



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: December 13, 2021

PROJECT PLANNER: Rafael Garcia, Senior Planner
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SUBJECT: Conditional Use Permit No. 2021-28: A request by Matt Nohr on behalf of the Orosco Group, to allow a medical use within a portion of an existing 10,200 square foot multi-tenant commercial building. The new medical clinic will be approximately 6,526 square feet in area and will be located within the C-R (Regional Commercial) zone. The site is located at 3221 S. Mooney Blvd. (APN: 121-100-054)

STAFF RECOMMENDATION

Staff recommends approval of Resolution No. 2021-49 for Conditional Use Permit No. 2021-48 based on the project's consistency with the policies of the City's General Plan and Zoning Ordinance.

RECOMMENDED MOTION

I move to approve Conditional Use Permit No. 2021-28 based on the findings and conditions in Resolution No. 2021-49.

PROJECT DESCRIPTION

The Conditional Use Permit is a request to permit a 6,526 square foot medical clinic within an existing 10,200 square foot commercial building in the C-R (Regional Commercial) zone. The proposed medical use is proposing to locate the medical office into the west end the building as depicted in Exhibit "A". The applicant has also provided a floor plan (see Exhibit "B") depicting the tenant improvements associated with this project.

According to the lessee's Operational Statement (Exhibit "C"), this facility will have 10 full-time employees. The operating hours for the medical office will be from 9:00 a.m. to 5:00 p.m. Monday through Friday and 9:00 a.m. to 2:00 p.m. on Saturday. The office will have two physicians onsite daily, and it is expected to receive as many as 40 patients per day.

The proposed medical office is occupying an area of the building that was occupied in the past by a salon, Weight Watchers and a clothing store. The remaining area of the commercial building is currently occupied by Aspen Dental.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Regional Commercial
Zoning:	C-R (Regional Commercial)
Surrounding Zoning and Land Use:	North: C-R / Vacant Restaurant (Ryan's Place) South: C-R / Sequoia Mall Parking Lot East: Mooney Blvd. (SR 63) West: C-R – Parking Lot for Bed, Bath & Beyond
Environmental Document	Categorical Exemption No. 2021-48
Site Plan:	Site Plan Review No. 2021-180

Related Plans and Policies

On April 28, 2014, Conditional Use Permit No. 2014-14 was approved by the Planning Commission to allow a dentist office in the C-R zone. The building is located at 4129 S. Mooney Blvd. within the Packwood Creek Shopping Center.

On May 28, 2019, Tentative Parcel Map No. 2019-04 and Conditional Use Permit No. 2019-14, was approved by the Planning Commission. The map and CUP requested approval of a tentative parcel map and conditional use permit to allow an air-space condominium conversion of the existing 10,200 sq. ft. commercial building located at 3221 S. Mooney Boulevard.

On July 22, 2019, Conditional Use Permit No. 2019-30 was approved by the Planning Commission to allow a dentist office in the C-R zone located at 3221 S. Mooney Blvd.

PROJECT EVALUATION

Staff supports the requested conditional use permit based on project consistency with the General Plan and the Zoning Ordinance.

Land Use Compatibility

The Visalia Zoning Matrix identifies medical office as a conditional use in the C-R zone and requires the submittal and approval of a CUP application. Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. Staff has concluded that the proposed medical office will not have a negative impact on surrounding uses given the fact that sufficient on-site parking is provided, the site's proximity to the major street and other office and commercial uses within the area.

Parking and Access

This site is accessed through existing vehicle access points along Mooney Boulevard and from the adjoining parcels (i.e., Bed, Bath & Beyond, and Sequoia Mall). With the addition of the new medical use the total parking requirement for the site will be 51 parking stalls, however, the Administrative Adjustment approved in 2012 (2012-04) will reduce the required parking to 41 parking stalls. The applicant has provided two potential parking configurations that will provide a minimum of 35 onsite parking stalls. The applicant will also provide an additional 10 parking spaces via a proposed parking agreement from the adjacent property located at 3103 S. Mooney Boulevard. The proposed project will comply with the city's parking requirements with the inclusion of the parking agreement to allocate an additional 10 parking stalls from the adjacent property. The adjacent property (Exhibit "A") currently has a total of 41 parking spaces onsite. The future restaurant will require a total of 28 parking spaces based on the city's parking requirements. This will result in a parking surplus of 13 parking spaces that may be utilized as part of the parking agreement to provide sufficient onsite parking. The adjacent site will continue to comply with parking after the reduction of 10 onsite parking spaces based on the new restaurant use that is proposed within the vacant building (Exhibit "A").

Environmental Review

The requested action is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2021-48).

Projects determined to meet this classification consist of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of the use

beyond that existing at the time of the lead agency's determination. The types of "existing facilities" itemized in the Class 1 are not intended to be all-inclusive of the types of projects.

RECOMMENDED FINDINGS

1. That the proposed project will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110:
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located. The Visalia Zoning Matrix identifies medical clinic as a conditional use in the C-R zone and requires the submittal and approval of a CUP application. Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. The proposed medical office will not have a negative impact on surrounding uses given the fact that sufficient on-site parking is provided, the site's proximity to the major street and other office and commercial uses within the area.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity. The Visalia Zoning Matrix identifies medical office as a conditional use in the C-R zone and requires the submittal and approval of a CUP application. Through the CUP process, potential impacts can be addressed thereby ensuring compatibility between the proposed use and existing surrounding uses. The proposed medical office will not have a negative impact on surrounding uses given the fact that ample on-site parking is provided, the sites proximity to the major street and other office and commercial uses within the area.
3. That the project is considered Categorical Exempt under Section 15301 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for minor alterations in land use limitations. (Categorical Exemption No. 2021-48).

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2021-180.
2. That substantial changes to the site plan and/or operational plan, or an intensification of the land use wherein the parking demand exceeds the parking required for the land use, may require evaluation by the Site Plan Review committee and/or an amendment to this Conditional Use Permit.
3. City shall review and approve the parking agreement and receive an executed copy prior to the issuance of the Certificate of Occupancy to allocate additional onsite parking from the adjacent property located at 3103 S. Mooney Boulevard.
4. A minimum of 41 parking spaces shall be allocated for the project site located at 3221 S. Mooney Boulevard.
5. Landscape plans shall be required to as part of building plan check submittal.
6. That any project signage shall be obtained under a separate permit.
7. That all applicable federal, state and city laws, codes and ordinances be met.

APPEAL INFORMATION

According to the City of Visalia Zoning Ordinance Section 17.02.145, an appeal to the City Council may be submitted within ten days following the date of a decision by the Planning Commission. An appeal with applicable fees shall be in writing and shall be filed with the City Clerk at 220 N. Santa Fe Street. 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.

Attachments:

- Related Plans and Policies
- Resolution No. 2021-49
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Operational Statement
- Site Plan Review Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

Related Plans & Policies
Conditional Use Permits
(Section 17.38)

17.38.010 Purposes and powers

In certain zones conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and thus give the zone use regulations the flexibility necessary to achieve the objectives of this title, the planning commission is empowered to grant or deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. (Prior code § 7525)

17.38.020 Application procedures

- A. Application for a conditional use permit shall be made to the planning commission on a form prescribed by the commission which shall include the following data:
1. Name and address of the applicant;
 2. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
 3. Address and legal description of the property;
 4. The application shall be accompanied by such sketches or drawings as may be necessary by the planning division to clearly show the applicant's proposal;
 5. The purposes of the conditional use permit and the general description of the use proposed;
 6. Additional information as required by the historic preservation advisory committee.
- B. The application shall be accompanied by a fee set by resolution of the city council sufficient to cover the cost of handling the application. (Prior code § 7526)

17.38.030 Lapse of conditional use permit

A conditional use permit shall lapse and shall become void twenty-four (24) months after the date on which it became effective, unless the conditions of the permit allowed a shorter or greater time limit, or unless prior to the expiration of twenty-four (24) months a building permit is issued by the city and construction is commenced and diligently pursued toward completion on the site which was the subject of the permit. A permit may be renewed for an additional period of one year; provided, that prior to the expiration of twenty-four (24) months from the date the permit originally became effective, an application for renewal is filed with the planning commission. The commission may grant or deny an application for renewal of a conditional use permit. In the case of a planned residential development, the recording of a final map and improvements thereto shall be deemed the same as a building permit in relation to this section. (Ord. 2001-13 § 4 (part), 2001: prior code § 7527)

17.38.040 Revocation

Upon violation of any applicable provision of this title, or, if granted subject to a condition or conditions, upon failure to comply with the condition or conditions, a conditional use permit shall be suspended automatically. The planning commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 17.38.080, and if not satisfied that the regulation, general provision or condition is being complied with, may revoke the permit or take such action as may be necessary to insure compliance with the regulation, general provision or condition. Appeals of the decision of the planning commission may be made to the city council as provided in Section 17.38.120. (Prior code § 7528)

17.38.050 New application

Following the denial of a conditional use permit application or the revocation of a conditional use permit, no application for a conditional use permit for the same or substantially the same conditional use on the same or substantially the same site shall be filed within one year from the date of denial or revocation of the permit unless such denial was a denial without prejudice by the planning commission or city council. (Prior code § 7530)

17.38.060 Conditional use permit to run with the land

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the permit application subject to the provisions of Section 17.38.065. (Prior code § 7531)

17.38.065 Abandonment of conditional use permit

If the use for which a conditional use permit was approved is discontinued for a period of one hundred eighty (180) days, the use shall be considered abandoned and any future use of the site as a conditional use will require the approval of a new conditional use permit.

17.38.070 Temporary uses or structures

- A. Conditional use permits for temporary uses or structures may be processed as administrative matters by the city planner and/or planning division staff. However, the city planner may, at his/her discretion, refer such application to the planning commission for consideration.
- B. The city planner and/or planning division staff is authorized to review applications and to issue such temporary permits, subject to the following conditions:
 1. Conditional use permits granted pursuant to this section shall be for a fixed period not to exceed thirty (30) days for each temporary use not occupying a structure, including promotional enterprises, or six months for all other uses or structures.
 2. Ingress and egress shall be limited to that designated by the planning division. Appropriate directional signing, barricades, fences or landscaping shall be provided where required. A security officer may be required for promotional events.
 3. Off-street parking facilities shall be provided on the site of each temporary use as prescribed in Section 17.34.020.
 4. Upon termination of the temporary permit, or abandonment of the site, the applicant shall remove all materials and equipment and restore the premises to their original condition.
 5. Opening and closing times for promotional enterprises shall coincide with the hours of operation of the sponsoring commercial establishment. Reasonable time limits for other uses may be set by the city planner and planning division staff.
 6. Applicants for a temporary conditional use permit shall have all applicable licenses and permits prior to issuance of a conditional use permit.
 7. Signing for temporary uses shall be subject to the approval of the city planner.
 8. Notwithstanding underlying zoning, temporary conditional use permits may be granted for fruit and vegetable stands on properties primarily within undeveloped agricultural areas. In reviewing applications for such stands, issues of traffic safety and land use compatibility shall be evaluated and mitigation measures and conditions may be imposed to ensure that the stands are built and are operated consistent with appropriate construction standards, vehicular access and off-street parking. All fruits and vegetables sold at such stands shall be grown by the owner/operator or purchased by said party directly from a grower/farmer.
- C. The applicant may appeal an administrative decision to the planning commission. (Ord. 9605 § 30 (part), 1996: prior code § 7532)

17.38.080 Public hearing--Notice

- A. The planning commission shall hold at least one public hearing on each application for a conditional use permit.
- B. Notice of the public hearing shall be given not less than ten days nor more than thirty (30) days prior to the date of the hearing by mailing a notice of the time and place of the hearing to property owners within three hundred (300) feet of the boundaries of the area occupied or to be occupied by the use which is the subject of the hearing, and by publication in a newspaper of general circulation within the city. (Prior code § 7533)

17.38.090 Investigation and report

The planning staff shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the planning commission. (Prior code § 7534)

17.38.100 Public hearing--Procedure

At the public hearing the planning commission shall review the application and the statement and drawing submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 17.38.110. The planning commission may continue a public hearing from time to time as it deems necessary. (Prior code § 7535)

17.38.110 Action by planning commission

- A. The planning commission may grant an application for a conditional use permit as requested or in modified form, if, on the basis of the application and the evidence submitted, the commission makes the following findings:
 - 1. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the zone in which the site is located;
 - 2. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
- B. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the commission may prescribe. The commission may grant conditional approval for a permit subject to the effective date of a change of zone or other ordinance amendment.
- C. The commission may deny an application for a conditional use permit. (Prior code § 7536)

17.38.120 Appeal to city council

The decision of the City planning commission on a conditional use permit shall be subject to the appeal provisions of Section 17.02.145. (Prior code § 7537) (Ord. 2006-18 § 6, 2007)

17.38.130 Effective date of conditional use permit

A conditional use permit shall become effective immediately when granted or affirmed by the council, or upon the sixth working day following the granting of the conditional use permit by the planning commission if no appeal has been filed. (Prior code § 7539)

NOTICE OF EXEMPTION

City of Visalia
315 E. Acequia Ave.
Visalia, CA 93291

To: County Clerk
County of Tulare
County Civic Center
Visalia, CA 93291-4593

Conditional Use Permit No. 2021-28

PROJECT TITLE

3221 S. Mooney Blvd.

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

A request by Matt Nohr on behalf of the Orosco Group to allow use of 6,526 sq. ft. inside an existing 10,200 sq. ft. commercial building for a medical office, located within the C-R (Regional Commercial). The site is located at 3221 S. Mooney Blvd. (APN: 121-100-054)

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia

NAME OF PUBLIC AGENCY APPROVING PROJECT

The Orosco Group, 10 Harris Court, Suite B-1, Monterey Park, CA 93940

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

The Orosco Group, 10 Harris Court, Suite B-1, Monterey Park, CA 93940

NAME AND ADDRESS OF AGENT CARRYING OUT PROJECT

EXEMPT STATUS: (Check one)

- Ministerial - Section 15073
- Emergency Project - Section 15071
- Categorical Exemption - State type and Section number: **Section 15301**
- Statutory Exemptions- State code number:

A request to establish a medical office use within an existing 6,526 square foot tenant space. The site is developed and is served by all public utilities.

REASON FOR PROJECT EXEMPTION

Rafael Garcia, Senior Planner

(559) 713-4031

CONTACT PERSON

AREA CODE/PHONE

December 13, 2021

DATE

**Brandon Smith, AICP
ENVIRONMENTAL COORDINATOR**