



Legislation Details (With Text)

**File #:** ORD 17-0020-U      **Version:** 1

**Type:** Public Hearing - SR w/Ordinance      **Status:** Agenda Ready

**In control:** City Council Regular Meeting

**On agenda:** 9/19/2017      **Final action:**

**Title:** Public Hearing to Consider Extending Urgency Ordinance No. 17-0015-U Prohibiting the Establishment of New Health Care Facilities on Sepulveda Boulevard for a Period of 10 Months and 15 Days; and Consider Applying the Temporary Prohibition to Other Uses on Sepulveda Boulevard (Community Development Director McIntosh).  
**CONDUCT PUBLIC HEARING AND ADOPT ORDINANCE NO. 17-0020-U EXTENDING THE URGENCY ORDINANCE FOR A PERIOD OF 10 MONTHS AND 15 DAYS**

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Proposed Ordinance No. 17-0020-U, 2. Planning Commission Staff Report: Urgent Care Land Use, September 13, 2017, 3. Ordinance No. 17-0015-U

Date	Ver.	Action By	Action	Result
9/19/2017	1	City Council Regular Meeting	accept	Pass

**TO:**  
Honorable Mayor and Members of the City Council

**THROUGH:**  
Mark Danaj, City Manager

**FROM:**  
Ann McIntosh, Community Development Director  
Laurie Jester, Planning Manager  
Ted Faturos, Assistant Planner

**SUBJECT:**  
Public Hearing to Consider Extending Urgency Ordinance No. 17-0015-U Prohibiting the Establishment of New Health Care Facilities on Sepulveda Boulevard for a Period of 10 Months and 15 Days; and Consider Applying the Temporary Prohibition to Other Uses on Sepulveda Boulevard (Community Development Director McIntosh).  
**CONDUCT PUBLIC HEARING AND ADOPT ORDINANCE NO. 17-0020-U EXTENDING THE URGENCY ORDINANCE FOR A PERIOD OF 10 MONTHS AND 15 DAYS**

**RECOMMENDATION:**  
Staff recommends that the City Council conduct a public hearing and adopt Urgency Ordinance No. 17-0020-U approving a 10 month and 15-day extension of the Urgency Ordinance, prohibiting the establishment of new health care facilities on Sepulveda Boulevard (Attachment 1).

**FISCAL IMPLICATIONS:**

There may be short-term impacts to permit and plan check fees while additional research is conducted to determine if the Urgency Ordinance should be extended or new zoning standards adopted.

### **BACKGROUND:**

On August 7, 2017 the City Council adopted Ordinance No. 17-0015-U, an Urgency Ordinance prohibiting new health care facilities on Sepulveda Boulevard. The City Council expressed concerns that a recent proliferation of new health care facilities, including medical office, urgent care facilities, clinics, treatment centers and the like is having a detrimental impact to economic development goals, potential sales tax, and the diversity of land uses on Sepulveda Boulevard. On September 5, 2017, the City Council issued a report describing the measures taken to alleviate the condition which led to the adoption of Ordinance No. 17-0015-U.

During the City Council discussion of the moratorium, two additional items were discussed. First, the City Council initiated a zoning code amendment to add a definition for "Urgent Care" and consider additional development standards and procedures for urgent care facilities. On September 13, 2017, the Planning Commission conducted a public hearing and considered staff's recommendations for regulating Urgent Care office uses. This Council report will be distributed prior to Planning Commission meeting, so a verbal update on the Commissions discussion will be provided at the City Council meeting. Staff is recommending that the Planning Commission create a new land use classification for the urgent care office land use (Attachment 2), and also implement performance standards, such as prohibiting late night operating hours and requiring a minimum distance between residential properties and the front door of an urgent care office.

Second, the City Council discussed the possibility of extending the moratorium to prohibit additional uses on Sepulveda. The notice for tonight's public hearing was written to allow for this broader application.

### **DISCUSSION:**

The Urgency Ordinance will be effective for 10 months and 15 days, with the possibility of extension for an additional year, during which health care uses will be studied in greater detail and permanent policy changes can be implemented. Staff will consider several ways to regulate medical uses along Sepulveda Boulevard, including but not limited to:

- Cap for the cumulative health care facility square footage along Sepulveda Boulevard
- Permanently ban all new health care facilities along Sepulveda Boulevard
- Allow new health care facilities along Sepulveda Boulevard, but only on non-ground level stories of multi-use buildings
- Explore options for allowing minor additions or expansions of existing, legal health care facilities
- Update existing medical-related land use classifications to better reflect current trends in the medical field

It should be noted that there is another discussion item on tonight's agenda regarding larger land use policy issues on Sepulveda Boulevard. The City Council has expressed an interest in amending the zoning code to incentivize desirable redevelopment of underutilized sites, revise parking standards to meet modern best practices, and address commercial/residential interface issues. If the moratorium is extended, the evaluation of medical uses will be incorporated into the larger discussion. Staff anticipates bringing recommendations forward well in advance of the expiration of the moratorium.

### **POLICY ALTERNATIVES:**

The Urgency Ordinance as drafted will prevent all new health care facilities on Sepulveda Boulevard until such time the issue is studied and permanent regulations are adopted. The City Council may wish to limit the types of health care uses covered under the ordinance.

#### **ALTERNATIVE #: 1**

Extend moratorium for less than 10 months and 15 days.

#### **PROS:**

Potentially allows for new health care facilities to open on Sepulveda Boulevard sooner.

#### **CONS:**

Gives Staff less time to research how to further regulate health care facilities.

#### **ALTERNATIVE #: 2**

Do not extend moratorium.

#### **PROS:**

Allows for health care facilities to open on Sepulveda Boulevard, provided they meet existing zoning code requirements.

#### **CONS:**

Gives an opportunity for more health care facilities to open along Sepulveda Boulevard, further exacerbating the detrimental economic, sales tax, and land use problems facing the Sepulveda Boulevard corridor.

#### **ALTERNATIVE #: 3**

Extend moratorium for 10 months and 15 days and impose a moratorium on additional uses, such as general office.

#### **PROS:**

Allows for a broader policy analysis of Sepulveda Boulevard and preserves future development options for more sites

#### **CONS:**

An expanded moratorium could have a chilling effect on all development activity along Sepulveda Boulevard if the development community interprets the moratorium as an "anti-development" stance by the City.

### **PUBLIC OUTREACH/INTEREST:**

A notice (1/4 page ad) of tonight's meeting was published in the Beach Reporter on September 7, 2017. A copy of the notice was mailed to all property owners of property located in the General Commercial (CG) zone on Sepulveda Boulevard.

### **ENVIRONMENTAL REVIEW**

It can be seen with certainty that there is no possibility the adoption of this Ordinance would have a significant effect on the environment, because the Ordinance will impose greater limitations on

development in the City by temporarily prohibiting new health care facilities, and will thereby serve to reduce potential significant adverse environmental impacts. It is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations.

## **CONCLUSION**

Staff recommends that the City Council conduct the public hearing and adopt the extension of the Urgency Ordinance prohibiting the establishment of new health care facilities on Sepulveda Boulevard. If the Ordinance is extended tonight it will be effective immediately and be in effect until August 6, 2018.

## **Attachments:**

1. Proposed Ordinance No. 17-0020-U
2. Planning Commission Staff Report: Urgent Care Land Use, September 13, 2017
3. Ordinance No. 17-0015-U