

TO: JAMES L. APP, CITY MANAGER

FROM: BOB LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CODE AMENDMENT 04-002 - REGARDING MEDICAL USES IN OFFICE PROFESSIONAL LAND USE CATEGORY

DATE: JUNE 15, 2004

Needs: For the City Council to consider a Code Amendment filed by Keith Belmont on behalf of RITE III, Inc. The proposal is to amend Section 21.18.040, of the Municipal Code and Section 21.16.200, Land Use Matrix, to allow emergency / urgent care centers including outpatient services, under the same group of land uses that would be permitted in the Gateway Center subject to approval of a Conditional Use Permit.

Facts:

1. The Gateway Center, 1<sup>st</sup> and Vine Streets, is designated in the General Plan for "Office Professional" land uses and is also in the "Office Professional" zoning category.
2. The Office Professional zoning category does not currently provide for urgent care centers, except for locations along the Creston Road corridor.
3. The Gateway Center is currently under construction of the development of a 35,500 square foot professional office complex. Of the 35,500 square feet, 8,500 square feet could be restaurant uses.
4. Mr. Belmont has a client, Mr. Staab, who would like to locate his medical business in the Gateway Center. Mr. Staab describes his business as "walk-in medical office & physical therapy". Mr Staab's business would be open 12 hours per day, six days per week, as a "walk in center".
5. At their meeting on April 13, 2004, the Planning Commission concluded that the use as described by Mr. Staab would appear closer in nature to an "urgent care center" than a traditional doctor or dental office, and would not be a permitted use in the OP zone. The Planning Commission encouraged the applicant and/or property owner to apply for a Zoning Code Amendment to provide for that type of land use within the Gateway Center area.
6. This Code Amendment would amend Section 21.18.040 to add the Gateway Center as an area of the City that could have "emergency / urgent cares centers including outpatient services" with a Conditional Use Permit.

7. Planning Staff has determined that this Code Amendment request is exempt from CEQA review, based on the activity being covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Since the Gateway Center has already been approved for 35,500 square feet including restaurant uses and have the necessary parking, the amendment to add expanded medical uses would not seem to be a significant impact.
  
8. The Code Amendment is on the Planning Commission's agenda for June 8, 2004. Since this report was prepared prior to the Planning Commission meeting, staff will give a verbal update of the Commission's recommendation at the Council meeting on June 15, 2004.

Analysis  
and  
Conclusion:

It would appear that the Office Professional District was originally intended to accommodate medical or dental offices in a primarily residential setting (e.g. in the Vine Street corridor between 10<sup>th</sup> and 15<sup>th</sup> Streets). The provision for "emergency / urgent cares centers including outpatient services" with a Conditional Use Permit in the Creston Corridor, would, however, appear to be intended to recognize that certain other health care services can be accommodated in locations that are less residential in nature. In a similar context, it would seem reasonable to make a provision for this type of land use in a location like the Gateway Center (an area not unlike the Creston Corridor in terms of the level of business activity).

Policy  
Reference:

General Plan Table LU-4; Zoning Code Chapter 21.18, Land Use Matrix

Fiscal  
Impact:

None

Options:

After consideration of all public testimony, that the City Council adopt one of the following options:

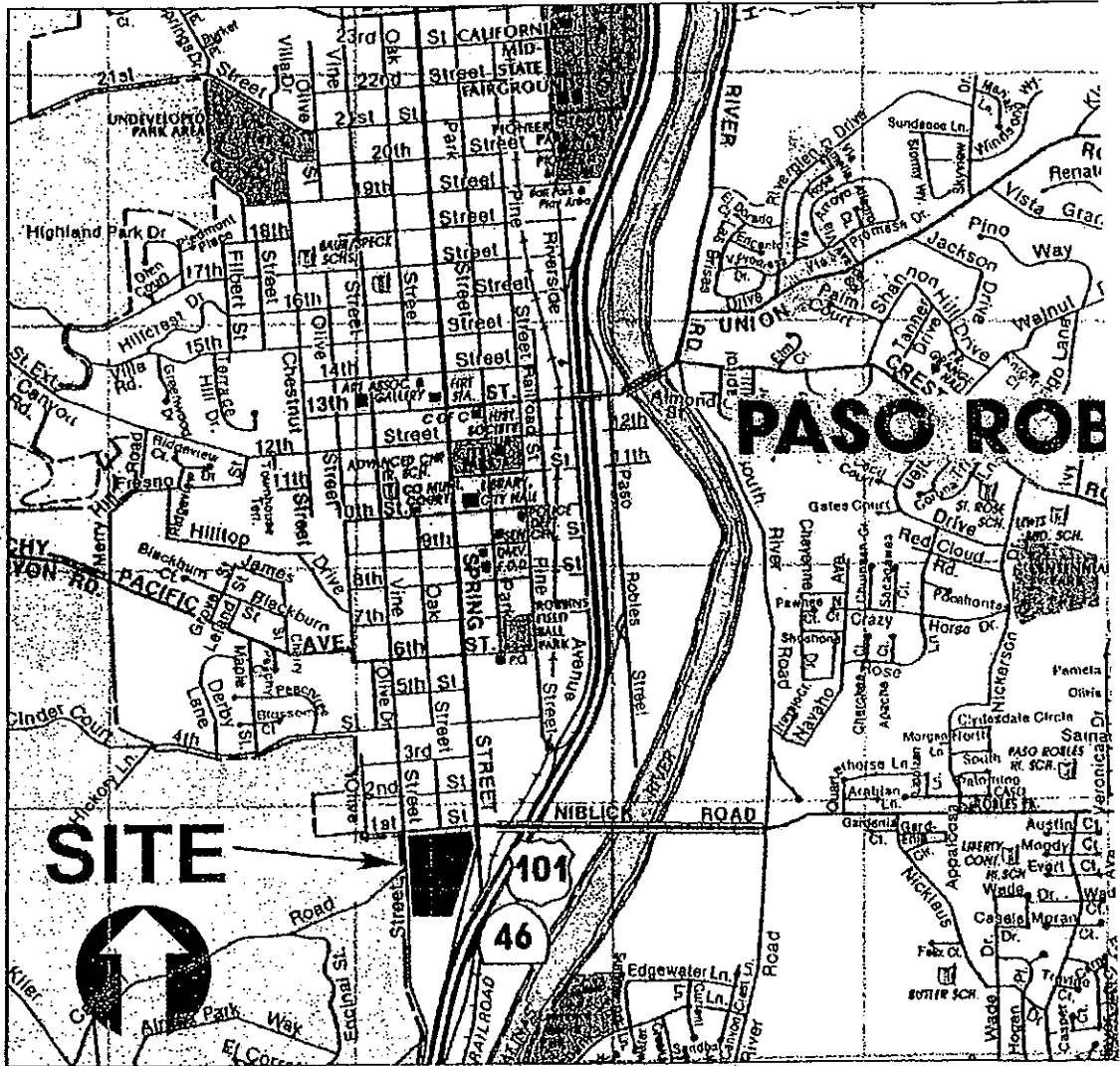
- a. Introduce Ordinance No. xxx N.S. approving Code Amendment 04-002, to amend Section 21.18.040 and Section 21.16.200 of the Municipal Code, to allow emergency / urgent care centers including outpatient services, under the same group of land uses that would be permitted in the Gateway Center subject to approval of a Conditional Use Permit., and set July 6, 2004, as the date for adoption of said Ordinance.
  
- b. Amend, modify or reject the foregoing option.

**Attachments:**

1. Vicinity Map
2. Letter from Mr. Staab dated April 2, 2004
3. Ordinance Approving Code Amendment 04-002
4. Mail & News Affidavits

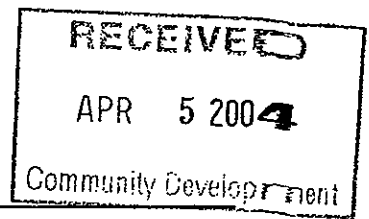
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# VICINITY MAP



VICINITY MAP  
Code Amendment 04-002  
(RITE III, Inc.)

**Gary P. Staab, FACMPE**  
**300 Canal St.**  
**King City, CA 93930**



2 April 2004

Mr. Robert Lata  
Community Development Director  
City of Paso Robles  
1000 Spring St.  
Paso Robles, CA 93446

**MEDICAL CLINIC & PHYSICAL THERAPY  
GATEWAY CENTER - PASO ROBLES**

Dear Mr. Lata:

I represent a tenant for a building on parcel 4 at the Gateway Center. This office will include licensed physicians and physical therapists. It is our intent to open a medical/physical therapy office in Paso Robles. We are in current lease negotiations with Hastings Enterprises, regarding a lease with Rite III, Inc. at the Gateway Center.

In reading your zoning ordinance for "office professional", it's not completely clear whether our intended use is permitted. As part of our due diligence, and prior to committing the resources, this letter is to give you an idea of the use and to obtain your approval for that use.

The building is 5500 SF of which about one third will be for physical therapy, and the other two thirds for a walk-in medical office. The facility will be staffed with physicians approximately 12 hours per day from +/- 7 AM to +/- 7 PM, Monday thru Saturday. Physicians will see patients for primary care or specialty care. Primary care may be on a walk-in basis, and specialty care will be on an appointment basis. As a walk-in center, we do not receive patients by ambulance nor do we act as an emergency room. Further, we do not administer anesthetics. As such, we believe our uses would be similar to a typical full service medical office.

We look forward to coming to your community, and are currently working with the assumption that the use is acceptable. However, we would appreciate confirmation as soon as possible, and look forward to hearing from you.

You may reach me by phone at 760.608.1554, or obviously at this letterhead address.

Very truly yours,

A handwritten signature in black ink, appearing to read "G. P. Staab". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gary P Staab, FACMPE

Cc: Hastings Enterprises

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

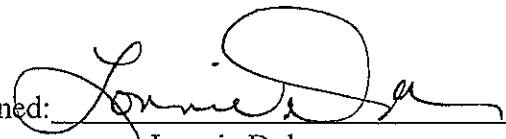
Newspaper: Tribune

Date of Publication: May 29, 2004

Meeting Date: June 8, 2004  
(Planning Commission)  
June 15, 2004  
(City Council)

Project: Code Amendment 04-002  
(Belmont/Rite III)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed:   
Lonnie Dolan

NOTICE OF PUBLIC HEARINGS  
NOTICE IS HEREBY GIVEN that the Planning Commission and the City Council of the City of El Paso de Robles will hold Public Hearings to consider Code Amendment 04-002, filed by Keith Belmont of RITE III, Inc., to modify Table 21.16.210 of the Zoning Code to expand the ability to allow medical type uses such as "urgent care" and physical therapy in the Office Professional Zoning District.  
These hearing will take place in the Conference Room at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on the following dates:  
Planning Commission - Tuesday, June 8, 2004  
City Council - Tuesday, June 15, 2004  
All interested parties may appear and be heard at the above hearings.  
The proposed Zoning Code Amendment may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California between the date of publication of this notice and the date of the hearings.  
Comments on the proposed Zoning Code Amendment may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the respective hearings.  
If you challenge the Code Amendment in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission or City Council at, or prior to, the public hearing.  
Darren R. Nash, Associate Planner  
May 29, 2004 6010722

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE  
TO ALLOW EMERGENCY / URGENT CARES CENTERS INCLUDING  
OUTPATIENT SERVICES IN THE GATEWAY CENTER SUBJECT TO APPROVAL  
OF A CONDITIONAL USE PERMIT (CODE AMENDMENT 04-002)

WHEREAS, Section 21.18.040 prohibits emergency / urgent cares centers including outpatient services in the Office Professional District, except with a Conditional Use Permit when located on the Creston Road corridor; and

WHEREAS, Keith Belmont on behalf of RITE III, Inc. has submitted an application for Code Amendment 04-002 to allow emergency / urgent cares centers including outpatient services under the same group of land uses that would be permitted in the Gateway Center subject to approval of a Conditional Use Permit; and

WHEREAS, the provision for “emergency / urgent cares centers including outpatient services” with a Conditional Use Permit in the Creston Corridor, would, however, appear to be intended to recognize that certain other health care services can be accommodated in locations that are less residential in nature; and

WHEREAS, it would seem reasonable to make a provision for this type of land use in a location like the Gateway Center (an area not unlike the Creston Corridor in terms of the level of business activity); and

WHEREAS, Planning Staff has determined that this Code Amendment request is exempt from CEQA review, based on the activity being covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Since the project has already been approved for 35,500 square feet including restaurant uses and have the necessary parking, the amendment to add expanded medical uses would not seem to be a significant impact; and

WHEREAS, at its meeting of June 8, 2004, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting of June 15, 2004, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance.

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

**SECTION 1.** *Chapter 21.18.040 of the Municipal Code is hereby amended to read as follow, revised language is shown in bold fonts:*

21.18.040 Nonpermitted uses.

Nonpermitted uses in the office professional district are as follows:

- a. Clinics, social services facilities;
- b. Emergency/urgent care centers including outpatient services (except as may be found appropriate via a conditional use permit in the Creston Road corridor ***and the "Gateway Center" center located on the southwest corner of 1<sup>st</sup> Street and South Vine Street***);
- c. Hospitals;
- d. Other uses not specifically provided for within this chapter;
- e. Government offices (except as may be found appropriate via a conditional use permit in the Creston Road corridor). (Ord 800 N.S. § 1 (part), 2000: Ord. 677 N.S. § 5 (part), 1994)

**SECTION 2.** *Table 21.16.200.G.6 of the Municipal Code is hereby amended to read as shown on attached Exhibit A*

**SECTION 3. Publication.** The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

**SECTION 4. Severability.** If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.



SECTION 5. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 6. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on June 15, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 6<sup>th</sup> day of July, 2004, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

ZONING DISTRICT																	
LAND USE	AG	RA	R1	R2	R3	R30	R4	OP	CP	C1	C2	C3	RC	M	PM	AP	POS
savings & loans, credit unions)	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	P	N
6. Health care services:																	
a. Clinics, social services facilities	N	N	N	N	N	N	N	N	N	C	C	C	N	N	N	C	N
b. Emergency/urgent care centers including outpatient services *Note: See Chapter 21.18.040, emergency/urgent care centers are permitted in the OP district with approval of a CUP for the Creston Road Corridor and the Gateway Office Center located on the southeast corner of 1 <sup>st</sup> Street and South Vine Street.	N	N	N	N	N	N	N	N*	N	P	P	P	P	P	P	P	N
c. Hospitals	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	C	N
d. Offices for physicians, dentists, chiropractors, psychiatrists, etc * Subject to a limitation that the floor area shall not exceed 10 percent of the total floor area of a commercial center.	N	N	N	N	N	N	N	P	P	P	P	P	P*	P	C	P	N
7. Laundries and dry cleaning plants (does not include laundromats or non-plant laundries)	N	N	N	N	N	N	N	N	N	N	C	P	N	P	N	P	N
8. Offices (general: including insurance, real estate, administrative, consulting professions such as accountants, architects, attorneys, engineers, etc.) * Subject to a limitation that the floor area shall not exceed 10 percent of the total floor area of a commercial center.	N	N	N	N	N	N	N	P	P	P	P	P	P*	P	P	P	N
9. Real estate sales offices (within approved development	N	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	N