



REPORT TO CITY OF VISALIA PLANNING COMMISSION

HEARING DATE: October 10, 2022

PROJECT PLANNER: Cristobal Carrillo, Associate Planner
Phone No.: (559) 713-4332
E-mail: cristobal.carrillo@visalia.city

SUBJECT: Conditional Use Permit No. 2022-14: A request by John Leuck to construct a 23,400 square foot, two-story medical facility with a 3,300 square foot single-story administration building and accompanying onsite improvements. The project site is zoned O-PA (Professional/Administrative Office) and is located at the northwest corner of South Chinowth Avenue and West Mineral King Avenue (APN: 085-080-034, 035).

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit No. 2022-14 based on the findings and conditions in Resolution No. 2022-27. Staff recommendation is 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. 2022-14 based on the findings and conditions in Resolution No. 2022-27.

PROJECT DESCRIPTION

The Conditional Use Permit is a request by consultant John Leuck, representing United Health Centers, to develop a 23,400 square foot two-story medical center providing primary care, dental care, behavioral health, optometry, and chiropractic services to the general public by appointment only. All services provided will be outpatient only. The facility will be supported by an additional single-story 3,300 square foot administration building for administrative staff (See Exhibit "A"). A number of trees, including some Valley Oaks, an existing motorcycle shop, two discount glass storefronts, and three miscellaneous buildings will be removed for the proposed development (See Exhibit "H"). All improvements will be located on two parcels totaling 3.15 acres, which will be merged as part of the proposal.

Additional onsite improvements include development of a 132-stall parking lot north and west of the proposed buildings, installation of onsite lighting, landscaping, and right-of-way improvements including driveways providing access to both West Mineral King Avenue and South Chinowth Street. A 13 to 50-foot riparian setback will be applied along Mill Creek north of the project site for the protection of an existing Valley Oak tree grove. The applicant will install irrigation services, maintenance/trail paths, lighting, benches, and trash receptacles within the Valley Oak tree grove as part of the project, to be reimbursed by the City of Visalia at a later date.

Floor plans depicting the tenant improvements for the medical and administrative buildings are provided in Exhibit "B". Building elevations provided in Exhibit "C" illustrate that the structures will maintain a modern design and employ a combination of exterior treatments, including stucco, brick, concrete, and wood planks. Landscape plans in Exhibit "E" depict numerous trees within the parking field, with California Fan palm trees along the Mineral King Avenue frontage.

According to the Operational Statement (Exhibit “G”), the medical building will have 55 full-time employees, working Monday through Friday from 8:30 a.m. to 5:30 p.m. The administration building will contain approximately nine full-time employees, with hours of operation between Monday through Friday, 8:30 a.m. to 12:30 p.m. and 1:30 p.m. to 5:30 p.m. The medical building is expected to receive as many as 150 patients per day.

BACKGROUND INFORMATION

General Plan Land Use Designation:	Office, Conservation
Zoning:	O-PA (Professional/Administrative Office)
Surrounding Zoning and Land Use:	<p>North: O-PA, R-1-5 (Single Family Residential, 5,000 sq. ft. minimum site area) / Mill Creek, medical office, single family residences.</p> <p>South: C-MU (Mixed Use Commercial) / State Highway 198, Mineral King Plaza Shopping Center</p> <p>East: O-PA, R-M-2 (Multifamily Residential, 3,000 sq. ft. minimum site area per dwelling unit) / Valley Oak Creek Garden Homes multifamily subdivision.</p> <p>West: O-PA – Mixed office, medical, and single-family residential uses.</p>
Environmental Document	Categorical Exemption No. 2022-28
Site Plan:	Site Plan Review No. 2021-133

Related Plans and Policies

Conditional Use Permit No. 2014-14: 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.

Conditional Use Permit No. 2019-30: 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.

Conditional Use Permit No. 2021-33: On December 13, 2021, Conditional Use Permit No. 2021-33, was approved by the Planning Commission to allow a United Health Centers medical office in the C-R (Regional Commercial) Zone, located at 4038 S. Mooney Boulevard (APN: 126-730-020).

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 (VMC Section 17.25.030) allows medical clinics with approval of a conditional use permit in the O-PA Zone. 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 clinic will not have a negative impact on surrounding uses given the fact that sufficient on-site parking is provided with immediate access to major streets. The project site is also compatible with adjacent medical, office, and commercial uses north and west of the project site. Lastly, the use is insulated from nearby residential areas

to the north and east due to the presence of Mill Creek and a Valley Oak grove with mature trees along the northern boundary of the project site.

Riparian Setback/Valley Oak Tree Preservation

The proposal will involve the preservation of an existing Valley Oak tree grove through application of a 13 to 50-foot riparian setback. This is required by Policy OSC-P-23 of the Visalia General Plan Open Space and Conservation Element. Per the policy, the riparian setback shall be 50 feet, but can vary where existing development or land committed to development prohibits the full 50-foot setback from being applied.

For this project, initial calls by the Planning Division for a setback variance to address encroachment into the riparian setback (see the May 11, 2022 Site Plan Review comments) were rescinded upon verification that there were existing site conditions that would be affected by full application of the setback. At present, the applicant proposes to repair and employ an existing driveway along the Chinowth Street frontage, which is immediately adjacent to Mill Creek. Relocation of the existing Chinowth Street driveway outside of the 50-foot riparian setback would serve only to constrict development onsite, potentially resulting in loss of an access point due to street intersection proximity standards, loss of parking, and a reduction to the amount of buildable area. As such, the riparian setback is permitted to be reduced to the “*maximum amount of land available for a development setback*”, in this case between 13 to 50 feet, without the need for a setback variance.

Additional Valley Oak trees, located outside of the riparian setback area, will be removed in order to allow for development of the project. Per the Demolition Plan in Exhibit “H” this will include removal of two dead Valley Oak trees and two live Valley Oak trees. The May 11, 2022 Site Plan Review comments provided by the Planning Division initially indicated that a Valley Oak Tree evaluation would be required for the project. However, Parks & Urban Forestry Division staff, who administer the long-term urban forestry policies for the City, indicated at the same time that the applicant would only need to consult with City staff and obtain proper permits for the removal of any Valley Oak trees. This was confirmed via subsequent discussions between Planning and Park & Urban Forestry staff. As such, no Oak Tree Evaluation was required.

Removal of Valley Oak trees is subject to the provisions of the Oak Tree Preservation Ordinance (Visalia Municipal Code Chapter 12.24). Therefore, staff has included Condition of Approval No. 3 for Planning Commission consideration, requiring compliance with the Valley Oak Tree Preservation Ordinance. This condition ensures that the applicant/developer will obtain all necessary approvals and comply with any potential mitigation measures applied through the ordinance, prior to the removal of any Valley Oak trees.

Parking and Access

The project site will contain ingress and egress points along both West Mineral King and North Chinowth Street. The parking field is designed so as to adequately accommodate circulation from both points, while not encroaching on the riparian setback area.

Per the Visalia Municipal Code, the medical facility requires one stall per 200 square feet of building area. The administration building requires one stall per 250 square feet of building area. The total parking demand for the project site is 130 stalls. As illustrated as part of the site plan in Exhibit “A”, a total of 132 parking stalls are provided, thereby exceeding with the City of Visalia’s parking requirements.

Signage

Wall and monument signage proposed is depicted in Exhibit “D”. Wall signage allotments planned comply with all Visalia Municipal Code requirements, as they do not exceed a total of 150 square feet in size. The applicant proposes placement of two monument signs onsite, one at the southeast corner of the project site, and a second north of the administration building. The monument sign north of the administration building exceeds size limitations for monument signs. However, due to its placement in an area where it will not be visible from the public right-of-way, the monument sign is considered an “Interior Sign” and thus exempt from signage area limitations. A Building Permit will be required to erect any signage onsite.

Lighting

A conceptual photometric plan is provided in Exhibit “F”, detailing building and parking lot lighting to be installed for the medical facility. The photometric plan provided demonstrates that the 0.5 lumen limit required by the City of Visalia will not be exceeded in areas adjacent to residential uses (i.e. areas at the northernmost tip of the project site). Condition No. 2 is included requiring compliance with the photometric plan, to be demonstrated during Building Permit review.

Environmental Review

The requested action is considered Categorical Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for in-fill development projects. (Categorical Exemption No. 2022-28). Section 15332 is appropriate as the project is consistent with applicable general plan and zoning designations, is located in an urbanized area within city limits with access to utilities and public services, is on a site under five acres, and would not negatively impact habitats, endangered species, or surrounding areas due to its operation.

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 office as a conditional use in the O-PA 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 sites proximity to major streets, 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 O-PA 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 sites proximity to major streets, and other office and commercial uses within the area.

3. That the project is considered Categorically Exempt under Section 15332 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA) for in-fill development projects. (Categorical Exemption No. 2022-38). Section 15332 is appropriate as the project is consistent with applicable general plan and zoning designations, is located in an urbanized area within city limits with access to utilities and public services, is on a site under five acres, and would not negatively impact habitats, endangered species, or surrounding areas due to its operation

RECOMMENDED CONDITIONS OF APPROVAL

1. That the project be developed in substantial compliance with the comments from the approved Site Plan Review No. 2021-133.
2. That the use be developed in substantial compliance with the site plan in Exhibit "A", floor plan in Exhibit "B", building elevations in Exhibit "C", signage elevations in Exhibit "D", landscape plan in Exhibit "E", photometric plan in Exhibit "F", operational statement in Exhibit "G", and demolition plan in Exhibit "H".
3. That the use be developed in compliance with the requirements of Visalia Municipal Code Chapter 12.24, the Valley Oak Tree Preservation Ordinance.
4. That a Lot Line Merger shall be recorded with the Tulare County Recorder prior to Building Permit final of the proposed development.
5. That substantial changes or intensification of the land use may require evaluation by the Site Plan Review Committee and/or an amendment to this Conditional Use Permit.
6. That any project signage shall be obtained under a separate building 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. 2022-27
- Exhibit "A" – Site Plan
- Exhibit "B" – Floor Plan
- Exhibit "C" – Building Elevations
- Exhibit "D" – Signage Elevations
- Exhibit "E" – Landscape Plan
- Exhibit "F" – Photometric Plan
- Exhibit "G" – Operational Statement
- Exhibit "H" – Demolition Plan
- Categorical Exemption No. 2022-28
- Site Plan Review No. 2021-133 Comments
- General Plan Land Use Map
- Zoning Map
- Aerial Photo
- Vicinity Map

RELATED PLANS AND POLICIES

VISALIA MUNICIPAL CODE **Conditional Use Permits** **Chapter 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
(559) 713-4359

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

Conditional Use Permit No. 2022-14

PROJECT TITLE

Northwest corner of South Chinowth Avenue and West Mineral King Avenue (APN: 085-080-034, 035)

PROJECT LOCATION

Visalia

Tulare

PROJECT LOCATION - CITY

COUNTY

A request by John Leuck to allow a to construct a 23,400 sq. ft., two-story medical facility with a 3,300 sq. ft. single story administration building and accompanying onsite improvements, within the O-PA (Professional/Administrative Office) Zone.

DESCRIPTION - Nature, Purpose, & Beneficiaries of Project

City of Visalia, Attn: Cristobal Carrillo, 315 E. Acequia Avenue, Visalia CA 93291, (559) 713-4443, cristobal.carrillo@visalia.city

NAME OF PUBLIC AGENCY APPROVING PROJECT

John Leuck, MG2 Architects, 1101 Second Avenue, Ste. 100, Seattle WA 98101, (206)962-6459, john.leuck@mg2.com

NAME AND ADDRESS OF APPLICANT CARRYING OUT PROJECT

John Leuck, MG2 Architects, 1101 Second Avenue, Ste. 100, Seattle WA 98101, (206)962-6459, john.leuck@mg2.com

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 15332**
- Statutory Exemptions- State code number:

A request to allow a to construct a 23,400 sq. ft., two-story medical facility with a 3,300 sq. ft. single story administration building and accompanying onsite improvements, within the O-PA (Professional/Administrative Office) Zone. Section 15332 is appropriate as the project is consistent with applicable general plan and zoning designations, is located in an urbanized area within city limits with access to utilities and public services, is on a site under five acres, and would not negatively impact habitats, endangered species, or surrounding areas due to its operation.

REASON FOR PROJECT EXEMPTION

Cristobal Carrillo, Associate Planner

CONTACT PERSON

(559) 713-4443

AREA CODE/PHONE

DATE

**Brandon Smith, AICP
ENVIRONMENTAL COORDINATOR**