

Planning Commission Staff Report

March 26, 2014
Item 5.a.

SUBJECT: P14-0109

APPLICANT: Dr. Satwinder Bajwa

PROPERTY OWNER: Sim and Yoon, L.L.C.

PURPOSE: Application for Conditional Use Permit to operate a veterinary clinic.

GENERAL PLAN: Retail, Highway, and Service Commercial; Business and Professional Offices.

ZONING: PUD-C-N (Planned Unit Development – Neighborhood Commercial) District.

LOCATION: 3500 Bernal Avenue, Suite 140.

EXHIBIT:

- A. [Draft Conditions of Approval, dated March 26, 2014.](#)
- B. [Site Plan, Preliminary Floor Plan, Narrative and Details of Operation, dated "Received, February 13, 2014."](#)
- C. [Ordinance No. 807, dated January 3, 1977, and Ordinance No. 866, dated October 3, 1978, for the Vintage Hills Shopping Center.](#)
- D. [Location and Notification Area Map.](#)

I. BACKGROUND

Proposal

Dr. Satwinder Bajwa proposes to lease and occupy Suite 140, an approximately 1,800-square-foot tenant space, in the Vintage Hills Shopping Center to operate a veterinary clinic. The veterinary clinic would be operated by Dr. Bajwa with Dr. Jatinderpal Chahal and Dr. Parminder Aulakh and would focus primarily on the treatment of dogs and cats. The proposed business requires the Planning Commission's review and approval under an application for a Conditional Use Permit.

Vintage Hills Shopping Center

On January 4, 1977 the City Council approved RZ-76-11 (Ordinance 807, attached), which rezoned an approximately 14-acre site located on the southeast corner of Bernal Avenue¹ and Tawny Way to the PUD-C-N District (7.6 acres) and to the PUD-RM-4 District (6.4 acres). The PUD-C-N District referenced² the permitted and conditionally permitted uses of the C-N (Neighborhood District) of the Pleasanton Municipal Code.

On October 3, 1977 the City Council approved PUD-78-3 (Ordinance 866), the PUD Development Plan for the first construction phase of the Vintage Hills Shopping Center totaling approximately 49,581 square feet of building floor area on 5.07 acres. (The PUD-RM-4 property along the easterly boundary of the shopping center was developed with the Vintage Terrace townhouses.) To address the potential noise impacts from the shopping center's service/delivery areas to the adjoining townhouses, the City Council limited delivery hours³ to the shopping center from between 7:00 a.m. and 9:00 p.m., and required the installation of a six-foot tall masonry wall along the common shopping center/townhouse property line. (The remaining 1.33 acre vacant portion of the shopping center was later rezoned to the PUD-HDR (Planned Unit Development – High Density Residential) District, and was developed with the Palomino Place townhouse development.)

On November 29, 2006, the Zoning Administrator approved PDR-571 to modify/upgrade the shopping center's building façades, site improvements, landscape areas, and signage. Present tenants include New Leaf Market and a variety of food, retail, and personal service businesses catering to the nearby residential areas.

Conditional Use Permit is Required

The PUD Development Plan for the Vintage Hills Shopping Center references the permitted and conditionally permitted uses of the C-N (Neighborhood Commercial) District of the Pleasanton Municipal Code (PMC), which designates⁴, "Veterinarians' offices and out-patient clinics, excluding any overnight boarding of animals, and including incidental care, such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for soundproof construction prescribed by the Chief Building Official," as a use requiring a Conditional Use Permit issued by the Planning Commission at a public hearing.

II. SITE DESCRIPTION AND SURROUNDING USES

Figure 1, on the following page, is the 2005 aerial photograph/ location map showing the location of the proposed veterinary clinic in the Vintage Hills Shopping Center and showing the surrounding uses.

¹ When the property was rezoned, Bernal Avenue was then named Pico Avenue.

² Ordinance 807, Condition 2, p. 1.

³ Ordinance 866, Condition 7 (Revised), p. 2.

⁴ Table 18.44.090 of Section 18.44.090 of the Pleasanton Municipal Code, pp. 561 – 562.



Figure 1: 2005 Aerial Photograph/Location Map of the Vintage Hills Shopping Center with Suite 140.

The Vintage Hills Shopping Center is an approximately 5.07-acre property developed with approximately 49,581 square feet of building floor area and 278 parking spaces. Tenant spaces vary from 620 square feet to 2,124 square feet in area. Public street access to the shopping center is provided by one driveway entrance from Bernal Avenue, two driveway entrances from Tawny Drive, and one driveway entrance from Palomino Drive. All tenant suites are accessed from the parking areas on the north and west sides of the shopping center.

A service driveway/parking area along the entire east property line between Tawny Drive and Palomino Drive provides access to the rear exit doors of the majority of the tenant suites, to the building's utilities such as fire sprinkler systems and electrical transformers, to trash enclosures, and to the parking area located along the entire east side of the development.

Surrounding uses include the Smoketree Commons condominium development on the north side of Tawny Drive, the Vintage Terrace townhouse development on the east side of the site, the Palomino Drive townhouse development on the south side of the site, and the Sunrise Villa townhouse development on the west side of Bernal Avenue.

III. PROPOSED PROJECT

The proposed veterinary clinic would occupy Suite 140⁵, an approximately 1,800-square-foot tenant suite in the Vintage Hills Shopping Center. Exhibit B, attached, includes the applicant's narrative regarding the operations of the proposed veterinary clinic with a site plan and preliminary floor plans. The proposed clinic would provide complete medical care for dogs and cats as well as incidental grooming services and sale of pet accessories such as leashes, collars, etc. No overnight boarding of dogs and cats would be provided.

Figure 3, below, is a photograph of the front elevation of the proposed tenant suite.



Figure 3: Suite 140 for the Veterinary Clinic.

The proposed operating hours would be Monday through Sunday, from 7:30 a.m. to 10:00 p.m. or 12:00 midnight. According to Dr. Bajwa, the proposed clinic hours would accommodate after-hour and late-night pet-related emergencies. Clinic staff would generally include one veterinarian, one receptionist, two veterinarian assistants, and one veterinarian technician. The total number of clinic staff would vary according to the time-of-day and based on the demand for services.

⁵ Designated as Space F on the tenant demising plan for the Vintage Hills Shopping Center provided with Exhibit B.

Figure 4, below, is a copy of the preliminary floor plan for the proposed veterinary clinic.

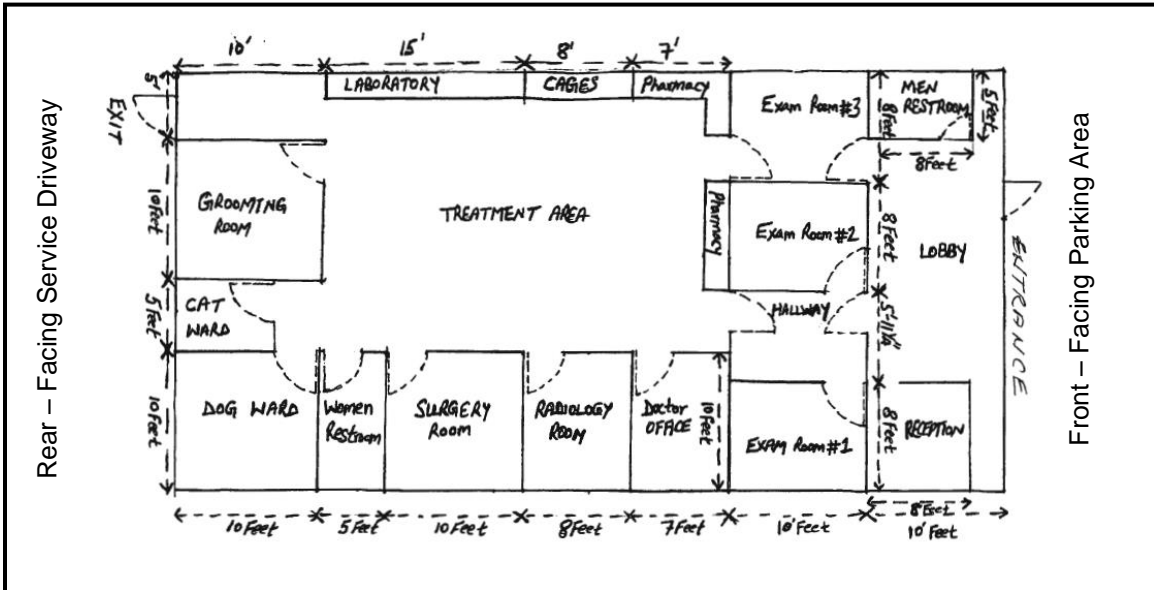


Figure 4: Proposed Floor Plan.

Based on the preliminary floor plan, Dr. Bajwa would design the clinic with three examination rooms, a lobby/reception area, grooming room, surgery room, separate dog and cat wards, radiology room, pharmacy area, laboratory area, and an office. No changes are proposed to the building's exterior. Exterior signage for the veterinary clinic would conform to the master tenant sign program for the Vintage Hills Shopping Center and would be reviewed under a separate application.

IV. ANALYSIS

Veterinary clinics are conditionally permitted uses in the C-N (Neighborhood Commercial) District referenced by Ordinance 807 for the Vintage Hills Shopping Center. Conditional uses are those uses, which by their nature require special consideration so that they may be located properly with respect to the objectives of the Pleasanton Municipal Code and with respect to their effects on surrounding properties.

Land Use

The Land Use Element of the Pleasanton General Plan designates the site for Retail, Highway, and Service Commercial; Business and Professional Offices land uses, which would include construction related businesses and services. The Vintage Hills Shopping Center is zoned PUD – C-N District, which allows the permitted and conditionally permitted uses of the C-N district. The tenants in the shopping center include a variety of retail, restaurant, and personal service uses, such as Cutt Company Hair Salon, Kokoro Sushi, Koryu Martial Arts, Little Flowers Montessori, New Leaf Market, Platinum Fitness, etc.

As previously stated, no overnight boarding would be provided. Dr. Bajwa would transfer a dog or cat requiring overnight boarding to a veterinary hospital that provides overnight

boarding, such as VetCare or SAGE Veterinary Centers in Dublin. As stated in Dr. Bajwa's narrative, surgical veterinary waste including deceased animals would be stored in the clinic's freezer for transfer to an off-site crematory. Non-veterinary waste would be disposed in the garbage bins in the service area behind the clinic. As stated to staff, needles and syringes would be stored in "sharps containers." The "sharps containers" and other animal waste would be collected later by outside vendors for disposal.

Staff, therefore, considers the proposed veterinary clinic including its hours of operation to be compatible with the present and possible future uses in the shopping center and that it would not adversely affect the uses in the shopping center.

Noise

As conditioned, the applicant is required to install a double-layer of sheetrock on the walls shared by the proposed veterinary clinic with the adjacent tenant spaces to control animal-related noise. The front and rear entrance/exit doors are required to remain closed during business hours except when being used to enter/exit the clinic thereby limiting potential noise impacts to surrounding properties. As required by Ordinance 866 (PUD-79-3), loading and deliveries to the veterinary clinic are limited to between the hours of 7:00 a.m. and 9:00 p.m. The applicant concurs with these requirements.

The closest residential areas to the proposed veterinary clinic include the Smoketree Commons development, approximately 168 feet due north of the tenant suite, and the Vintage Terrace townhouse development, approximately 96 feet due east of the tenant suite. (Staff measured these distances from the tenant suite to the property lines of these developments.) Both neighborhoods are separated from the tenant site by the driveway, parking, and landscape areas of the shopping center; by the masonry sound wall along the common property line of the shopping center and the Vintage Terrace development; and by Tawny Drive to the north. Given these distances and that the proposed veterinary clinic would be operated in compliance with the conditions of the PUD Development Plan and that the clinic's doors are required to remain closed, the proposed clinic is not expected to impact residential areas due to noise.

Parking

The existing parking ratio for the Vintage Hills Shopping Center is one parking space per 178 square feet of floor area (49,581 square feet of floor area with 278 parking spaces). Based on this parking ratio, the proposed veterinary clinic at 1,800 square feet would be "allocated" ten parking spaces; however, there are no assigned parking spaces on this site. According Section 18.88.030 C. 16. of the Pleasanton Municipal Code⁶, the proposed veterinary clinic would require seven parking spaces. The code-required parking demand for the veterinary clinic would be satisfied by the ten parking spaces "allocated" to this tenant space based on the proposed clinic's total floor area and the constructed parking ratio of the shopping center.

⁶ "Veterinarians' offices and small animal hospitals – one space for each 250 square feet of gross floor area."

The following table shows the parking required for the existing and proposed uses in the Vintage Hills Shopping Center.

Use	Floor Area	Parking Standard	Required Parking
New Leaf Market	21,131 sq. ft.	1 parking space per 150 sq. ft.	141 parking spaces
Little Flowers Montessori	4,082 sq. ft. 11 employees	1 parking space for each employee	11 parking spaces
Restaurants and Cafés (Kokoro Sushi and Yogoholic)	3,223 sq. ft.	1 parking space per 200 sq. ft.	16 parking spaces
Proposed Veterinary Clinic	1,800 sq. ft.	1 parking space per 250 sq. ft.	7 parking spaces
Remaining Floor Area for Retail, Office, and Personal Service Uses	19,345 sq. ft.	1 parking space per 300 sq. ft.	64 parking spaces
Total Required Parking			239 parking spaces
Remaining Parking			39 parking spaces

Staff visited the subject site mid-morning and mid-afternoon during the weekday and observed that there is ample available parking. Figure 5, below, is a photograph of the portion of the shopping center’s parking area near the front entrance of the veterinary clinic taken mid-afternoon.



Figure 5: Parking Area Near the Front Entrance to the Proposed Veterinary Clinic – Mid-Afternoon.

Staff, therefore, believes that there is adequate on-site parking to support the parking demand for the proposed use.

City Departments and Divisions

The proposed use has been reviewed by the Planning and Building Divisions of the Department of Community Development and by representatives of the Pleasanton Police Department and the Livermore-Pleasanton Fire Department. The consensus is that the applicant's proposal would not be a problem for this location. However, if problems regarding land use, noise, parking, etc., verified by the City's Code Enforcement staff were to arise, the Director of Community Development can have the application brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified or revoke the use permit, if necessary.

V. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and businesses within 1,000 feet of the subject property. At the time that the Planning Commission staff report was written, staff had not received any comments. Staff will forward to the Planning Commission any public comment received after publication of the staff report

VI. FINDINGS

The Planning Commission must make the following findings prior to approving the conditional use permit for the operation of the proposed veterinary clinic in the Vintage Hills Shopping Center:

A. That 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.

The Vintage Hills Shopping Center is zoned PUD-C-N District, which permits a variety of commercial uses and personal services such as a grocery store, sit-down and take-out restaurants, medical uses, fitness center/martial arts, and general retail intended to serve the residential neighborhoods that are nearby to the shopping center. The proposed veterinary clinic would complement the existing uses and would be compatible with them in that the clinic would not generate a substantial amount of traffic and it would not result in impacts to circulation, parking, or noise. Similar uses currently operate within similarly zoned neighborhood-oriented shopping centers in the City and staff has not received any complaints regarding those uses.

Objectives of the zoning ordinance include protecting existing land uses from inharmonious influences and harmful intrusions; foster harmonious, convenient, workable relationships among land uses; and ensure that public and private lands are ultimately used for the purposes which are most appropriate and beneficial to the City as a whole. The applicant's proposal would be consistent with these

objectives of the zoning district. The draft conditions of approval give the City the appropriate controls to ensure that the uses do not have any negative impacts on the surrounding businesses and properties. Therefore, staff believes that this finding can be made.

B. That 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.

The proposed veterinary clinic would incorporate noise absorbent wall construction to address animal noises, will dispose of animal and medical waste consistent with California State and Alameda County health regulations, and will not exceed the supplied parking of the Vintage Hills Shopping Center. All operations will be conducted within the building; entrance/exit doors will be kept closed. Hence, it is not anticipated to generate adverse impacts on any of the surrounding uses due to the attached conditions of approval that will ensure that the safety and general welfare of the surrounding area is maintained. The proposed use would not exceed the shopping center's overall parking demand greater than the amount of parking that is available to the shopping center. Hence, the proposed veterinary clinic is not anticipated to generate adverse impacts on any of the surrounding uses due to the conditions of approval that will ensure that the safety and general welfare of the surrounding area is maintained. Therefore, staff believes that this finding can be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.

The site's PUD – C-N zoning district conditionally permits veterinarians' offices and out-patient clinics, excluding the overnight boarding of animals, conducted entirely within a completely enclosed building which complies with specifications for soundproof construction. The proposed use as conditioned would not detrimentally affect surrounding properties. In staff's opinion, granting the conditional use permit to the applicant to operate the proposed clinic at the Vintage Hills Shopping Center is consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124 "Conditional Uses." Therefore, staff believes that this finding can be made.

VII. CONCLUSION

The proposed veterinary clinic is appropriate for the Vintage Hills Shopping Center. Staff believes that it would not produce any adverse impacts on the adjacent tenants due to noise, parking, traffic, or other objectionable influences. The existing and proposed conditions of approval will ensure that the safety and general welfare of the development and surrounding area is maintained. Staff believes the proposal merits favorable action by the Planning Commission.

VIII. ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt (Section 15303, New Construction or Conversion of Small Structures, Class 3) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P14-0109 by taking the following actions:

1. Make the conditional use findings as listed in the staff report; and
2. Approve Case P14-0109, subject to the conditions listed in Exhibit A.

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