

Interim Year-Round Men's Shelter: Lincoln Center
Feasibility Study
November 5, 2018



This report responds to requests from councilmembers to evaluate the feasibility of providing year-round overnight shelter for men experiencing homelessness at an interim location while siting of a permanent location is on-going. The evaluation considers the costs, upgrades, code requirements, and public outreach necessary to extend seasonal overnight shelter use at Lincoln Center to year-round shelter use for an interim time period. The report also provides a factual background regarding operation of the seasonal overnight homeless shelter at Lincoln Center over the past two (2) years. Analysis of the necessary upgrades and construction to support year-round overnight homeless shelter use at the facility is based upon the following assumptions:

- The preliminary cost estimates, along with the contingencies, identified in this report are based on an initial determination of the scope of upgrades and construction necessary to support year-round overnight homeless shelter use at Lincoln Center. Further design development would be necessary to arrive at a final estimate.
- The preliminary determination regarding upgrades and construction that would be required to support year-round overnight shelter use at Lincoln Center was obtained via a site inspection of the existing facility. The purpose of the inspection was to determine if the facility meets the Building and Fire Code standards for the proposed year-round shelter use.
- Taking a conservative approach to the scope of upgrades needed, we have assumed that the overnight homeless shelter could not operate at Lincoln Center during the construction period. There may be opportunities to minimize the period of disruption, which would be identified in future design phases.
- The year-round overnight homeless shelter would be regulated as an Emergency/Temporary Overnight Shelter by the City of Bellevue's Land Use Code (LUC).

Background

The seasonal men's shelter and day center serving persons experiencing homelessness moved to Lincoln Center in the winter of 2015-2016. Since that time, the temporary shelter has operated during the winter months (generally between November and April), and the day center has operated year-round. The City's current lease with Congregations for the Homeless (CFH) also allows CFH to use Lincoln Center for general office use in addition to the day center and seasonal overnight shelter uses.

Moving a new use into an existing structure in Bellevue can trigger permitting requirements under both the LUC and the building code. In the case of a seasonal overnight homeless shelter, the initial move to Lincoln Center was addressed under each code as follows:

Land Use Code: Operation of a temporary overnight winter shelter was considered a transient use (the same category that includes hotels and motels) under the LUC when the seasonal shelter and day center initially moved to Lincoln Center in 2015. At that time, the LUC did not specifically define or regulate temporary or permanent overnight homeless shelters. As a result, the temporary shelter was allowed to locate at Lincoln Center and operate during a portion of the year as a permitted use, without additional land use notices or decisions.

On July 16, 2018, Council adopted Ordinance 6419, which created new LUC section 20.20.455 and provided regulations for the permitting of day center use and overnight homeless shelter uses. These new LUC regulations contained new definitions for Emergency/Temporary overnight homeless shelters and permanent overnight homeless shelters. As a result of these changes, year-round shelter use at Lincoln Center will require additional land use review, described in more detail below.

Building Codes: Lincoln Center was constructed originally as an office building and was not built for transient use in general or to accommodate an overnight homeless shelter. Building and fire code requirements are based on the occupancy of the building, and an office use has very different requirements than a transient use. Moving the seasonal homeless shelter to Lincoln Center, an existing building constructed to support an office occupancy, required specific review and consideration from the building official and fire marshal regarding occupant safety. A state law provision (WAC 51-16-030) provides a very limited exemption from building code requirements for buildings that were not constructed to provide housing for indigent persons. This limited exemption grants the building official discretion to exempt temporary homeless shelters from certain building and fire code requirements that would otherwise be applicable to overnight shelter use, and the City has incorporated this limited exemption into the Bellevue City Code (BCC 23.05.080.A.1; BCC 23.11.104.1.2).

The limited exemption for overnight homeless shelter use provided by State law is authorized for no more than five (5) years, subject to renewal by the building official. In applying this limited exemption at Lincoln Center, the City has balanced occupant safety in the building with the risk to the health and safety of people experiencing homelessness in the absence of shelter during the winter months. The scope and duration of the limited exemption for temporary homeless shelters, along with the fact that Lincoln Center is approaching the end of its useful life, directly impact the viability of using Lincoln Center as a homeless shelter going forward.

Upgrades to Lincoln Center to Date

In 2016 and 2017, modest improvements were made to Lincoln Center to support basic seasonal shelter functions and improve building safety. Those improvements included construction of bathrooms, laundry facilities, and a small kitchen for warming and serving food. Fire safety improvements included construction of fire separations between sleeping areas, installation of exit signs, localized smoke detectors, and addressing general building maintenance items. The scope of this work was based on

occupancy for overnight sleeping during the winter months, using the limited exemptions allowed under state law and the City's building codes.

The City's current lease with CFH runs through 2020. CFH continues to operate a day center at Lincoln Center year-round, uses a portion of the south Lincoln Center building for offices, and operates the overnight homeless shelter at Lincoln Center during the winter months under the terms of the lease. The remainder of this report analyzes the feasibility of changing the seasonal overnight winter shelter use at the facility to a year-round overnight homeless shelter use on an interim basis.

Lincoln Center as Interim Year-Round Overnight Shelter

The LUC could allow year-round operation of an emergency/temporary overnight homeless shelter for an interim time period. Consistent with Council's adoption of Ordinance 6419 in July 2018, seasonal Emergency/ Temporary Overnight Shelter use at Lincoln Center could change to year-round overnight shelter use pursuant to the temporary public safety facilities provisions in LUC 20.20.850.

Under these provisions, the City Manager determines the existence of an emergency circumstance, and following this determination, year-round overnight homeless shelter use could be permitted as a temporary public safety facility. The facility would be exempt from Conditional Use Permit (CUP) and Design Review approval processes, and from site development standards. The temporary public safety facility would also be categorically exempt from SEPA.

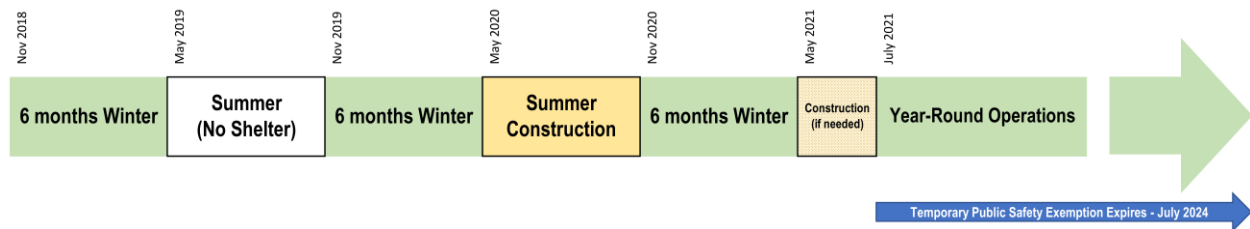
How long the year-round temporary shelter use could remain at Lincoln Center as the interim location is governed by both the temporary public safety facilities provisions in the LUC, which would allow a maximum of three (3) years, and the state and local provisions that provide a limited exemption from building and fire code requirements for temporary homeless shelters for no more than five years, subject to renewal by the building official. Therefore, a year-round overnight homeless shelter could operate as a temporary public safety facility for a maximum of 3 years under the LUC without CUP approval and could potentially operate under the State law and local exemption for building and fire code compliance for 5 years, subject to building official approval.

A brief summary of the applicable provisions in LUC 20.20.850 and WAC 51-16-030 is included as Attachment A.

Design and Construction of Lincoln Center Building Modifications

With the current level of building evaluation, it is difficult to estimate the exact amount of time necessary to complete the final design and construction documents. But given municipal contracting processes and requirements, and the length of time required to prepare the design and construction documents, it is not likely that construction could begin on the Lincoln Center building modifications until the summer of 2020. Of course, staff will seek to expedite this process where feasible.

Construction is anticipated to require between 6 and 9 months to complete all the building modifications. Refinement of the scope of work and additional design detail will provide more certainty. Staff will seek to expedite construction where feasible. The graphic below notes an approximate schedule considering maintaining Lincoln Center winter operations.



Staff will continue to explore ways to minimize impacts on shelter operation such as:

- Secondary location
- Shortening typical contracting timelines
- Construction around and during shelter operations
- Use incentive and liquidated damages

The LUC would regulate Emergency/Temporary overnight homeless shelter use at a secondary location pursuant to the same temporary public safety facilities provisions in LUC 20.20.850. Under this secondary location scenario, the shelter could move back to Lincoln Center after the improvements to the facility are completed. Year-round overnight shelter use at Lincoln Center would still require approval as a temporary public safety facility and would still be limited under LUC 20.20.850 to a maximum of 3 years.

Staff will continue to search for a secondary location to bridge the gap in services and strive to open year-round operations as soon as possible.

Building and Fire Safety

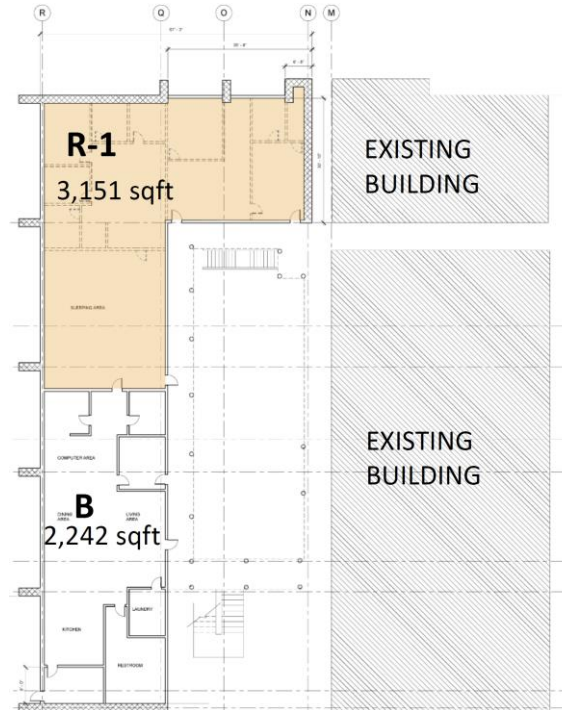
As discussed, Lincoln Center was originally constructed as an office building and has received modest modifications to accommodate the temporary shelter, or transient use. Generally, building and fire codes treat office and transient (hotel/motel, shelter, etc.) uses differently, holding the transient use to a higher standard because the nature of activities that occur in these buildings create a higher safety risk, and there are periods of time when occupants are asleep. The shelter use is considered a transient occupancy.

Allowing the seasonal overnight shelter to operate in Lincoln Center beginning in 2015-16 required the building official and fire marshal to apply the limited exemption provisions of state law and city building codes as described in the Background section above. These approvals and conditions considered occupant safety in the building, and the risks to the health and safety of people that are without shelter during the winter months. The analysis and criteria applied at Lincoln Center is similar to that used in

other cities and has been applied to temporary winter shelters at other locations in Bellevue including the previous location on property owned by Sound Transit.

Changes would be required to modify the building to provide additional fire protection for overnight sleeping 12 months of the year. These modifications to accomplish the needed fire safety improvements could be completed in one of two ways, either by enclosing the west end of the building with fire rated walls, floors and ceiling with sprinkler protection creating a fire protected area, or to add sprinklers to the entire building (first and second floors).

The figure to the right depicts the layout of the area of the shelter and day center and shows adjacent buildings. The R-1 area is the western end of the building that would provide sleeping area for 100 men. The entire area of R-1 and B is the total first floor area of the building. Should sprinklers be added to the entire building it would include this first floor area and a duplicate floor area on the second floor.



Shaded areas labeled “Existing Building” indicate adjacent building areas and would not be included in any upgrades.

Cost Estimates

Either option noted above could be accomplished for approximately \$1,600,000 - \$1,915,000. This feasibility effort did include qualified professional assessment of the building and preparation of cost estimates. It did not include specific detailed design, structural analysis, or hazardous material testing. Due to the date this building was constructed (45 years ago) there is known asbestos material contained in some building elements. The extent of the asbestos abatement has not been quantified at this time. However, best practices for added contingencies have been included in the cost estimates.

Additional detailed design and analysis (structural, abatement) would provide more accurate capital investment cost estimates and indicate which of the two approaches provide the necessary fire protection would be the most efficient, cost effective.

<u>Capital Investments:</u>	
Design, testing, permitting, project management	\$300,000 - \$315,000
Construction	\$1,300,000 – 1, 600,000
Total Capital Investments	\$1,600,000 – 1,915,000

Operational Funding

Currently, funds to operate the CFH men’s Eastside Winter Shelter (EWS) from the City of Bellevue Human Services Fund covers a portion of the operational cost for a six-month period for the winter shelter. The Human Services Commission has recommended to continue funding a portion of the operational costs for the six months in both 2019 and 2020 in their recommendations to Bellevue City Council in the next biennium budget. The cities of Kirkland, Sammamish, Issaquah, and Redmond also contribute to shelter operations, as this is a regional facility serving men experiencing homelessness on the Eastside, as to other agencies (King County, United Way and the Emergency Food and Shelter Program).

CFH has provided a draft budget that includes operational costs for an additional six months to operate during the summer months. The costs included shelter and case management personnel, direct aid to clients, rent and utilities at Lincoln Center, along with miscellaneous other expenses (laundry, supplies). CFH noted these additional operational expenses also included additional on-site case management in order to help the men access needed services, address barrier and set plans that will help them move toward permanent, stable housing.

Additionally, CFH indicated the potential to expand the Day Center services from the current 35 hours a week to 84 hours a week – allowing the Day Center to open 12 hours a day, 7 days a week. Increasing the hours of operation eliminates the gap in services from overnight shelter to day center but is not required in order to move from seasonal to year-round shelter operations.

<u>Operational Expenses:</u>	
Year-Round Operations	\$385,000
Extension of Day Center Operations	\$185,000
Total Annual Operational Expenses	\$570,000

Bellevue Human Services staff have reached out to the staff from other Eastside cities that currently fund the seasonal men’s shelter to inform them of the need for the additional operating costs should we move to a full year model. The response has been positive as they concur with the value of having a year-round shelter, but they have not been able to identify additional funds. Discussions about funding will continue.

Bellevue Human Services staff have reached out to Pyramid Communications which is the organization that is managing the funds (approximately \$11 million) for people experiencing homelessness which were raised at the Pearl Jam concert held in Seattle in August 2018. They have indicated interest but have made no commitment to how and if these funds would be available for the men’s shelter operations.

While there are other funding opportunities for services for people experiencing homelessness available through King County government, to date none have been a fit for shelter services. Most recently the requests for proposals have been targeted to fund Permanent Supportive Housing which is the primary focus of the Housing First strategy required for the use of federal funds. Bellevue Human Services staff will continue to seek out funding that would potentially provide full year operating funds for the men's shelter.

Fundraising and other methods to tap into community support may be needed to reach the level of operational funding for year-round services. Additional work would be needed to determine the likelihood of finding on-going support for year-round operations.

Public Engagement Plan

Prior to locating at the Lincoln Center, CFH held a public meeting with city staff in 2016. Public notice was given to all properties within 500 feet. To continue to ensure opportunities for clear channels of communication and to provide public opportunities to talk about experiences and the expansion of services prior to moving to year-round operations at the Lincoln Center, CFH will provide the following:

- Public notice to properties within 1,000 feet
- Web, listserv/email notifications
- News release, Facebook, and Nextdoor notifications
- COB/BPD coordinated engagement with CFH
- CFH continued engagement with its surrounding neighbors

The process identified above will also be applicable to any secondary site, if one is found, to house persons experiencing homelessness while construction modifications are taking place at the Lincoln center. The intent of this outreach would be to inform the community of changes at the site, and to hear feedback in how to effectively communicate about the facility, its operations, and how to address concerns or impacts that may result from year-round shelter operations.

Attachment A:
Overview of LUC 20.20.850 and WAC 51-16-030

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Overview of LUC 20.20.850 and WAC 51-16-030

<p>Temporary Public Safety Facility (LUC 20.20.850)</p>	<p>Under emergency circumstances, the LUC includes a narrow exception for temporary public facilities that provide relief or assistance services to the public. The City Manager determines the existence of an emergency circumstance, and this determination is a prerequisite to the City processing an application under the emergency/temporary public safety facility provisions.</p> <p>A temporary public safety facility is exempt from otherwise applicable CUP and Design Review approval processes, and from site development standards. The temporary public safety facility would also be categorically exempt from SEPA (WAC 197-11-880). However, the facility is not exempt from building and fire code requirements.</p> <p>The exemption from LUC requirements can be provided for 2-years with an allowance for a one-year extension. See LUC 20.20.850. Therefore, this LUC exemption would allow the facility to operate as year-round overnight homeless shelter for a maximum of 3 years.</p>
<p>Exemptions for indigent housing (WAC 51-16-030)</p>	<p>The City is permitted to adopt exemptions from the state building code requirements for buildings whose character of use or occupancy has been changed to provide housing for indigent persons. This limited exemption requires the following:</p> <ul style="list-style-type: none">• The building official has reviewed and approved the proposed exemption; and• The proposed housing for indigent persons is less hazardous than the existing use; and• Any code deficiencies exempted pose no threat to human life, health, or safety; and• The building or buildings exempted are owned or administered by a public agency or nonprofit corporation. <p>The limited exemption is authorized for no more than 5 years, subject to renewal by the building official. The City has incorporated this limited exemption into BCC 23.05.080.A.1 and BCC 23.11.104.1.2.</p>