



THE CITY OF  
NOVATO  
CALIFORNIA

Community Development Dept.  
Planning Division  
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DATE: March 14, 2019  
TO: City Council  
City Manager  
Community Development Director  
FROM: Steve Marshall, Zoning Administrator  
SUBJECT: Zoning Administrator's Hearing of March 14, 2019

**NEW ITEM:**

**CENTER VETERINARY HOSPITAL EXPANSION  
P2019-008; USE PERMIT  
CEQA: CATEGORICALLY EXEMPT – SECTION 15301, EXISTING STRUCTURES  
APN 140-131-26; 1553 SOUTH NOVATO BOULEVARD  
(1553 S. NOVATO SUITE A-2)**

Consider approving a request for a use permit to allow Center Veterinary Hospital an expansion of their existing veterinary outpatient clinic into an adjacent suite (A-2). This expansion would be an extension of the existing veterinary clinic. The existing animal grooming business would continue operating within this suite space, but at a much reduced intensity. There are no exterior changes or additions to the existing building as a part of this business's expansion.

**PRESENT**

Barry Sgarrella, representing Center Veterinary Hospital (Applicant)  
Vivek Damodaran, Planner I

**PUBLIC HEARING**

Zoning Administrator Marshall opened the public hearing.

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

Mr. Sgarrella confirmed reviewing the staff report and did not have any concerns regarding the recommended conditions of approval. Mr. Sgarrella did note that there were a few points in the conditions of approval that he needed to confirm and follow-up with the appropriate reviewing agencies (i.e. North Marin Water District, Novato Fire Protection District and Novato Sanitary District).

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 Center Veterinary Hospital to expand their existing veterinary outpatient clinic into the adjacent suite (A-2) with the existing animal grooming business continuing operation at this location as an accessory component.

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

The public hearing was closed.

## **FINDINGS**

### **1. CEQA Finding**

The applicant's request for a use permit to allow for the expansion of an existing use through tenant improvements 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 Structures. CEQA Guidelines Section 15301 exempts projects that involve interior modifications or alterations, such as interior partitions and plumbing.

The outpatient veterinary clinic is an allowed use at 1553 South Novato Boulevard with approval of a use permit. The applicant currently operates an outpatient veterinary clinic within the adjoining suite, this use permit will allow for the expansion into the adjacent tenant suite. These tenant improvements are considered minor in nature and would not have a negative impact on the environment.

### **2. Use Permit Findings**

In accordance with Section 19.42.050.E of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to Center Veterinary Clinic to expand their existing veterinary outpatient clinic into the adjacent suite (A-2) with the existing animal grooming business continuing operation at this location as an accessory component, 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 19.42.050.E of the Novato Municipal Code, the Zoning Administrator hereby grants a use permit to Center Veterinary Clinic to expand their existing veterinary outpatient clinic into the adjacent suite (A-2) with the existing animal grooming business continuing operation at this location as an accessory component, 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.

### **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. A Sign Permit shall be obtained through the Planning Division prior to the installation of any exterior building signage, subject to the review and approval of the Community Development Director.
4. No kenneling of animals overnight.
5. The project must conform to District Regulation 15 or 17 - Mandatory Water Conservation Measures. Occupancy approval shall not be granted until compliance with water conservation measures, as applicable, can be verified.
  - a. *For the full scope of the required water conservation measures for both indoor fixtures/appliances and landscaping refer to Regulation 15 or 17 (section e. and f.) at [www.nmwd.com](http://www.nmwd.com). Please contact the District Water Conservation Coordinator at*

*(415) 761-8933 if you have any question regarding clarification of required water conservation measures or plan submittal requirements.*

6. Installation of an above-ground, reduced pressure principle (RPP) backflow prevention device at the meter is required in accordance with the District's Regulation 6 (at [www.nmwd.com](http://www.nmwd.com)) and California Department of Health Regulations (Title 17). Upon installation, an inspection report (device testing) must be completed and returned to the District prior to the commencement of business activities.
  - a. *Please contact the North Marin Water District's Cross Connection Control Technician at (415) 761-8914, for more specific requirements.*
7. A hair removal device is required to ensure that the sewer drainage system does not clog with hair.
8. A Best Management Practices Plan should be in place that includes the practice of hair removal and non-use of flea killers.
9. Building permit plans should demonstrate where the building sewer drainage is located (i.e. plumbing tree) and how proposed sewer fixtures are to be connected to the existing sewer lines.
10. Connection fees for new construction (any new additional plumbing fixtures) will need to be paid for prior to the occupancy sign off by the Novato Sanitary District.
11. Automatic Fire Sprinkler System Is Required per NFPA 13.
  - a. *If the building has an existing fire sprinkler system, then any changes or alterations to the building that affect Fire Sprinkler's coverage shall be evaluated by a licensed contractor.*
12. Alterations to any existing Fire Sprinkler System would require a separate submittal of plans, permits and fees shall be submitted directly to Novato Fire Protection District.
13. 'Knox' key access shall be installed at the premises conforming to Novato Fire Protection District Standard #202.
14. 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 (10) calendar days, along with the required filing fee.