

**P.C. RESOLUTION NO. 2022-743**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CALABASAS APPROVING FILE NO. CUP-2022-009, A CONDITIONAL USE PERMIT TO OPERATE A VETERINARY EYE CLINIC WITHIN AN EXISTING SHOPPING CENTER LOCATED AT 5749 LAS VIRGENES ROAD (SUITE B IN THE COMMERCIAL, RETAIL (CR) ZONING DISTRICT AND SCENIC CORRIDOR (-SC) OVERLAY ZONE.**

**Section 1. The Planning Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:**

1. Agenda reports prepared by the Community Development Department.
2. Staff presentation at the public hearing held on June 2, 2022 before the Planning Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. Testimony and/or comments from the applicant and its representatives submitted to the City in both written and oral form at or prior to the public hearing.
6. All related documents received and/or submitted at or prior to the public hearing.

**Section 2. Based on the foregoing evidence, the Planning Commission finds that:**

1. The applicant submitted an application for File No. CUP-2022-009 on March 9, 2022.
2. The project was reviewed by the Development Review Committee on March 24, 2022.
3. On May 12, 2022, the application was deemed complete and the applicant was duly notified.

4. Notice of the June 2, 2022, Planning Commission public hearing was posted at Gelson's Market, Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, and at Calabasas City Hall.
5. Notice of the June 2, 2022, Planning Commission public hearing was provided to property owners within 500 feet of the property as shown on the latest equalized assessment roll.
6. Notice of the June 2, 2022, Planning Commission public hearing was mailed or delivered at least ten (10) days prior to the hearing to the project applicant.
7. Notice of the June 2, 2022, Planning Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
8. A public hearing was held by the Planning Commission on June 2, 2022.
9. The project site is currently zoned Commercial, Retail with a Scenic Corridor overlay (CR-SC).
10. The land use designation for the project site under the City's adopted General Plan is Business-Retail (B-R).
11. Properties surrounding the project site are zoned Residential, Single Family with a Scenic Corridor Overlay (RS-SC), Residential, Multifamily with a Scenic Corridor Overlay (RM-SC), Commercial, Mixed Use with a Scenic Corridor Overlay (CMU-SC), and Commercial, Retail with a Scenic Corridor Overlay (CR-SC); and have General Plan land use designations of Residential – Single Family (R-SF), Residential – Multiple-Family (R-MF), Mixed Use (MU), and Business - Retail (B-R).

**Section 3. In view of all of the evidence and based on the following findings, the Planning Commission concludes as follows:**

### **FINDINGS**

Section 17.62.060 Calabasas Municipal Code allows the review authority to approve a Conditional Use Permit provided that the following findings are made:

1. *The proposed use is conditionally permitted within the subject zoning district and complies with all of the applicable provisions of this development code;*

Veterinarian clinics and animal hospitals are allowed in the Commercial Retail (CR) zone with a conditional use permit, per Section 17.11.010 of the CMC. Additionally, the Municipal Code provides specific standards for veterinary clinics and animal hospitals including that veterinary clinics and animal hospitals shall be located at least one hundred feet from any residential

zoning district and veterinary clinics and animal hospitals which keep animals overnight or for longer periods of time shall provide an outside area adjacent to the facility for walking or exercising the animals. In this case, the business plan for the proposed Veterinary Eye Clinic indicates that animals will not be kept overnight. Additionally, the proposed use is located a minimum distance of 225 feet away from the closest residentially zoned property that is either already developed, or has future development potential. Furthermore, the proposed use complies with all other applicable provisions of the Development Code, including parking standards. Therefore, the proposed project meets this finding.

- 2. The proposed use is consistent with the General Plan and any applicable specific plan or master plan;*

The land use designation for the subject site is Business Retail (B-R). Retail businesses, such as veterinarian clinics and animal hospitals, are an anticipated use within this land use designation. Furthermore, the proposed veterinary eye clinic is consistent with the City of Calabasas General Plan because it contributes to the “mix of retail and service commercial, office and business park areas that: meet the retail service needs of Calabasas citizens; contribute to a sound local economic base...” (Policy II-11). For these reasons, the request for a conditional use permit for a veterinary eye clinic meets this finding.

- 3. The approval of the conditional use permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA); and*

The project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the California CEQA Guidelines, which exempts interior alterations of existing structures. The project is also exempt per Section 15061(b)(3) because the new retail tenant is located within an existing building and the improvements are limited to interior improvements, and will not have an effect on the environment. Therefore, the proposed project meets this finding.

- 4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity.*

The proposed veterinary eye clinic will be located within an existing shopping center, with a mix of various retail, restaurant and office uses. The proposed use would complement the variety of existing tenants, and would provide a service to the Calabasas community. The proposed day-to-day operations include outpatient medical and surgical ophthalmic care to dogs and cats. About 40 percent of the outpatient-only services are surgical and 60 percent are medical exams. The Veterinary Eye Clinic does not board, groom, spay, neuter, or keep patients overnight. The proposed veterinary eye clinic is not a

high traffic-generating land use, does not introduce noise, odors, or other potentially incompatible characteristics into the community due to the fact that animals will be treated the same-day, inside the facility, and will not be kept overnight. Additionally, the proposed use is located a minimum of 225 feet away from any residentially zoned property that is currently developed or which could be developed in the future. To this end, the proposed veterinary eye clinic is not in conflict with any existing commercial or residential uses, or with any future anticipated land uses, and therefore, is compatible with surrounding existing and future anticipated land uses.

**Section 4. In view of all of the evidence and based on the foregoing findings and conclusions, the Planning Commission approves File No. CUP-2022-009 subject to the following agreements and conditions:**

## **I. INDEMNIFICATION AGREEMENT**

The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. CUP-2022-009, and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. CUP-2022-009, and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Edwin Woll (applicant) and Doheny Vidovich Partners (owners) and their successors shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. CUP-2022-009 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. CUP-2022-009 and the issuance of any permit or entitlement in connection therewith. Edwin Woll (applicant) and Doheny Vidovich Partners (owners) and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

## **II. CONDITIONS OF APPROVAL**

Community Development - Planning Division

1. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
2. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Department of Community Development staff prior to the changes on the working drawings or in the field. Changes considered substantial by the Planning staff must be reviewed by the Planning Commission. The determination of whether or not a change is substantial shall be made by the Director of Community Development.

Prior to issuance of grading or building permits, plans shall be reviewed by the Department of Community Development to ensure compliance with the plans approved by the Planning Commission. The plans shall comply with the conditions contained herein, the Calabasas Municipal Code, and all City Resolutions and Ordinances.

3. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
4. The subject property shall not keep any animals overnight.
5. This approval shall be valid for one year and eleven days from the date of adoption of the resolution. The permit may be extended in accordance with Title 17 Land Use and Development Code, Article VI - Land Use and Development Permits.
6. Prior to commencement of construction, all necessary building permits must be obtained from the Building and Safety Division.
7. The project must comply with the building codes in effect at this time, which include the "2019" California Building, Plumbing, Mechanical, and Electrical codes as amended by Chapter 15.04 of the Municipal Code.
8. The project is located within a designated A Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.500 of the Calabasas Municipal Code that references the 2019 California Fire Code as well as the 2019 Consolidated Fire Protection District Code of Los Angeles County, must be incorporated into all plans.
9. The applicant shall provide the construction contractor(s) and each subcontractor related to the project a copy of the final project Conditions of Approval. The applicant and the City agree that these conditions shall be enforceable through

all legal and equitable remedies, including the imposition of fines against each and every person who conducts any activity on behalf of the applicant on or near the project site. The applicant, property owner, and general construction contractor are ultimately responsible for all actions or omissions of a subcontractor.

10. Construction Activities - Hours of construction activity shall be limited to:

- i. 7:00 a.m. to 6:00 p.m., Monday through Friday
- ii. 8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools. No vehicles involved in construction of this project shall block the roadway at any time. The applicant or its successors shall notify the director of Transportation and Intergovernmental Relations of the construction employee parking locations, prior to commencement of construction.

11. This Conditional Use Permit may be transferred to a subsequent owner/lessee provided that the operation is a similar type and provided that the owner/lessee agrees to abide by all of the conditions and restrictions of the original Conditional Use Permit. Any transfer of ownership is subject to review by the Planning/Building Department under the zoning clearance process.

12. All current and future tenants/owners shall accept the conditions of this Conditional Use Permit by executing the Affidavit of Acceptance provided by the City Planning Department. Applicant shall have this resolution recorded with the Los Angeles County Recorder's Office, and a certified copy of the recorded document shall be filed with the Community Development Department.

13. The City reserves the right to further review of the Conditional Use Permit and conditions of approval should complaints be received from adjacent residents/tenants or should the number of incidents reported to the Sheriff's Department exceed the number expected in this type of development.

14. Applicant shall obtain any applicable Fire Department approvals from the County of Los Angeles Fire Department's Fire Prevention Engineering Unit.

**Section 5. All documents described in Section 1 of PC Resolution No. 2022-743 are deemed incorporated by reference as set forth at length.**

PLANNING COMMISSION RESOLUTION NO. 2022-743 PASSED,  
APPROVED AND ADOPTED THIS 2<sup>TH</sup> DAY OF JUNE, 2022.

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Wendy Fassberg,  
Chairperson

ATTEST:

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Michael Klein, AICP  
Community Development Director

APPROVED AS TO FORM:

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Matthew Summers,  
City Attorney

Planning Commission Resolution No. 2022-743, was adopted by the Planning Commission at a regular meeting held June 2, 2022, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED:

“The Secretary of the Planning Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Planning Commission. Section 1094.6 of the Civil Code of Procedure governs the time in which judicial review of this decision may be sought.”