

PLANNING COMMISSION AGENDA

CHAIRPERSON:

Brett Taylor



VICE CHAIRPERSON:

Liz Wynn

COMMISSIONERS: Brett Taylor, Liz Wynn, Chris Gomez, Marvin Hansen, Sarrah Peariso

MONDAY, FEBRUARY 25, 2019; 7:00 P.M., COUNCIL CHAMBERS, 707 W. ACEQUIA, VISALIA CA

1. THE PLEDGE OF ALLEGIANCE –
2. CITIZEN'S COMMENTS – This is the time for citizens to comment on subject matters that are not on the agenda but are within the jurisdiction of the Visalia Planning Commission. The Commission requests that a 5-minute time limit be observed for comments. Please begin your comments by stating and spelling your name and city. Please note that issues raised under Citizen's Comments are informational only and the Commission will not take action at this time.
3. CHANGES OR COMMENTS TO THE AGENDA–
4. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.
 - Request to initiate a Zoning Text Amendment (ZTA) to allow Outpatient Surgery Center as a conditionally allowed use to Zoning Matrix Line M56
5. PUBLIC HEARING - Cristobal Carrillo
Conditional Use Permit No. 2019-03: A request by Jeff Croall to establish an 8,000 sq. ft. dialysis clinic within an existing building in the O-PA (Professional/Administrative Office) Zone. The project site is located at 5300 W. Tulare Avenue (APN: 087-460-008). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2019-05.
6. PUBLIC HEARING – Brandon Smith
 - a. Tentative Parcel Map No. 2018-04: A request by West End Partners, LLC to subdivide a 36,235 square foot parcel containing an existing commercial building into two commercial condominiums and a common site parcel, on land in the C-MU (Commercial Mixed Use) Zone. The project site is located on the southwest corner of Mooney Boulevard and Feemster Avenue (APN: 095-160-092). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2018-72.
 - b. Conditional Use Permit No. 2018-29: A request by West End Partners, LLC to establish a planned commercial development with two commercial condominiums and a common site parcel on a developed commercial property, on land in the C-MU (Commercial Mixed Use) Zone. The project site is located on the southwest corner of Mooney Boulevard and Feemster Avenue (APN: 095-160-092). The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Categorical Exemption No. 2018-72.

7. DIRECTOR'S REPORT/ PLANNING COMMISSION DISCUSSION-

- Visalia Planning Commission 2018 Annual Report to City Council
- Hurley Annexation Initiated by City Council
- City Council approved GPA/COZ/COZ for commercial building on Houston
- March 11, 2019 Planning Commission Meeting

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For Hearing Impaired – Call (559) 713-4900 (TTY) 48-hours in advance of the scheduled meeting time to request signing services.

Any written materials relating to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Office, 315 E. Acequia Visalia, CA 93291, during normal business hours.

APPEAL PROCEDURE

THE LAST DAY TO FILE AN APPEAL IS THURSDAY, MARCH 6, 2019 BEFORE 5 PM

According to the City of Visalia Zoning Ordinance Section 17.02.145 and Subdivision Ordinance Section 16.04.040, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal form with applicable fees shall be filed with the City Clerk at 220 N. Santa Fe, Visalia, CA 93292. The appeal shall specify errors or abuses of discretion by the Planning Commission, or decisions not supported by the evidence in the record. The appeal form can be found on the city's website www.visalia.city or from the City Clerk.

THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MARCH 11, 2019

City of Visalia



To: Planning Commission

From: Paul Scheibel, Principal Planner (713-4369) *PS*

Date: February 25, 2019

Re: Request to initiate a Zoning Text Amendment (ZTA) to allow Outpatient Surgery Center as a conditionally allowed use to Zoning Matrix Line M56

RECOMMENDATION

Staff recommends that Planning Commission authorize the filing of a Zoning Text Amendment (ZTA) to allow Outpatient Surgery Center as a conditionally allowed use to Zoning Matrix Line M56. The request is made pursuant to the provisions of Zoning Ordinance Section 17.44.020 B. that provides for the Planning Commission to authorize the initiation of ZTAs.

DISCUSSION

The request is being made by EBM Design Group on behalf of Jonathan C. Liu, MD, who desires to construct a 56,000 sq.ft. medical office building on a parcel that is zoned C-MU. The medical office building proposes to include a 27,500 sq.ft. outpatient surgery center. This will replace his current surgical office that is located adjacent to the south on property zoned O-PA (Professional Office Administrative).

The proponent contends that there is a significant range of surgical procedures that already occur in modern medical and dental offices. Consequently, the distinction between a medical office and an outpatient surgical center is a somewhat outdated zoning construct. The proponent supports their contention with their professional experience that the procedures performed on patients typically take only minimal surgical time, including relatively brief patient recovery times that are similar to those of routine medical and dental procedures.

The proponent contends that a more accurate distinction for zoning and land use purposes would be that of a hospital or acute care facility with a surgical center. The former typically include overnight stays for patients, extended or 24-hour operations, and long term parking for staff, visitors and supportive functions. Consequently, the allowed zoning limitations of hospitals and acute care facilities to the D-MU (Downtown Mixed Use) and O-PA zone districts are appropriate, while outpatient surgical centers are appropriate wherever medical offices and clinics are allowed.

Planning staff concurs with the proponent's request. The proponent has articulated their contention based on their practical knowledge and experience in operating medical service facilities. Consequently, staff recommends that the Planning Commission authorize the proponent to file their ZTA application, concurrently with a CUP application. It is anticipated that the ZTA and CUP applications would be brought before the Planning Commission within 30 to 60 days.

The Planning Commission's conditional approval of a CUP would be contingent on the City Council's final approval of the ZTA.

ATTACHMENTS

- Applicant Letter
- Zoning Ordinance Use Matrix (Extract)

COMM. DEVELOP.
CITY OF VISALIA
FEB 19 2019

Request to add Surgery Centers to the C-MU zone

Medical offices are a permitted use and clinics are a conditional use in both the O-PA zone and the C-MU zone. Currently there are several types of medical offices and clinics that perform surgeries. Some of these offices and clinics are plastic surgeons, dentists and orthopedic surgeons.

Currently ambulatory surgery centers are grouped in the zoning matrix with hospitals and acute care facilities and are a conditional use in the O-PA and D-MU zones but not in the C-MU zone. While it makes sense to restrict hospitals and acute care facilities to the Downtown mixed-use zone, ambulatory surgery centers are not hospitals or acute care facilities. Patients go home after surgery the same day. They do not keep patients overnight. They are not open 24 hours a day and do not have ambulances coming and going. They function similarly to a medical offices and clinics in staff and hours of operation. A surgery center actually has reduced traffic in comparison to a medical office or clinic.

We respectfully request that ambulatory surgery centers be separated from hospitals and acute care facilities and allowed as a Conditional Use in the C-MU zone.

City of Visalia Municipal Code Title 17 - Zoning Ordinance

| Commercial, Mixed Use, Office, and Industrial Zones Use Matrix P = Use is Permitted by Right C = Use Requires Conditional Use Permit T = Use Requires Temporary Use Permit Blank = Use is Not Allowed | | | | | | | | | | | | |
|--|---|-----|-----|------|------|--------------|-----|-----|------------------|---|---|--|
| USE | Commercial and Mixed Use Zones | | | | | Office Zones | | | Industrial Zones | | Special Use Standards (See identified Chapter or Section) | |
| | C-N | C-R | C-S | C-MU | D-MU | O-PA | O-C | BRP | I-L | I | | |
| M51 | - trucking & freight forwarding terminal | | | C | | | | | | P | P | |
| M52 | Massage Therapist | C | P | | C | C | C | C | | | | |
| MEDICAL FACILITIES/SERVICES (for medical/dental offices see OFFICES) | | | | | | | | | | | | |
| M53 | Hospitals, Acute Care (general medical/surgical) | | | | | C | C | | | | | |
| M54 | Ambulance Services/Medical Transport | | | C | C | C | C | | C | | | |
| M55 | Convalescent Hospitals / Senior Care Facilities / Nursing Homes | | | | C | C | C | | | | | |
| M56 | Clinics (medical group, urgent care/walk-ins, dental, rehabilitation) | C | C | | C | C | C | | | C | C | |
| M57 | Dialysis Centers and Blood Donation Centers | | C | C | P | C | C | | | C | | |
| M58 | Hospices | | | | | | C | | | | | |
| M59 | Laboratories (medical testing & diagnostic) | | | | P | C | C | | P | | | |
| M60 | Medical Equipment/supplies (oxygen, prosthetics, walkers, etc.) | | P | P | P | P | P | | | | | |

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|--|---|-----|-----|------|------|--------------|-----|-----|------------------|---|---|--|
| USE | Commercial and Mixed Use Zones | | | | | Office Zones | | | Industrial Zones | | Special Use Standards (See identified Chapter or Section) | |
| | C-N | C-R | C-S | C-MU | D-MU | O-PA | O-C | BRP | I-L | I | | |
| M61 | Opticians - Dispensing | C | | | P | P | P | | | | | |
| M62 | Psychiatric Hospitals, including Treatment of Substance Abuse | | | | | | C | | | | | |
| M63 | Residential Alcohol/Substance Abuse Treatment Facility | | | | | | C | | | | | |
| M64 | Rehabilitation Hospitals | | | | C | C | C | | | | | |
| M65 | Museums (special interest/historical-public/private) | | C | | | C | C | | | | | |
| N | | | | | | | | | | | | |
| O | | | | | | | | | | | | |
| OFFICES | | | | | | | | | | | | |
| | General Business and Professional (i.e., data processing services, employment agencies, insurance agencies, etc.) | | | | | | | | | | | |
| O1 | - less than 2,000 sq. ft. | P | P | P | P | P | P | P | | | | |
| O2 | - 2,000 sq. ft. to 6,000 sq. ft. | C | P | C | P | P | P | P | | | | |
| O3 | - more than 6,000 sq. ft. | C | C | C | P | P | P | P | | | | |

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|--|--|-----|-----|------|------|--------------|-----|-----|------------------|---|---|--|
| USE | Commercial and Mixed Use Zones | | | | | Office Zones | | | Industrial Zones | | Special Use Standards (See identified Chapter or Section) | |
| | C-N | C-R | C-S | C-MU | D-MU | O-PA | O-C | BRP | I-L | I | | |
| O4 | - up to 25% of total leased area for center | P | P | | | | P | P | P | | | |
| O5 | - more than 25% of total leased area for center | C | C | | | | C | C | C | | | |
| O6 | Medical (i.e., Physical therapists, physicians/surgeons, dentists/ orthodontists, optometrists, chiropractors, etc.) | C | C | | P | P | P | P | | | | |
| O7 | Counseling/psychologist - individuals | C | C | | P | P | P | P | | | | |
| O8 | Counseling/psychologist - groups | C | C | | P | C | P | C | | | | |
| O9 | Offices Associated with Industrial Uses (not exceeding 25% of total building area) | | | P | | | | | P | P | P | |
| O10 | Temporary Trailers (construction) | T | T | T | T | T | T | T | T | T | T | |
| P | | | | | | | | | | | | |
| P1 | Parcel Delivery Services / Parcel Distribution (UPS, Federal Express, etc.) | | | P | P | | C | | | P | | |
| P2 | Parking Facilities For Off-Site Uses | | C | P | P | C | C | | C | C | C | |