

**Development Services Department
Staff Report**

DATE: April 5, 2022

TO: Planning Commission

FROM: Pierre Rivas, Director

SUBJECT: **Special Temporary Use Permit 22-01 / Zoning Interpretation (ZON) 2022-01:** A Request to add Temporary Medical Diagnostic Equipment Mobile Trailers as a use to the List of Uses Permitted under City Code Section 10-4-7 (A): Special Temporary Use Permits, to include said temporary medical diagnostic equipment mobile trailers and allowing the same at Marshall Medical Center located at 1100 Marshall Way (Attachment 1).

SUMMARY RECOMMENDATION

Staff recommends that the Commission find that the request meets the legislative purpose and intent of City Code Section 10-4-7(A), adopting Resolution 2022-01 (Attachment 2), and direct staff to issue a Special Temporary Use Permit (TUP) for the Marshall Medical Center CT scanner mobile trailer.

BACKGROUND

City Code contains Section 10-4-7 which provides the purpose, intent, and the set of uses subject to and the processing procedure for Special Temporary Use Permits. Section 10-4-7 is provided below in its entirety.

*10-4-7 **SPECIAL TEMPORARY USE PERMITS:** Uses permitted subject to a special temporary use permit are those temporary uses which are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community.*

(A) Uses Permitted Subject to Special Temporary Use Permits: The following uses shall be allowed upon the issuance of a temporary use permit:

- 1. Temporary outside display and sales of merchandise in the C Zone.*
- 2. Christmas tree sales.*

3. *Carnivals, circuses, special events of not over seventy two (72) consecutive hours.*
4. *Parking and storage of materials and earth moving or construction equipment incidental to the carrying on of a public works project, subdivision or construction project.*
5. *Such other uses as the Planning Commission may, by resolution, deem to be within the intent and purpose of this Section.*
6. *Caretaker units/night watchman facilities (Planning Commission determination).*
7. *Temporary parking lots in the C, HWC and HC Zone, as temporary and accessory to an approved use and/or construction project. (PC Res. 2010-01, 17 Aug. 2010)*
8. *Temporary parking lots in the BP Zone as temporary and accessory to an approved use and/or construction project. (PC Res. 2020-01, 18 Feb. 2020)*
9. *Short-Term Rental in the CBD Zone (PC Res. 2021-01, 6 April 2021)*

(B) *Special Temporary Use Permit Procedure:*

1. *Application and filing fee for a special temporary use permit may be made by the property owner or his authorized agent. Such applications shall be filed with the Development Services Director. The Development Services Department shall charge and collect a filing fee for each such applicant, as determined by resolution of the City Council. The Development Services Director may require any information of the applicant which may be necessary to make a determination concerning the proposed use.*
2. *Determination: Application for special temporary use permit shall be reviewed by the Development Services Department. The Development Services Director shall approve, conditionally approve, or disapprove such application. Approval or conditional approval shall be given only when in the judgment of the Development Services Director; such approval is within the intent and purpose of this Zoning Title.*

3. *Special temporary use permits shall specify the period of time set by the Development Services Director during which the use may be carried out, not to exceed one year from date of issuance of the permit.*

4. *Appeals from Determinations: If the applicant is dissatisfied with the decision he may appeal to the Commission within ten (10) days after the decision is rendered. Such appeal shall be in writing and shall be filed with the secretary of the Commission. Upon the receipt of such appeal, the secretary of the Commission will establish the date, time and place to hear such appeal. The Commission, upon receipt of the Development Services Director's action, may require said determination to be presented at a public hearing before the Commission. No permits shall be issued until the Planning Commission makes a determination. The determination of the Commission may be appealed to the Council per the procedure established in Section 10-3-7.*

Subsection (A) contains the list of uses permitted subject to a Special Temporary Use Permit. Subsection A.5 gives the Planning Commission the authority to determine that other uses may be added to the list of uses, by resolution, if they deem other uses are within the intent and purpose of Section 10-4-7. Review and approval by City Council is not required, unless a timely appeal is made within 10 days of the Commission's action.

The use of temporary medical and diagnostic equipment mobile trailers is not permitted outright within any zone district of the City. Therefore, there are no specific standards for their appearance, operation or use.

DISCUSSION

Marshall Medical Center has submitted a special temporary use permit application (Attachment 3) to allow for a temporary computerized tomography (CT) scanner mobile trailer to be placed on the Marshall Medical hospital site, which is located within the BP Zone District, during construction of the new CT scanner equipment inside the hospital. Staff is requesting to add temporary medical and diagnostic equipment mobile trailers as an accessory use to hospitals and clinics to the list of uses subject to the Special Temporary Use Permit under City Code Section 10-4-7. As stated previously, the Planning Commission has the authority under City Code to determine that other uses may be added to the list of Special Temporary uses by resolution. The Commission deems other temporary uses are within the intent and purpose of Section 10-4-7.

The stated purpose and intent of City Code Section 10-4-7 is provided in the first paragraph of this section. It states: "Uses permitted subject to a special temporary use

permit are those temporary uses which are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility. Such uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community.” Therefore to approve the request, the Commission must find that placement of temporary medical and diagnostic equipment mobile trailers to be located at existing hospitals and clinics:

1. Required for the proper functioning of the community, or
2. Are temporarily required in the process of establishing a permitted use, or constructing a public facility.

STAFF ANALYSIS

The above statement “required for the proper functioning of the community,” is general in nature, allowing the Commission broad interpretation of its intent and purpose. In contrast, the statement “temporarily required in the process of establishing a permitted use, or constructing a public facility,” appears to be narrower scope, relating specifically to a permitted use or activity.

Under existing code as described above, hospital, medical clinics are considered permanent uses contained within permanent structures. Their design and appearance reflect the diligence of timely and thoughtful review by City staff, outside agencies, and the decision making authorities for their conformance with established standards, regulations, and criteria. The appearance of a temporary mobile trailer would not necessarily reflect established design criteria due to its short-lived existence. In addition, City Code would not restrict a property owner from applying each year for any listed special temporary use permit uses, including temporary medical mobile trailers if listed. This raises an issue of the potential for a serial special temporary use permit. The Code Section 10-4-7(B)3 states: *Special temporary use permits shall specify the period of time set by the Development Services Director not to exceed one year from date of issuance of the permit.* Therefore, should staff determine that the serial establishment of a temporary parking lot constitutes the establishment of a permanent use; staff can deny the application subject to appeal and consideration by the Planning Commission.

It is staff’s opinion the hospitals and clinics can be considered a “public facility” befitting the entirety of the community and thus should be afforded the ability to make application for temporary mobile trails for medical and diagnostic equipment. Marshall Medical desires to utilize a temporary CT scanner mobile trailer during construction and installation of a new CT scanner inside the hospital facility.

Environmental Determination

Staff finds that the inclusion of temporary medical mobile trailers to the list of uses subject to a Special Temporary Use Permit under City Code is categorically exempt from environmental review pursuant to Section 15311 “Accessory Structures” of the California Environmental Quality Act Guidelines, consisting of placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities are exempt from environmental review.

RECOMMENDATION

Staff recommends that the Commission find that the request meets the legislative purpose and intent of City Code Section 10-4-7(A), and adopt the resolution provided as Attachment 2 of this staff report; and direct staff to issue a Special Temporary Use Permit (TUP) for the Marshall Medical Center CT scanner mobile trailer.

Should the Commission find that the request does not meet the purpose and intent of City Code Section 10-4-7(A) then the Commission should make a finding that the requested use is not required for the proper functioning of the community, or that the requested use is not temporarily required in the process of establishing a permitted use, or constructing a public facility. For this action a minute order is sufficient and the adoption of a resolution is not required.

Staff is recommended that the Commission take the following actions:

1. Enter Staff’s report into the public record;
2. Adopt Resolution 2022-01 adding temporary medical diagnostic and equipment mobile trailers accessory to hospitals and clinics to the list of uses subject to a Special Temporary Use Permit under City Code Section 10-4-7(A) and making the required findings.
3. Direct staff to issue a special temporary use permit for a temporary CT scanner mobile trailer to be located on the Marshall Medical Center facility site.

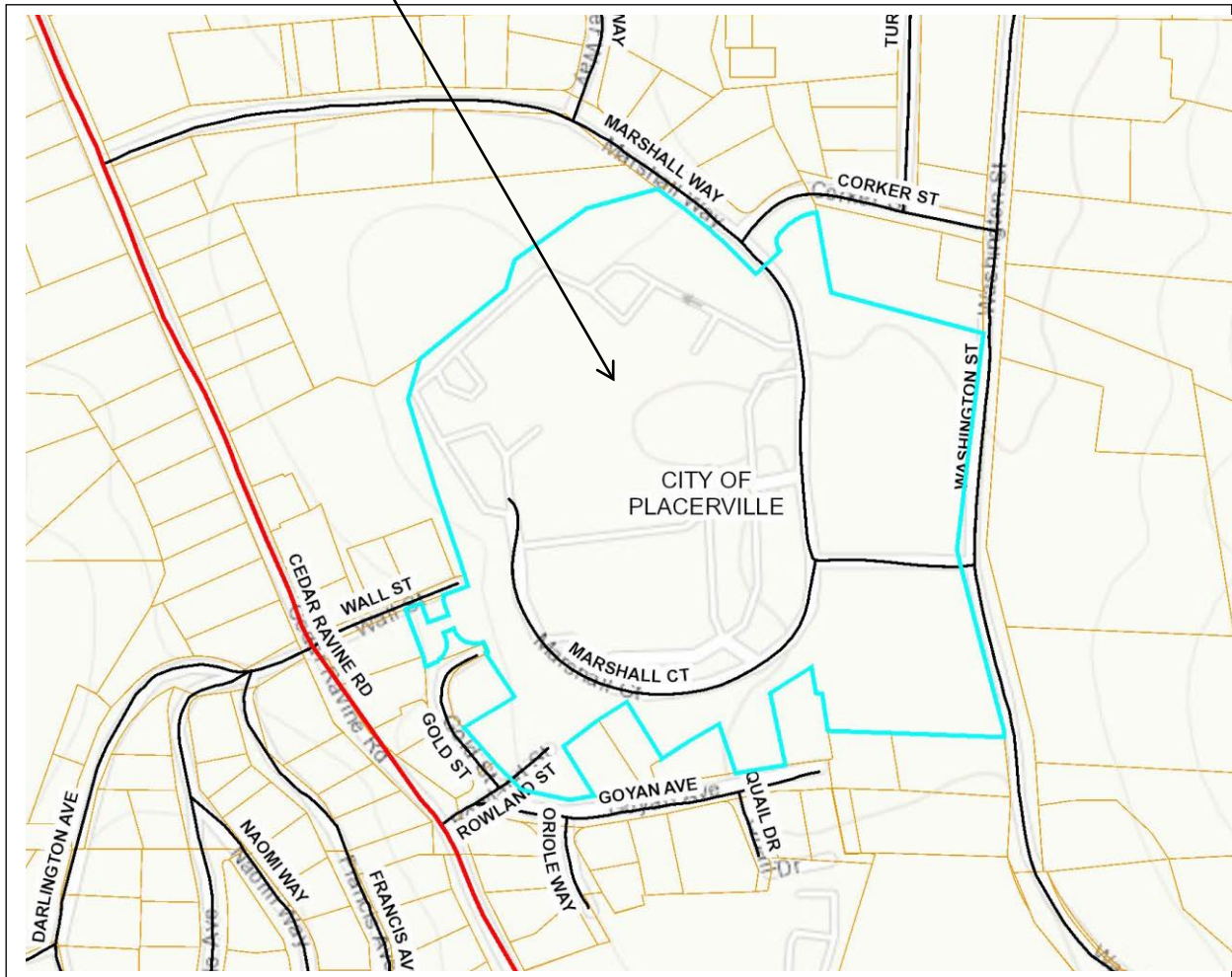
The Commission’s action may be appealed to the City Council within 10 days.

Attachment:

1. Location Map
2. Resolution 2022-01
3. Applicant Submitted Application and Site Plan

ATTACHMENT 1 - LOCATION MAP

1100 Marshall Way
APN: 004-350-001



RESOLUTION NO. 2022-01

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PLACERVILLE INTERPRETING THAT A TEMPORARY MOBILE TRAILER TO
HOUSE MEDICAL AND DIAGNOSTIC EQUIPMENT IS A USE PERMITTED
SUBJECT TO A SPECIAL TEMPORARY USE PERMIT UNDER SECTION 10-4-7(A)
OF THE ZONING ORDINANCE AT ESTABLISHED HOSPITALS AND CLINICS
AS AN ACCESSORY USE**

WHEREAS, the Ordinance No. 1474 (Zoning Ordinance) was adopted by the City Council on January 8, 1991, and became effective February 7, 1991; and

WHEREAS, Section 10-4-7(A) of the Zoning Ordinance authorizes the Planning Commission to deem by resolution uses other than those specified under said Section, that are within the intent and purpose of said Section; and

WHEREAS, Section 10-4-7 of the Zoning Ordinance Special Temporary Use Permits specifies that the uses permitted subject to a special temporary use permit are those temporary uses which are required for the proper functioning of the community or are temporarily required in the process of establishing a permitted use, or constructing a public facility; and

WHEREAS, Section 10-4-7 of the Zoning Ordinance Special Temporary Use Permits furthermore specifies that such special temporary uses shall be so conducted that they will not be detrimental in any way to the surrounding properties or to the community; and

WHEREAS, the Development Services Department has received application for placement of temporary computerized tomography (CT) scanner mobile trailer on the hospital site (Marshall Medical Center) and the Department is requesting for an interpretation by the Planning Commission to determine if temporary mobile trailers containing medical and diagnostic equipment for use in testing of patients should be added to the list of uses permitted subject to a special temporary use permit consistent with Section 10-4-7(A) of the Zoning Ordinance; and

WHEREAS, the request was considered by the Planning Commission at a duly noticed public meeting held on April 5, 2022; and

WHEREAS, the request is categorically exempt from environmental review pursuant to Section 15311 of the California Environmental Quality Act Guidelines, in that the placement of temporary medical equipment trailers within sites of existing hospitals and clinics as accessory to an existing medical or clinic facility is exempt from such review.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Placerville, after hearing testimony, considering the public record, and due deliberation of the matters presented, hereby makes the following interpretation of Section 10-4-7(A) of the Placerville Zoning Ordinance regarding the use of mobile trailers for medical and diagnostic equipment for the testing of patients as an accessory use to an existing medical facility:

Section 1: The foregoing recitals are true and correct.

Section 2: Temporary medical and diagnostic equipment mobile trailers as an accessory use to a hospital or clinic are deemed to be required for the proper functioning of the community or as temporary and accessory to an approved use and/or construction project.

Section 3: City Code Section 10-4-7(A)10 is added as follows: "Medical diagnostic and equipment mobile trailers as temporary and accessory to a hospital or clinic."

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Placerville on the 5th day of April on motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Amy Lepper, Chair

ATTEST: _____
Pierre Rivas, Director
Development Services Department



City of Placerville

Development Services Department

3101 Center Street, Placerville, CA 95667

Planning (530) 642-5252 · Building (530) 642-5240 · Engineering (530) 642-5250

APPLICATION FOR SPECIAL TEMPORARY USE PERMIT

Project Site Address 1100 MARSHALL WAY, PLACERVILLE CA 95667

Assessor's Parcel No. (APN) 004-350-001 Site Size 13 ACRES

Applicant Name MARSHALL MEDICAL CENTER

1. Legal Property Owner MARSHALL MEDICAL CENTER
Mailing Address 1100 MARSHALL WAY, PLACERVILLE CA 95667
Phone Number 530-626-2952 LYNDA VERNON
Email (optional) lvern@marshallmedical.org

2. Authorized Representative (Primary Contact Person) _____
Mailing Address _____
Phone Number _____
Email (optional) _____

If the Authorized Representative is anyone other than the Legal Property Owner, please attach a letter of authorization for the Representative to act on the Owner's behalf.

3. Explain proposed temporary use in detail (including plot or site plan for clarification)
LOCATE TEMPORARY C.T. SCANNER MOBILE TRAILER ON THE HOSPITAL SITE DURING CONSTRUCTION AND INSTALLATION OF NEW C.T. SCANNER EQUIPMENT INSIDE THE HOSPITAL. SEE ATTACHED SITE PLAN FOR MOBILE TRAILER LOCATION.

4. Duration of use / event: Start Date: 4/4/2022 End Date: 7/8/2022

I hereby certify that the information and statements above referred to are in all respects true and correct to the best of my knowledge and belief.

Signed Craig Jones Date 2/28/2022
Applicant SENIOR PROJECT MANAGER - MARSHALL MEDICAL

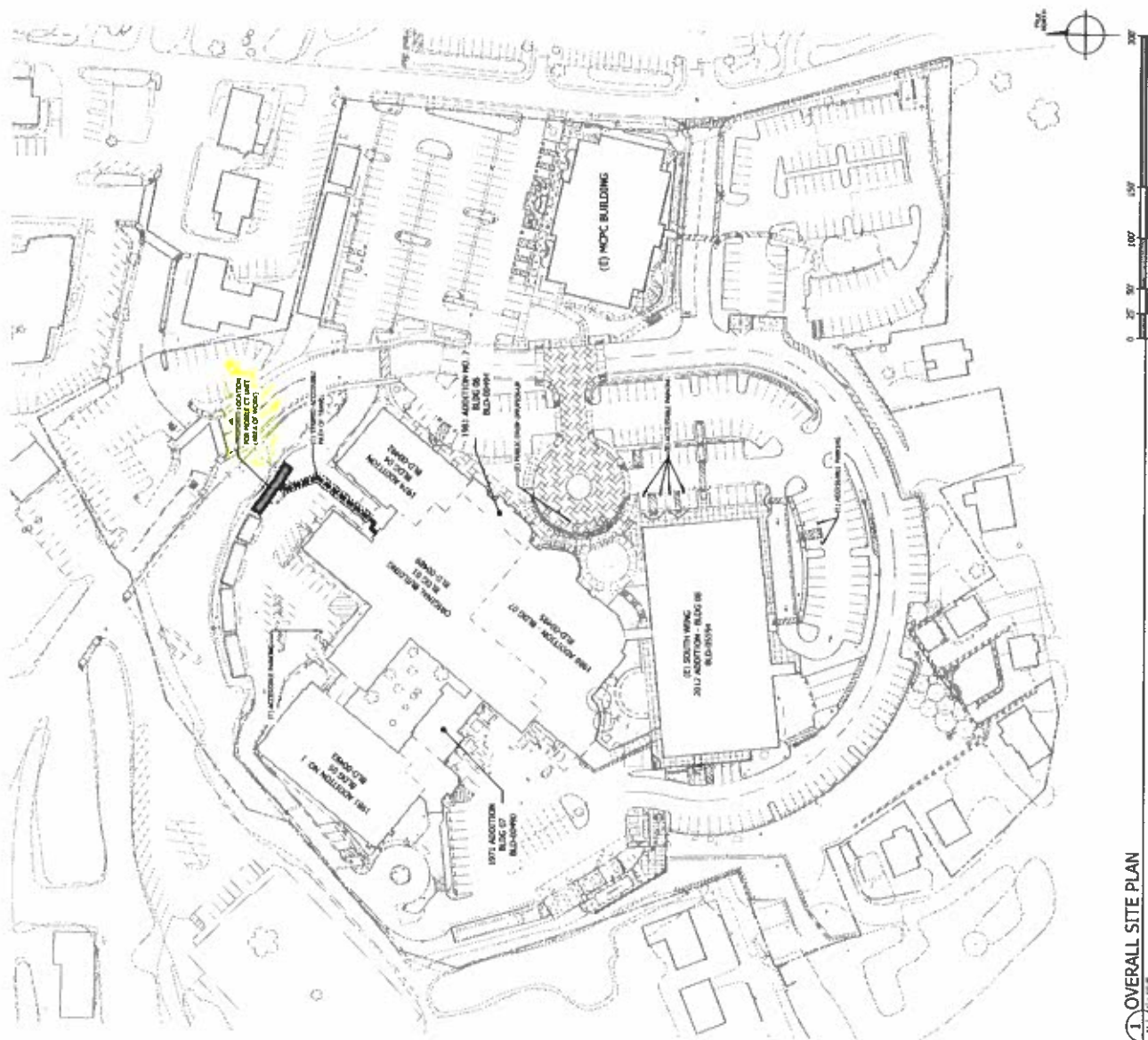
STAFF USE ONLY

Existing Zoning BP
Existing Land Use BP

Approved _____
Date _____

FILE NO.: TUP 22-02
FEE (PZ): \$200
DATE PAID: 3-11-22
RECEIPT NO.: 16007
CLERK: P. Rivas

ROUTED TO ☐ POLICE DEPT. ☒ FIRE DEPT. ☐ OTHER _____



1 OVERALL SITE PLAN

Figure 1



7000-10-1000

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

ESCRIBIR:

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