

RESOLUTION NO. 2021-012

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PACIFICA
APPROVING USE PERMIT UP-128-21 AND PARKING EXCEPTION PE-191-21
(FILE NO. 2021-015) TO ESTABLISH A FELINE-ONLY VETERINARY CLINIC IN AN
EXISTING COMMERCIAL SPACE AT 150 EUREKA SQUARE (APN 016-220-140),
AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT (CEQA).**

Initiated by: Damien Rodarte (“Applicant”)

WHEREAS, an application has been submitted for a use permit and parking exception to establish a feline-only veterinary clinic in an existing commercial space at 150 Eureka Square (APN 016-220-140) in Pacifica (File No. 2021-015) (“Project”); and

WHEREAS, the Project requires approval of a use permit because a veterinary hospital or clinic is identified as a conditional use in the C-1 (Neighborhood Commercial) zoning district per Pacifica Municipal Code (“PMC”) sec. 9-4.1001(b)(6); and

WHEREAS, animal hospitals and clinics require approval of a use permit and must comply with additional specific requirements per PMC Section 9-4.2307; and

WHEREAS, the Project requires approval of a parking exception per PMC 9-4.2824(a) because the proposed use would intensify the off-street parking demand applicable to the subject commercial space in excess of the available off-street parking capacity within the Eureka Square Shopping Center; and

WHEREAS, the Planning Commission of the City of Pacifica did hold a duly noticed public hearing on October 18, 2021, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pacifica as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does hereby make the finding that the Project qualifies for a Class 1 exemption under CEQA. Guidelines Section 15301, as described below, applies to the Project:

Analysis of the proposed project supports a Planning Commission finding that it qualifies for a categorical exemption from the California Environmental Quality Act (CEQA). The Project qualifies as a Class 1 (Existing Facilities) Categorical Exemption, CEQA Guidelines Section 15301, as described below:

15301 Existing Facilities

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment,

or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.... The key consideration is whether the project involves negligible or no expansion of an existing use. Examples of this exemption include but are not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

The Project fits into the scope of the Class 1 exemption in that it includes the location of the proposed feline-only veterinary clinic in an existing, developed shopping center, which includes several businesses. Location of the proposed facility in an existing tenant space would be negligible expansion of a use though interior alterations to an existing space.

Additionally, none of the exceptions to application of an exemption contained in Section 15300.2 of the CEQA Guidelines apply to the Project, as described below:

- Sec. 15300.2(a): Class 1 categorical exemptions are not subject to this exception.
- Sec. 15300.2(b): There is no evidence in the record that successive projects of the same type in the area would have a significant environmental impact. The Project is a reuse of existing floor area within a developed commercial building. Therefore, there is no foreseeable cumulative impact from these minor projects which could have a significant environmental impact.
- Sec. 15300.2(c): There is no evidence in the record of any possibility that the Project would have a significant effect on the environment due to unusual circumstances. The Project site is designated for commercial use and includes renovation of an existing tenant space in an existing, developed shopping center. As such, there are no identifiable unusual circumstances that would have significant effects on the environment.
- Sec. 15300.2(d) through (f): The Project is not proposed near a designated scenic highway, does not involve a current or former hazardous waste site, and, does not affect any historical resources. Therefore, the provisions of subsections (d) through (f) are not applicable to this Project.

Because the Project is consistent with the requirements of a Class 1 exemption and none of the exceptions to an exemption, as described in Section 15300.2 apply; there is substantial evidence in the record to support a finding that the project is categorically exempt from CEQA.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Use Permit UP-128-21:

- I. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City.*

The proposed use of a veterinary clinic would not be detrimental to the health, safety, and welfare of the surrounding residents or the general welfare of the City. The proposed veterinary clinic would provide an important service to care for the small feline pets of residents residing or working

in the neighborhood, and for those who reside or work elsewhere in the city. The clinic would not board, nor hold animals. An acoustic noise modeling report was prepared by a qualified acoustic expert and concluded there to be no significant noise generated from the proposed feline-only veterinary clinic (Attachment D of the staff report).

A condition of approval would require that onsite holding of contaminated waste and biological hazards are stored in a manner that would prevent the emission of odors and that any such materials are removed from the property on a regular basis. The proposed veterinary clinic is anticipated to have a decrease in vehicle trip generation compared to the previous retail use according to the Institute of Transportation Engineers (ITE) Common Trip Generation Rates. No changes are being made to circulation.

The Eureka Square Shopping Center has 269 parking spaces. According to the Parking Analysis (Attachment E of the staff report), which took into account the existing uses in the shopping center, the cumulative parking requirement for the shopping center based on the City's parking regulations is 344 parking spaces. The proposed project would require 16 spaces in accordance with PMC Section 9-4.2818(c)(1). This is only a six-space increase from the parking space requirements for a retail use in the same tenant space.

The Parking Analysis concludes that peak demand of the existing parking facilities, based on actual utilization surveys, from the existing commercial uses on the site, plus the reserved spaces for the vacant tenant spaces and proposed veterinary use as prescribed by the PMC, results in 81 available parking spaces. Peak demand of the existing parking facilities was found to occur on a Saturday at 12:30pm. The expected increase in parking from the proposed veterinary use would not be significant and would not change the vehicular circulation pattern in the shopping center and surrounding streets.

Overall, the project would generate very limited change from the general character and intensity of the neighborhood as it exists currently. The lack of outdoor use of the facility, the limited utilization of existing parking facilities, and the feline-only veterinary use would ensure that the use would not generate excessive noise or disturbances for other businesses or residents in the vicinity. Therefore, the project, as conditioned, would not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or to the general welfare of the City.

II. That the use or building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the local Coastal Plan; and

The General Plan designation for the project site is "Commercial." As described in the staff report, the project is consistent with the General Plan designation and the C-1 zoning district. The project is also consistent with the following General Plan policies:

- ***Community Design Element Policy No. 2. Encourage the upgrading and maintenance of existing neighborhoods.***

The project would eliminate a vacancy within the Eureka Square Shopping Center which would enhance the vitality of the center's operations. The project would also renovate the interior of the existing tenant space, resulting in an upgrade of various building systems to current Building Code standards. The project would further provide an active commercial use that benefits the community, and that

would have the potential to draw customers to surrounding businesses which would also strengthen operations of the center.

- ***Land Use Element Policy No. 8.*** *Land Use Development shall protect and enhance individual character of each neighborhood.*

The project would enhance the character of the Eureka Square Shopping Center by operating a commercial use which is consistent with the C-1 zoning district commercial character of this part of the East Sharp Park neighborhood. It would also eliminate a vacancy within the existing shopping center which would enhance the character of the Eureka Square Shopping Center as a successful shopping center within the surrounding neighborhood. The proposed use would also benefit the East Sharp Park neighborhood and the larger community by creating convenient access to veterinary services for residents and their felines.

PMC Section 9-4.2307 requires that animal hospitals and clinics meet the following additional requirements:

- a) *All animals shall be kept within an enclosed soundproof structure.*

As discussed in the project description and further required by a condition of approval, animal enclosures are designated for the treatment of patients and will be used short-term and would not be used to hold or board animals. An acoustic noise modeling report was prepared by a qualified acoustic expert and concluded there to be no significant noise generated from the proposed feline-only veterinary clinic (Attachment D of the staff report). Therefore, the proposed use would comply with the intent of this requirement.

- b) *Plans and specifications shall bear the certification of acoustical engineer verifying that the proposed structure will prevent sounds emanating from the building from going beyond the property lines of the parcel on which the use is located.*

As noted in the preceding paragraph, as discussed in the project description, and as further required by a condition of approval, animal enclosures are designated for the treatment of patients and will be used short-term and would not be used to hold, or board animals.

The applicant has prepared an acoustic noise modeling report which indicates that noise impacts would be negligible to surrounding uses within the shopping center, which by extension indicates that sounds emanating from the building would not go beyond the property line of the parcel on which the Eureka Square Shopping Center. Therefore, the proposed use would satisfy this requirement to minimize noise impacts to adjacent properties.

- c) *The hospital or clinic shall be so designed that no odor will be discernible beyond the property lines of the parcel on which the use is located.*

As discussed above, Condition of Approval No. 3 would require that onsite holding of contaminated waste and biological hazards are stored in a manner that would prevent the emission of odors and would require that these materials are removed from the property on a regular basis. This project includes an ultraviolet (UV) treatment system incorporated into the mechanical system, which neutralizes bacteria to provide an odor-free environment. The proposed feline-only veterinary clinic does not anticipate large volumes of given it would only treat felines. When there are patients that receive ongoing treatment and stay for the day, they have access to a litter box with regular clumping litter. The litter boxes are cleaned once to twice daily. Scooped litter goes into a

garbage can that has a cover inside the hospital. The proposed location in the Eureka Square Shopping Center has trash collection three times a week. The project operator would place litter waste into the common trash receptacle for the shopping center three times a week just before the collection events which would minimize time such waste is outdoors. The current pickup service at the shopping center utilizes the plastic rolling bins with hinged covers. The bins, with the covers closed entirely, work well to control odors for a few hours before collection. There will not be litter waste behind the building for more than a few hours on collection days. Additionally, the nearest receptor to the area where the waste would be temporarily staged outdoors would be more than 200 feet away to the north in an apartment building at the top of a large slope. Because the apartment building is distant, the Planning Commission does not anticipate any odors associated with the proposed veterinary clinic would be discernible beyond the property lines. With these measures in place, there is sufficient evidence to support a conclusion that the proposed veterinary clinic would be designed that no odor will be discernible beyond the property lines.

- d) *The boarding of animals, except for the short-term treatment of accident, surgical, or disease cases incidental to the use therein, shall be prohibited.*

As discussed in the project description and further required by Condition of Approval No. 2, animal enclosures are designated for the treatment of patients and will be used short-term and would not be used to hold or board animals. The Condition of Approval would require that only upon the recommendation of the treating veterinarian, animals may be held overnight for observation for not more than one night. No boarding shall occur at the clinic. Therefore, the project would satisfy this requirement.

Upon obtaining approval of a use permit and parking exception, and by demonstrating compliance with the requirements of PMC Section 9-4.2307 applicable to animal hospitals and clinics, the project would be consistent with applicable laws of the City pertaining to veterinary clinics. The project is not located in the Coastal Zone; therefore, the Local Coastal Plan is not applicable.

III. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

The project proposes interior renovations to customize the existing space for a feline-only veterinary clinic. With the exception of signage, it would not include any exterior changes to the building in which it is located. The project also does not propose any changes to the site plan, building design or landscaping of the Eureka Square Shopping Center. The signage would be subject to ministerial review by staff during the building permit review process provided that the signage is consistent with the Eureka Square Shopping Center master sign program. Design Guidelines consistency for the master sign program was evaluated at the time of its approval.

For the foregoing reasons, the City's adopted Design Guidelines are not applicable in this instance as the proposed use does not impact the site plan or architecture of the site and building where it would be located.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Pacifica does make the following findings pertaining to Parking Exception PE-191-21:

- I. The establishment, maintenance, and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this article as are reasonably possible.***

As discussed above, the Eureka Square Shopping Center has 269 off-street parking spaces. This number is below the minimum number of off-street parking spaces required for the uses located within the shopping center pursuant to PMC Section 9-4.2818. Additionally, the proposed veterinary clinic would require the six additional off-street parking spaces compared to the prior retail use located in the same lease space pursuant to PMC Section 9-4.2818(c)(1) which establishes the off-street parking requirement for veterinary offices and clinics. Because of the existing built condition of the shopping center, and the relatively small size of the proposed veterinary clinic compared to the overall shopping center, the applicant is unable to create additional off-street parking facilities to meet the use's minimum off-street parking requirement pursuant to PMC Section 9-4.2818(c)(1). Therefore, a practical difficulty and unusual hardship exists that justifies consideration of a parking exception.

According to the Parking Analysis (Attachment E of the staff report), the peak demand of the existing parking facilities, based on actual parking demand from the existing commercial uses on the site plus the reserved spaces for the vacant tenant spaces and the proposed veterinary use as prescribed by the PMC, results in 81 available parking spaces. Peak demand of the existing parking facilities was found to occur on a Saturday at 12:30pm. The expected increase in parking from the proposed veterinary use would not be significant and would not change the vehicular circulation pattern in the shopping center and surrounding streets.

Additionally, the Eureka Square Shopping Center recently improved portions of their parking facilities and have maximized the number of compact spaces on the site in order to provide the maximum number of parking spaces.

For the reasons noted above, the applicant has experienced a practical difficulty and unusual hardship, cannot reasonably provide the required off-street parking for the project and, therefore, there is sufficient evidence to justify approval of a parking exception. As found in the parking analysis prepared for the proposed project, granting the parking exception would not result in adverse off-street parking impacts to the Eureka Square Shopping Center because sufficient off-street parking exists to meet actual demand for off-street parking facilities based on real-world utilization observed in the analysis. Therefore, the existing parking facilities will provide off-street parking that is as nearly in compliance with parking standards as is reasonably possible.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pacifica does hereby approve Use Permit UP-128-21 and Parking Exception PE-191-21 to establish a feline-only vet clinic in an existing commercial space at 150 Eureka Square (APN 016-220-140), subject to conditions of approval included in Exhibit A to this Resolution.

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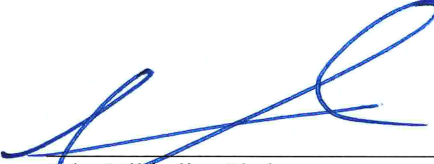
Passed and adopted at a regular meeting of the Planning Commission of the City of Pacifica, California, held on the 18th day of October 2021.

AYES, Commissioners: BERMAN, DOMURAT, FERGUSON, GODWIN,
HAUSER, LEAL, NIBBELIN

NOES, Commissioners: N/A

ABSENT, Commissioners: N/A

ABSTAIN, Commissioners: N/A



John Nibbelin, Chair

ATTEST:



Tina Wehrmeister, Planning Director

APPROVED AS TO FORM:



Michelle Kenyon, City Attorney

Exhibit A

Conditions of Approval: Use Permit UP-128-21 and parking exception PE-191-21 to establish a feline only vet clinic in an existing commercial space at 150 Eureka Square (APN 016-220-140)

Planning Commission Meeting of October 18, 2021

Planning Division of the Planning Department

1. Development shall be substantially in accord with the plans entitled “Coastal Cat Clinic” received by the City of Pacifica on August 6, 2021, except as modified by the following conditions.
2. The following operational restrictions shall be applied to the veterinary use of the property:
 - a. The veterinary clinic shall only accept domestic feline animals.
 - b. No walk-in, emergencies, or appointments shall be accepted or scheduled after 4 pm or before 8 am daily.
 - c. The veterinary clinic shall operate as a veterinary clinic only. Animal enclosures shall be designated for the treatment of patients and will be used short-term. Upon the recommendation of the treating veterinarian, animals may be held overnight for observation for not more than one night. No boarding shall occur at the clinic.
3. Biological hazards and contaminated waste shall be stored in a safe and healthy manner that would prevent the emission of odors and shall be removed from the property on a regular basis, to the satisfaction of the Planning Director.
4. All uses shall be conducted entirely within the enclosed tenant space. Outdoor uses shall be prohibited unless Applicant obtains City approval of a use permit which explicitly allows for outdoor uses
5. The approval or approvals is/are valid for a period of two years from the date of final determination. If the use or uses approved is/are not established within such period of time, the approval(s) shall expire unless Applicant submits a written request for an extension and applicable fee prior to the expiration date, and the Planning Director approves the extension request as provided below. The Planning Director may administratively grant a single, one year extension provided, in the Planning Director's sole discretion, the circumstances considered during the initial Project approval have not materially changed. Otherwise, the Planning Commission shall consider a request for a single, one year extension. In the event of litigation filed to overturn the City’s determination on the approval or approvals, the Planning Director may toll the expiration of the approval or approvals during the pendency of such litigation.
6. Applicant shall maintain its site in a fashion that does not constitute a public nuisance and that does not violate any provision of the Pacifica Municipal Code.
7. Prior to issuance of a building permit, Applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director’s satisfaction.

8. The Applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter “City”) from any claim, action or proceeding (hereinafter “Proceeding”) brought against the City to attack, set aside, void or annul the City’s actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and/or any mitigation monitoring program, or brought against the City due to actions or omissions in any way connected to the Applicant’s Project (“Challenge”). City may, but is not obligated to, defend such Challenge as City, in its sole discretion, determines appropriate, all at Applicant’s sole cost and expense. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorney’s fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the Applicant, City, and/or parties initiating or bringing such Proceeding. If the Applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City. Per Government Code Section 66474.9, the City shall promptly notify Applicant of any Proceeding and shall cooperate fully in the defense.

Building Division of the Planning Department

9. The project requires review and approval of a building permit by the Building Official. Applicant shall apply for and receive approval of a building permit prior to commencing any construction or demolition activity.

Engineering Division of the Public Works Department

10. Construction shall be in conformance with the City of Pacifica Storm Water Management and Discharge Control Ordinance and San Mateo Countywide Storm Water Pollution Prevention Program. Best Management Practices shall be implemented and the construction BMPs plans sheet from the Countywide program shall be included in the project plans.

North County Fire Authority

11. Prior to operation, applicant shall consult with North County Fire Authority (NCFA) to determine if a fire sprinkler system/fire alarm is required or whether alterations to the existing floor plan require alterations to any existing fire sprinkler system. If required, plans shall be submitted to NCFA under separate fire permit and implemented prior to the start of operation.
12. Provide fire flow information per CFC, Appendix B.
13. Fire alarm system shall be monitored per CFC.
14. Key Box is required. Apply for approved hardware at NCFA Administration and complete installation prior to operation.
15. Portable fire extinguishers(s) are required. Mount fire extinguishers 3-5 feet above floor and install prior to operation.

16. Illuminated address identification is required prior to operation.
17. Utility identification is required prior to operation.
18. Doors shall be easily openable in one motion without special knowledge, key or effort per CBC. Use of thumb operated deadbolts prohibited unless integrated with latch.
19. Illuminated exit signs and emergency egress illumination is required prior to operation.
20. Hazardous material use, storage, or operations permit may be required prior to operation.

END