



**DATE:** December 9, 2020

**RE:** Serenity House Expansion Conditional Use Permit, PZ Application No. 20-55

**LOCATION:** 2321 W. 18<sup>th</sup> St , Parcel # 06309911021

**APPLICANT:** Serenity House of Clallam County

**OWNER:** Serenity House of Clallam County

**PLANNER:** Emma Bolin, AICP, *Community Development Manager*

**STAFF REPORT**

**I. SUMMARY**

Sharon Maggard, representative of Serenity House of Clallam County, submitted a Conditional Use Permit (CUP) Application (No. 20-55) proposing to add a 40’ by 50’ building expansion to the site to shelter up to an additional 80 bed occupancy (188 total) with allowance for five outdoor tents and five overnight vehicle camper spaces. The project site is located across one parcel at 2321 W. 18th Street. The use was conditionally approved in 2001 through CUP 01-10. Department of Community and Economic Development (DCED) staff determined this application does not qualify for a minor amendment under Ch. 17.96.070.F.2 Port Angeles Municipal Code (PAMC) due to changes exceeding 10 percent of the original approval. Furthermore, the applicability of the conditions on the property are outdated due to subsequent development, reduction in requirements, preemption issues, and site operation. A CUP is required for the proposal because it is was determined to be a similar conditional use to others listed in the Residential Medium Density (RMD) zone per Ch. 17.14.040 PAMC.

Projects requiring CUPs must demonstrate consistency with Ch. 17.96.050 PAMC, including that they are consistent and compatible with the purpose of the zoning district in which the use is located, consistent with the City’s Comprehensive Plan, and are not contrary to the public use and interest.

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## II. PROPOSAL

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Application No. 20-55 proposes construction extend shelter capacity through a 40'x50' building expansion at the subject property. The expansion would allow, depending on final building design, to either offer a single or two story building addition. The one-story addition would allow for the cumulative shelter capacity to shelter 148 interior beds; a two-story option would allow for the cumulative shelter capacity to shelter up to 188 interior beds. The proposed building addition would have a 2,000 square foot building footprint, and would bring total site coverage to 65% and lot coverage to 21%; the limits for which in RMD zoning are 75% and 50% respectively. The proposal includes a designated area for 5 tent campsites in the northwest corner of the property and 5 overnight vehicle camper spaces within the existing parking lot. The request would increase the 50 to 70 bed occupancy granted in 2001. This proposal does not change the existing use or operation of the existing shelter, but does allow Serenity House to meet the challenges of providing the necessary shelter needed for the homeless. See Exhibit 1 for the entire application submittal.

## III. FACTS RELAVENT TO THE APPLICATION

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**Property Description:** TUGGIE Short Plat TPA 81-10-6 V11 PG57

Lot A- Sub Lot 102

**Address:** 2321 W. 18<sup>th</sup> St

**Property IDs / Tax Parcel IDs:** 063099110215

**Zoning:** RMD, Residential Medium Density

**Surrounding zones:** North and East – RMD, West – RS9

Residential Single Family, South: Industrial

**Surrounding uses:** West: single family, North and East: Multi-family affordable housing developments (Maloney Heights and Evergreen Family Village), South: airport

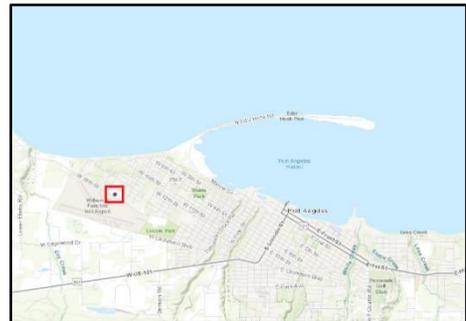
**Comprehensive Plan Designation:** Imprecise margin

Between low and medium density residential

**Dimensions:** ~220 (width) x ~265 feet (depth)

**Area:** ~55,901 square feet

**Proposed Lot / Site Coverage:** 21% / 65%



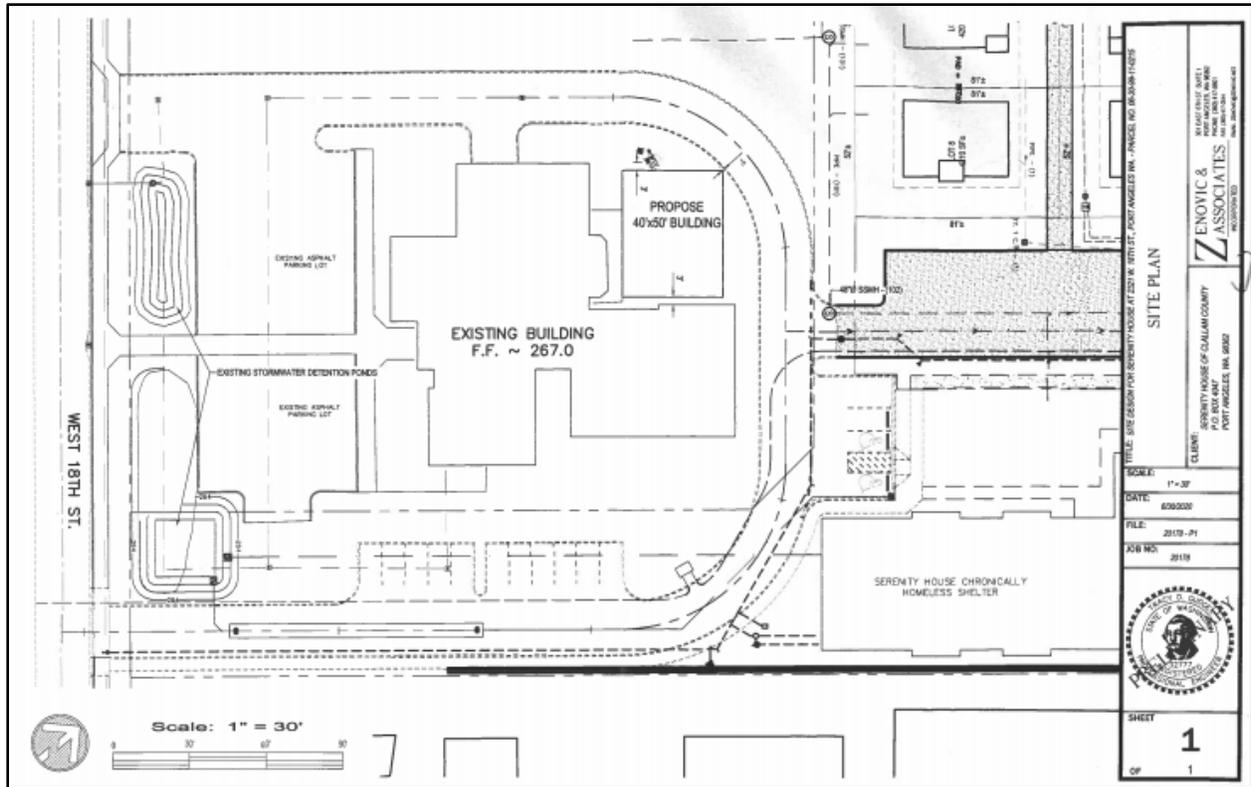


Figure 1 The site plan is an excerpt of Exhibit 2. See Figure 3 in this staff report for a site plan identifying parking and tent camping locations.

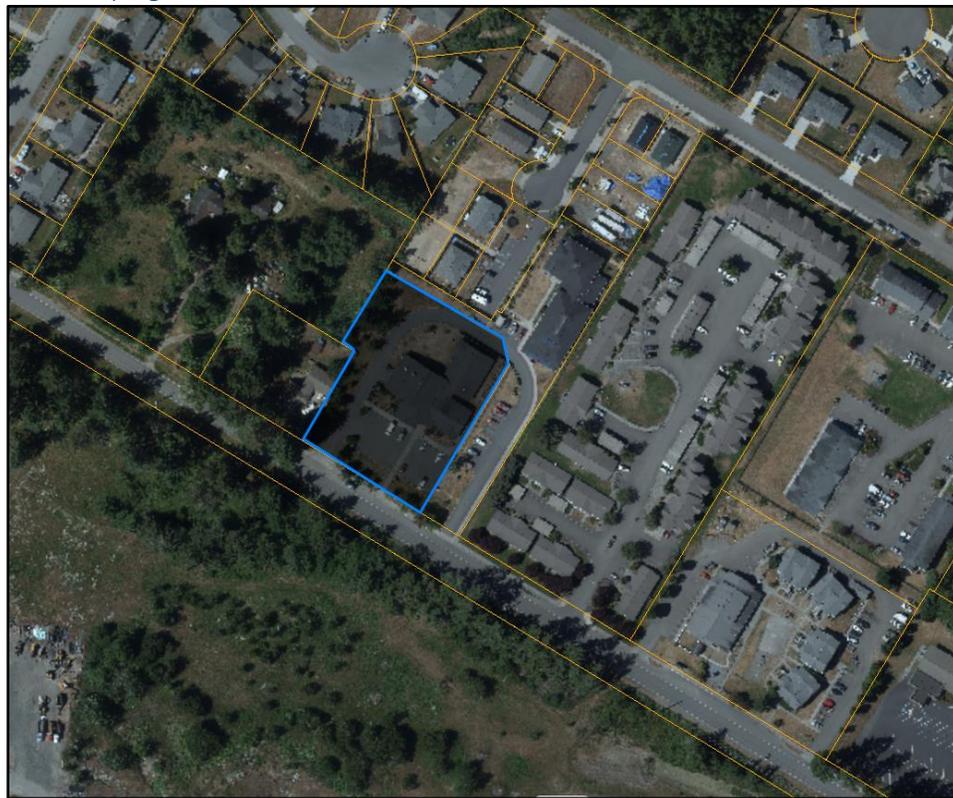


Figure 2 showing the property vicinity. The subject property is outlined in blue.

#### IV. PROCEDURE

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On September 24, 2020, the applicant submitted a Conditional Use Permit (CUP) application to add a 40' by 50' building expansion to the site to shelter up to an additional 80 bed occupancy (188 total) with allowance for five outdoor tents and five overnight vehicle spaces. Per Section 2.18.060 of the PAMC requires the CUP application be considered by the Hearing Examiner through a public hearing process. The application was determined to be incomplete by City Planning Staff on October 15, 2020 and was resubmitted by the applicant on October 30, 2020. The application was then determined to be complete by City Planning Staff on October 30, 2020. Notice of the application and public hearing was provided on the following dates and in the following manner:

1. 11/9/20: Subject property Posted sign
2. 11/9/20: City Hall, Notice board and website
3. 11/9/20: Property owners within 300' of subject property-Mailing
4. 11/13/20: Peninsula Daily News, SEPA checklist Circulation

Per Section 2.18.060 of the Port Angeles Municipal Code, the Hearing Examiner will conduct a review of the CUP application and this staff report and decide on the permit within 120 days of the completeness determination. Such decision may be appealed to the Superior Court, provided that the appeal is filed within 21 days of the Examiner's decision per Chapter 36.70C RCW.

#### V. COMMENTS

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##### Public Comment:

The public comment period was 14 days in duration and closed on November 27, 2020. Staff received two comments for consideration for the staff report and SEPA decision (Exhibit 7). Staff received testimony after the November 27 deadline presented in Exhibit 8 which echoed comments made in the SEPA comments. Comments addressed the following concerns.

- Wide range of proposed bed occupancy precludes analysis of neighborhood impacts.  
Inconsistent occupancy numbers for the site throughout the SEPA checklist Prosser, Exhibit 7  
*Staff Analysis: The applicant has limited funding to hire design professionals until the CUP is approved. The applicant discussed a range of bed occupancies dependent on funding amount and code analysis provided by a licensed design professional per state law. The building and fire permit reviews will require code analysis for ADA, plumbing fixtures, fire, life and safety, fire sprinkler system approval per code, and application of all adopted codes including but not limited to the Washington State Energy Code. For purposes of the SEPA and CUP, the city considered the maximum amount of occupancy and camping requested in determining probable neighborhood impacts. City staff clarified the range and any typos with notes on the SEPA checklist. The total amount of guests on the site could be up to 198 people, which includes maximum building occupancy of 188, five tent campsites, and five overnight vehicle campsites. With SEPA mitigation and monitoring incorporated as conditions of the CUP approval, e.g. landscaping/screening, safety features, and quarterly neighborhood engagement meetings it is concluded there are no probable significant environmental impacts.*
- SEPA checklist inadequately addresses noise due to increased occupancy. Prosser, Exhibit 7

*Staff Analysis:* City staff clarified Section 7.b. in the SEPA checklist with the applicant, which is reflected in the Checklist notes. The source of noise would be from traffic and vehicles on site, which would not be significantly different than that commonly associated with residential living. Noise is not expected to be significantly different with increased occupancy and camping. People seeking shelter services already use the outdoor grounds and can present noise issues. The applicant's security staff monitor noise levels and remove those who are not in conformance with the City's noise and public disturbance ordinances.

- Operational procedures may not assure effectiveness in land use compatibility outcomes. Building design does not appropriately answer question of existing land use compatibility. Car and tent camping are not contemplated in the city code. Prosser, Exhibit 7.

*Staff Analysis:* SEPA requires analysis of probable effects—not potential effects. It is not likely that the increase in occupancy or limited camping will have probable significant adverse effects on the environment because of the extensive operational procedures employed by the applicant (groundskeeping, sanitation, security, towing, etc), which have already demonstrated a noticeable impact on the neighborhood since initiated. Moreover, existing city ordinances relating to Ch. 8.30 PAMC Public Nuisances prohibit such environmental impacts without need for SEPA substantial authority. The applicant designed the proposal to address this concern and employ SEPA mitigation sequencing (avoidance, minimization, rectification, compensation, reduction, and monitoring). City code is not the only consideration relating to camping allowances in the city. *Martin v. City of Boise* changes the legal landscape relating to camping restrictions within the city. Furthermore, if Serenity House was a religious entity, per RCW 35A.21.360, a code city such as Port Angeles would be restricted in its ability to regulate the ability to host an outdoor encampment on the property. Nonetheless, the CUP findings demonstrate with SEPA mitigation conditions that the use is compatible. The tent and car camping is not a residential use—rather an accessory temporary shelter use regulated by the CUP.

- Clearing and grading must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from the local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department for proper management of these materials. Department of Ecology, Exhibit 7.

*Staff Analysis:* City solid waste as well as clearing and grading codes ensure compliance at the time of development permit application regardless of SEPA substantive authority.

**City of Port Angeles Departmental Comments:**

Comments were received from the Building, Fire and Public Works and Utilities Departments and are incorporated into this staff report.

## VI. FINDINGS OF FACT & STAFF ANALYSIS

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Analysis and findings of fact from the Department of Community and Economic Development (DCED) Planning Staff are based on the application materials, Comprehensive Plan, Port Angeles Municipal Code (PAMC), standards, plans, public comment, and other relevant materials available during the review period. The findings of fact and staff analysis section of this report is a summary of the completed review by DCED Planning Staff.

### Consistency

In preparation and submission of a Conditional Use Permit (CUP) application, the applicant has demonstrated that all standards will be met in accordance with the City's Comprehensive Plan and the Port Angeles Municipal Code. Conditions placed on the permit will ensure those standards will be maintained for the life of the permit.

The organization of this staff report evaluates the proposal's consistency with Title 17 Conditional Use Permit criteria. In 2001 DCED issued a SEPA Determination of Non-Significance (DNS) and Conditional Use Approval for the homeless shelter use (CUP 01-10 , Exhibit 9). Chapter 17.96.070.F.2 PAMC requires any applications that do not qualify for a minor amendment must obtain an amendment through the City's normal conditional use permit procedure. DCED staff determined this application does not qualify for a minor amendment due to changes exceeding 10 percent of the original approval. Furthermore, the conditions are now outdated due to subsequent development, reduction in requirements, preemption issues, and site operation. At the time of approval, the Planning Commission approved the conditional use permit. Municipal code has since changed and requires the City's Hearing Examiner to consider and approve all conditional uses. Some of the original permit conditions may preempt state and/or federal law such as condition # 6, which limits sexual offenders on site and condition #8, which imposes a curfew. It would be improper for the City to impose such conditions of approval. Condition #2 is unclear as to what guidelines the Washington Department of Health prescribes. Condition #3 parking minimum requirements were subsequently reduced administratively in 2004. Condition #4 relating to landscaping is revisited with this approval. Condition #5 is not actually a condition of approval. Condition #7 is now outdated because 16<sup>th</sup> Street improvements have since been made since 2009 as part of the development to the north, Maloney Heights. Staff recommends voiding original conditions of CUP 01-10 and replacing with conditions herein.

Title 17 Conditional Use Permit criteria- 17.96.050(a) states "The Hearing Examiner shall consider applications for Conditional Use Permits of uses as specified in the applicable chapter of the zoning regulations. The Hearing Examiner may grant said permits that are consistent and compatible with the purpose of the zone in which the use is located, consistent with the Comprehensive Plan, and not contrary to the public use and interest. The Hearing Examiner may refuse to issue a Conditional Use Permit if the characteristics of the intended use as related to the specific proposed site are such as would defeat the purpose of these zoning regulations by introducing incompatible, detrimental or hazardous conditions."

The CUP criteria as stated in (a) above is summarized below. In addition, the proposal must meet the following elements per section 17.96.050 PAMC:

1. The Hearing Examiner may grant said permits that are... consistent with the Comprehensive Plan,
2. The Hearing Examiner may grant said permits that are... consistent and compatible with the purpose of the zone in which the use is located,
3. The Hearing Examiner may grant said permits that are...not contrary to the public use and interest, and
4. Conditional Use Permits – 17.96.050 PAMC - Additional Criteria: B, C, and D

The proceeding sections in 1-4 demonstrate consistency with the CUP criteria.

**1. “The Hearing Examiner may grant said permits that are... consistent with the Comprehensive Plan”**

All Conditional Use Permit (CUP) applications must be consistent with the Port Angeles Comprehensive Plan. The following Port Angeles Comprehensive Plan policies are identified by Planning Staff to support the proposal:

Growth Management Element	
Goal: G-2A	To manage growth in a responsible manner that is beneficial to the community as a whole, is sensitive to the rights and needs of individuals, and is consistent with the State of Washington's Growth Management Act.
Policy: P-2A.01	<p>In all its actions and to the extent consistent with the provisions of this comprehensive plan, the City will strive to implement the following goals of the State Growth Management Act:</p> <ul style="list-style-type: none"> <li>a) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner</li> <li>b) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.</li> <li>d) Housing. Encourage the availability of affordable housing to all economic segments of the population. Promote a variety of residential densities and housing types and sizes, and encourage preservation and expansion of existing housing stock.</li> <li>k) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts</li> </ul>

*Staff Analysis: The proposal is consistent with the goals, policies, and intent of the Growth Management Element. The infill proposal reduces sprawl and inappropriate conversion of land into low density development in an area that provides urban facilities and services. Any increased accommodation of homeless guests supports the initial steps needed to get unsheltered people off the streets and connected with wrap-around services. The applicant conducted extracurricular outreach outside of minimum permit requirements to engage with the community about the proposal. As proposed and conditioned via SEPA mitigation, the expanded shelter use will continue to engage with the neighborhood and the City to help understand and address management concerns.*

Land Use Element		
Goal: G-3C	To create and maintain a fulfilling and enjoyable community of viable districts and neighborhoods with a variety of residential types attractive to people of all ages, characteristics and interests.	
	P.3C.01	Employ the district and neighborhood concept when developing residential land. Although such districts may be composed primarily of residential uses of a uniform density, the most healthy, viable districts are composed of residential uses of varying densities, and may be augmented, by other compatible uses. Single family and multi-family homes, parks and open-spaces, schools, churches, day care and residential services, home occupations, and district shopping areas are all legitimate components of residential districts.
	Policy: P-3C.02	Ensure medium and high density housing is served by arterial streets of sufficient size in order to satisfy traffic demand and to lessen neighborhood traffic congestion.

*Staff Analysis: The proposed management of the site would ensure that the temporary shelter use would be compatible with the surrounding neighborhood. Though the max occupancy desired via the application would represent an increase in density, the use would experience fluctuating occupancy and vacancy; and is therefore, not equivalent to other residential uses with more established occupancy. SEPA mitigating conditions incorporated by reference in the staff report will ensure mitigation and monitoring of impacts to maintain a fulfilling and enjoyable neighborhood. There are existing services, public facilities, and transportation opportunities on this site to serve the shelter housing at the proposed density including access to an arterial street, W. 18<sup>th</sup> St via a shared driveway with Maloney Heights to the north. The proponent provides daily transportation for the homeless population including bus passes and vouchers for taxis. There is a Clallam Transit bus stop that serves the site. It is not anticipated that traffic demand and congestion would intensify because many homeless do not own vehicles.*

Transportation Element		
Goal: G-4B	To improve circulation patterns across and within the community, and to achieve the desired urban design of the City.	
	Policy: P-4B.09	Ensure off-street parking should be sufficient and accessible within business and residential areas so the traffic flow of the street is not impaired.

*Staff Analysis:* The police cordoned off the area from 2201 W 18<sup>th</sup> St to 2321 W. 18<sup>th</sup> St as a no parking zone, which will remain until a suitable deterrent is in place to ensure on-street parking uses do not present public nuisance and safety concerns from camper vehicles parking and obstructing view of pedestrians and items overflowing into the travel lane. Chapter 8.30 PAMC defines and regulates attractive nuisances such as overnight vehicle camping in the right-of-way and places responsibility for abating such nuisances on the adjacent property owner. The vehicles in the right-of-way have long been problematic because the shelter offers meal service and is not related to the use expansion. Regardless of CUP outcome, Serenity House is expected to abide by the city’s nuisance regulations. With five parking stalls utilized by overnight vehicle camping, it is expected that the expanded shelter will have adequate parking for overnight guests, staff and visiting providers. The off-street parking analysis discussion is on page 13. However, the eastern edge of the parking lot features two spaces for overnight camping vehicles (See Figure 3) This area is not a parking space—it is used by vehicles to maneuver backing up and exiting the parking lot. It is also insufficient size to host vehicles; therefore, SEPA mitigation limits parking spaces for overnight camping vehicles within conforming striped spaces.



Figure 3 The site plan is an excerpt of Exhibit 2. The two RV’s identified with the red circle are not located in conforming parking spaces. (Note that the legend incorrectly identifies overnight vehicles as “RV’s”. This is a misleading term as the proponent does not allow recreational vehicles on site.)

*The proposed management of the shelter and required compliance with Ch. 8.30 PAMC nuisance provisions demand that parking uses be managed to prohibit outdoor storage or other activities that interfere with the parking lot use regardless of this CUP application. SEPA mitigation requires signage to delineate where overnight vehicles may park and must be submitted with a revised parking plan with the building permit application. Mitigation also limits size of campers vehicles to those that can fit into a 9 foot wide by 18 feet long parking spot.*

Utilities & Public Services		
Goal: G-5A	To provide or allow the opportunity for services and facilities which enhance the quality of life for Port Angeles citizens of all ages, characteristics, needs, and interests and to achieve the desired urban design of the City.	
	Policy: P-9A.01	Locate social services providing home care in residential neighborhoods in a manner that maintains the character of the immediate neighborhood.
Goal: G-5B	To support services and facilities through different levels of participation in cooperation with other public or private agencies.	
	Policy: P5B.02	The City should participate as a "financial partner" to support essential programs and services including: social and public health services.
	Policy: P-5B.04	Develop and use public facilities cooperatively, in the promotion of social and community services.
Goal: G-5C	Policy: P-5C.04	Encourage more active involvement and communication between education (professional and student), business, community, art and cultural communities to help integrate key people into the startup community.

*Staff Analysis: The City is a financial partner in a state grant award that could fund the Serenity House expansion if approved. The language in the grant agreement is such that the award funds could still be used for homeless services should the hearing examiner deny the expansion or if construction costs exceed available funds. The City supports camping on the site to ensure homeless individuals have an approved and managed public option that is not associated with a religious entity. It is important to ensure low barriers for homeless individuals arriving in vehicle campers and tents because some people aren't ready to come indoors, but need the support services required to encourage them to move off the streets and into a housing continuum. Limited camping should be approved to ensure that the facility will serve this unique need and characteristic of City residents. The proposed measures to manage outdoor camping such as compulsory registration, managed outdoor sanitation (sani-cans and hand washing stations), onsite drug use prohibition, 30-day stay limit, security services, and camping agreement serve to protect the character of the immediate neighborhood. The applicant proposed a measure that implements Policy P-5C.04—to encourage more active involvement and communication through quarterly events during which the community can provide feedback on facility management. As identified in SEPA mitigation staff developed to assist monitoring impacts, the shelter operator should invite Dept of Community and Economic Development and Port Angeles Police Department to meetings to help track compliance with this permit approval and to be provide communication and feedback on site management.*

Housing		
Goal: G-6A	To improve the variety, quality, availability, and attainability of housing opportunities in the City of Port Angeles.	
	Policy: P-6B.06	Support affordable housing by developing utility cost savings programs and the provision of transitional and temporary housing for the homeless and/or displaced families.
	Policy: P-6A.17	Develop strategies to combat homelessness and housing insecurity amongst residents

*Staff Analysis: The goal of the shelter expansion and camping allowance is to provide a managed facility for emergency and transitional residents. The camping allowance as managed encourages those sleeping in their vehicles or in tents to transition to indoor shelter living in 30 days. In exchange, campers must engage in services to help them live indoors. The hybrid camping and shelter model seeks to improve the quality and availability of safe housing opportunities with the goal of moving people off the street and indoors.*

*The City anticipates that with the closure of the Social Distancing Center, aka the “1010 Building”, which currently hosts homeless overnight guests to support COVID-19 pandemic distancing, there will be a regional need to expand homeless shelter capacity. The economic hardships posed by the pandemic coupled with the State’s foreclosure moratoria expiration could overwhelm existing services. The proposal further mitigates impact on the neighborhood by improving the inside space, adding capacity and addressing impacts of the recent operation of the facility. With SEPA mitigation and monitoring, it is expected that the services to be provided will result in improvements to the neighborhood and housing opportunities in the vicinity. Site management recently improved considerably thus demonstrating that these actions can ensure the use would stay below a moderate adverse impact on environmental quality.*

Capital Facilities		
Goal: G-8B	G-8B To provide urban streets and utilities at minimum levels of service for all city residents and the general public.	
	Policy: P-8B.01	Policies P-8B.01 All arterial streets shall function at an average daily Level of Service (LOS) of D or better.
	Policy: P-8B.04	The City shall not approve any development that is not served with sewer service at or greater than a level of service standard of 300 gallons per day per person at the time of development.
	P-8B.05	The City shall not approve any development that is not served with electrical service at or greater than a level of service standard of 118 volts (120 volt base) at the time of development.
	P-8B.06	The City shall not approve any development that increases a site's postdevelopment stormwater run-off beyond that allowed by the Department of Ecology Stormwater Management Manual for Western Washington as adopted by the City.

*Staff analysis: The applicant demonstrated in the SEPA checklist, serving as a Transportation Demand Management Assessment, that an increase in off-street parking surface area will not be required for the use; therefore, it is not expected that there will be any changes to average daily Level of Service on the site that would result in worse than LOS D.*

*As part of the development permit review process the proposal will be evaluated to ensure compliance with sewer, electrical, and stormwater capital facilities policies and PAMC. The following comments from city departments reflect adequacy and further requirements for the building permit:*

1. *The applicant must provide demonstrate that the stormwater system is compliant with the adopted Stormwater Management Manual. This will include a requirement to provide certification by a professional engineer that the existing private stormwater system has sufficient capacity for runoff from all new hard surfaces and submit a Small Project Stormwater Report meeting Minimum Requirements #1-5.*
2. *A separate water meter is not required for the new building provided a single entity is responsible for all water and wastewater utility billings. Per 13.62.010 PAMC, a separate and independent building sewer shall be provided for every building; and provided further that the Director may approve single connection for multiple buildings in appropriate circumstances. In no event shall the City assume any responsibility for damage caused by any such aforementioned single connection.*
3. *There is a 240/120 volt pad-mounted transformer with a capacity of 225 KVA which serves the property, which meets P-8B.05. There is an existing 800-amp electrical panel in the existing building which will need to be verified to ensure there is capacity on the service to expand to a detached two-story building. Electrical improvements to support the building expansion will need to be submitted at the time of building application to determine which sections of the National Electrical Code apply.*

**2. “The Hearing Examiner may grant said permits that are... consistent and compatible with the purpose of the zone in which the use is located”**

The applicable sections of Title 17 for the proposal are examined below to demonstrate consistency and compatibility with the RMD zone.

*Chapter 17.14, RMD – Residential Medium Density*

Per PAMC Section 17.14.010, the purpose of the RMD is “to allow a mix of single-family, two-family/duplexes, multi-family dwellings at a density greater than single-family neighborhoods but less than the higher densities of the RHD Zone. The permitted uses in the RMD Zone are also intended to be more restrictive than the RHD Zone. Commercial uses are not considered to be compatible. Few nonresidential uses are allowed in this zone and then only conditionally, because of land use impacts associated with nonresidential uses. This zone provides for variety in the urban land use pattern for the City’s lower density multi-family residential neighborhoods (at twice the density of the City’s basic single-family residential neighborhoods) with direct access on an arterial street, usually located in outlying areas with large tracts of vacant buildable land, and serving as a transitional use between low density residential uses and commercial/industrial uses.”

*Staff Analysis: This proposal intends to extend shelter capacity through a 40’x50’ expansion at the subject property. Depending on building design and a code analysis submittal and review, the outcome would be either a single- or two-story building addition. The one-story addition would allow for the cumulative shelter capacity to shelter 148 interior beds; a two-story option would allow for the cumulative shelter capacity to shelter up to 188 interior beds. A homeless shelter is not a traditional residential use due to the transitional short-term nature of the occupancy and unique characteristics of occupants (low vehicle ownership, dining hall, communal restroom and laundry facilities, etc); therefore, there is no conventional way of measuring density of the use. Port Angeles does not have Floor Area Ratio regulations, which would be a more effective way to evaluate density for a homeless shelter. This infill proposal does not change the existing use and would improve the operation of the existing shelter allowing Serenity House to meet the challenges of providing the necessary shelter needed for the homeless. The following is a*

*summary of project consistency with the applicable use compatibility, area, dimensional, and design standards below.*

#### Use

*Group living is a permitted use within the RMD zone; however, the proposal requires a conditional use permit because it has a "Transient Accommodations" License of Approval from the Washington State Department of Health Office of Environmental Health and Safety; and therefore, does not qualify as "group living" defined in Ch 17.080.040 PAMC:*

*"A building, portion of a building or a complex of buildings under unified control and management which contains facilities for living, sleeping, sanitation, eating and cooking for occupancy for residential uses; and which does not otherwise meet the definition of another residential use defined in this chapter and does not include any type of group living facility that is licensed by the State of Washington. Eating and cooking areas may be shared in whole or part."*

*A homeless shelter is not a named conditional use listed in RMD provisions (Ch. 17.14.040); however, the CED Director recommends consideration as "other uses compatible with the intent of this chapter." Similar listed conditional uses to the proposal include assisted living facilities and community centers. The limited camping use would be consistent with what could be allowed for a community center with a religious affiliation, which may be considered in an RMD zone as a conditional use. If this were a religious affiliated organization, per RCW 35A.21.360, a code city such as Port Angeles would be limited in its ability to regulate the ability to host an outdoor encampment on its property. Both the homeless shelter and the limited camping are considered consistent and compatible with a temporary shelter CUP use. SEPA mitigation and monitoring conditions ensure no likely probable impacts from the expansion and camping use.*

*The 2001 CUP approval for the emergency housing use concluded that the use can be seen as transitional between more intensive uses such as the airport/industrial to the south, less intensive low-density residential land uses to the west, and similar to medium density residential uses to the north and east. The proposal was found to be beneficial to the community as a whole and compatible with the desired urban design of the City. The improved management of the site as proposed will result in a net benefit to compatibility with neighboring uses. The building expansion and increased occupancy will be considered infill and will not contribute to low density sprawl and will be directly served by W 18<sup>th</sup> Street, which is an arterial street.*

#### Off-Street Parking

*Off-street parking for the proposal must comply with Chapters. 17.14.060 and 14.40 PAMC. The purpose of the city's parking regulations is to encourage transportation demand management to achieve low impact development as an alternative to off-street minimum parking requirements for land uses. The City recognizes that each entity can have a variety of transportation strategies, facilities, and services instead of satisfying access solely by single occupant vehicles (SOV). A transitional overnight shelter use with limited camping is unique in this way. Table 14.40-1 lacks comparative uses that would help determine the appropriate parking space quantity. This is because only a small portion of the homeless population owns a vehicle. The applicant proposed a transportation demand management assessment as part of the SEPA checklist that analyzes the off-street parking needs of the shelter and camping use.*

*There are 28 parking spaces on the site currently. In 2002 Serenity House performed a parking census that showed under 11 percent of overnight clients had vehicles. The applicant compared this to a two-day count in October 2020 which showed 6% of the 60 clients had vehicles. Eighteen parking spaces would be*

available for 188 overnight guests, which would be enough at a 6% rate. Five spaces would be delineated for overnight camper vehicles, three staff, and two visitors (who are typically service providers). Individuals utilizing camping areas typically do not have cars; otherwise, they would likely use the proposed overnight vehicle camper spaces. Ch. 14.40 PAMC Definitions stipulates that parking spaces must be a minimum of 8.5 feet wide by 17 feet long. The area of the two easternmost overnight vehicle camper spaces is inadequate because it measures approximately 11.5 feet wide by 25 feet long, which could possibly fit one, but not two vehicles. Furthermore, this area is not striped and approved as a conforming parking space. The area appears to be a remnant of a prior design for the facility which featured an eastern driveway access and the lot line divides ownership of this space. Finally, in order to ensure that parking for indoor guests would be available, the overnight camper vehicles must be able to fit into the delineated parking spaces. A SEPA mitigating condition limits the size of overnight camper vehicles to the size of the identified spaces: 9 feet wide by 18 feet long.

SEPA mitigating conditions identify a monitoring requirement, that In the timeframe prior to submittal of a building permit application, the applicant must continue to monitor parking rates and submit an amended Transportation Demand Management Assessment to the CED director for approval to ensure adequate parking for overnight guests and staff.

Design and Landscaping Standards:

Chapter 17.14.080 PAMC discusses design and landscaping for apartments. Even though the proposal is not an apartment building, these standards that would screen the use from adjacent residential zoned property to the north, west and east are appropriate. There is an existing fence erected on the west and north property lines as was required in the 2001 CUP approval. This fence as well as mature trees would effectively screen the tent camping area in the northwest corner of the site from neighboring residential properties to the north and west. The 2001 approval also required a fence to be erected on the east property line, which was not accomplished. The standard required to ensure compatibility is found in Ch. 8.30.025 PAMC Definitions for "Screening"

"Screening," for the purposes of this chapter, shall include, but not be limited to, solid wood fencing, chain link fencing with slats, or solid landscaping capable of hiding parked vehicles or other storage from sight by standing individuals at or near the property lines; however, such screen need not exceed six feet in height.

The parking lot itself is screened on the south and to a lesser extent to the east with mature trees and shrubs that provide a partial, but not vision obscuring screen. The parking lot fronts W. 18<sup>th</sup> St and does not require a fully obscured screen from the 18<sup>th</sup> St location or the adjacent industrial zoned port property to the south. Much of the eastern property line is taken up by the shelter building. However, the overnight camping spaces and the tent camping area could be visible to residents to the east as there is only a chain link fence to the east of the driveway on the neighboring eastern property. The applicant states that a fully obscured screen would obstruct security activities. A landscaping plan is stipulated as a SEPA mitigation, which is incorporated in the CUP conditions of approval that would provide security a view of on-site activities and accomplish several goals including:

1. Provide a screen capable along the eastern edge of the parking lot and eastern edge of the tent campsites, so that standing individuals at or near the adjacent eastern property line do not see activity, and in such a way that enhances aesthetics of the site with perennial flowers and shrubs,
2. Delineate tent pad locations and enhance aesthetics of each campsite, and
3. Integrate vehicle bollards and landscaping to protect camper life safety from vehicle collision.

*The landscaping plan required to mitigate the aesthetic of the site to neighboring properties so that it is obscured to a person standing at the property line. The requirement to landscape and delineate tent pad locations endeavors to reduce actions performed by the private security firm to remove out of bounds and excessive campers. A landscaping plan as recommended supports compatibility within the residential zone.*

Area and Dimensional Requirements

*The proposed building addition would have a 2,000 square foot building footprint and will meet the following setbacks in the RMD zone:*

	Code requirement	Proposal
Maximum lot coverage	50%	21%
Maximum site coverage	75%	65%
Minimum front setback	15 feet	Existing building is compliant
Minimum rear setback	15 feet	Proposed building is more than 15 feet. Tent area must be setback at least 15 feet from rear lot line.
Minimum side setback	5 feet	Proposed building is more than 15 feet. Tent area must be setback at least 5 feet from side lot line.

*The maximum building height in RMD zone is 35 feet. The two-story building addition is not yet designed. SEPA conditions limit the height to 35 feet. Although setbacks are defined in Ch 17.08.095.B PAMC as the required minimum distance from a lot line to a building or structure; in this case, they are relevant to the tent campsites to preserve residential zoning/use compatibility and to preserve public safety and welfare should the setback need to be used in the event of an emergency. SEPA mitigating conditions require that the tent camping area abide by the minimum rear and side setbacks and be identified with signage. Also, due to proximity to the driveway, conditions in the landscaping plan compel a design that incorporates screening, aesthetics, and vehicle blocking bollards placed for life safety.*

**3. “The Hearing Examiner may grant said permits that are...not contrary to the public use and interest.”**

*The staff analysis in Section 2 above discusses the proposal and conditions to ensure consistency with public use and interest including screening compatibility, ensuring availability of on-site parking, and compliance with dimensional standards. The proposed management of the site with ongoing quarterly neighborhood engagement will enhance the existing on-site shelter use as described in Section 1.*

*In 2001, the occupancy for the shelter was approved for 50 to 70 people. The 108 occupancy load is the number Serenity House has been using for four years. The proposed addition and camping option will change normal shelter & site occupancy from 108 to either 148 one story or 188 for two story. It will also provide proper permitting for camping to ensure that the use is managed appropriately. With the*

*expansion and camping use Serenity House is able to support the City and County with emergency responses to pandemics and homeless blue flag requirements. Blue flag is a community initiative to provide daytime shelter when the temperature is 3 days of freezing day time temperature or two days of significant wind of precipitation. The 2019 Point in Time (PIT) Count revealed 185 homeless persons in the community who are eligible for the Night-by-Night shelter services (no minor in the household). The shelter is currently serving 60-80 clients at any given time, including the tents onsite. Expanding shelter capacity would supply enough room to support the relocation of the Social Distancing Center “1010 building” clients. This reduces additional expenditures of the rented airport manufacture space used for city and county Social Distancing Center. If approved the expansion would provide services for 100% of the homeless community counted in PIT. With the COVID-19 pandemic economic fallout, eviction moratoria, coupled with other driving forces behind homelessness, the pressure to provide transitional homeless shelters will increase. Expanding the site with the proposed shelter management, as proposed, will serve to improve public use and interest.*

*The SEPA mitigating conditions incorporated by reference in the recommended CUP conditions seek to ensure no probable environmental impacts from the proposal; and therefore, ensure the proposal is not contrary to the public use and interest.*

#### **4. Conditional Use Permits – 17.96.050 PAMC - Additional Criteria: B, C, and D**

**B. In each application the Hearing Examiner may impose whatever restrictions or conditions they consider essential to protect the public health, safety and welfare, and to prevent depreciation of neighboring property.**

*Staff Analysis: Regardless of CUP approval, Ch. 8.30 PAMC Nuisances applies to the existing use (and expanded shelter/camping, if approved). The proponent designed the proposal with ongoing shelter operations to repair the reputation of the facility with the surrounding neighborhood. Staff designed SEPA mitigating conditions to mitigate and monitor will ensure protection of public health, safety and welfare, and compatibility with the neighborhood; thereby preventing depreciation of neighborhood property. It is recommended that the SEPA mitigating conditions and Hearing Examiner’s Conditions of approval be recorded to property title to notice future property owners on actions needed to remain in compliance with the CUP.*

*The findings and analysis presented in the staff report propose the basis for conditions of approval for the hearing examiner’s consideration to protect the public health, safety and welfare, and to prevent depreciation of neighboring property.*

**C. Purpose of a Conditional Use Permit: the purpose of a Conditional Use Permit shall be to assure that the maximum degree of compatibility between uses shall be attained. The purpose of these regulations shall be maintained with respect to the particular use of the particular site and in consideration of other existing and potential uses within the general area in which such use is to be located.**

*Staff Analysis: The SEPA mitigation and proposed conditions of approval would ensure compatibility with existing and potential uses. At this time, the existing surrounding residential and industrial uses represent potential allowed uses within the general area.*

**D. The Federal Fair Housing Act requires that reasonable accommodations be made in rules policies, practices, or services, when such accommodations may be necessary to afford disabled people equal opportunity to use and enjoy a dwelling. The Planning Commission is therefore authorized to make**

accommodations in the consideration of Conditional Use Permits for group homes for disabled persons as defined in the federal Fair Housing Act, when the Commission determines that such accommodations reasonably may be necessary in order to comply with such act.

*Staff Analysis: This section will be fulfilled as the building must comply with the Americans with Disabilities Act of the International Building Code (2015), which is evaluated at the time of the building permit review.*

### Environmental Review

This project was reviewed under the Washington State SEPA threshold determination rules requirements and procedures; and was issued a Mitigated Determination of Nonsignificance (MDNS) on 12/1/2020 No. 1427. The proposal has been conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts to the environment. In accordance with WAC 197-11-355. The 15-day appeal period expires at noon on 12/16/2020. The SEPA checklist and environmental documents are on file at the City of Port Angeles Department of Community and Economic Development Planning Division and are available upon request.

### Recommendation

It is the recommendation of Department of Community and Economic Development Staff that the Hearing Examiner approve Application No. 20-55 with the conclusions and conditions in Section VII of this staff report. This recommendation is based on Staff's review of the application materials, Port Angeles Municipal Code standards, and submitted comments.

## VII. DECISION, CONCLUSIONS, & CONDITIONS

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Having reviewed and considered the staff report, application materials, public comment, and all the information presented, the City Planning Division recommends **approval, with conditions**, Application No. 20-55 for a Conditional Use Permit and makes the following conclusions:

1. Analysis and findings of fact from City Staff are based on the entirety of the application materials, municipal code, standards, Comprehensive Plan, plans, public comment, and all other materials available during the review period. Collectively the information contained in the staff report is the record of the review. The analysis and findings section of this report is a summary of the City Staff completed review and the specific findings of fact.
2. Per PAMC Section 2.18.060 of the Port Angeles Municipal Code (PAMC), the Hearing Examiner has the review authority and is authorized and directed to hear and decide on Conditional Use Permits. As to all of the foregoing issues and matters, the decision of the Hearing Examiner shall be the final decision of the City. Such decision may be appealed to the Superior Court, provided that the appeal must be filed within 21 days of the notice of decision. An appeal application for any decision of the Director shall stay all further proceedings by the Department of Community and Economic Development specific to the property under appeal.
3. The application does not qualify for a minor amendment due to changes exceeding 10 percent of the original approval. The conditions placed on the use through CUP 01-10 are no longer appropriate. Should the application be denied, the original conditions would remain in effect.
4. The use is a transitional overnight shelter with limited camping which sees fluctuating occupancy and vacancy; and is therefore, not equivalent to other residential uses and densities with more established occupancy.

5. The SEPA Mitigated Determination of Significance #1427 issued on December 1, 2020 findings and mitigation are incorporated by reference.
6. Conditional Use Permits require a special degree of review and may be subject to certain conditions to make such use consistent and compatible with other existing or permissible uses. The conditional use permit, as approved with conditions, ensures compliance with the conditional use permit criteria in Ch. 17.96.050 PAMC.
7. The building and fire permit review applications are the appropriate process to evaluate consistency with sewer, water, fire, life, safety, building, and electrical requirements.

#### **Recommended Conditions of Approval**

Staff analysis of Conditional Use Permit Application No. 20-55 demonstrates that all standards will be met in accordance with the Port Angeles Municipal Code. Staff recommends the Hearing Examiner apply the following **five conditions** on the permit to ensure standards will be maintained for the life of the permit:

1. The conditions of approval from application CUP No. 01-10 are hereby null and void with all Hearing Examiner's conditions of approval included in application no. PZ 20-55.
2. The SEPA mitigations identified in the MDNS # 1427 shall be required and incorporated by reference with these conditions of approval.
3. Approval of this Conditional Use Permit does not preclude any permits that are required from any other City Division or Department.
4. SEPA mitigating conditions and Hearing Examiner's conditions of approval shall be recorded to property title to notice future property owners on actions needed to remain in compliance with this approval.
5. Building and fire permit applications and approvals shall be required prior to occupancy.

**EXHIBITS**

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- Exhibit 1:** PZ 20-55 Staff Report
- Exhibit 2:** Application No. 20-55 Application Materials
- Exhibit 3:** Completeness letters
- Exhibit 4:** Noticing materials
- Exhibit 5:** City comments
- Exhibit 6:** SEPA MDNS No. 1427
- Exhibit 7:** SEPA comments (Dept of Ecology and Julian Prosser)
- Exhibit 8:** Public Testimony received: Email from Ben Phillips
- Exhibit 9:** CUP 01-10 project record
- Exhibit 10:** Public Hearing Presentation