

City of Sebastopol Planning Commission Staff Report

Meeting Date:	November 14, 2023
Agenda Item:	5A
<u>To:</u>	Planning Commission
<u>From</u> :	John Jay, Associate Planner
<u>Subject</u> :	Conditional Use Permit
<u>Recommendation</u> :	Approval with conditions
Applicant/Owner:	Michael Waldo/Rand Group LLC
File Number:	2023-060
Address:	6731 Sebastopol Avenue
CEQA Status:	Exempt
General Plan:	Central Core (CC)
Zoning:	Downtown Core (CD)

Introduction:

This is a conditional use permit application from Michael Waldo on behalf of Animal Kingdom Veterinary Hospital to operate an Animal hospital, office only at 6731 Sebastopol Ave. Currently Dr. Waldo is operating the Animal Kingdom Veterinary Hospital at 6742 Sebastopol Ave where he has been in operation for 22 years. The current facility has poor access to the front door, and limited parking. To better accommodate an aging and injured clients and their owners, he has been exploring relocation options, and is requesting to relocate his practice to the western suite in 6731 Sebastopol Avenue, which was formerly occupied by Action Sports and Power Equipment.

Project Description:

As mentioned above the project request is for a conditional use permit for the operation of an "Animal hospital, office only" which is a conditionally permitted use in the Downtown Core zoning district of Sebastopol. As Dr. Waldo mentions in his written statement the hours of operation would be Monday through Saturday from 7:00 am to 9:00 pm with no overnight boarding. The written statement also explains why Dr. Waldo is looking for a new location which includes a stair-free entrance for his clients and their animals, safer parking, and a bigger space to operate.

Project Location and Surrounding Land Uses:

The project is located on the east side of Sebastopol in a commercial building with several suites at 6731 Sebastopol Avenue, which includes a mix of uses around it. To the North is the Barlow campus with a mix of restaurants, shops, and industrial uses. To the South are the newly constructed Barlow Townhomes. To the East is the Park Village mobile home park and Tomodachi Park, and to the west is a mix of commercial buildings in Gravenstein Station and

Elderberry Commons (formerly the Sebastopol Inn) which is being converted into permanent supportive housing apartments.

General Plan Consistency:

The project is consistent with multiple points of the General Plans policies.

- 1. **Policy LU 7-9:** Encourage local-serving neighborhood retail uses readily accessible to residential areas. As the project is located within the Downtown Core where at its current location, has been in operation for over 20 years with a well established customer base as well as a shortage of vet practices in the area and with this business staying in city limits it prevents people from traveling to other locations outside of Sebastopol.
- 2. **Policy EV 1-13**: Assist efforts to attract new industries and businesses that develop new products and expand markets, particularly those that involve research and development of agricultural, sustainable, green, medical, and/or technological products. *As the project would continue to bring in new customers as well as meet the needs of current customers.*
- 3. **Policy EV 2-4**: Encourage businesses and programs that emphasize and promote shopping locally. As the Animal Kingdom has been a long standing veterinary hospital within the City limits of Sebastopol and with the new location it would be able to better serve its current client base.

Zoning Ordinance Consistency:

The project is located within the Downtown Core zoning district and staff has identified this use with Table 17.25-1 of the Sebastopol Municipal Code as an "Animal hospital, office only" and thus would require a use permit approved by the Planning Commission. The SMC defines "Animal hospital, office only" as an establishment for the care and treatment of animals, including veterinary offices, where facilities are within an enclosed building, and there are no exterior animal related uses such as dog runs or kennels. As the current location does not offer any overnight boarding of animals the applicant has stated that they would continue that and would send emergency patients to the appropriate facilities. The applicant would also be held to the City's noise ordinance and animal regulations described in Chapter 6 of the SMC.

Required Findings:

Conditional Use Permit findings

- A. The proposed use is consistent with the General Plan and all applicable provisions of this title.
- B. The establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

Analysis:

As noted earlier in the report, the project requires a use permit as the location of the site is within the Downtown Core of Sebastopol. As a use classified as "Animal hospital, office only" the use requires a conditional permit to be reviewed and approved by the Planning Commission. Staff feels that the use is appropriate with the district it's in along with the surrounding uses.

With that staff has identified some conditions the Planning Commission should discuss:

- Operating hours when animals are present shall be between 7 am and 9 pm.
- No overnight boarding shall be allowed.
- No outdoor staging/care of animals shall be allowed unless accompanied by the owner. Owners should have the option to wait outside with their animal should the owner feel their animal might be uncomfortable around others.
- Location of pet relief area. It's not mentioned in the application but the applicant has stated in conversation with staff the proposed areas for relief would be the green spaces in the parking lot and the business would offer pet clean up in the form of bags and scoopers.

Staff also feels the new location is better suited for both the applicant and the clients as it provides better parking and building access. Originally when staff spoke with the applicant about the project there were initial concerns about the noise of the animals in the hours after the hospital was closed as its adjacency to residential is closer than the current location. However, the applicant has solved that concern by proposing the hours of operation, as part of this submittal, and that there will be no boarding of animals overnight. The applicant has also stated that any emergency calls will be directed to the appropriate animal hospital facilities which provide those services.

Environmental Review:

The project is exempt from CEQA review as it classifies for a 15301(a) exemption "interior or exterior alterations involving such things as partitions, plumbing, and electrical conveyances" as the project proposed is to modify the interior of an existing facility to meet the new use of an animal veterinary hospital.

City Departmental Comments:

The Planning Department routed this to the various city departments including the Sonoma County Health department and received no comments.

Public Comment:

As prescribed by Section 17.460 of the Zoning Ordinance, the Planning Department completed the following: (1) Provided written notice to all property owners within 600 feet of the external boundaries of the subject property; (2) provided a written notice that was published in the Press Democrat; and (3) posted three written notices publicly on and within vicinity of the subject property.

No public comments have been received as of the writing of this staff report.

Recommendation:

Staff believes the proposed use is compatible with the site, and recommends approval, subject to the following key conditions:

- Operating hours when animals are present shall be between 7 am and 9 pm.
- No overnight boarding shall be allowed.
- No outdoor staging/care of animals shall be allowed unless accompanied by the owner. Owners should have the option to wait outside with their animal should the owner feel their animal might be uncomfortable around others.

If it is the consensus of the Planning Commission that the proposed use is compatible with the site and surrounding uses, staff recommends that the application be approved based on the facts, findings, and analysis set forth in this staff report and as found in Exhibit A - Recommended Findings of Approval, and subject to the Recommended Conditions of Approval found in Exhibit B, and any additional or modified conditions the Planning Commission determines is appropriate.

Attachments:

Exhibit A – Recommended Findings of Approval Exhibit B – Recommended Conditions of Approval Exhibit C – Standard Conditions of Approval tenant improvements Application Materials Public Comment

EXHIBIT A RECOMMENDED FINDINGS OF APPROVAL Conditional Use Permit 6731 Sebastopol Ave (APN 004-063-035, File 2023-060)

- 1. The proposed project/use is categorically exempt from the requirements of CEQA under Section 15301(a), which exempts "interior or exterior alterations involving such things as partitions, plumbing, and electrical conveyances."
- 2. That the project/use/proposal is consistent with the provisions of the General Plan, in that:
 - **Policy LU 7-9:** Encourage local-serving neighborhood retail uses readily accessible to residential areas. As the project is located within the Downtown Core where at its current location, has been in operation for over 20 years with a well established customer base.
 - **Policy EV 1-13**: Assist efforts to attract new industries and businesses that develop new products and expand markets, particularly those that involve research and development of agricultural, sustainable, green, medical, and/or technological products. As the project would continue to bring in new customers as well as meet the needs of current customers.
 - **Policy EV 2-4**: Encourage businesses and programs that emphasize and promote shopping locally. As the Animal Kingdom has been a long standing veterinary hospital within the City limits of Sebastopol and with the new location it would still be able to serve its current client base.
- 3. The project is consistent with SMC 17.415.030 Conditional Use Permits
 - The proposed use is consistent with the General Plan and all applicable provisions of this title in that, the project satisfies multiple General Plan policies and promotes small local businesses within the City limits of Sebastopol.
 - As conditioned, the establishment, maintenance, and operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area of such use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City, as the project will require limiting operations to daytime hours, no outdoor staging / care for animals will be allowed without owner supervision, and no overnight boarding shall be allowed.
- 4. The project is consistent SMC 17.25.030 as follows:
 - Animal hospital, office only is an allowed use, with a Conditional Use Permit, approved by the Planning Commission within the Downtown Core district. As conditioned, this project would meet the requirements of Chapter 17.25.030 as the approval would come from the Planning Commission as an approved use and would be subject to the conditions of approval outlined in Exhibit B Conditions of Approval.

EXHIBIT B RECOMMENDED CONDITIONS OF APPROVAL Conditional Use Permit 6731 Sebastopol Ave (APN 004-063-035, File 2023-060)

- 1. The Use shall be in substantial conformance with the proposed operations as described in the application materials prepared by Michael Waldo, and stamped received on October 10, 2023, and on file at the City of Sebastopol Planning Department, except as modified herein:
 - a. No overnight boarding shall be allowed as a part of this approval.
 - b. No outdoor staging/care of animals shall be allowed unless accompanied by the owner. Owners should have the option to wait outside with their animal should the owner feel their animal might be uncomfortable around others.
- 2. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.
- 3. This approval does not include any signs. Any new signs that will identify the use of this property are subject to the prior approval of the Design Review Board or City staff, as appropriate.
- 4. The Use Permit shall be in effect unless it is abandoned or closed for 12 months or longer.
- 5. The Use Permit shall be subject to the City of Sebastopol noise ordinance, SMC Section 8.25.
- 6. The Use Permit shall be subject to the City of Sebastopol animal regulations, SMC Section 6.10.

EXHIBIT C STANDARD CONDITIONS OF APPROVAL Conditional Use Permit 6731 Sebastopol Ave (APN 004-063-035, File 2023-060)

- 1. All plans shall include a brief description of the project on the cover sheet.
- 2. All submitted building permit plan check sets shall include a plan sheet incorporating these conditions of approval.
- 3. Except as otherwise noted in these conditions of approval, the plans submitted to the Building Department for plan check shall be in substantial conformance to those approved by the review body. If any changes are made to submitted plans which were approved by the review body the applicant shall work with the Planning Department to determine if the changes are significant enough to once again be seen by the review body, or if staff can approve the changes. Any changes that have not been approved by Planning staff are not approved. Construction or demolition work that does not conform to the Planning approval is not valid and shall be subject to stop work orders and may require removal.
- 4. Acceptance of the construction drawings and specifications does not release the applicant and owner from correction of mistakes, errors, or omissions contained therein. If, during the course of construction, the field conditions or other previously unknown conditions require a modification or a departure from the accepted plans, the applicant shall provide the modifications or departure and specify the correction of mistakes errors, or omissions in compliance with the CBC and City Standards.
- 5. The City of Sebastopol and its agents, officers and employees shall be defended, indemnified, and held harmless from any claim, action or proceedings against the City, or its agents, officers and employees to attach, set aside, void, or annul the approval of this application or the environmental determination which accompanies it, or which otherwise arises out of or in connection with the City's action on this application, including but not limited to, damages, costs, expenses, attorney's fees, or expert witness fees.
- 6. All portions of the job site shall be maintained in an organized and professional condition. All trash, debris, construction scraps and broken/deteriorated machinery shall be removed from the site by the end of each week. If off loaded construction materials are not used within 2 weeks, they shall be screened from public view. All sidewalks, driveways and public/private roadways fronting the subject site shall be broom cleaned at the end of each business day.
- 7. All permits and/or inspection fees required shall be paid in full prior to final occupancy being granted unless otherwise stipulated by the City.
- 8. The Planning Director shall interpret applicable requirements in the event of any redundancy or conflict in conditions of approval.

Planning Department Standard Conditions of Approval:

- 9. This approval is valid for a period of three (3) years during which time the rights granted must be exercised. However, the applicant may request one (1) one-year extension of this Use Permit from the Planning Director, pursuant to Zoning Ordinance §17.400.100.
- 10. The light source for all exterior lighting fixtures shall be shielded from adjacent properties. Cut sheets for all exterior lighting shall be submitted as part of the Design Review or other planning application.

Engineering and Public Works Department Standard Conditions of Approval:

- 11. All projects are subject to Impact Fees as adopted by the City Council, which are due at the time of issuance of the Building Permit unless otherwise stipulated by the City.
- 12. An Encroachment Permit is required from the Public Works Department for any and all work within the public right-of-way. If the work is within a CalTrans right-of way, an Encroachment Permit from CalTrans shall also be procured by the applicant. Encroachment Permit shall not be issued until the City Engineer approves the applicant's site improvement plans.

Fire Department. Standard Conditions of Approval:

- 13. The address shall be posted in accordance with requirements of the California Building Code and California Fire Code. The Fire Chief shall review and approve all requests for new addresses. Inspection and signoff of address posting shall be coordinated through Building Department.
- 14. Smoke and CO detectors shall be installed in accordance with the California Building Code. Final inspection and signoff of smoke detectors shall be coordinated through Building Department.
- 15. Noncombustible roofing shall be provided for:
 - a. All new roofs shall be non-combustible.
 - b. Roof Repairs or replacement:
 - i. Less than 25% no requirement
 - ii. 25Hr to 50% Class C minimum
 - iii. 50% or more Non-Combustible
 - c. In no case shall the roofing material used to be less fire resistive than the existing roof.

NOTE: A "noncombustible" roof is a Class A roof (for other than Group R Occupancies, a Class A or Class A assembly) as defined in the California Building Code and approved by the Building Department.

16. Prior to occupancy, a spark arrester shall be installed on the chimney(s) 3/8" mesh minimum.

Building Department Standard Conditions of Approval:

- 17. All construction shall comply with all applicable Title 24 Codes in effect at the time of building permit submittal. It is the responsibility of the designer(s) to ensure that all applicable Title 24 codes, as well as any applicable Sebastopol Municipal Codes are incorporated into the design.
- 18. The project shall comply with the Green Building regulations contained in the Sebastopol Municipal Code that are in effect at the time of building permit submittal.

END OF STANDARD CONDITIONS OF APPROVAL

BURNER ASTOR	City of Sebastopol Planning Department 7120 Bodega Avenue Sebastopol, CA 95472 (707) 823-6167	MASTER PLANNING APPLICATION FORM
Application Type		
 Administrative Permit Review Alcohol Use Permit/ABC Transfer Conditional Use Permit Design Review This application includes the checklis REVIEW/HEARING BODIES 	 Lot Line Adjustment/Merger Preapplication Conference Preliminary Review Sign Permit t(s) or supplement form(s) for the type of present form(s) for (s) for (
	ew/Tree Board 🔲 Planning Commissio	on 📋 City Council 📋 Other
APPLICATION FOR		
Street Address: 6731 Seb	astopol AVC Assessor's Parcel	No(s): 104-063-035
Present Use of Property: Vacor	7+ Zoning/General P	an Designation:
APPLICANT INFORMATION		
Mailing Address: 251 San City/State/ZIP: Novato, Ca Signature: - Camelor Towel Authorized Agent/Applicant Name: Mailing Address: 0742. Seb	A. 94945 Email: Survey Log / Date: 9/20 Dr MICHAEL WALDO / ANIO GSTOPOLALE Phone: (70 CA 95472 Email: Mch	-328 - 2338 2/23 mal Kingdom Vet. Hospital 7) 953 - 1083 I Waldo C. Yahoo, com 10/2023
Contact Name (If different from abov	e): Phone/Email:	
PROJECT DESCRIPTION AND PERMI	TS REQUESTED (ATTACH ADDITIONAL PAGES	IF NECESSARY)
Application for use per Move Veteringry practic across the street to a compromised pets. Only of Stairs (100 year old build	ermit accomodate improve accu y access at corrent location (ng). New location provides	King dom Vet. Hospital ass for clients and than is up a steep flight folly ADA compliant access.
CITY USE ONLY		······································
Fill out upon receipt:	Action:	

• •	orany namin.		Date;
Planning File #:	Planning Director:	9	Date:
Received By:	Design Review/Tree Board:		Date:
Fee(s):	\$ Planning Commission:		Date:
Completeness Date:	City Council:		Date:

Neighbor Notification

In the interest of being a good neighbor, it is highly recommended that you contact those homes or businesses directly adjacent to, or within the area of your project. Please inform them of the proposed project, including construction activity and possible impacts such as noise, traffic interruptions, dust, larger structures, tree removals, etc.

Many projects in Sebastopol are remodel projects which when initiated bring concern to neighboring property owners, residents, and businesses. Construction activities can be disruptive, and additions or new buildings can affect privacy, sunlight, or landscaping. Some of these concerns can be alleviated by neighbor-to-neighbor contacts early in the design and construction process.

It is a "good neighbor policy" to inform your neighbors so that they understand your project. This will enable you to begin your construction with the understanding of your neighbors and will help promote good neighborhood relationships.

Many times, development projects can have an adverse effect on the tranquility of neighborhoods and tarnish relationships along the way. If you should have questions about who to contact or need property owner information in your immediate vicinity, please contact the Building and Safety Department for information at (707) 823-8597, or the Planning Department at (707) 823-6167. No WILL DO M

Yes

I have informed site neighbors of my proposed project:

If yes, or if you will inform neighbors in the future, please describe outreach efforts:

We would appreciate suggestions from the City of Sebastopol on the best way to notify the residents at the Barlow Town homes.

Website Required for Major Projects

Applicants for major development projects (which involves proposed development of 10,000 square feet of new floor area or greater, or 15 or more dwelling units/lots), are required to create a project website in conjunction with submittal of an application for Planning approval (including but not limited to Subdivisions, Use Permits, Rezoning, and Design Review). Required information may be provided on an existing applicant web site.

The website address shall be provided as part of the application. The website shall be maintained and updated, as needed until final discretionary approvals are obtained for the project.

Such website shall include, at a minimum, the following information:

- V **Project description**
- V Contact information for the applicant, including address, phone number, and email address
- v Map showing project location
- V Photographs of project site
- V Project plans and drawings

CONDITIONS OF APPLICATION

- All Materials submitted in conjunction with this form shall be considered a part of this application. 1.
- 2. This application will not be considered filed and processing may not be initiated until the Planning Department determines that the submittal is complete with all necessary information and is "accepted as complete." The City will notify the applicant of all application deficiencies no later than 30 days following application submittal.
- 3. The property owner authorizes the listed authorized agent(s)/contact(s) to appear before the City Council, Planning Commission, Design Review/Tree Board and Planning Director and to file applications, plans, and other information on the owner's behalf.
- 4. The Owner shall inform the Planning Department in writing of any changes.
- 5. INDEMNIFICATION AGREEMENT: As part of this application, applicant agrees to defend, indemnify, release and hold harmless the City, its agents, officers, attorneys, employees, boards, committees and commissions from any claim, action or proceeding brought against any of the foregoing individuals or entities, the purpose of which is to attack, set aside, void or annul the approval of this application or the adoption of the environmental document which accompanies it or otherwise arises out of or in connection with the City's action on this application. This indemnification shall include, but not be limited to, damages, costs, expenses, attorney fees or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of or in connection with the City's action on this application, whether or not there is concurrent passive or active negligence on the part of the City.

If, for any reason, any portion of this indemnification agreement is held to be void or unenforceable by a court of competent jurisdiction, the remainder of the agreement shall remain in full force and effect.

NOTE: The purpose of the indemnification agreement is to allow the City to be held harmless in terms of potential legal costs and liabilities in conjunction with permit processing and approval.

- REPRODUCTION AND CIRCULATION OF PLANS: I hereby authorize the Planning Department to reproduce plans and exhibits 6. as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.
- 7. NOTICE OF MAILING: Email addresses will be used for sending out staff reports and agendas to applicants, their representatives, property owners, and others to be notified.
- DEPOSIT ACCOUNT INFORMATION: Rather than flat fees, some applications require a 'Deposit'. The initial deposit amount is 8. based on typical processing costs. However, each application is different and will experience different costs. The City staff and City consultant time, in addition to other permit processing costs, (i.e., legal advertisements and copying costs are charged against the application deposit). If charges exceed the initial deposit, the applicant will receive billing from the City's Finance department. If at the end of the application process, charges are less than the deposit, the City Finance department will refund the remaining monies. Deposit accounts will be held open for up to 90 days after action or withdrawal for the City to complete any miscellaneous clean up items and to account for all project related costs.
- NOTICE OF ORDINANCE/PLAN MODIFICATIONS: Pursuant to Government Code Section 65945(a), please indicate, by 9. checking the boxes below, if you would like to receive a notice from the City of any proposal to adopt or amend any of the following plans or ordinances if the City determines that the proposal is reasonably related to your request for a development permit:

A general plan

A specific plan

A zoning ordinance

An ordinance affecting building permits or grading permits

Certification

I, the undersigned owner of the subject property, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury. I hereby grant members of the Planning Commission, Design Review Board and City Staff admittance to the subject property as necessary for processing of the project application.

Property Owner's Signature:

l, the undersigned applicant, have read this application for a development permit and agree with all of the above and certify that the information, drawings and specifications herewith submitted are true and correct to the best of my knowledge and belief and are submitted under penalty of perjury.

Applicant's Signature:

Date: NOTE: It is the responsibility of the applicant and their representatives to be aware of and abide by City laws and policies. City staff, Boards, Commissions, and the City Council will review applications as required by law; however, the applicant has responsibility for determining and following applicable regulations.

Re: Planning Department: Inquiry

Michael Waldo <mchlwaldo@yahoo.com> Tue 10/3/2023 10:29 AM To:Nzuzi Mahungu <nmahungu@cityofsebastopol.org> Hello Nzuzi, Here is the modified statement

To Whom It May Concern,

My name is Michael Waldo, owner of the Animal Kingdom Veterinary Hospital. I have been fortunate to been able to serve the people and animals of the Sebastopol community for over 25 years, 22 of those years at my current location. The reason I'm applying for a use permit to relocate my hospital across the street is multifold: The need to continue to serve my elderly/injured patients, elderly and/or handicapped clients with a stair free entrance into my practice and a more human and pet friendly parking lot. My office hours would be between <u>7 am to 9 pm, Monday</u> through Saturday.

Thank you for your consideration

Michael Waldo

Thank you Michael

Sent from Yahoo Mail for iPad

On Wednesday, September 27, 2023, 8:43 AM, Nzuzi Mahungu <nmahungu@cityofsebastopol.org> wrote:

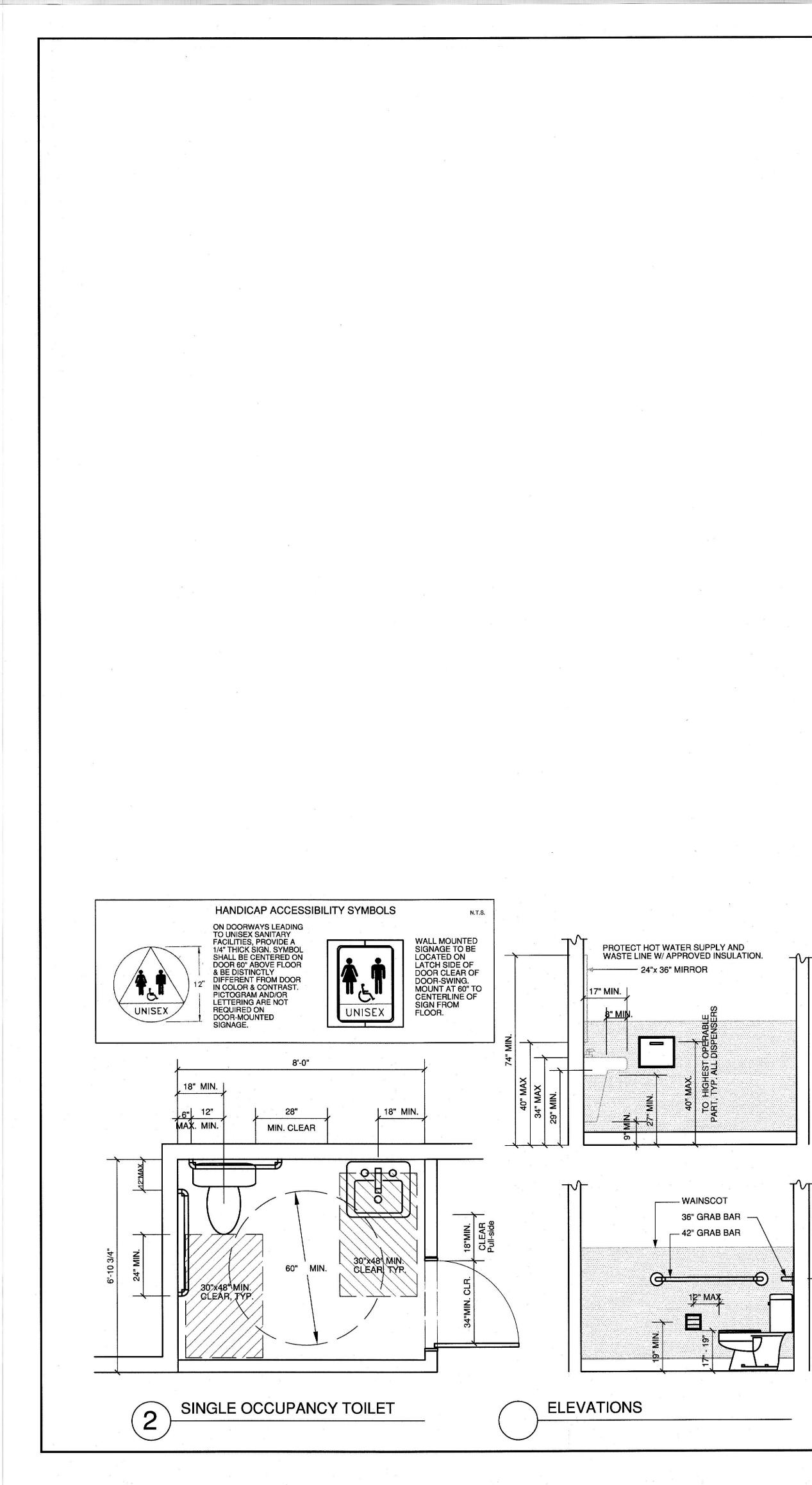
Hi Michael,

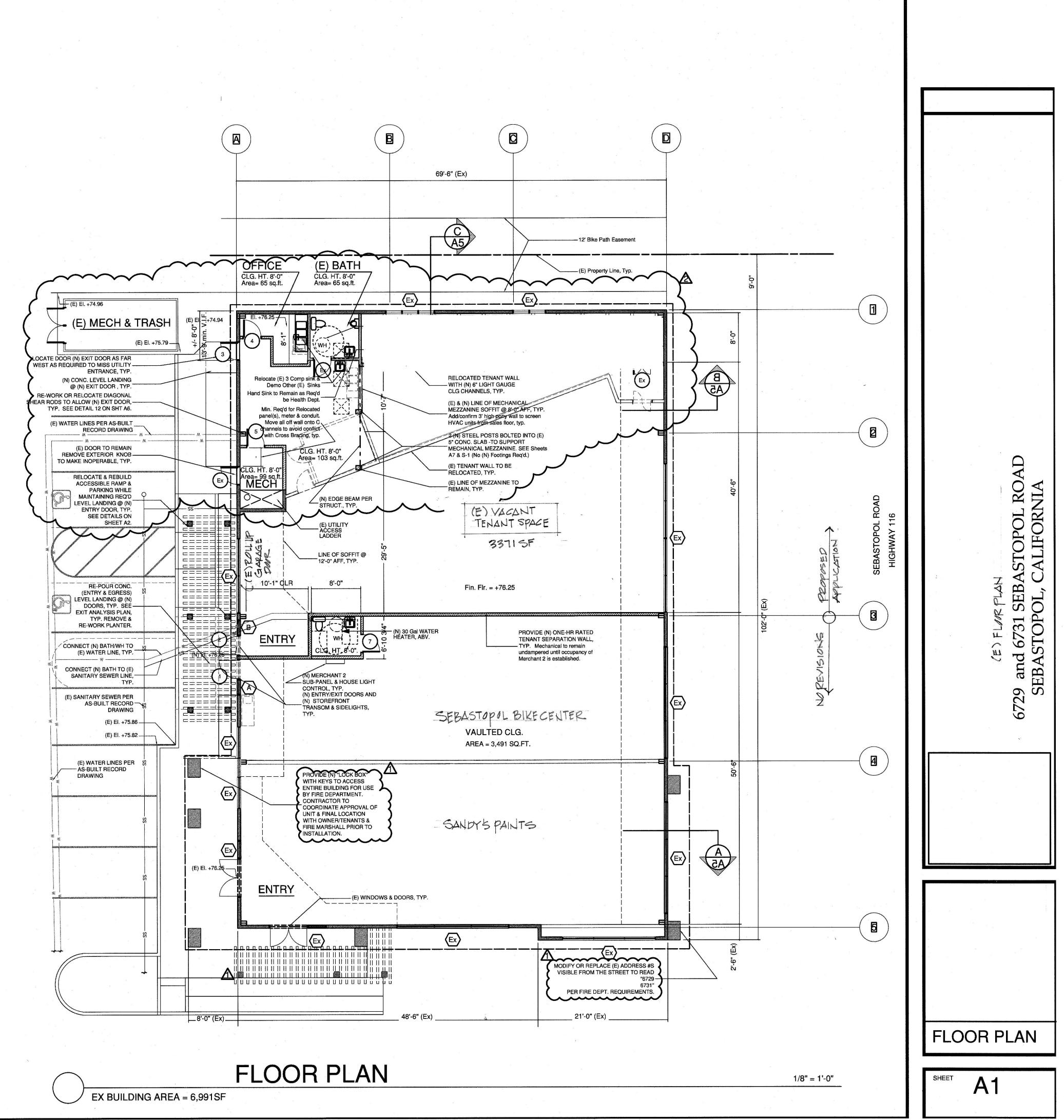
The Planning Department is currently reviewing your Use Permit.

Two things were noted: As previously discussed, your Master Planning Application form is missing the property owner signature on both the 1st and 3rd page. Secondly, the Associate Planner would like to see the days and hours of operation for this project on your Written Statement.

If you have any additional questions, please feel free to contact the Planning Department.

Sincerely,





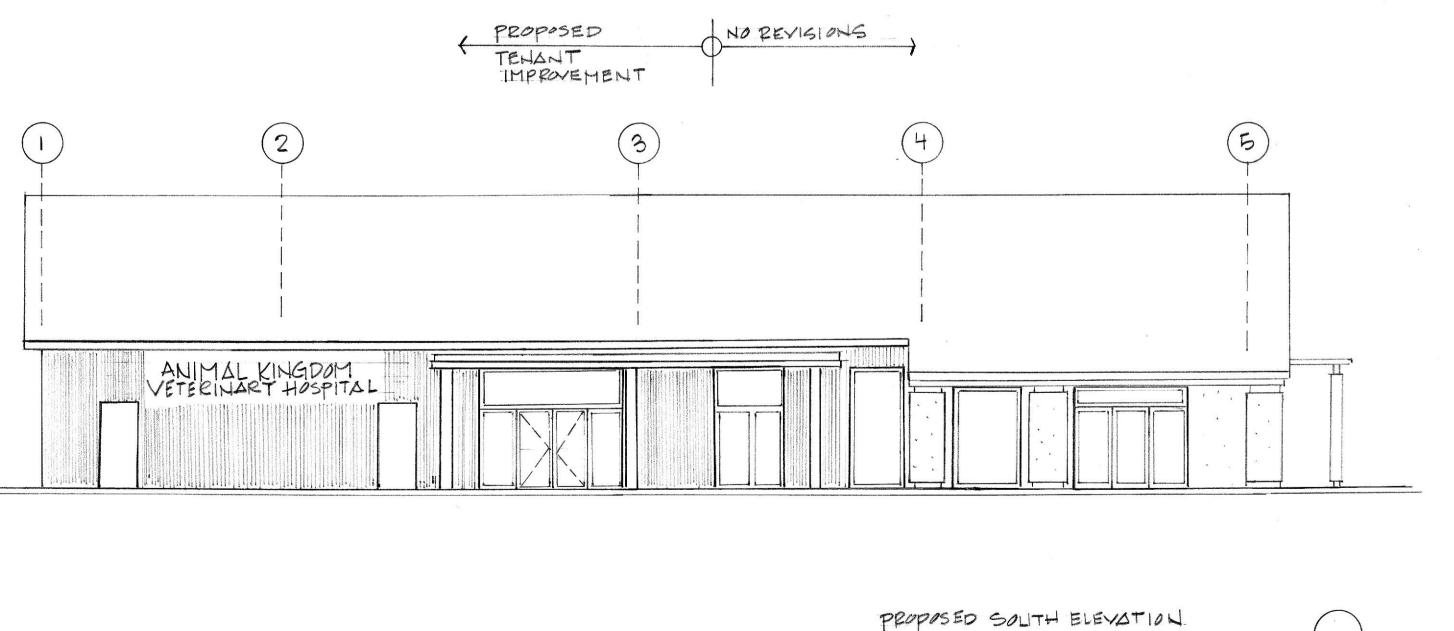
Description of Application

This application is a use request to do a tenant improvement in the 3371 square foot lease space in the noted commercial building. The applicant, Dr Michael Waldo (dba Animal Kingdom Veterinary Hospital), proposes to move his long established veterinary practice currently located at 6742 Sebastopol Ave, Sebastopol across the street to the subject location.

Dr Waldo has practiced in his current location for multiple decades and is a well established local veterinarian. This relocation will give him much better client access to the building and allow him more space for his practice.

The improvements include replacing an existing roll up garage door on the south elevation with a new accessible store front door and window system in the same opening. The existing entry door will be framed in to provide an ADA compliant client restroom in the front entry. The building structure is supported entirely on its exterior. New interior non bearing walls will be added per the proposed floor plan to complement his business operation.

Animal Kingdom Veterinary Hospital is a day time operation only. The practice offers no pet boarding overnight. Additionally, animals that need overnight care are sent to other locations for any overnight stays.



SCALE: 1/8 = 11.0

