

## RESOLUTION NO. 2023-xx

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LOS ALTOS APPROVING THE MODIFICATION OF A CONDITIONAL USE PERMIT AND VARIANCE FOR AN ANIMAL CLINIC AT 1150 RIVERSIDE DRIVE, AND FINDING THAT THE PLANNING COMMISSION'S ACTION IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

**WHEREAS**, the City of Los Altos received applications for the Modification of a Conditional Use Permit (File Number MOD23-0003) for the expansion of an animal clinic in a CN District and Variance (File Number VCMF23-0001) for an exception to the 50-foot separation of a limited conditional use to an R1 District;

**WHEREAS**, said proposed use is located in the CN District, which allows the use for an animal clinic as a limited conditional use per Los Altos Municipal Code Section 14.40.050; and

**WHEREAS**, the limited conditional uses are prohibited from operating within 50 feet of an R1 District pursuant to Section 14.40.050 of the Los Altos Municipal Code; and

**WHEREAS**, on November 21, 2019, the Planning Commission approved a conditional use permit (Application No. CUP19-0003) to operate an animal clinic in a 3,037 square-foot tenant space at 1150 Riverside Drive; and

**WHEREAS**, the applicant requests a modification of the conditional use permit to expand the existing use into the adjacent 1,672 square-foot tenant space for a total of 4,709 square feet and continue to provide veterinary services to the community in a similar manner as the existing operations; and

**WHEREAS**, the applicant requests a variance from the 50-foot separation requirement of the code to operate a limited conditional use because of unique circumstances of the property including the existing building setback to the rear property line, the location of Hale Creek and associated vegetation along the rear of the property, a Valley Water easement on the abutting property that precludes development of the rear 30 feet of one of the abutting properties in the R1 District, and the fact the building has no rear openings and there will be no use by the business in the area adjoining the R1 District; and

**WHEREAS**, the Planning Commission has reviewed the modification of the conditional use permit and variance applications, including staff reports and public comments, and has determined that the requested modification of the conditional use permit and variance meet the findings as set forth in the Los Altos Municipal Code Sections 14.80.060 and 14.78.070 B; and

**WHEREAS**, said Project is exempt from environmental review under Section 15301 of the California Environmental Quality Act ("CEQA") Guidelines because it involves occupying an existing building in a commercial district and none of the circumstances stated in CEQA Guidelines Section 15300.2 applies; and

**WHEREAS**, on June 21, 2023, the city gave public notice of the Planning Commission’s public hearing on the applicant’s requests by advertisement in a newspaper of general circulation and to all property owners within a 300-foot radius; and

**WHEREAS**, on July 6, 2023, the Planning Commission conducted a duly noticed public hearing at which members of the public were afforded an opportunity to comment upon the applicant’s requests, and at the conclusion of the hearing, the Planning Commission approved said project; and

**WHEREAS**, all other legal prerequisites to the adoption of this Resolution have occurred.

**NOW THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Los Altos hereby finds that the foregoing recitals are true and correct and approves the requested variance and modification of conditional use permit applications subject to the Findings in Exhibit A and Conditions of Approval in Exhibit B attached hereto and incorporated by reference.

**I HEREBY CERTIFY** that the foregoing is a true and correct copy of a Resolution passed and adopted by the Planning Commission of the City of Los Altos at a meeting thereof on the 6<sup>th</sup> day of July 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Susan Mensinger, Chair

Attest:

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Stephanie Williams, AICP  
Staff Liaison

## **EXHIBIT A**

### **FINDINGS**

MOD23-0003 and VCMF23-0001 - 1150 Riverside Drive

#### **Modification of Conditional Use Permit**

With regard to the modification of the conditional use permit to allow the expansion of an animal clinic in a CN District, the Planning Commission finds the following in accordance with Section 14.80.060 of the Municipal Code:

- A. The proposed location of the conditional use is desirable or essential to the public health, safety, comfort, convenience, prosperity or welfare because it would promote a beneficial service for the community and would help support the other businesses in the Rancho Shopping Center;
- B. The proposed location of the conditional use is in accordance with the objectives of the zoning plan as stated in Chapter 14.02 of this title because it is an appropriate location for a needed animal clinic, and it is an appropriate use to be located in a Commercial Neighborhood District;
- C. The proposed location of the conditional use, under the circumstances of the particular case, will not be detrimental to the health, safety, comfort, convenience, prosperity or welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity because the operations of a veterinary clinic as detailed by the applicant is not anticipated to have impacts on the surrounding neighborhood. The use will occupy an existing space, will be operating during normal business hours, and will not result in any additional traffic to the neighborhood;
- D. The proposed conditional use will comply with the regulations prescribed in Chapter 14.40 and animal clinics in a Commercial Neighborhood District because it is use that is occupying an existing space, it will maintain the existing character and appearance of the Rancho Shopping Center, and it meets all other regulations prescribed for commercial spaces;
- E. The proposed animal clinic will be served by adequate available on-site parking to meet the needs of the animal clinic use as well as the other existing uses in the shopping center. The subject site has 24 existing parking spaces and the related San Antonio Shopping Center has an additional 305 parking spaces. The San Antonio Shopping Center is mostly occupied by retail and personal services having a required parking demand ratio of one space per 200 square feet of floor area whereas an animal clinic has a lower parking demand.

#### **Variance**

With regards to a variance to the requirement that a limited conditional cannot operate within 50 feet of an R1 District, the Planning Commission finds the following in accordance with Section 14.78.070 B. of the Municipal Code:

- 1. The granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02 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.

2. 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 because 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 code enforcement cases. The expansion of the animal clinic into the adjacent tenant space in an existing multi-tenant commercial building will not impact the surrounding area and will have similar services and will be operated in a similar manner as the existing animal clinic.
3. The variance from operating a limited conditional use within 50 feet of an R1 District is granted 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. As further detailed in the applicant's justification letter and agenda report the unique circumstances of the property including the existing building setback to the rear property line, the location of Hale Creek and associated vegetation along the rear of the property, a Valley Water easement on the abutting property that precludes development of the rear 30 feet of one of the abutting properties in the R1 District, and the fact the building has no rear openings and there will be no use by the business in the area adjoining the R1 District which are all dissimilar to most properties in the CN District that adjoin an R1 District.

## EXHIBIT B

### CONDITIONS OF APPROVAL

MOD23-0003 and VCMF23-0001 - 1150 Riverside Drive

#### GENERAL

1. **Approved Plans**

The modification of the conditional use permit for the Los Altos Veterinary Clinic will allow the clinic to operate in a 4,709 square-foot space in the existing building at 1150 Riverside Drive as shown in the approved project plans and the applicant's statement of operations as contained in Exhibit C as submitted by the applicant on May 10, 2023 and on file with the Planning Division, except as modified by the conditions of approval below.

2. **Previous Approvals**

Approval of this conditional use permit modification incorporates and updates conditions of approval from prior permits, including, but not limited to, CUP Application No(s). CUP19-0003 as applicable to the proposed modification(s) to the approved use and/or development. For regulatory purposes, all previous permits and conditions of approval shall remain valid.

3. **Applicability of This Permit**

This Permit shall apply to any business/owner entity whose use and operational characteristics match those of the approved use. Intensification of the approved use shall require an amendment to this Permit. This Permit shall continue to be valid upon a change of ownership/operator of the site, business, service, use(s), or structure that was the subject of this approval provided the new owner/operator agrees in writing to all applicable conditions and operating standards prior to reopening or maintaining the use or structure(s) under the new ownership. Any new owner/operator must submit a wet (original) signed letter to the Planning Division noting agreement with the enclosed conditions which includes notation of this permit number and the new business/operator's name.

4. **Abandonment of Use**

The approved use shall be considered abandoned if the approved use in this tenant space (or building) ceases for a period of six months or more, at which point this Permit shall have expired and a new permit shall be required. Determination of the abandonment of the use shall be based on the best available data, which may include business license, tax payment records, utility records, and other government agency permits or licenses.

5. **Days/Hours of Operation**

The approved days and hours of operation are Monday through Friday from 8:00AM to 6:00PM and Saturday from 8:00AM to 4:00PM. Any proposed change to the approved days and/or hours of operation will require review and approval by the Development Services Director and may require a modification to this permit.

6. **Operational Limitations**

The animal clinic shall be subject to the following operation limitations:

- a. The use of the site as a kennel is prohibited.

- b. The parking lot and landscape areas shall be kept clean and sanitary. All necessary measures shall be taken to ensure that odors from the mechanical ventilation equipment and usage of the parking lot and landscape areas do not impact adjacent properties.
- c. No business activities are allowed outside the structure.

**7. Operational Limitations**

Any changes to the exterior signage shall require approval of a sign permit from the Planning Division.

**8. Building Permit Required**

Details of interior tenant improvements are to be shown on building permit drawings and shall be reviewed for consistency with the operational characteristics of the approved project prior to building permit issuance.

**9. Indemnity and Hold Harmless**

The applicant/owner agrees to indemnify, defend, protect, and hold the City harmless from all costs and expenses, including attorney's fees, incurred by the City or held to be the liability of the City in connection with the City's defense of its actions in any proceedings brought in any State or Federal Court, challenging any of the City's action with respect to the applicant's project. The City may withhold final maps and/or permits, including temporary or final occupancy permits, for failure to pay all costs and expenses, including attorney's fees, incurred by the City in connection with the City's defense of its actions.

**Melissa Neal, DVM**

*Medical Director, Owner*

Los Altos Veterinary Clinic

1150 Riverside Drive

Los Altos, CA 94024

(650) 948-8287

[mneal@losaltosvet.com](mailto:mneal@losaltosvet.com)

## **Los Altos Veterinary Clinic Statement of Operations**

Los Altos Veterinary Clinic is a small animal clinic that provides comprehensive medical care for dogs and cats. One of our doctors also treats small mammals (rabbits and rodents.)

Our clinic is open Monday through Friday 8am-6pm and Saturdays 8am-4pm. We currently have 7 doctors and 25 staff members. We do not hospitalize or board animals overnight. On a given weekday there are 4-5 doctors seeing appointments and performing surgeries. These doctors are supported daily by 9 technicians, 4 customer service representatives, and our practice manager. All of our staff members park in the lot at the corner of Berry Ave. and Riverside Dr. per our lease agreement with De Anza Properties.

We have 3 doctors seeing 2-3 appointments per hour each day. An additional doctor performs surgeries and dental procedures- admitting 4 patients between 8-9am and discharging them in the early afternoon. Clients park in the spaces directly in front of the clinic on Riverside Drive.

The proposed use of the additional space is for the practice of veterinary medicine including: wellness checkups, minor surgery, vaccines, sick pet diagnostics and treatments, and dental procedures. This new space will allow for a truly separate cat and dog experience (from separate waiting rooms, to cat specific exam rooms, and also to cat only treatment areas.)



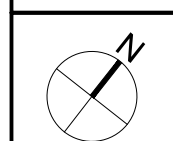
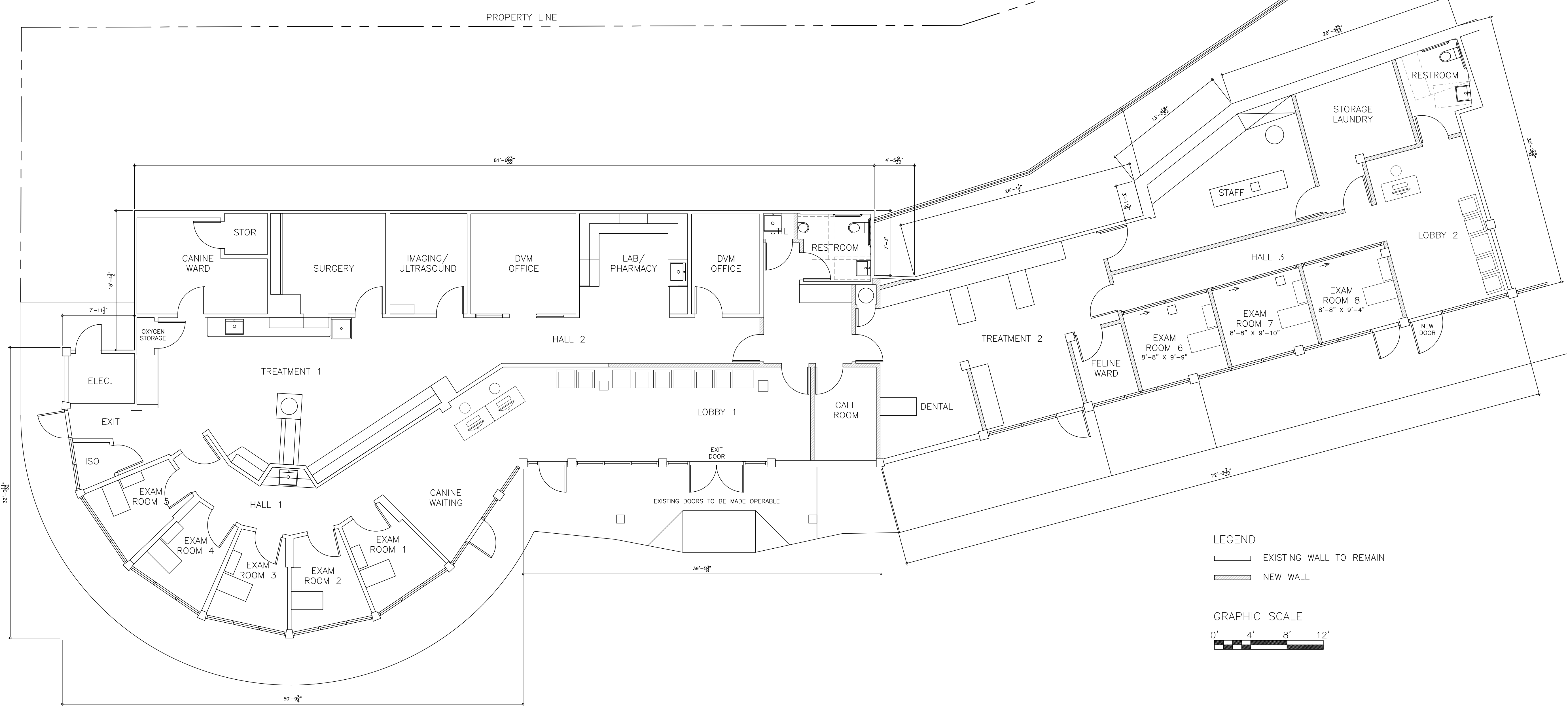


REVISIONS	DATE



PROJECT SPONSOR:  
**LOS ALTOS VETERINARY CLINIC**  
 1150 Riverside Dr.  
 Los Altos, CA 94024  
 650.948.8287

ARCHITECT:  
**STANLEY SAIOWITZ | NATOMA ARCHITECTS INC.**  
 1022 Natoma Street, No. 3  
 San Francisco, CA 94103  
 415.626.8977



# FLOOR PLAN

**VETERINARY CLINIC  
 REMODEL &  
 EXPANSION**  
 1150 RIVERSIDE DRIVE  
 LOS ALTOS, CA 94024

SHEET TITLE:  
**PLANS**

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DATE:	04-26-23
SCALE:	3/16" = 1'-0"
DRAWN:	SSINAI

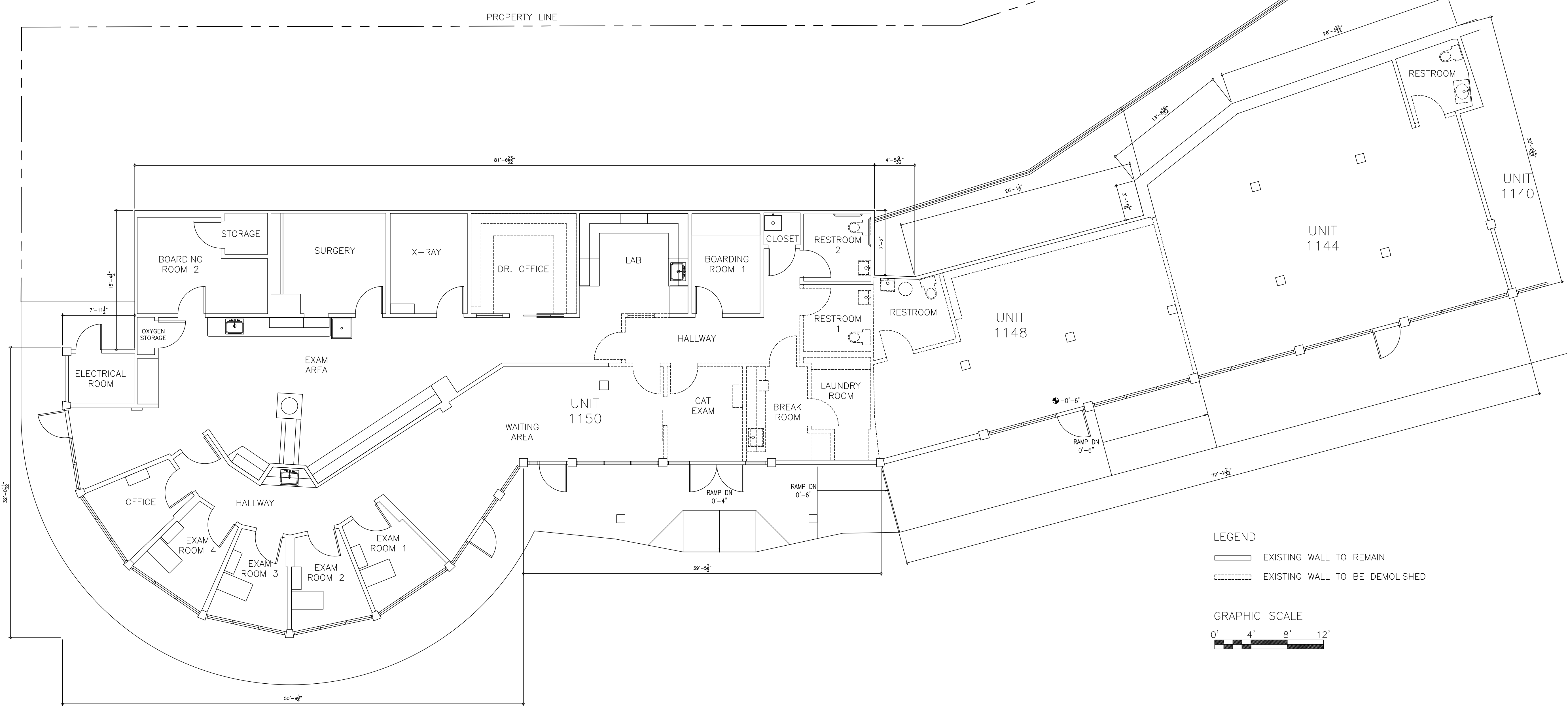
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**A1.0**

REVISIONS	DATE

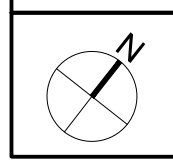
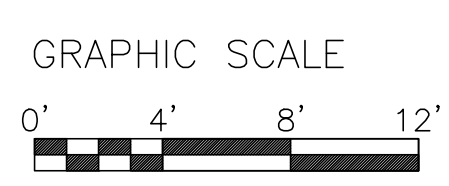


PROJECT SPONSOR:  
**LOS ALTOS VETERINARY CLINIC**  
 1150 Riverside Dr.  
 Los Altos, CA 94024  
 650.948.8287

ARCHITECT:  
**STANLEY SAIOWITZ | NATOMA ARCHITECTS INC.**  
 1022 Natoma Street, No. 3  
 San Francisco, CA 94103  
 415.626.8977



LEGEND  
 ——— EXISTING WALL TO REMAIN  
 - - - - - EXISTING WALL TO BE DEMOLISHED



**DEMOLITION PLAN**

**VETERINARY CLINIC  
 REMODEL &  
 EXPANSION**  
 1150 RIVERSIDE DRIVE  
 LOS ALTOS, CA 94024

SHEET TITLE:  
**DEMOLITION  
 PLAN**

SET:	CUP APPROVAL SET
DATE:	04-26-23
SCALE:	3/16" = 1'-0"
DRAWN:	SSJNAI

SHEET NO:  
**D1.0**