



## PLANNING COMMISSION AGENDA REPORT

**Meeting Date:** July 6, 2023

**Subject:** MOD23-0003 and VCMF23-0001 - 1150 Riverside Drive: Modification of Conditional Use Permit and Variance for the Expansion of an Animal Clinic

**Prepared by:** Steve Golden, Senior Planner

**Initiated by:** Melissa Bryant-Neal, Applicant

**Attachments:**

- A. Draft Resolution
- B. Applicant CUP and Variance Justification Letter
- C. Public Correspondences

**Recommendation**

Approve Modification of the Conditional Use Permit (Modification Application No. MOD23-0003 for CUP19-0003) and a Variance (Application No. VCMF23-0001), per the recommended findings and conditions of approval in the attached resolution; and find the project is categorically exempt from environmental review pursuant to Section 15301 (“Existing Facilities”) of the California Environmental Quality Act (CEQA).

**Summary**

The project includes a request for a modification of a conditional use permit (CUP) for the Los Altos Veterinary Clinic approved in 2019 and variance to allow an expansion of the use into an adjacent tenant space in an existing multi-tenant commercial building located at 1150 Riverside Drive. The subject property is located along Riverside Drive, just north of Foothill Expressway to the west of the main Rancho Shopping Center area in the Commercial Neighborhood (CN) Zoning District. In the CN District, animal clinics are listed as a limited conditional use requiring a conditional use permit and a minimum 50-foot separation from an R1 District. The subject property abuts an R1 District with single-family residences along the rear property line. The variance request is seeking to allow the expansion of the animal clinic as a limited conditional use even though there is not a minimum 50-foot separation from the adjacent R1 District.

**Background**

An animal clinic use is considered a limited conditional use in the Commercial Neighborhood (CN) District pursuant to Section 14.40.050 of the Los Altos Municipal Code (LAMC). Limited conditional uses are permitted with the approval of a CUP, except within 50 feet of an R1 District. The applicant previously applied for a CUP to establish the use and a variance for an exception to the 50-foot mandated separation to operate the Los Altos Veterinary Clinic in a 3,037 square-foot tenant space within the existing multi-tenant commercial building. At the November 21, 2019 Planning Commission meeting, the Commission approved the CUP and variance applications.

### **Analysis**

The Los Altos Veterinary Clinic has been operating at the current location since November 2020 and the clinic has been in the community at different locations for over 60 years. The CUP approved for the animal clinic in November 2019 relocated the practice from a location downtown into its current location. Since relocating, the animal clinic clientele has grown significantly, and the applicant is requesting an expansion of the clinic into an adjacent 1,672 square-foot space for a total combined area of 4,709 square feet. No changes to the exterior of the building are proposed except a new entry door for a second lobby area at the front elevation and staff anticipates potential changes to exterior signage, both of which would be considered under administrative permit reviews. Based on the applicant's justification letter (see Attachment B) and proposed design plans (See Exhibit C of Attachment A), the expanded space will allow for additional exam rooms, treatment rooms, waiting areas, and more useable area for staff. The expansion will allow the clinic to separate dog and cat reception areas thereby eliminating interactions between the animals. The proposed veterinary care services remain virtually unchanged including wellness checkups, minor surgeries, vaccines, sick pet diagnostics and treatment and dental procedures. A summary of the statement of proposed operations is included as an exhibit to the draft resolution including office hours, number of staff, and additional details.

### **Variance Application**

As outlined above, the applicant requests a variance from the required 50-foot separation requirement to an R1 District to operate the animal clinic as a limited conditional use pursuant to Section 14.40.050 LAMC. Pursuant to Section 14.78.070 LAMC, the Planning Commission has the authority to grant variances upon making positive findings as follows:

1. That the granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
2. That the granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
3. That variances from the provisions of this chapter shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

The justifications to support the findings are similar to those made for the previous variance granted in 2019. The granting of a variance to allow the animal clinic at 1150 Riverside Road would be consistent with the objectives set forth in the Zoning Code because it would promote a beneficial service for the community and creates synergy with the other businesses in the Rancho Shopping Center while also ensuring a harmonious and convenient relationship to the residential land uses close by.

The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity. The animal clinic has already been in operation at this location for nearly three years and based on city records, there has not been any history of complaints or code enforcement cases. The expansion of the animal clinic into the adjacent tenant space will have similar services as the existing clinic and will be operated in a similar manner. Furthermore, as further discussed below, Hale Creek at the rear of the property acts as a natural buffer and separation of land uses to the residential properties to the west.

With regards to special circumstances applicable to the subject property to allow an exception to the 50-foot separation to the R1 District for the proposed animal clinic use, the topography, location, and relationship of the subject property to the abutting R1 zoned properties is not typical of similar related properties. To the rear of the existing building at 1150 Riverside Drive is Hale Creek which generally flows along the rear property line with steep banks on either side with mature, riparian vegetation. The building has an average 20-foot setback to the rear property line<sup>1</sup> much of which encompasses the creek bank. On the abutting rear property at 1139 Parma Way is a 30-foot easement Santa Clara Valley Water District (Valley Water) easement that precludes development of the easement area and allows for Valley Water to maintain and repair the creek channel. While there is no known easement on the abutting property at 1129 Parma Way that is adjacent to the expanded tenant space for the animal clinic use, the natural creek conditions at the rear of that property are similar to the adjacent residential property and a fence is located at the rear, approximately 30 feet from the rear property line. In addition, there are no windows or doors on the rear of the commercial building and the applicant has no intent on using the rear of the building for any business activities. This is dissimilar to most abutting residential and commercial properties that are not separated by a creek. In addition, the fact that the commercial building doesn't have any rear facing windows or doors and the topography of the creek limits the potential activity at the rear which is another unique characteristic of this property. If the intent of the 50-foot separation is to limit potential conflicts between dissimilar land uses by distance alone, then the circumstances outlined above including the setback of the building, the natural barrier of the creek and vegetation, easement, and the fact that the rear of the building has no openings, and the area behind the building is not going to be used for veterinary services should qualify as similar factors in limiting potential land use conflicts. As such, a strict application of the zoning code would deprive this property of privileges enjoyed by the other commercial properties in the City, which operate under the identical zoning classification and are located greater than 50 feet from residential land uses.

#### Modification of the Conditional Use Permit

With regards to the modification of the previously approved conditional use permit (Application No. CUP19-0003), the applicant requests an expansion of the existing 3,037 square-foot animal clinic into the adjacent 1,672 square-foot tenant space for a total combined area of 4,709 square feet. Since the previous

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<sup>1</sup> The building is irregularly shaped and a skewed to the property line. The maximum setback distance to the rear property line of the proposed animal clinic tenant space is 20.5 feet and the minimum distance is approximately 19 feet.

CUP approval was only for the 3,037 square-foot space, the CUP modification will recognize the expanded space. The applicant is not proposing any significant changes to the operations of the animal clinic as outlined in their justification letter (Attachment B) and summary provided in Exhibit C of the draft resolution (Attachment A).

With regards to parking supply, the Rancho San Antonio Shopping Center is a large shopping center with 24 parking spaces on the subject property directly adjacent to the building and approximately 305 parking spaces in the main shopping area east of Riverside Drive. Per Chapter 14.74, Off-Street Parking and Loading LAMC, the parking demand for retail and personal services is one space for each 200 square feet of building space per Chapter. There is no specific parking standard for animal clinics, however, the use is most similar to this use is an office use with a parking demand of one space for each 300 square feet. Since previous uses occupying the tenant space the animal clinic is expanding into have been retail and personal services with higher parking demands and the fact that there is large number of parking spaces shared within the Rancho San Antonio Shopping Center, there should not be a parking deficiency. Other justifications for making positive findings for the modification of condition use permit similar to the justifications made in 2019 are also included in the draft resolution.

### **Environmental Review**

The project is categorically exempt from environmental review under Section 15301 (“Existing Facilities”) of the California Environmental Quality Act (CEQA) Guidelines because it involves the operation of a commercial use in an existing private building and none of the circumstances stated in CEQA Guidelines Section 15300.2 apply.

### **Public Notification and Community Outreach**

A public meeting notice was posted on the property, mailed to property owners within a 300’ radius, and published in the Town Crier. The applicant also posted the public notice sign (11” x 17”) in conformance with the Planning Division posting requirements. Three letters of support for the applications have been received and are included in Attachment C.