

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF VANCOUVER**

In the Matter of the Appeal of)	No. PRJ-168923/LUP-83611
)	
)	
triARC Architecture and Design)	
on behalf of)	
Community Medical Services)	
)	
for)	FINDINGS, CONCLUSIONS, AND
Conditional Use Permit)	DECISION
_____)	

SUMMARY OF DECISION

The request for a conditional use permit to operate an opioid treatment facility as a Medical Center use at 5201 E. Fourth Plain Boulevard is **GRANTED** subject to conditions.

SUMMARY OF RECORD

Request:

triARC Architecture and Design, on behalf of Community Medical Services (Applicant), requested a conditional use permit to operate an opioid treatment facility as a Medical Center use within an existing commercial building located at 5201 E. Fourth Plain Boulevard, Vancouver, Washington.

Hearing:

The City of Vancouver Hearing Examiner conducted a virtual record hearing on the request on April 16, 2024. The record was held open through April 18, 2024 to allow any members of the public having difficulty accessing the virtual hearing to submit written comments, with time scheduled for responses by the parties. No post-hearing public comment was received, and the record closed on April 18, 2024. The Applicant agreed to an extension of the decision issuance deadline of five business days. No in-person site visit was conducted, but the Examiner viewed the subject property and surroundings on Google Maps.

Testimony:

At the open record public hearing, the following individuals presented testimony under oath:

John Koch, Director of Community and Public Relations, Community Medical Services,
Applicant Representative

Anthony Tortorici, Senior Planner, City of Vancouver

Eric Hahn, Senior Civil Engineer, City of Vancouver

Exhibits:

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

1. Staff Report, dated April 2, 2024
 - A. Application, submitted October 2, 2023
 - B. Applicant Narrative
 - C. Proposed Development Plans
 - D. Notice of Application and Hearing, issued February 13, 2024
 - E. Additional Supporting Materials submitted by Applicant
 - F. Trip Generation and Distribution Report
2. Applicant PowerPoint Presentation
3. City PowerPoint Presentation

Based on the record developed through the open record hearing process, the Hearing Examiner enters the following findings and conclusions.

FINDINGS

1. triARC Architecture and Design, on behalf of Community Medical Services (Applicant), requested a conditional use permit (CUP) to operate an opioid treatment facility as a Medical Center use within an existing commercial building located at 5201 E. Fourth Plain Boulevard, Vancouver, Washington. *Exhibits 1.A, 1.B, and 1.C.*
2. The application was submitted on October 3, 2023 and deemed fully complete on February 6, 2024. *Exhibit 1.D.*
3. The subject property is 1.08 acres in area and is developed with a multi-tenant strip mall with a total floor area of 11,586 square feet. The proposed use would occupy a 4,446 square foot suite within the strip mall. Surrounding land uses include an office to the west, a commercial strip mall to the north, a vacant parcel to the east, and industrial services to the south. *Exhibit 1.*
4. The Applicant proposes an interior remodel to make the existing suite suitable for the use, including dividing the space into treatment rooms, offices, restrooms, and other areas. No changes to the existing building footprint are proposed. Exterior work would be limited to access and frontage improvements required by the City Public Works Department. *Exhibits 1, 1.C, 1.E, and 3.*
5. The subject property is zoned Community Commercial (CC). *Exhibits 1 and 3.* The intent of the CC zone is “to provide for retail goods and services purchased regularly by residents of several nearby neighborhoods.” *Vancouver Municipal Code (VMC) 20.430.020.B.* “Medical Centers” are allowed in the CC zone with CUP review and approval. *VMC Table 20.430.030-1.* Medical Centers are defined in VMC

20.160.020.B.8 as “facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and infirm, including drug and alcohol treatment.” *VMC 20.160.020.B.8; Exhibit 1*. The proposed facility, which would be operated by Community Medical Services (CMS), would provide Medication Assisted Treatment (MAT) for opioid addiction as well as counseling, case management, and peer support services. These services would be provided on an out-patient basis. *Exhibits 1.B and 2; John Koch Testimony*.

6. The proposed facility would operate Monday through Saturday from 5:30 am to 4:30 pm. *Exhibit 1.B*. Nine staff members would be on site at any one time. The staff would include “patient navigators,” who are trained in de-escalation, who would perform tasks such as enforcing the no loitering policy and working with neighbors to address concerns. *John Koch Testimony; Exhibit 1.B*.
7. CMS has procedures in place that minimize wait times and line formation for dosing, including using dosing boxes and assigning patients to time slots. The average wait time for dosing is five minutes. The facility’s location at the end of the strip mall is expected to minimize the potential for impacts to neighboring businesses due to the location being placed near to the parking on the end of the building. *Exhibit 1.B; John Koch Testimony*.
8. The City’s off-street parking requirements are contained in VMC 20.945. The parking standard for Medical Centers is based on the number of beds, requiring one parking space per four beds for hospitals and one parking space per two beds for nursing home and similar facilities. *VMC 20.945.070*. Because the proposed facility would have no beds, the City determined, based on authority of VMC 20.945.070.A.1, that for parking adequacy purposes the Medical Office use would be the most similar to the proposed use. The Medical Office parking standard is one space per 200 square feet, which would require 22 spaces for the proposed use. There are currently 49 parking spaces on site. Planning Staff submitted that these would be adequate for the proposed use and existing uses of the site. Parking demand for the facility would also be mitigated by public transit, as there is a bus stop across the street from the subject property. *Exhibit 1, page 7; Anthony Tortorici Testimony*.
9. The Applicant submitted a professionally prepared traffic analysis dated January 10, 2024. The trip generation for the proposed use was estimated using the rates contained in the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 11th Edition* for Land Use Code 630 (Clinic). As compared to the preexisting strip retail plaza use (Land Use Code 822), the use is expected to generate seven net new average daily vehicle trips, 11 net new AM peak hour trips, and no net new PM peak hour trips. Because the proposed use would not add new PM peak hour trips to the transportation system, the transportation concurrency requirements of VMC 11.70 do not apply to the project. *VMC 11.70.020.B; Exhibits 1 and 1.F*.
10. The subject property has frontage on Fourth Plain Boulevard, Carlson Road, and NE Stapleton Road, with access driveways on Carlson Road and NE Stapleton Road. No change in access is proposed. *Exhibits 1 and 3*. For projects resulting in fewer than 10%

or 10 PM peak hour trips (whichever is less), the developer is required only to make the frontage improvements “that are clearly necessary in order to provide minimally safe access.” *VMC 11.80.080.B.1*. In this case the City identified the following improvements as needed to provide minimally safe access: sidewalk repair, reconstruction of the of the ADA pedestrian ramp at the corner of Fourth Plain Boulevard and Carlson Road, and replacement of the driveway access on Carlson Road with a new driveway meeting the requirements of T01-05B. *Exhibit 1, page 9; Eric Hahn Testimony*. These improvements would require grading of approximately 25 cubic yards. *Exhibits 1.B and 1.C*.

11. The subject property is served by utilities. The use does not require any additional connections to the public water system. *Exhibit 1*.
12. There is existing landscaping along the street frontages and within the parking lot. No changes to the landscaping are proposed. To ensure compliance with the City’s tree conservation requirements, Planning Staff recommended as a condition of approval that the Applicant modify the project plans to depict tree protection measures for those trees located near the grading area. *Exhibits 1, 1.C, and 3*.
13. The existing solid waste storage area on site is sufficient to satisfy the requirements of VMC 20.970. *Exhibit 1, page 8*.
14. The Community Development Department determined that the proposal is exempt from SEPA as “minor new construction” pursuant to VMC 20.790.840.A. *Exhibit 1, page 7*.
15. The Vancouver Fire Department reviewed the proposal and determined that the requirements of VMC Title 16 can be met on the site with recommended conditions. The recommended conditions, which have been incorporated into Planning Staff’s recommended conditions of CUP approval, address fire response plan and hydrant requirements. *Exhibit 1, pages 10 and 11*.
16. Notice of the application and remote public hearing was issued on February 13, 2024 and was mailed to owners of property within 500 feet of the subject property boundaries. There was no public comment on the application. *Exhibits 1, 1.D, and 1.E*. No public comment was submitted on the proposal. *Exhibit 1; Antony Tortorici Testimony*.
17. At the conclusion of the public hearing, Planning Staff maintained their recommendation for approval subject to the conditions in the staff report. *Exhibit 1; Anthony Tortorici Testimony*. The Applicant waived objection to the recommended conditions. *John Koch Testimony*.

CONCLUSIONS

Jurisdiction:

The Hearing Examiner has jurisdiction to conduct an open record hearing and decide applications for conditional use permits - a Type III land use permit - pursuant to Vancouver Municipal Code 20.210.060 and 20.210.020-1.

Conditional Use Criteria for Review:

Pursuant to VMC 20.245.040.A, the Hearing Examiner shall approve, approve with conditions, or deny an application for a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide adequate area for the needs of the proposed use;
2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography, and natural features;
3. All required public facilities have adequate capacity to serve the proposed development;
4. The applicable requirements of the zoning district, and other applicable documents are met except as amended by the conditional use permit or variances requested pursuant to Chapter 20.290 VMC; and
5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.

Conclusions Based on Findings:

1. The site size and dimensions provide adequate area for the needs of the proposed use. The use can be accommodated within a suite of the existing strip mall with no modification of the building footprint. There is sufficient parking and solid waste storage area on site for the use. *Findings 3, 4, 8, and 13.*
2. As conditioned, the impacts of the proposed use of the site can be accommodated considering size, shape, location, topography, and natural features. The use would occupy a suite within an existing strip mall. No changes to the building footprint are proposed; exterior changes would be limited to access and frontage improvements. The conditions of approval address potential impacts to natural features associated with the access improvements by requiring the project plans to reflect tree protection measures. *Findings 3, 4, 10, and 12.*
3. All required public facilities have adequate capacity to serve the proposed development. The only public facility need identified during the review process was the need for ADA and driveway improvements along the street frontage. *Finding 10.*
4. As conditioned, applicable zoning and other requirements are met. Because the site is already developed, no changes to the building footprint are proposed, and no new PM peak hour trips would be generated by the use, the number of applicable requirements is limited. The existing parking on site would be adequate for the use. Frontage improvements would be provided for safe access as required by VMC 11.80.080. *Findings 3, 4, 5, 8, 9, 10, 12, 13, and 14.*
5. As conditioned, identified impacts on adjacent properties, surrounding uses, and public facilities have been adequately mitigated. CMS has procedures in place

designed to minimize impacts on surrounding uses, and no evidence was submitted that these would be inadequate. An existing driveway would be replaced, and ADA improvements would be installed in the existing sidewalk. The conditions of the Fire Department have been incorporated into this decision. *Findings 6, 7, 10, and 15.*

DECISION

Based on the preceding findings and conclusions, the request for a conditional use permit to operate an opioid treatment facility as a Medical Center use at 5201 E. Fourth Plain Boulevard is **GRANTED** subject to the following conditions.

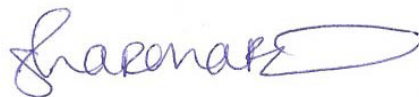
Prior to Issuance of Building Permits, the Applicant shall:

1. Update the grading plan to show trees near grading as protected with tree and root protection fencing at edge of excavation on grading plan.
2. Provide an approved fire response plan.
3. Show new and existing fire hydrant locations related to this project on plans.
4. Show fire department connections to be located within 150 feet hose lay of a hydrant on building plans.

Prior to issuance of Occupancy Approval, the Applicant shall:

5. Obtain Right-of-Way permit for the following improvements and provide improvements per City of Vancouver standards:
 - Repair any sidewalk deficiencies along the project frontage to ensure ADA compliance. For questions regarding the repairs that are required to be made, contact the Operations Department at sidewalks@cityofvancouver.us.
 - Reconstruct the ADA pedestrian ramp at the corner of Fourth Plain Boulevard and Carlson Road, per current standards.
 - Remove the existing driveway access on Carlson Road and replace it with a new driveway access, constructed per T01-05B.

Decided May 6, 2024.



Sharon A. Rice
Vancouver Hearing Examiner