



## Planning and Community Development Department

210 Lottie Street, Bellingham, WA 98225

Phone: (360) 778-8300 Fax: (360) 778-8301 TTY: 711 (WA Relay)

Email: [planning@cob.org](mailto:planning@cob.org) Web: [www.cob.org](http://www.cob.org)

### TYPE II

## NOTICE OF APPLICATION and OPTIONAL DNS PROCESS

USE2019-0029 and SEP2019-0044

Notice is hereby given that the Planning and Community Development Department (PCDD) has received an application for a **Temporary Shelter Permit to provide shelter for women and children experiencing homelessness in a temporary building encampment** for the following project:

**Project Description:** The City of Bellingham proposes to operate a temporary overnight building shelter, or "Women's Winter Shelter," for women experiencing homelessness. The shelter will be located in the Civic Stadium locker room building, generally located at 1355 Civic Field Way, from November 20, 2019 – February 28, 2020, with the option to reopen for five years during the winter months if needed, provided the conditions of approval are strictly followed. The Red Cross will provide up to 40 cots for overnight shelter for up to 40 women or women with children ("guests") and amenities such as bathrooms, showers, drinking water, snacks, garbage and recycling containers, and referrals. The shelter was applied for and is proposed to operate under Bellingham Ordinance No. 2018-10-019, which includes regulations for temporary shelters. All requirements set forth in Bellingham Municipal Code (BMC) 20.15.030 apply to the temporary building shelter. References to "guests" in this notice mean guests of the Opportunity Council, an independent, Washington state non-profit corporation. The Opportunity Council will function as the managing agency of the shelter.

**Project Location:** The Civic Stadium locker room building, located at 1355 Civic Field Way, Bellingham, WA Area 5, Puget neighborhood; Zoning: Public

**Applicant:** City of Bellingham Department of Planning & Community Development, 210 Lottie Street, Bellingham, WA; contact: Kate Bartholomew, 360-778-8353

**Date Application Received:** 8/27/2013

**Date of Complete Application:** 8/30/2019

**Date of Notice of Application:** 8/30/2019

**Other Known Required Permits:** NA

**Comments Due By:** 9/18/2019

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#### Send written comments and requests for information to:

Name: **Kate Bartholomew, Development Specialist**

E-mail / Phone: [kebartholomew@cob.org](mailto:kebartholomew@cob.org) or 360-778-8353

Planning and Community Development Department - City Hall

210 Lottie Street - Bellingham, WA 98225 Fax: 360-778-8300

Consistent with Ordinance No. 2018-10-019 (BMC 20.15), the proposal includes the following provisions:

1. All functions associated with the shelter will take place within the shelter site.
2. Opportunity Council will ensure all applicable public health regulations are met, including:
  - a. Fire extinguishers.
  - b. A designated smoking area.
  - c. A prohibition on open flames.
  - d. An obstruction-free central aisle to allow for emergency access and exit.
  - e. Trash receptacles and regular trash patrols.
  - f. Dumpsters and recycling bins that will be regularly serviced by the City or SSC Inc.
3. Opportunity Council will designate a point of contact and provide contact information (24-hour accessible phone contact) to the Patrol Operations Commander for the Bellingham Police Department (BPD). At least one designated point of contact will be on duty at all times, and their contact information will be provided to the BPD.
4. On-site supervision will be provided at all times.
5. Opportunity Council will comply with a code of conduct, which will include requirements such as a prohibition on alcohol and illegal drug use and threatening and unsafe behavior. Opportunity Council will ensure that items deemed as weapons are stored in a safe location. Firearms are not allowed on site for any reason. The code of conduct will be posted on site and enforced by Opportunity Council (NOTE: The full code of conduct is available at the Planning and Community Development Department, 210 Lottie St, Bellingham, WA.)
6. Guests will not be permitted to reside in the shelter during the day. All guests must leave the premises, with their belongings, between 8:00 am and 6:00 pm daily. The only exception is a severe weather event that is deemed to be a threat to health and safety.
7. Opportunity Council will keep a log of names and dates of all people who stay overnight at the shelter, and a current log will be made available upon demand by any municipal or county law enforcement officer. Status checks of current Women's Winter Shelter guests may be routinely performed by the warrant officers of the BPD through the current log provided by Opportunity Council. Opportunity Council will provide notice to prospective guests that all people staying overnight in the shelter are subject to status checks by the warrant officers of the BPD.
8. Opportunity Council will take all reasonable and legal steps to obtain verifiable identification information, including full name and date of birth, from current and prospective shelter guests.
9. No children under the age of 18 will be allowed to stay overnight in the shelter, unless accompanied by a parent or guardian. If a child under the age of 18 without a parent or guardian present attempts to stay at the shelter, Opportunity Council shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child.

10. People who are required to register as a sex offender will be prohibited from the site. Should Opportunity Council staff become aware of a current or prospective guest who is an unregistered sex offender, they will immediately contact the BPD.
11. Should Opportunity Council staff become aware of a current or prospective guest who has an active felony warrant, it will follow set written protocol as approved by the BPD for contacting the BPD and addressing these warrants.
12. Opportunity Council will immediately contact the BPD if someone is ejected from the shelter when the reason for rejection or ejection is, in the opinion of the on-duty point of contact or on-duty shelter staff, a potential threat to the community.
13. Opportunity Council will cooperate with the coordinated entry system managed by the Homeless Service Center and other providers of shelters and services for the homeless and will make inquiry with these providers regarding the availability of services.
14. Upon vacation of the shelter site, all temporary fencing, equipment, and debris will be removed from the site and the site will be restored to its original condition within one calendar week.

The Director, or designee, has identified the following **DRAFT Preliminary Conditions** that will likely be placed on the proposal, although additional conditions may be included in the final decision based on compliance with Ordinance No. 2018-10-019 and/or public comment received:

1. The City has concluded that appropriate standards, requirements and conditions have been established to protect public health/safety and to ensure the successful operation of the shelter for the duration of the approved permit. Violations of any of the required provisions of Ordinance 2018-10-019 and/or the conditions of the permit will be assessed by the City on a case-by-case basis with the expressed intent of seeking timely compliance. However, certain actions and activities that significantly increase risk to both shelter guests and the general public shall warrant the closure of the shelter. The temporary shelter will be subject to immediate closure for cause and revocation of the permit should any of the following occur:
  - a. Violation(s) of any conditions of approval (which cannot be immediately remedied by Opportunity Council) that would present an adverse health and/or safety risk to Women's Winter Shelter guests, and/or the general public.
  - b. The required on-site supervision of the temporary shelter by an Opportunity Council staff or volunteer is found not to occur.
  - c. The required on-site supervision is found to be inadequate to control behaviors occurring within the temporary shelter.
  - d. Obstruction by Opportunity Council's staff or volunteers of City and county staff, including police officers, fire and emergency crews, and approved social service agency personnel (e.g. caseworkers, counselors, the Homeless Outreach Team (HOT), etc.) from having unrestricted access to the common areas of the site.
  - e. Refusal by Opportunity Council to provide a list of guests upon the request of the BPD or other City department.

- f. Any series of events that the Chief of Police or Fire Chief deem to be a danger to the temporary shelter and/or surrounding community, including calls for service regarding assaults, disorderly behavior, or illegal substance use.
  - g. Repeated violations of the code of conduct.
  - h. Criminal conduct or multiple violations of the permit conditions by Opportunity Council's staff, volunteers, or guests.
  - i. Demonstrated inability of Opportunity Council's staff and other site managers to operate the shelter consistent with Ordinance 2018-10-019, the temporary shelter application and the conditions of approval.
2. The temporary shelter permit shall be issued for the dates November 20, 2019 – February 28, 2020, provided the conditions of approval are strictly followed. **The temporary shelter permit approval will be renewable at this location until February 28, 2024.**
3. Upon occupancy, Opportunity Council shall designate a staff as the point of contact for inquiries from the public. This person's contact information shall be made available on the Opportunity Council's website and distributed to property owners, residents, and business owners within 500 feet of the site boundary. This person shall be available 24 hours a day, seven days a week to address non-emergent concerns or issues associated with behaviors or actions directly attributable to temporary shelter guests. Opportunity Council may at its discretion take corrective action, up to and including directing a guest to leave the temporary shelter, as a means of addressing verifiable and attributable off-campus behaviors that are inappropriate.
4. Opportunity Council shall keep a log with the full name and date of birth of its guests. Opportunity Council shall provide this list to the BPD upon request for warrant, sex offender, and "officer safety" checks upon request. Opportunity Council shall not obstruct the arrest of guest, or service of any warrant when such action is required by the BPD.
5. All Opportunity Council staff shall be informed of emergency protocols and complete de-escalation training provided by the BPD before acting as a site manager.
6. Women's Winter Shelter guests shall provide written acknowledgment that they have reviewed and accept the rules and requirements contained within the code of conduct before they are permitted into the temporary shelter. Copies of each signed acknowledgement shall be kept on file in a secure location.
7. No less than one Opportunity Council staff shall be physically present at the temporary shelter at all times while guests are present for the duration of the permit. The staff shall supervise the operation of the shelter. The Shelter Coordinator is the primary point of contact for public safety and emergency services at the shelter and shall address day-to-day operational and behavioral issues as they arise. A complete listing of all staff who will serve as a Lead Counselor shall be submitted to the City before occupancy of the temporary shelter. Opportunity Council shall ensure that Lead Counselors are made aware of their duties, receive de-escalation training and understand to call 911 in an emergency.
8. No visitors will be allowed on-site at the Women's Winter Shelter. This includes visitors of guests, staff, or volunteers.

9. No direct intake of potential new Opportunity Council guests shall occur at the temporary shelter site. Potential guests shall be screened and approved by Opportunity Council with an application approved by the City, at an off-site location.
10. At no time shall Opportunity Council's on-site supervisors, staffs, or volunteers park in the parking lot in front of the Sports Plex building directly west of the site.
11. Loud, amplified music shall be prohibited. Any condition or activity that causes a public noise disturbance is prohibited for the duration of the shelter.
12. The following fire safety conditions shall be met:
  - a. A 4-foot-wide center aisle must be maintained down the middle of the shelter at all times. Markers shall be located on the floor to prevent encroachment by cots, personal belongings, etc.
  - b. An additional fire extinguisher must be installed in the center of the building, so it is not more than 50 feet from the nearest unlocked exit.
13. Opportunity Council shall change pillowcases daily. The City will contract janitorial services to clean restrooms and showers daily, and to sanitize the sleeping area weekly.
14. The temporary shelter shall be kept clean and free from trash.
15. Women's Winter Shelter staff, guests, and volunteers shall not prevent City and county staff, including police officers, fire and emergency crews, and approved social service agency personnel (i.e. caseworkers, counselors, the Homeless Outreach Team (HOT), etc.) from having unrestricted access to the site, if it is deemed necessary. If legal cause exists to access the shelter by City officials, including police officers, such access shall not be restricted.
16. Opportunity Council staff shall cooperate with the BPD for the purposes of ensuring safety, security, and compliance with permit conditions, including, without limitation, issuing trespass notices as appropriate.
17. Opportunity Council shall provide notice of closure of the temporary shelter no less than 14 days prior to the scheduled end date of the temporary shelter permit. Every effort shall be made by the City to connect Opportunity Council's guests with social service agencies to find alternate shelter; however, neither the City nor Opportunity Council can guarantee alternate shelter or housing.
18. The City has the right to amend the temporary shelter permit, as long as the amendments are in keeping with the spirit of the original permit.
19. These conditions of approval shall be posted in a conspicuous place on site and made available to Opportunity Council's guests and volunteers upon request.
20. Should conditions imposed herein not be met and/or circumstances change, the Planning and Community Development Director or designee reserves the right to revoke the permit or add new permit conditions necessary to protect the public health and safety.

These conditions are imposed under BMC 20.15 to promote the health, safety, and general welfare of the citizens of Bellingham. The issuance of the permit and these conditions do not create or designate any particular class of persons who will or should be specially protected by the conditions, nor do the conditions create a special relationship with any person or class of persons.

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**Environmental Review:** The proposed project has been reviewed for probable adverse impacts and the PCDD expects to issue a Determination of Non-Significance (DNS) for this project (as described in WAC 197-11-355). **This may be your only opportunity to comment on the environmental impacts of the proposed project.**

The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and a copy of the subsequent threshold determination for the specific proposal may be obtained upon request (in addition, the lead agency may choose to maintain a general mailing list for threshold determination distribution).

**Existing Environmental Documents:**

- SEPA DNS for the 2016 Bellingham Comprehensive Plan
- City of Bellingham Shoreline Master Program
- City of Bellingham Habitat Restoration Technical Assessment
- City of Bellingham Critical Areas Ordinance
- SEPA Environmental Checklist dated 8/26/19

The following conditions have been identified that may be used to mitigate the adverse environmental impacts of the proposal:

- None at this time

A site plan is printed on the reverse of this notice. The full application and all associated documents are available for viewing in the Permit Center at City Hall. Anyone wishing to comment on this proposal, is invited to submit written comments by 5:00 p.m. on September 18, 2019

The final decision on this proposal may be appealed in accordance with Bellingham Municipal Code 21.10.250

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**1355 Civic Field Way**  
USE2019-0029 and SEP2019-0044

A decision will be made on the project following the comment period. If you want to receive notification of the action, please complete and return this section to the Planning and Community Development Department, City Hall, 210 Lottie Street, Bellingham, WA 98225.

Attn: Kate Bartholomew, Development Specialist **Yes, I would like to know the action taken.**

**Name** \_\_\_\_\_

**Address** \_\_\_\_\_  
(including City, Zip)

# Civic Field Complex - Vicinity Map

