



Planning and Community Development Department

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TYPE II

NOTICE OF APPLICATION and OPTIONAL DNS PROCESS

USE2020-0029 and SEP2020-0017

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 people experiencing homelessness in a temporary building encampment** for the following project:

Project Description: Lighthouse Mission Ministries (LMM) is proposing to operate a temporary building encampment for people experiencing homelessness. The request is to relocate the "Drop-In Center" (DIC) from its temporary location at Bellingham High School to the former Public Market site at 1522/1530 Cornwall Ave, which consists of an approximately 25,000 square foot building and a portion of the parking lot. This will allow the DIC to continue its COVID-19 physical distancing measures and ensure continuity of operations after the public health emergency ends. The proposed operation timeline is July 15, 2020 – June 17, 2024 (four years). The DIC will provide overnight shelter for up to 200 people ("guests"), along with amenities including bathrooms, showers, laundry, drinking water, food, garbage and recycling containers, and human and social services. The building encampment was applied for and is proposed to operate under Bellingham Municipal Code (BMC) 20.15, which includes regulations for temporary shelters. All requirements set forth in BMC 20.15.030 apply to the temporary building encampment. References to "guests" in this notice mean guests of LMM, an independent, Washington state non-profit corporation. The City of Bellingham is the sponsor and LMM is the managing agency of the encampment.

INFORMATIONAL MEETING: A webinar about the proposal will take place on **Wednesday, June 24, from 5:00 - 6:30 pm**. Members of the public are encouraged to participate on-line.

*Note: **This is not a public hearing with public comment on the application.** It is an opportunity to learn about the proposal and ask questions of the applicant and City staff. **Questions may be asked at time of registration or during the webinar.***

*Comments on the merits of the proposal may be sent in writing to: **Anya Gedrath, Planner** (algedrath@cob.org)*

How to Participate

At the live webinar by computer:

Anyone wishing to join the meeting can do so by registering at the following link:

www.cob.org/dcm.

This link can be used before the meeting to pre-register or during the meeting to register and immediately join the meeting. **Pre-registration is strongly encouraged. You will be given the option to ask a question upon registration that will be answered at the informational meeting.** You may send additional questions to planning@cob.org. Once you are registered you will receive an email with a link to the meeting.

At the live webinar by phone (audio only):

Those who would like to participate by phone can do so using any of the following phone numbers:

- (253) 215-8782
- (346) 248-7799
- (669) 900-6833
- (301) 715-8592
- (312) 626-6799
- (929) 205-6099

Meeting ID: 944 2938 5794

Password: 9

Application materials are available on-line at: www.cob.org/notices

Consistent with BMC 20.15, the proposal includes the following provisions:

1. On Wednesday, May 17, 2020, City Council adopted a resolution exempting the DIC from strict compliance with the building code, while still being safe. Consistent with the requirements of RCW 19.27.042, the Building Official and Fire Marshall determined the structure, used to provide housing for indigent persons, poses no threat to human life, health, or safety.
2. The building has more than 35 square feet of floor area per bed.
3. LMM will ensure all applicable public health regulations are met, including:
 - a. Obstruction-free emergency access.
 - b. Trash receptacles and regular trash patrols.
 - c. Dumpsters and recycling bins that will be regularly serviced by SSC Inc.
 - d. Smoking is limited to the designated outdoor smoking area.
 - e. An adequate number of toilets, as determined by the director in consultation with the Whatcom County health department.
 - f. Public health guidelines on food donations and food handling and storage, including hand washing and safe storage techniques.
 - g. Routine cleaning of the entire facility.
 - h. Protocols to identify and manage infectious disease, including treatment and quarantine plans for potential COVID-19 cases.
 - i. COVID-19 safety and cleaning best practices, including social distancing.
4. The temporary shelter includes the following safety measures:
 - a. Crime Prevention Through Environmental Design (CPTED) measures
 - b. A temporary privacy fence/screen around a portion of the parking lot west of the building, for outdoor use by shelter guests. Fencing will be set back 10 feet from the sidewalk so that loitering along the fence line can be monitored and enforced by LMM staff.

- c. Exterior lighting for improved visibility.
 - d. Security cameras inside and outside of the facility to continuously monitor the area.
 - e. Continual monitoring of the DIC and the perimeter around the facility while guests are present.
5. LMM will ensure compliance with Washington state laws and regulations, the BMC, and the Whatcom County Health Department's regulations with regards to building site use, health, and safety.
6. Limited on-site parking is available for staff and volunteers. Guests with vehicles will be requested to park off-site. Transportation information will be provided to guests.
7. The shelter will be open 24 hours per day, seven days a week, with check-in indoors in order to limit waiting outside the DIC. Additionally, guests will be encouraged to use the fenced-in courtyard area for daytime outdoor use.
8. All functions associated with the encampment will take place on the proposed site.
9. On-site supervision by LMM staff will be provided at all times.
10. LMM will comply with a code of conduct, which includes requirements such as a prohibition on the on-site use or sale of alcohol and illegal drugs and threatening and unsafe behavior. LMM 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 LMM (NOTE: The full code of conduct is available at the Planning and Community Development Department, 210 Lottie St, Bellingham, WA.)
11. The shelter will operate in accordance with a reviewed operations plan, which addresses site management, site maintenance, and provision of human and social services.
12. LMM has demonstrated experience providing similar services to people experiencing homelessness.
13. No children under the age of 18 will be allowed to stay overnight in the temporary encampment, unless accompanied by a parent or guardian. In the event of extenuating circumstances where other accommodations cannot be found, one of the separate rooms at the DIC site can be used as a private room for women or families with children. If a child under the age of 18 without a parent or guardian present attempts to stay at the encampment, LMM shall immediately contact Child Protective Services and shall actively endeavor to find alternative shelter for the child.
14. LMM 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. The names of the on-duty points of contact will be posted on site daily, and their contact information will be provided to the BPD.
15. LMM will take all reasonable and legal steps to obtain verifiable identification information, including full name and date of birth, from shelter guests. LMM will keep a log containing this information.

16. People who are required to register as a sex offender will be prohibited from the site. Should LMM become aware of a current or prospective guest who is an unregistered sex offender, they will immediately contact the BPD.
17. Should LMM 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.
18. LMM will immediately contact the BPD if someone is rejected or ejected from the encampment when the reason for rejection or ejection is an active warrant or a match on an unregistered sex offender check, or if, in the opinion of the on-duty point of contact or on-duty security staff, the rejected or ejected person is a potential threat to the community.
19. LMM will work 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.

The Planning and Community Development Director has identified the following **DRAFT Preliminary Conditions** that will likely be placed on the proposal by the temporary shelter (building encampment) permit issued by the City. As Preliminary Conditions, they may be further refined, modified, or added to based on public comment received on the proposed permit and any appeal of the permit to the Hearing Examiner:

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 BMC 20.15 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 City may immediately close the temporary shelter for cause if any of the following occur:
 - a. Violation(s) of any conditions of approval (which cannot be immediately remedied by LMM) that would present a significant adverse health and/or safety risk to LMM guests, visitors, and/or the general public.
 - b. The required on-site supervision of the temporary shelter by an LMM staff member 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 LMM's staff members, guests, or visitors 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 LMM 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 LMM's staff, volunteers, or guests.
 - i. Demonstrated inability of LMM's staff to operate the temporary shelter consistent with BMC 20.15, the temporary shelter application and the conditions of approval.
2. The temporary shelter permit shall be issued for the period between **July 15, 2020 and June 17, 2024 (4 years total)**, provided the conditions of approval are strictly followed.
3. The temporary shelter shall be limited to a maximum of 200 overnight guests (excluding staff and volunteers.) The applicant may apply to allow additional guests (consistent with the provisions of BMC 20.15). However, the temporary shelter shall be limited to one bed per 35 square feet of floor area. In no case shall the site be expanded beyond its current boundaries.
4. Upon occupancy, LMM shall designate a point of contact to the public and the patrol operations commander for the Bellingham police department. The contact information for the point of contact shall be made available on LMM's website and distributed by LMM to property owners, residents, and business owners within 500 feet of the site boundary. The point of contact 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. LMM 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.
5. LMM shall keep a log with the full name and date of birth of its guests. LMM shall provide this list to the BPD upon request for warrant, sex offender, and "officer safety" checks. LMM shall not obstruct the arrest of guest, or service of any warrant when such action is required by the BPD.
6. All LMM staff shall be informed of emergency protocols and complete de-escalation training provided by the BPD before acting as a site manager.
7. LMM staff members, volunteers, guests and visitors shall be required to comply with a code of conduct that includes a prohibition on the on-site use or sale of alcohol or illegal drugs and threatening or unsafe behavior.
8. LMM may invite visitors to tour the temporary shelter if accompanied by LMM staff. Visitors shall not be allowed to stay overnight.
9. Shelter guests shall provide 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.
10. LMM staff shall be physically present at the temporary shelter at all times for the duration of the permit. The staff shall serve as the site manager and shall supervise the operation of the shelter. The site manager 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 LMM staff who will serve as a site manager shall be submitted to the City. Other staff may be added to the site manager list as long as contact information is provided to the City. LMM shall ensure that site managers

are made aware of their duties, receive de-escalation training and understand to call 911 in an emergency.

11. LMM shall assume responsibility for people approved as guests. The City shall not make the final decision on who is approved as a guest.
12. Registered sex offenders, people who are required to register as a sex offender, people who have active warrants, and people who are flagged as “officer safety” shall be prohibited from the site.
13. LMM shall provide Crime Prevention Through Environmental Design (CPTED) and other security measures as described in their application. These measures include a video surveillance system (directed toward the shelter only, not adjacent properties), lighting (low-intensity, shielded, and downward facing), improved visibility, and on-site fencing (set back 10 feet from the sidewalk). Other measures may be identified by either the City or LMM during the operation of the temporary shelter. These measures shall be implemented by LMM after reaching agreement with the City on the nature of such measures needed to increase individual and public safety on site, as well as on surrounding properties. In the event the City has already installed an identified measure for its own purposes as a property owner, LMM may be excused from implementing such measure.
14. LMM shall implement and apply its “Good Neighbor Program” in the area surrounding the temporary shelter site. A copy of the “Good Neighbor Program” shall be provided to the City prior to occupancy and any updates to the program shall be provided to the City thereafter.
15. LMM shall hire a neighborhood liaison to focus on implementing the “Good Neighbor Program.”
16. LMM shall meet with PCDD and BPD staff at least twice per month to address emergent issues and adaptive responses. Surrounding residents, business and property owners shall be included as necessary. LMM is currently evaluating the formation of a neighborhood advisory group to help address emergent issues. Should this group be formed, it may supersede the need for these bi-weekly meetings as PCDD and BPD staff would attend the advisory group meetings instead.
17. To minimize inappropriate activities and the congregation of individuals who are not using the shelter, the City of Bellingham may prohibit overnight parking in the street rights-of-way adjacent to the site, including portions of York St, Railroad Ave, E Champion St, and Cornwall Ave. The City reserves the right to modify this parking restriction as needed.
18. Loud, amplified music shall be prohibited. Any condition or activity that causes a public noise disturbance is prohibited for the duration of the shelter.
19. All functions and activities associated with the shelter, including adequate waiting space, shall take place on site. Additionally, LMM shall be prohibited from distributing food to individuals in the rights-of-way immediately surrounding the temporary shelter site.
20. Resources provided by LMM at this location, including, but not limited to, food, shelter and social services are intended for guests of the shelter only and, in general, shall not be

provided to people who have not been admitted into the shelter as a guest. Guests include those who use the shelter facilities during a portion of the day, as well as overnight.

21. The temporary shelter site shall be kept clean and free from trash.
22. The City will contract with LMM or other approved vendor to remove trash and/or debris (as warranted) from public areas and private areas with permission on a daily basis. The selected vendor will maintain areas immediately surrounding the site (area to be delineated). This would include the daily inspection of both public and private areas fronting surrounding public streets and alleys and both public and private (with permission) parking areas.
23. All individuals and shelter operations shall adhere to up-to-date Whatcom County Health Department guidance and CDC guidance related to COVID-19, especially as it pertains to people experiencing unsheltered homelessness. Up-to-date guidance and information shall be posted in a visible location on site at all times.
24. LMM staff, volunteers and guests shall not prevent 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 common areas of the site. If legal cause exists to access additional areas by City officials, including police officers, such access shall not be restricted.
25. LMM 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. LMM shall remain the responsible party for implementing such strategies.
26. An agreement granting LMM the legal right to use City property shall be required prior to issuance of the temporary shelter permit and shall be maintained in full force and effect for the duration of the temporary shelter. The agreement will contain terms and conditions, in addition to the conditions imposed as part of the permit.
27. Consistent with the requirements of RCW 19.27.042, on Wednesday, June 16, 2020, City Council exempted the DIC facility from strict compliance with the building code. Nonetheless, LMM shall obtain all necessary Building, Fire and Health Department permits prior to occupancy of the temporary shelter. LMM shall immediately cease operation of the temporary shelter should the City's Building Official and/or Fire Marshal and/or Whatcom County Health Department determine that circumstances associated with the issued permits have changed (and are irremediable) and that there is a threat to human life, health and safety.
28. In the event the City terminates the temporary shelter permit for cause in accordance with the permit, LMM's guests shall be provided no less than 24 hours' notice to vacate the site. Every effort shall be made by the City to connect guests with social service agencies to find alternate shelter or housing; however, neither the City nor LMM can guarantee alternate shelter or housing.
29. LMM 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 LMM's guests with social service agencies to find alternate shelter or housing; however, neither the City nor LMM can guarantee alternate shelter or housing.

30. The City has the right to amend the temporary shelter permit, as long as the amendments are in keeping with the scope, purpose and intent of the original permit.
31. These conditions of approval shall be posted in a conspicuous place on site and made available to LMM's guests, volunteers, and visitors upon request.
32. Should conditions imposed herein not be met and/or circumstances change, the Planning and Community Development Director or designee reserves the right to close the temporary shelter or add new permit conditions necessary to protect the public health and safety.
33. There are no third party beneficiaries to this permit. Only the City of Bellingham, and not members of the public, may enforce these permit conditions.

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.

Project Location: 1522/1530 Cornwall Ave (Parcel 380330306228 and 380330315214), Bellingham, WA; City Center Neighborhood, Area 7, Downtown District Urban Village – Commercial Core Zoning

Applicant: Lighthouse Mission Ministries (LMM), 910 W Holly St, Bellingham WA 98225; contact Hans Erchinger-Davis, 360-733-5120 x101

Comments Due By: 7/6/2020 (As July 3 is a national holiday, the comment period will be extended to Monday, July 6.)

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 6/17/20

A site map is printed on the next page. The full application and all associated documents are available for viewing in the Permit Center at City Hall (210 Lottie St.). **Anyone wishing to comment on this proposal is invited to submit written comments by 5:00 p.m. on July 6, 2020.**

The final decision on this proposal may be appealed in accordance with BMC 21.10.250.

Date Application Received: 6/18/2020

Date of Complete Application: 6/19/2020

Date of Notice of Application: 6/19/2020

Other Known Required Permits: Sub-lease agreement, building and construction permits (as required), right-of-way use permit (alley use)

Send written comments and requests for information to:

Name: Anya Gedrath, Planner E-mail / Phone: algedrath@cob.org or 360-778-8394



1522/1530 Cornwall Ave
 USE2020-0029 and SEP2020-0017

A decision will be made on the project following the comment period. If you wish 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: Anya Gedrath, Planner

Yes, I would like to know the action taken.

Name _____

Address _____
 (including City, Zip)