



AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING
Meeting Date: January 15, 2019

Agenda Item 6Q

Approvals:

City Manager [Signature]

Dept. Head [Signature]

Attorney [Signature]

Finance [Signature]

Department: Community Development
Prepared By: City Attorney

Subject: INITIATION OF AMENDMENT TO THE SAN CLEMENTE GENERAL PLAN, MUNICIPAL CODE TITLE 17 (ZONING), AND SPECIFIC PLANS REGARDING LOCATION, PERMITTING, AND STANDARDS FOR HOSPITAL USES, TO ALLOW FOR MORE SITES IN THE CITY TO ACCOMMODATE HOSPITALS.

Fiscal Impact: The initiation of General Plan and Zoning Amendments may require the expenditure of funds for California Environmental Quality Act (CEQA) review. The amount of that expenditure is unknown at this time until the extent of the General Plan and Zoning Amendments are known. If the environmental review associated with this initiation requires an allocation of funds from the General Fund, staff may return to City Council to make the request.

Summary: This item is for the City Council to consider the initiation of amendments to the General Plan, Municipal Code (Zoning), Specific Plans and Local Coastal Program regarding the location, permitting, and standards for hospital uses in the City, to allow for more sites in the City to accommodate hospitals.

Background: The City's General Plan establishes two categories of land use designations to allow for hospital uses: Community Commercial (CC), which, among other commercial uses, allows for medical offices and related uses; and Regional Medical Facilities (RMF), which allows for a regional-serving hospital with accessory uses.

Consistent with the General Plan, the City's Zoning Code defines hospital uses and permits these uses in certain zoning districts. The Zoning Code identifies four hospital and hospital-related uses:

- Ambulance services.
- Accessory uses to hospital, for example, laboratories, medical offices, florists, and parking lots.
- Hospital, which means either a general acute care hospital, as defined by Health and Safety Code section 1250(a) or a standalone emergency department as defined in the Municipal Code. (SCMC, § 17.88.030 (see "Hospital").)
- Specialty hospital, which means a facility for 24-hour paid in-patient services for specialized treatment and recovery of chronic health conditions and elective procedures. (SCMC, § 17.88.030 (see "Specialty Hospital").)

These uses are allowed only in the following commercial zones: Community

Commercial 2, 3, and 4 (CC 2, CC 3, and CC 4) and Regional Medical Facilities 1 (RMF 1). The uses permitted as shown below (“P” means permitted, “C” means permitted subject to the issuance of a Conditional Use Permit, and blank means not permitted) (see SCMC, table 17.36.020):

Use	Zones			
	CC 2	CC 3	CC 4	RMF 1
Ambulance Services	C	C	C	C
Accessory Uses to Hospital				P
Hospital				C
Specialty Hospital			C	

These zones also set standards and requirements for the development of these uses.

Further, several of the City’s specific plans—including the Forster Ranch, Rancho San Clemente, Talega, and West Pico Corridor Specific Plans—also include land use standards and regulations concerning hospital-related uses in commercial areas. Like in the Zoning Code, these standards are consistent with the underlying General Plan land use designations.

Under the City’s current land use regulations, a hospital, as defined by the Zoning Code, is permitted at one site in the City: 654 Camino De Los Mares.

Discussion: At its December 18, 2019 meeting, the Council directed staff to bring back for the Council’s consideration the initiation of a Zoning Amendment to permit hospitals on additional sites in the City. As shown in the background discussion above, this consideration would necessarily include initiation of amendments to the General Plan and Specific Plans in addition to a Zoning Amendment.

To permit hospitals on additional sites, the amendments could include one or more of the following:

- Creating of a hospital overlay in the Zoning Code, which could conditionally permit hospitals at appropriate and suitable sites in the City.
- Adding hospital as a conditionally permitted use in other zones.
- Calibrating land use standards to accommodate development of a hospital compatible with and capable to serve the City and region.
- Analyzing adjacent areas around potential hospital sites for areas that might also be appropriate for related medical uses.

Given the interrelationship among the General Plan, Zoning Code, and the specific plans, any one approach may require an amendment to all three sets of documents. Should additional sites be identified in the Coastal Zone, a Land Use Plan Amendment to the Local Coastal Program (specific to the sites in the Coastal Zone only) may need to be prepared and submitted to the Coastal Commission for consideration. Additional environmental review may be required for amendments to the General Plan and Zoning Maps.

Environmental

Review: The initiation of an amendment would not, in itself, in any way impact or alter the physical environment. Accordingly, this action is exempt from environmental review under State CEQA Guidelines, section 15061(b)(3), the General Rule Exemption.

Recommended

Action: STAFF RECOMMENDS THAT the City Council take the following actions:

Initiate the necessary amendments to the General Plan, Municipal Code (Zoning), Specific Plans and Local Coastal Program to allow more sites in the City that accommodate hospital uses and refer this item to the Planning Commission to provide a recommendation to the Council.

Attachments: 1. Excerpts of SCMC 17.36.020 (Commercial Use Regulations) and 17.88.30 (Definitions)

Notification: Not applicable.

Excerpts of the San Clemente Municipal Code related to hospital uses 17.36.020 (Commercial Use Regulations) and 17.88.030 (Definitions):

17.36.020 - Commercial Use Regulations.

- A. **Permitted and Conditionally Permitted Uses.** Tables 17.36.020, Commercial Zone Uses, list uses which shall be the primary uses allowed to occur on a property. All uses except for those provided for in Sections 17.28.210, Outdoor Display Areas, and 17.28.300, Temporary Uses and Structures, of this title shall be conducted within enclosed structures. The primary uses identified in Table 17.36.020, Commercial Zone Uses, shall be permitted or conditionally permitted as indicated:

P	Where the symbol "P" appears, the use shall be permitted.
MC	Where the symbol "MC" appears, the use shall be permitted subject to the issuance of a Minor Conditional Use Permit, in accordance with Section 17.16.070, Minor Conditional Use Permits, of this title.
C	Where the symbol "C" appears, the use shall be permitted subject to the issuance of a Conditional Use Permit, in accordance with Section 17.16.060, Conditional Use Permits, of this title.
O	Where the symbol "O" appears, the use is subject to an alternative review process described in a subsequent footnote.

**Table 17.36.020
Commercial Zone Uses**

Use	Zones										NOTE	
	NC 1.1	NC 1.2	NC 1.3	NC 2	NC 3	CC 1	CC 2	CC 3	CC 4	RMF 1		
2. Hospital Uses												
Ambulance Services							C	C	C	C		
Accessory Uses to Hospital (e.g. laboratories, medical offices, florists, and parking lots).										P	2	
Hospital										C		
Specialty Hospital									C			

Footnotes:

2. Refer to Section 17.28.220, Parking Lots, of this title, for special provisions for single-use parking lots.

17.88.030 - Definitions.

"Hospital" means either a general acute care hospital, as defined by Health and Safety Code section 1250(a), that provides a wide range of emergency, clinical, and temporary medical services to the general public, or, to the extent permitted by law, a "standalone emergency department" as defined in Chapter 17.88, Definitions, of this title. It does not include any other "health facility" identified in Health and Safety Code section 1250; nor does it include any other type of specialty hospital.

"Specialty Hospital" means any facility place, or building that is maintained and operated exclusively to provide 24-hour paid in-patient services for the specialized treatment and recovery of chronic health or mental health conditions or elective procedures or treatments. Services provided may include, but are not limited to, food service nutrition counseling acupuncture, massage fitness and physical therapy, and pharmaceutical and medical attention. This type of facility is distinct from an acute care general hospital and from a residential use where these services are occasional or otherwise incidental to a primarily residential occupancy.

"Standalone emergency department" means a medical facility that satisfies each of the following criteria:

- (1) The emergency department shall operate under the consolidated license of a general acute care hospital and meet all of the requirements imposed under that license, including being within 15 miles of its parent hospital.
- (2) The emergency department shall be a conversion from a previously existing acute care campus and may not be a newly developed freestanding emergency department.
- (3) The emergency department shall be open 24 hours a day, 365 days a year.
- (4) The emergency department shall be staffed by at least one board-certified emergency physician at all times.
- (5) The emergency department shall be staffed with properly trained emergency room nurses and meet the minimum staffing requirements for emergency departments in this state.
- (6) The emergency department shall have a complete range of laboratory and diagnostic radiology services, including a complete array of laboratory test, basic X-ray, computerized tomography (CT) scan, and ultrasound capabilities.
- (7) The emergency department shall meet the specialty call requirements, as defined by the Orange County Emergency Medical Services Agency, under its consolidated license.
- (8) The emergency department shall have transfer agreements with specialty centers, such as trauma, burn, and pediatric centers, to meet the needs of the injury or patient population served in the community.
- (9) The emergency department shall have the capabilities to stabilize patients with emergency medical conditions and to transport them to its parent hospital or other higher level of care facilities in a safe and timely manner, consistent with the standards of care in the local communities.
- (10) The emergency department shall have a fully functioning transport program with a proven track record of safely transporting patients who require admission to its parent hospital or other higher level of care and specialty services facilities, such as trauma, burn, and pediatric facilities.

- (11) All applicable federal and state regulatory requirements shall be met under the consolidated license of a general acute care hospital, including all applicable regulations of the Centers for Medicare and Medicaid Services and Title 22 of the California Code of Regulations.