

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2016-20

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR DR. JAMES
DELANO, AS FILED UNDER CASE P16-0975

WHEREAS, Dr. James Delano, has applied for Conditional Use Permit approval to operate a veterinary clinic within an existing building located at 4487 Stoneridge Drive; and

WHEREAS, zoning for the property is PUD-I (Planned Unit Development – Industrial) District; and

WHEREAS, at its duly noticed public hearing of July 13, 2016, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and

WHEREAS, projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, Class 1; and

WHEREAS, the Planning Commission made the following findings:

1. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land uses from inharmonious influences and harmful intrusions; and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. The subject site is zoned PUD-I District and generally has the characteristics of the City's I-P (Industrial Park) District. One purpose of the Industrial Park District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact. The proposed use as conditioned will be consistent with the zoning ordinance objectives because it will provide a service to the residents of Pleasanton and surrounding areas. The proposed veterinary clinic will complement the existing uses and not result in adverse impacts to circulation, parking, or noise. As conditioned, the proposed use will be consistent with the objectives of the Zoning Ordinance and the PUD-I District. Therefore, this finding can be made.

2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

With the recommended conditions, the proposal will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions of approval require the operation of the veterinary facility to adhere to specific hours of operation, prohibit overnight boarding, require all activities to be conducted inside the building, and require doors and windows to be closed during business hours when not being used for ingress/egress to mitigate for possible impacts to adjacent uses and/or properties. The veterinary clinic is also required to adhere to the City's Noise Ordinance, which was designed to protect the peace, health, safety, and welfare of the citizens of the City. Furthermore, if a conflict arises with the operation of the business, a condition of approval allows the Director of Community Development to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures. Therefore, this finding can be made.

3. The proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.

The site's PUD-I District zoning conditionally permits the establishment of veterinary clinics. In addition, as conditioned, the proposed use complies with all relevant sections of the City's Zoning Ordinance. Granting a CUP for the proposed use will be consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the PMC. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance and this finding can be made.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Approves Cases P16-0975, the application of Dr. James Delano, for Conditional Use Permit approval to operate a veterinary clinic within an existing building located at 4487 Stoneridge Drive, subject to the Conditions of Approval shown in Exhibit A, attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 13TH DAY OF JULY 2016 BY THE FOLLOWING VOTE:

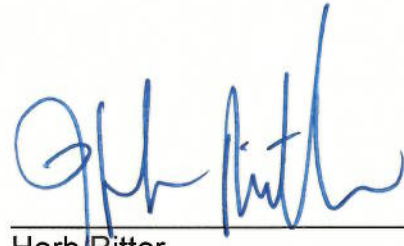
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AYES: Commissioners Allen, Balch, Nagler, and Ritter
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: Commissioner O'Connor

ATTEST:




Adam Weinstein
Secretary, Planning Commission



Herb Ritter
Chair

APPROVED AS TO FORM:



Julie Harryman
Assistant City Attorney

**EXHIBIT A
CONDITIONS OF APPROVAL**

**P16-0975, Dr. James Delano
4487 Stoneridge Drive
July 13, 2016**

PROJECT SPECIFIC CONDITIONS OF APPROVAL

Planning Division

1. The proposed business activities and operation approved by this Conditional Use Permit shall conform substantially to the narrative and project plans, Exhibit B, marked "Received June 9, 2016", on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. If additional hours of operation or activities beyond that proposed in the applicant's written narrative, Exhibit B, marked "Received May 18, 2016" and "Received June 9, 2016", on file with the Planning Division, are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
3. No overnight boarding is allowed.
4. The operation of the veterinary clinic shall comply with Chapter 9.04 of the Pleasanton Municipal Code (Noise Regulations).
5. All veterinary clinic activities shall be conducted within the subject building.
6. The exterior doors of the establishment shall remain closed when not being used for ingress/egress purposes.
7. The establishment's windows shall remain closed during business hours.
8. Veterinary and animal waste shall be disposed of in compliance with the applicable California state and Alameda County health regulations. Non-veterinary/animal waste shall be disposed of in the garbage bins located in the trash enclosure along Santa Rita Road.
9. The applicant (or designated representative of the business) shall daily monitor the area outside the building including the designated relief area, pet waste station locations, and any nearby parking area to minimize odor-related impacts, and take the appropriate action to pick up waste/litter and ensure peace and quiet.

Building and Safety Division

10. The applicant shall purchase the additional sewer capacity required for the project prior to issuance of a building permit.

STANDARD CONDITIONS

Community Development Department

11. The applicant shall pay all fees to which the use may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
12. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

Planning

13. This Conditional Use Permit approval will lapse one (1) year from the effective date of approval unless the proposed veterinary clinic receives a business license.
14. If operation of the veterinary clinic results in conflicts pertaining to parking, interior or exterior noise, traffic circulation, odors, smoke, or other factors verified by City enforcement staff, then notification of Conditional Use Permit and/or noise standard violations verified by the City enforcement staff shall be provided to the Planning Commission by City staff; the Planning Commission may schedule a public hearing to re-review the Conditional Use Permit and at the public hearing the Planning Commission may revoke or may modify the Conditional Use Permit to require additional measures as necessary to address any issues.
15. This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation.
16. No changes to the exterior of the building or site shall be made without prior approval from the Planning Division.
17. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or

Federal Holidays or Sundays. The Direction of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the house of construction shall be posted on site.

Building and Safety Division

18. Tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
19. The building permit plan check materials for the proposed tenant improvements will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of approval, unless the applicant submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design and/or operation is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.

CODE REQUIREMENTS

Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.

20. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

END