



THE CITY OF
NOVATO
CALIFORNIA

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DATE: November 8, 2018
TO: City Council
City Manager
Community Development Director
FROM: Steve Marshall, Zoning Administrator
SUBJECT: Zoning Administrator's Hearing of November 8, 2018

NEW ITEM:

**QT CENTERS MEDICAL CLINIC
P2018-056; USE PERMIT
CEQA: CATEGORICALLY EXEMPT-SECTION 15301, EXISTING FACILITIES
APN 157-690-32, 3 HAMILTON LANDING, SUITE 180**

Consider approving a request for a use permit to allow QT Centers to expand its existing clinical trials use to include the operation of a commercial ultrasound scan medical clinic at 3 Hamilton Landing, Suite 180.

PRESENT

Ron Lemetri, representing QT Centers LLC (Applicant)
Kaitlin Zitelli, Planner I

PUBLIC HEARING

Zoning Administrator Marshall opened the public hearing.

Zoning Administrator Marshall confirmed QT Centers had an opportunity to consider the staff report and reviewed the recommended conditions of approval.

Mr. Lemetri confirmed reviewing the staff report and did not have any concerns regarding the recommended conditions of approval.

The public comment period was opened. No members of the public were present to comment on the proposal. The comment period was closed.

Zoning Administrator Marshall reported that he had received no written correspondence in response to the application.

Zoning Administrator Marshall approved the use permit allowing QT Centers to augment its clinical trials facility with a commercial medical clinic for ultrasound breast cancer screenings at 3 Hamilton Landing, Suite 180, based on the findings and conditions of approval recommended in the staff report.

Zoning Administrator Marshall noted there is an appeal period of ten (10) calendar days.

FINDINGS

1. CEQA Finding

The applicant's request for a use permit to expand the existing clinical trials use at QT Centers to include a commercial medical clinic for breast cancer screenings is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) and the City of Novato Environmental Review Guidelines pursuant to CEQA Guidelines Section 15301, *Existing Facilities*. CEQA Guidelines Section 15301 exempts projects that involve the operation, permitting, leasing, licensing or minor alteration of existing private structures involving negligible expansion of use.

The proposed expanded use will operate in the same manner as the existing clinical trials use at QT Centers. The same activities will continue to take place at the site, with the only change being the offering of commercial ultrasound scans in addition to operation of clinical trials at the site. No tenant improvements or physical changes to the site are proposed.

2. Use Permit Findings

In accordance with Sections 19.42.050E of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to QT Centers to expand its existing clinical trials use to include operation of an ultrasound scan medical clinic, on the basis of the findings below as supported by the facts discussed in the staff report and subject to the conditions of approval specified below:

- a. The proposed use is consistent with the General Plan and any applicable specific plan;
- b. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of this Zoning Ordinance and any relevant Master Plan and/or Precise Development Plan;
- c. The establishment, maintenance or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of the proposed use;
- d. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City; and
- e. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

ACTION TAKEN

In accordance with Section 19.42.050E of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to QT Centers to expand its existing clinical trials use to include operation of an ultrasound scan medical clinic, on the basis of the findings above as supported by the facts discussed in the staff report and subject to the conditions of approval specified below.

CONDITIONS OF APPROVAL

1. This Use Permit approval shall expire two (2) years from the date of approval unless the activity authorized therein has commenced operation.
2. The approval granted herein shall not become effective until all appropriate fees billed by the City of Novato to the application account are paid in full in accordance with the City's Cost Base Fee System. Failure to pay said fees may result in the City withholding issuance of related building permits, certificate of occupancy, and recordation of final maps or other entitlements.
3. The applicant shall obtain all necessary building permits for change in occupancy.
4. Review of new and existing water use and facilities are required. The operator must submit tenant improvement plans to the District for new facilities prior to issuance of the use permit. Occupancy approval shall not be granted until review is completed and, if applicable, new water facilities installation is complete, and fees are paid.
5. The project must conform to District Regulator 15 or 17 – Mandatory Water Conservation measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
6. Indemnity and Time Limitations
 - a. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, attorneys and employees from any claim, action, or proceeding brought against the City or its agents, officers, attorneys, or employees, to attack set aside, void or annul the City's decision to approve the application and associated environmental determination at issue herein. This indemnification shall include damages or fees awarded against the City, if any, cost of suit, attorney's fees, and other costs and expenses incurred in connection with such action whether incurred by the applicant, the City, and/or parties initiating or bringing such action.
 - b. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, employees, and attorneys for all costs incurred in additional investigation (such as the environmental determination at issue herein or any subsequently required Environmental Document), if made necessary by said legal action and if the applicant desires to pursue securing such approvals, after initiation of such litigation, which are conditioned on the approval of such documents, in a form and under conditions approved by the City Attorney.

- c. The applicant indemnifies the City for all the City's costs, fees, and damages which the City incurs in enforcing the above indemnification provisions.
- d. Unless a shorter period applies, the time within which judicial review of this decision must be sought is governed by California Code of Civil Procedure, Section 1094.6.
- e. The Conditions of Project Approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions. The applicant is hereby further notified that the 90-day approval period in which you may protest these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a), has begun. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

FURTHER ACTION

No further action on the application will be taken unless an appeal is filed in writing within ten calendar days, along with the required filing fee.