted that the City's new interim housing
16 regulations were drafted based on past experience with the Drop-In Center, and
17 that the regulations in themselves address a significant percentage of the
18 concerns expressed by the public. They further noted that the proposal would
19 occur in a "purpose-built facility" designed to address many of the concerns
20 raised in comment. Staff maintained their position that providing shelter to those
21 experiencing homelessness promotes the health and safety of both those
22 individuals and the greater community. Having heard and considered all public
23 comment, City Staff maintained their recommendation for approval of the CUP
24 and the waiver to allow 300 permanent beds, subject to the conditions in the
25 staff report. *Exhibits 1 and 10; Testimony of Anya Gedrath, Kurt Nabbefeld,
26 and Tara Sundin.* Applicant representatives waived objection to the
27 recommended conditions in the staff report. *Testimony of Ali Taysi and Hans
28 Erchinger-Davis.*

25 CONCLUSIONS

26 **Jurisdiction:**

27 The Hearing Examiner is granted authority to hold hearings and make decisions on
28 conditional use permit applications pursuant to BMC 20.16.010.D.

1 **Conditional Use Permit Criteria for Review:**

2 Pursuant to Bellingham Municipal Code 20.16.010.B, conditional use permits for
3 conditional uses allowed in the general use type may be granted by the Hearing
4 Examiner if the record demonstrates the following:

- 5 1. The proposed use will promote the health, safety, and general welfare of the
6 community.
- 7 2. The proposed use will satisfy the purpose and intent of the general use type in
8 which it is located.
- 9 3. The proposed use will not be detrimental to the surrounding neighborhood.

9 Pursuant to BMC 20.16.010.E, in applying the standards set forth in subsection B
10 (above), the Hearing Examiner shall consider the following factors as to whether the
11 proposed use will:

- 12 1. Be harmonious with the general policies and specific objectives of the
13 comprehensive plan.
- 14 2. Enable the continued orderly and reasonable use of adjacent properties by
15 providing a means for expansion of public roads, utilities, and services.
- 16 3. Be designed so as to be compatible with the essential character of the
17 neighborhood.
- 18 4. Be adequately served by public facilities and utilities including drainage
19 provisions.
- 20 5. Not create excessive vehicular congestion on neighborhood collector or
21 residential access streets.
- 22 6. Not create a hazard to life, limb, or property resulting from the proposed use, or
23 by the structures used therefor, or by the inaccessibility of the property or
24 structures thereon.
- 25 7. Not create influences substantially detrimental to neighboring uses. "Influences"
26 shall include, but not necessarily be limited to: noise, odor, smoke, light,
27 electrical interference, and/or mechanical vibrations.
- 28 8. Not result in the destruction, loss, or damage to any natural, scenic, or historic
29 feature of major consequence.

27 **Other Applicable Provisions:**

28 Pursuant to BMC 20.15A.050.C, the director or hearing examiner may approve an
29 interim housing permit that relaxes one or more of the standards in this chapter, except

30 *Findings, Conclusions, and Decision*

Page 43 of 58

H:/DATA/HEARING EXAMINER/DECISIONS/Lighthouse Mission 910 W. Holly St. CUP Decision

OFFICE OF THE HEARING EXAMINER
CITY OF BELLINGHAM
210 LOTTIE STREET
BELLINGHAM, WA 98225
(360) 778-8399

1 the table in BMC 20.15A.020, only when the applicant submits a description of the
2 standard to be modified and demonstrates how the modification would result in a safe
3 facility with minimal negative impacts to the host community under the specific
4 circumstances of the application. In considering whether the modification should
5 be granted, the director or hearing examiner shall first consider the effects on the
6 health and safety of facility residents and the neighboring communities.
7 Modifications will not be granted if their adverse impacts on residents of the
8 shelter and/or neighboring communities will be greater than those without
9 modification. The burden of proof is on the applicant.

10 **Conclusions Based on Findings:**

11 **1. Addressing the criteria for larger interim housing uses established in BMC**
12 **20.15A.020, the following conclusions are entered.**

- 13 a. The proposed larger interim housing use is allowed in the Commercial general
14 use type and in the Old Town district/urban village through a conditional use
15 process. The criteria for conditional use approval are addressed below in
16 Conclusions 3 and 4. The Applicant's request to be allowed to serve up to 300
17 persons in permanent beds in the facility is addressed in Conclusion 2 below.
- 18 b. Not more than one bed per 35 square feet is proposed.
- 19 c. The proposed purpose-built building would be designed and constructed
20 consistent with current building code, fire code, stormwater code, and all other
21 technical, life/safety codes.
- 22 d. The Applicant would be required to design and install all outdoor lighting to
23 prevent off-site glare and to submit a photometric plan for review and approval
24 by the Planning Department at time of building permit to demonstrate
25 applicable lighting standards are satisfied.
- 26 e. Trash receptacles are proposed throughout the facility and in appropriate
27 exterior areas of the site to ensure litter from the project does not become a
28 nuisance to the neighborhood. Programming includes regular trash patrols of
29 the site and vicinity by Applicant staff, and guests are encouraged to participate;
30 this is memorialized in the submitted Operations Plan.
- f. The Applicant is coordinating the number of required toilets with the Health
Department. In addition, the Applicant's standard practices regarding food
donations are USDA, WSDA, and Whatcom County Health Department
approved. Condition of approval 21 requires the Applicant to obtain and abide
by Health Department recommendations on both items (number of toilets and
food handling practices), and condition 22 requires Applicant compliance with

1 Health Department policies regarding communicable diseases in the community
2 including but not limited to COVID-19.

- 3 g. As proposed, the Applicant would construct and operate the facility in
4 compliance with all applicable City, State, and Federal regulations and allow
5 inspection as necessary by government entities. Conditions 23 and 24 require
6 ongoing compliance with applicable standards and authorize the City to take
7 enforcement action against the permitted facility in the event the Applicant fails
8 to operate the facility in compliance with applicable regulations such that public
9 health or safety issues of concern arise and cannot be addressed by the
10 Applicant.
- 11 h. Based on the evidence submitted of parking demand at the various facilities that
12 the proposed building would replace, the record supports the conclusion that 51
13 parking stalls are required to be provided to address peak demand. Despite
14 assertions of inadequate parking, no evidence was offered in the record capable
15 of demonstrating that the 51 required stalls would be inadequate. The proposed
16 52 parking stalls provide a one-stall surplus as a show of good faith. Condition
17 7 requires the Applicant to demonstrate provision of at least 51 stalls and to
18 provide a new lease for the required off-site parking at least six months prior to
19 expiration of any current lease, provided that the Planning Director may
20 administratively either reduce or increase the number of required stalls based on
21 subsequent parking demand studies reflecting actual operations over time.
- 22 i. The Applicant's materials contain the information regarding transit availability,
23 multimodal transportation facilities to services, and distances and transport to
24 area schools required by BMC 20.15A.020.N.
- 25 j. The facility was designed to include all functions associated with the interim
26 housing use inside the building. All check-in queuing would occur inside the
27 structure in areas connected to the various shelter entrances. Additionally, the
28 building contains adequate room for the proposed 100 additional emergency-
29 only beds without requiring guests to queue outside the building during
30 transitions from day to nighttime programming. This distinguishes the proposal
from the former Drop-In Center at 1013 W. Holly Street, which was notorious
for requiring all guests to stand on the sidewalk while the interior transitioned
from day use to night use. Additionally, monitored outdoor spaces segregated
from the public sidewalks have been provided, including two large decks on the
W. Holly Street frontage, several smaller decks serving the various micro-
shelter populations, and partially enclosed areas on-site near the main entry that
are separated from the sidewalk, in which Applicant staff would have authority
to control guest activities. These features and programming options satisfy the
intent of BMC 20.15.A.020.O.

- 1 k. The Applicant submitted materials demonstrating compliance with applicable
2 design review standards and the Planning Director approved design review
3 permit DR2021-0023 on May 31, 2022 subject to 15 conditions with which the
4 proposal would be required to comply. This approval satisfies the requirement
5 of BMC 20.15A.020.P.
- 6 l. The Application materials include the required operations manual, which
7 contains the seven required programming and operational elements outlined in
8 BMC 20.15A.020.Q and additional elements developed by the Applicant
9 through decades of experience with interim housing uses.
- 10 m. The proposal includes staffing by Applicant employees, interns, and volunteers
11 adequate to provide the 24/7 supervision required by BMC 20.15A.020.R. The
12 proposed minimum daytime staff focused on support and supervision of the
13 operations of the shelter functions of the building of six to eight employees, and
14 minimum nighttime staff of three employees, are based on the Applicant's
15 operational experience at other interim housing facilities. Daytime minimum
16 staffing would be supplemented by the presence of interns, volunteers, and staff
17 from community partner organizations, in addition to other administrative staff
18 of Lighthouse Mission Ministries whose offices would be moved into the
19 proposed facility, resulting in up to approximately 26 Applicant employees
20 present during the business days. Aside from assertions - which are not
21 similarly based on years of professional experience - that the proposed day and
22 nighttime staffing levels would be inadequate, there is no evidence in the record
23 capable of disputing the Applicant's experience-based proposed staffing levels.
24 In the event that circumstances arise that cause the proposed staffing to be
25 inadequate, condition of approval number 6 would require the Applicant to
26 increase minimum staffing to meet operational objectives.
- 27 n. While there was public comment expressing doubt about the Applicant's
28 expertise as a "managing agency" for the purposes of the interim housing
29 regulations, no evidence was offered capable of seriously calling into question
30 the Applicant's capacity to act in the capacity of managing agency for the
proposed interim housing land use. Lighthouse Mission Ministries has been
operating shelters in Bellingham for nearly 100 years, including the Mission on
the subject property for approximately 45 years, and clearly meets the intent of
the managing agency required by BMC 20.15A.020.S.
- o. The proposed interim housing use would not accommodate unaccompanied
minors under 18 years of age. Any children under age 18 admitted to the
facility would be accommodated with their family in the family micro-shelter,
designed with specific access and living space considerations for this
population. Condition of approval number 9 would require the Applicant to

1 report unaccompanied minors who seek shelter at the facility to Child Protective
2 Services and to actively endeavor to find alternative housing for the child.

- 3 p. As stated in the application materials and required by Condition of approval
4 number 4, point of contact information is identified on the application form,
5 would be posted on site, and would be provided to BPD consistent with BMC
6 20.15A.020.U.
- 7 q. Consistent with BMC 20.15A.020.V, the Applicant maintains a database of all
8 guests who have stayed in its facilities since it began operating and would
9 continue to update this database daily. The intake process for new guests
10 includes admission paperwork and an in-person interview with staff during
11 which a prospective guest is required to provide necessary identifying and
12 demographic information.
- 13 r. Consistent with BMC 20.15A.020.W, the Applicant does not propose to serve
14 registered sex offenders at the facility. Condition of approval number 10 would
15 prohibit registered sex offenders from being served on-site and would require
16 the Applicant to provide notice to current and prospective guests that the facility
17 is required to report unregistered sex offenders to BPD.
- 18 s. Similarly, consistent with BMC 20.15A.020.X, condition of approval number
19 11 would require the Applicant to provide notice to current and prospective
20 guests that the facility follows a BPD-approved protocol for contacting the BPD
21 in addressing any known, active felony warrants.
- 22 t. The Applicant proposes to utilize its existing protocol for access and
23 coordination with the BPD, and condition of approval 23 would require the
24 Applicant to adjust the protocol over time in response to BPD guidance,
25 consistent with BMC 20.15A.020.Y.
- 26 u. The Applicant's programming model is based on collaboration with many
27 partner agencies for efficient cross referrals to services needed to assist guests in
28 their objective of overcoming homelessness. The proposed facility would
29 continue to rely on and expand the network of community partners working
30 together to assist guests in obtaining more permanent housing.

Findings 2, 3, 6, 7, 9, 10 through 31, 39, 40, 41, 44, 46, and 51 through 69.

2. **Addressing the request for waiver pursuant to BMC 20.15A.020.C of the
200-bed maximum for large interim housing uses, the following conclusions
are entered.** Based on the record as a whole, the undersigned is persuaded that
providing 100 additional beds of specialized, separate shelter to the identified
populations of persons more vulnerable and/or more difficult to serve in the
general shelter population than the average low barrier shelter guest, the

1 Applicant is capable of operating the facility in a manner that is safe for
2 prospective guests, employees, volunteers, community partners, and the public
3 generally. In providing shelter, case management, and specialized services to
4 the micro-shelter populations, including men's and women's behavioral health
5 beds, men's and women's medically fragile/elderly beds, 26 family beds for up
6 to six families, and "flex" beds for persons with unique shelter needs, the
7 proposed facility would serve up to 100 additional individuals who do not thrive
8 in, or cannot join, the general low barrier shelter population, protecting them
9 from the dangers inherent in open living on the streets for such vulnerable
10 populations. This would benefit the community as a whole. The design of the
11 facility, including separate entrances for the varying shelter populations and
12 adequate room for all functions including queuing and storage of belongings
13 inside the perimeter of the facility, would reduce the potential for conflict
14 between shelter guests and the general public. There is no evidence in the
15 record capable of supporting a conclusion that the additional 100 beds would
16 result in impacts to guests of the facility or neighboring properties beyond the
17 impacts that would occur if the modification were not granted. *Findings 10, 11,*
18 *12, 13, 14, 15, 16, 31, 32, 33, 34, and 51 through 69.*

14 **3. Addressing the criteria for conditional use permit approval established at**
15 **BMC 20.16.010.B, the following conclusions are entered:**

16 a. On balance, evidence in the record as a whole demonstrates that the
17 proposed interim housing use would benefit the health, safety, and welfare
18 of the entire community. If housing options for those experiencing
19 homelessness are not provided, they would be forced to continue to live in
20 the open, jeopardizing not only their own health and safety, but directly
21 impacting the broader community. The development and operation of the
22 proposed low-barrier shelter at the subject would ensure guests currently
23 served at Basecamp continue to receive shelter and services, rather than
24 returning to open living on the streets. The added 100 micro-shelter beds
25 would provide more vulnerable individuals the opportunity to access
26 essential services and receive assistance with the transition into more
27 permanent housing. The 100-bed capacity emergency shelter would provide
28 additional lifesaving shelter during imminent threats to public health and
29 safety. In bringing members of the community off the street, the project
30 would reduce the current burden on our municipal emergency services,
downtown businesses, and other community organizations serving the
homeless population and improve the quality of life of all residents of
Bellingham. The proposed building is designed to reduce impacts on
surrounding property owners, remove guests from the public right-of-way,
provide commercial business opportunities for guests, and ensure the safety

1 of guests and neighbors. As designed, proposed, and conditioned, the
2 facility would promote the health, safety, and general welfare of the
community. *Findings 10 through 34 and 51 through 69.*

3 b. Interim housing uses are allowed in the Commercial general use type as a
4 conditional use. The housing provided would be more intensive than typical
5 residential uses, consistent with uses allowed outright in the Commercial
6 zone. In addition to interim housing, the facility would provide services
7 needed by housing guests, and the project would update utilities and multi-
8 modal transportation infrastructure along the site frontages to Old Town
9 district standards appropriate to the Commercial zoning. The three
10 proposed retail spaces fronting W. Holly Street would be consistent with the
commercial zoning and would contribute to the facility functioning as a
mixed use. *Findings 5, 6, 7, 10 through 30, 35 through 41, and 51 through
69.*

11 c. As proposed and conditioned, the proposed interim housing use would not
12 be detrimental to the surrounding neighborhood. The site has been used to
13 provide shelter and services to those experiencing homelessness since the
14 1970s; the proposal is not a change in land use. Based on the current
15 operations at Basecamp downtown, the proposed facility would generate
16 impacts common in a commercial zone, including: pedestrian, bike, and
17 vehicular traffic, noise, and visual impacts from the building's use. In
18 increasing the number of persons to be served on site, the facility has the
19 potential to increase the impacts already experienced in the vicinity as a
20 result of the existing presence of the homeless population. To address these
21 potentially increased impacts, the project includes: indoor and outdoor
22 waiting areas to prevent queuing or loitering, refuse, and continual
23 interaction with pedestrians in the public right-of-way; incorporation of
24 CPTED principles and security features - including but not limited to
25 cameras and lighting in the building's design; on-site, indoor intake and
26 recordkeeping; 24/7 staffing / supervision; mandatory compliance with a
27 code of conduct that prohibits the on-site use or sale of alcohol and illegal
28 drugs and threatening and unsafe behavior; securing weapons in a safe
29 location; neighborhood engagement through an active Good Neighbor
policy; coordination with BPD addressing active felony warrants; waste
receptacles and dedicated trash patrols around the building, among other
measures. The City Council adopted a shelter protection area that would
extend between Clinton Street and Roeder Avenue, and from C to H Streets,
within which it would not be allowed to sleep in vehicles or on the street,
which Council determined would reduce impacts around the facility and
disperse the area of concentration of impacts. These measures would reduce

1 and mitigate impacts to the community of the expanded interim housing use
2 on the subject property. *Findings 10 through 41, 43,44, 45, 46, and 51*
3 *through 69.*

4 **4. Addressing the conditional use permit criteria established at BMC 20.16.010.E,**
5 **the following conclusions are entered.**

- 6 a. Redevelopment of the existing Light House Mission building into a five-
7 story building containing a 200-bed low barrier shelter, 100 additional beds
8 in micro-shelters reserved for specific vulnerable populations, and
9 multipurpose administrative offices with associated parking as described
10 above is consistent with and supportive of the goals and policies of the
11 Bellingham Comprehensive Plan in the following ways: in providing both
12 shelter and access to services for people in need to social services to
13 overcome homelessness; developing housing in a location that is accessible
14 by multimodal forms of transportation; promoting small-scale commercial
15 uses; contributing to a mix of housing types; being designed with crime
16 prevention through environmental design principles; increasing jobs,
17 housing, and services in the Old Town District; considering both public
18 health and social equity in its siting; promoting comfortable pedestrian use
19 of public sidewalks by physically separating the use from the right-of-way;
20 creating a staging area for emergency response vehicles; placing commercial
21 activities along the sidewalk; coordinating with public and private partners
22 to promote housing that meets regional needs; supporting housing for
23 populations with “special needs” in a location where such housing has long
24 been provided; supporting emergency and transitional housing needs for
25 persons experiencing homelessness; and in supporting a project that can
26 bring public infrastructure up to current Old Town standards. *Findings 10*
27 *through 17, 34 through 46, and 51 through 69.*
- 28 b. The record submitted demonstrates that redevelopment and operation of the
29 proposed facility would not interfere with the continued orderly
30 development of the surrounding public streets, utilities, and services. The
Applicant is required to bring site frontage along F and W. Holly Streets up
to current Old Town Subarea Plan standards consistent with a three-quarter
minimum street standard for the full length of the block face. For the subject
site, this would require three-quarter improvements for the full length of the
block faces. The project would install six-foot sidewalks with 4.5-foot
landscaping strips. The Astor Street frontage would also be improved,
either through a City public project or by the Applicant. The facility is
designed to provide all interim housing functions, including queuing for

1 check-in inside the building and outside the public sidewalk and right-of-
2 way. *Findings 5, 6, 7, 10 through 17, 43, 44, 45, 46, and 51 through 69.*

- 3 c. The proposal would not change the use of the property that has been in place
4 since the mid-1970s. In establishing a use that is allowed in the Commercial
5 zone through conditional use review, and in providing three commercial
6 spaces fronting W. Holly Street, the proposal is consistent with the essential
7 character of the neighborhood. Of note, Old Town Subarea Plan policies
8 support a mix of residential and commercial uses and require ground floor
9 commercial on W. Holly Street. A design review permit has been approved,
10 ensuring that the aesthetic presentation and functional design of the structure
11 as it engages with the fronting rights-of-way would be consistent with
12 existing and planned neighborhood character. *Findings 5, 6, 7, 8, 10*
13 *through 17, 43, 44, 45, 46, and 51 through 69.*
- 14 d. The redeveloped property would continue to be served by City water,
15 sanitary, and storm sewer facilities. As conditioned, construction of the new
16 building would require all utility connections and service extensions to be
17 consistent with current code. Nothing in the record would support a
18 conclusion that the project cannot be adequately served by public facilities
19 and utilities. *Findings 10 through 18, 26, 31, 41, 43, 45, 46, and 51 through*
20 *69.*
- 21 e. In primarily serving a population known to have a lower rate of vehicle
22 ownership, the proposal would not create excessive vehicular congestion on
23 the surrounding road network. The Applicant's assertion that guests of the
24 shelter have a low rate of vehicle ownership was challenged in public
25 comment; however, no evidence was submitted that would support a
26 conclusion that the Applicant has underreported the numbers of shelter
27 guests who own vehicles. Other uses allowed in the zone, including
28 multifamily residential and retail commercial uses, would generate higher
29 rates of vehicle traffic. The site is served by transit. As concluded above,
30 the proposed 52 parking stalls would adequately serve the peak parking
demand generated by the facility, subject to a condition requiring the
Applicant to obtain additional parking stalls should it more shown to be
required over time. *Findings 10 through 16, 19 through 23, 26, 45, and 51*
through 69.
- f. As proposed and conditioned, construction of the new building would be
required to comply with International Building and Fire Codes as well as all
other applicable City regulations. The new building would continue to be
accessible by emergency services. The purpose of the proposed use is to
provide safe shelter for persons currently living out in the open and help

1 them to access services needed to transition back into more permanent
2 housing. Therefore, approval would reduce hazard to life, limb, or property
3 resulting already existing in the community. *Findings 10 through 17, 24,*
41, and 51 through 69.

- 4 g. Again, the proposal would not change the land use that has been operating on
5 the subject property for more than 40 years. In building a new purpose-built
6 structure to current codes, with all interim housing programming functions to
7 occur inside the structure, the proposal would not present influences that are
8 detrimental to the surrounding neighborhood as are contemplated in
9 conditional use criteria. Designated smoking areas are proposed to be limited
10 to the elevated outdoor decks. Some noise from outdoor use (people in
11 conversation) is anticipated, but is not expected to exceed noise that would be
12 associated with other residential or mixed uses. The outdoor spaces are
13 oriented towards W. Holly Street and away from surrounding residential
14 uses. Lighting would be required to be downlit, shielded, and low intensity.
15 Mechanical equipment and trash enclosures would be required to be screened
16 to reduce visual impacts. As conditioned, the proposal would not generate
17 impacts greater than those associated with previous or current uses on and
18 around the subject property. *Findings 10 through 46 and 51 through 69.*
- 19 h. No known natural, scenic, or historic features of major consequence exist on
20 or around the site, and none would be impacted by the proposal. *Finding 47.*

21 DECISIONS

22 Based on the preceding findings and conclusions, the requested conditional use permit
23 to allow the development of a large interim housing facility with 300 permanent beds to
24 be operated by Lighthouse Mission Ministries at 910 W. Holly Street, Bellingham,
25 Washington is **APPROVED** subject to the following conditions:

- 26 1. The operators shall comply with the requirements of BMC 20.15A and the
27 conditions in this permit. The City will promptly investigate alleged violations
28 of BMC 20.15A or these conditions, and will be assessed by the City on a case-
29 by-case basis with the expressed intent of seeking timely compliance. However,
30 the Planning and Community Development Department (PCCD) Director may
close a portion or all of the facility no sooner than 72 hours (or immediately if
there is a threat to public health and safety) after providing notice, if the
operators fail to comply with the requirements of BMC 20.15A or these
conditions including, for example:

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- a. Violation(s) of any conditions of approval (which cannot be immediately remedied by the operators) that present a significant adverse risk to the health or safety of staff, guests, visitors, and/or the general public.
 - b. Failing to ensure that an on-site supervisor is present at all times, as required by the municipal code and this permit.
 - c. Failing to enforce the approved code of conduct or otherwise failing to control unacceptable behaviors occurring within the interim housing facility.
 - d. Failing to provide regulatory agencies or approved social service agency personnel access to the program site to ensure compliance with Washington State laws and regulations, the Bellingham Municipal Code (BMC), and Whatcom County Health Department regulations.
 - e. Refusing to provide program participant information when an emergency occurs requiring emergency response action.
 - f. Criminal conduct, or any series of events from the use that the Chief of Police or Fire Chief deem to be a danger to the interim housing facility and/or within the boundaries of the Shelter Protection Zone, including calls for service regarding assaults, disorderly behavior, or illegal substance use.
 - g. Demonstrated inability of the operator's staff to operate the interim housing facility consistent with BMC 20.15A, the interim housing facility application, and the conditions of approval.
2. The interim housing facility shall be limited to the following number of overnight guests (excluding staff and volunteers): a maximum of 200 beds for low-barrier dormitories, and a maximum of 100 beds for specialized micro-shelters. An additional 100 beds shall only be used per BMC 20.15.100 during adverse life-threatening weather or other declared natural disasters or public emergencies when the interim facility's low-barrier shelter is at capacity. The operators may not increase the number of guests served without submitting a new application.
3. As adopted by the City Council, a Shelter Protection Area (SPA) established around the new facility intended to protect the facility's guests and operations and help mitigate potential impacts on nearby businesses and residences shall be implemented and enforced by the Applicant. The SPA would be subject to the

1 restrictions and prohibitions set forth in BMC 10.25.070.B and BMC
2 11.33.060.A(40).

- 3 4. To improve communication with business owners and residents and to ensure
4 responsiveness to off-site issues in the immediate neighborhood, Lighthouse
5 Mission Ministries (LMM) shall maintain dedicated staffing to focus on
6 implementing the “Good Neighbor Programs” and responding to operational
7 concerns raised by both businesses and residents associated with the use. Prior
8 to occupancy, the contact information for the staff contact shall be made
9 available on LMM’s website and distributed by LMM to property owners,
10 residents, and business owners within 500 feet of the Site boundary. **NOTE:**
11 **The staff person should not be contacted for matters that may pose a threat**
12 **or are associated with an illegal activity. In those cases, please call 911.**
- 13 5. Lighthouse Mission Ministries has proposed to form a Neighborhood Advisory
14 Group. The Advisory Group, similar to other boards and committees that are
15 used by not-for-profit groups to advise on their operations, has been framed to
16 identify potential issues and solutions associated with the day-to-day operation
17 of the interim housing facility. Although not a City committee or board, City
18 staff will participate in the Advisory Group meetings upon request. The
19 operation of the Advisory Group is at the sole discretion of Lighthouse Mission
20 Ministries.
- 21 6. The proposed staffing levels shall be the minimum required. It shall be the
22 responsibility of the operator to rely on additional trained volunteers and/or
23 professional partner agencies to operate the facility per the proposed operations
24 plan and conditions herein or increase staffing levels as necessary.
- 25 7. The operators shall provide at least 51 parking stalls within a ¼ mile walking
26 distance to serve the facility. At least six months before the end of any lease
27 term(s) for proposed off-site parking, the operator shall submit documentation
28 of a lease extension. Alternatively, and based on an analysis of the facility’s
29 parking demand, the Planning Director may require additional off-site parking
30 to be secured or allow the number of stalls to be reduced, unless the applicant
can demonstrate the off-site stalls are no longer needed.
8. Operators’ staff shall be physically present at the facility and ensure on-site
supervision of guests at all times. To ensure responsiveness to health and safety
threats, operators shall provide contact information (24-hour accessible phone
contact) for the designated point-of-contact to the City and the patrol operations

1 commander for the Bellingham Police Department (BPD). The names of on-
2 duty contacts shall be posted on-site daily.

- 3 9. No children under the age of 18 are allowed to stay overnight in interim
4 housing, unless accompanied by a parent or guardian, or unless the facility is
5 licensed to provide services to this population. If a child under the age of 18
6 without a parent or guardian present attempts to stay in a facility not specifically
7 licensed for providing housing to youth, the operators shall immediately contact
8 Child Protective Services and actively endeavor to find alternative housing for
9 the child.
- 10 10. Registered sex offenders and individuals required to register as a sex offender
11 are prohibited from the facility. Operators shall provide notice to current or
12 prospective guests that they will report any unregistered sex offenders to the
13 Bellingham Police Department.
- 14 11. The operator shall provide notice to current or prospective guests that it will
15 follow an approved protocol of Bellingham Police Department for contacting
16 the police department and addressing any known, active felony warrants.
- 17 12. The operator shall keep a log with the full name and date of birth of its guests.
18 If there is an immediate threat to health and safety as determined by the
19 Bellingham Police Department or Lighthouse Mission Ministries, the operator
20 shall provide an individual's information to the BPD upon request for warrants,
21 sex offenders, and repeated incidences of violence that have earned an
22 individual "officer safety" classification with the BPD. The operator shall not
23 obstruct the arrest of guests or service of any warrant when such action is
24 required by the BPD.
- 25 13. The facility's staff members, volunteers, guests, and visitors shall be required to
26 comply with a code of conduct that includes, at a minimum, a prohibition on the
27 on-site use or sale of alcohol or illegal drugs and threatening or unsafe behavior.
28 Guests shall provide written acknowledgment that they have reviewed and
29 accept the rules and requirements contained within the code of conduct before
30 they are permitted into the interim housing facility. Copies of each signed
acknowledgement shall be retained by the operators.
14. Operators shall continuously review and revise health and safety protocols and
update operations accordingly. Operators shall also work with City and public
health partners on needed updates to operations. Additional security measures
may be identified by the City or the operators during the operation of the

1 interim housing facility. These measures shall be implemented by the operators
2 after reaching agreement with the City on the nature of such measures needed to
3 increase individual and public safety on site, and within the Shelter Protection
Zone.

4 15. All functions and activities associated with the interim housing, including
5 adequate waiting space, shall take place on-site.

6 16. Resources provided by the operators at this location, including, but not limited
7 to, food, housing, and hygiene are intended for guests of the facility. However,
8 staff and approved visitors may participate in consuming meals and LMM shall
9 be permitted to distribute food to individuals in the rights-of-way immediately
10 surrounding the facility, who are currently on restriction with the interim
11 housing facility, when no other source of food is available. All other guests will
12 be expected to consume meals on-site. LMM will provide a trash receptacle for
13 trash disposal.

14 17. The operator shall meet with Planning and Community Development
15 Department and Bellingham Police Department staff at least twice per month
16 for the first 12 to 18 months of operations, to address emergent issues and
17 develop adaptive responses. Subsequent meetings will be scheduled based on
18 need. Although not public meetings, the City and Lighthouse Mission
19 Ministries may (by mutual agreement) invite others to participate in these
20 meetings on a case-by- case basis to address a specific issue.

21 18. All exterior lighting at the facility shall be low intensity, shielded, and downlit,
22 to contain glare within the site.

23 19. In accordance with BMC 10.24.120, loud, amplified music shall be prohibited.
24 Any condition or activity that causes a public noise disturbance is prohibited.

25 20. The facility shall provide adequate facilities for dealing with trash, and the site
26 shall be kept clean and free from trash. Per BMC 20.15A, and as described in
27 the Good Neighbor Policy, a regular trash patrol in the immediate vicinity of the
28 site shall be provided.

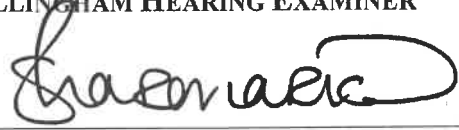
29 21. The operators shall consult with Whatcom County Health Department to
30 determine an appropriate number of toilets for the facility, and staff and guests
shall comply with all Whatcom County Health Department requirements related
to food donations.

- 1 22. All individuals and facility operations shall adhere to up-to-date Whatcom
2 County Health Department and State of Washington guidance related to
3 COVID-19 and/or any communicable disease, especially as it pertains to
4 congregate living. Up-to-date guidance and information shall be posted in a
5 visible location on site at all times.
- 6 23. The operators shall remain the responsible party for ensuring safety, security
7 and compliance with permit requirements and will implement strategies in
8 concert with appropriate community partners for support. The operators shall
9 also cooperate with the Bellingham Police Department, for appropriate access
10 and coordination.
- 11 24. The operators shall obtain all necessary Building, Fire, and Health Department
12 permits prior to occupancy of the interim housing facility. The operators shall
13 immediately cease operation of the facility should the City's Building Official
14 and/or Fire Marshal and/or Whatcom County Health Department determine that
15 circumstances associated with the issued permits have changed (and are
16 irremediable) and that there is a threat to human life, health, and safety.
- 17 25. In the event the City closes the interim housing facility for cause, operators'
18 staff and guests shall be provided no less than a 72-hour notice to vacate the
19 site.
- 20 26. The City shall review and approve any subsequent changes to the Operations
21 Plan. The operations plan shall be substantially consistent with the preliminary
22 plan submitted with the permit application.
- 23 27. If substantiated complaints regarding impacts to the neighborhood from the
24 use(s) are received by the Planning and Community Development Department,
25 which cannot be mutually resolved between the City and the operator, the
26 PCDD Director or operator may request a hearing with the Hearing Examiner to
27 review additional conditions to protect public health and safety.
- 28 28. A copy of this permit shall be posted in a conspicuous place on site and made
29 available to the operators' staff, volunteers, guests, and visitors upon request.
- 30 29. There are no third-party beneficiaries to this permit. The City has sole
responsibility for enforcing these permit conditions.

DECIDED July 27, 2022.

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BELLINGHAM HEARING EXAMINER



Sharon Rice