

Planning Commission Staff Report

June 12, 2013
Item 5.a.

- SUBJECT:** P13-0543
- APPLICANT:** Animal Medical Center of Pleasanton (Sarbjits S. Mann and Dr. Harinder S. Bains).
- PROPERTY OWNER:** Brixmor Rose Pavilion.
- PURPOSE:** Application for a Conditional Use Permit to operate a veterinary hospital for dogs and cats only.
- GENERAL PLAN:** Retail, Highway, and Service Commercial; Business and Professional Offices.
- ZONING:** Zoning for the property is the PUD-C (Planned Unit Development – Commercial) District.
- LOCATION:** 3901 Santa Rita Road, Suite A (Phase III, Rose Pavilion shopping center).
- EXHIBIT:**
- A. Draft Conditions of Approval, dated June 12, 2013.
 - B. Site Plan, Preliminary Floor Plan, and Details of Operation, dated "Received, March 21, 2013."
 - C. Condition No. 25 of Ordinance No. 1421 (PUD-89-06).
 - D. Location Map and Notification Area.
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I. BACKGROUND

Proposal

Dr. Harinder S. Bains and Sarbjits S. Mann propose to operate a veterinary clinic in a vacant, approximately 2,357-square-foot tenant space located in the Rose Pavilion shopping center. Dr. Bains has practiced veterinary medicine for 17 years. He has also operated a veterinary clinic in the Tri-Valley Area since 1998.

On June 20, 1989, the City Council adopted Ordinance 1421 for the Rose Pavilion shopping center. Condition No. 25 of Ordinance 1421 allows the permitted and conditional permitted uses of the C-C (Central Commercial) District, which include:

"Veterinarians' offices, out-patient clinics, and small animal hospitals, including short-term overnight boarding of animals and incidental care, such as bathing and trimming, provided that all operations are conducted entirely within a completely enclosed building which complies with specifications for sound-proof construction prescribed by the Chief Building Official."¹

The applicants have submitted their request for a Conditional Use Permit to allow the operation of a veterinary hospital with no proposed overnight boarding. The Conditional Use Permit requires Planning Commission review at a public hearing.

II. SITE DESCRIPTION

Figure 1, below, is the 2005 aerial photograph showing a portion of the Rose Pavilion Phase III with the location of the proposed veterinary clinic.



Figure 1, 2005 Aerial Photograph with the Proposed Veterinary Clinic.

¹ Pleasanton Municipal Code, Table 18.44.090 (p. 561).

Figure 2, below, shows the Rose Pavilion Phase III development with the current tenants.

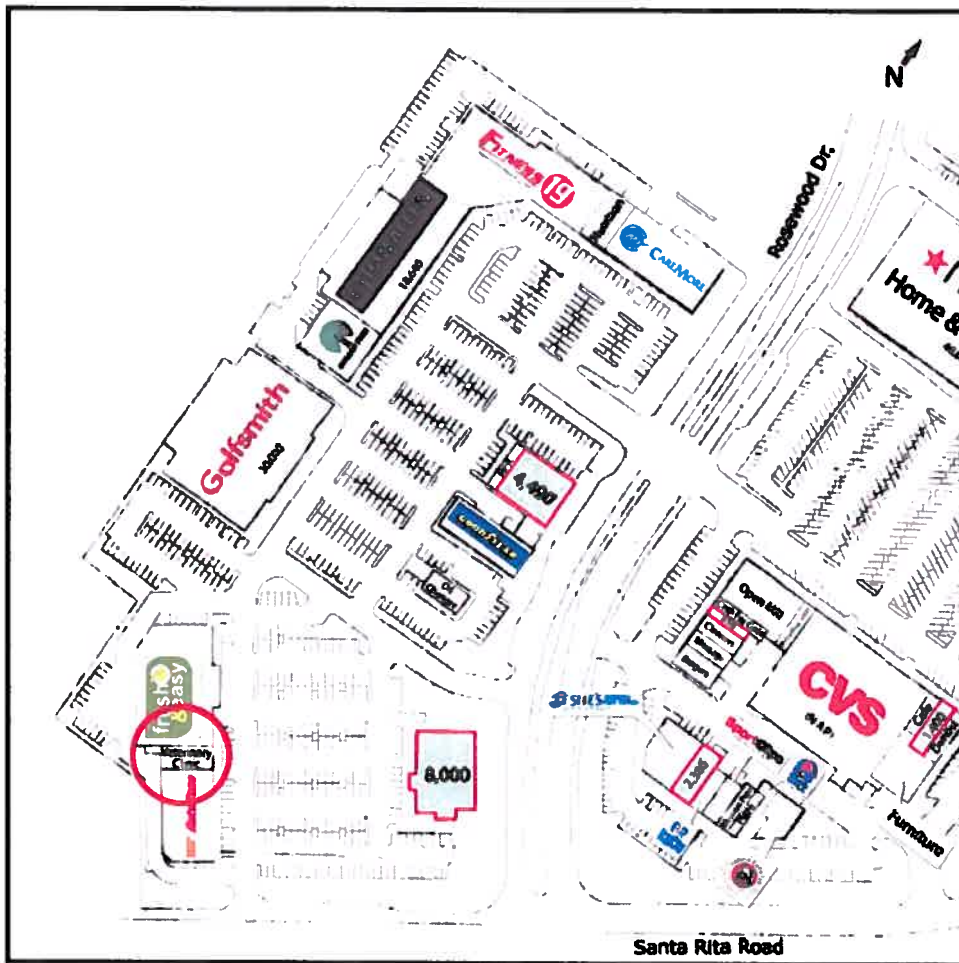


Figure 2, Rose Pavilion Phase III.

The proposed veterinary clinic would be located in the Phase III section of the Rose Pavilion shopping center, in the vacant tenant space between AutoZone and the Fresh and Easy Neighborhood Market, designated by the red circle on Figure 2. The vacant TGIF restaurant building is designated as the 8,000-square-foot building near the easterly corner of the Phase III site.

Rose Pavilion Phase III is bordered on its north side by the East Bay BMW/Mini dealership, on its east side across Rosewood Drive by Rose Pavilion Phase I and Phase II, on its southeast side by Santa Rita Road and single-family homes that back-up to Santa Rita Road, and on its west and southwest sides by automobile storage lots, mini-storage, wireless communication tower, and service commercial uses.

Access to the Phase III portion of Rose Pavilion is provided by a right-turn (only) entrance/exit driveway from Santa Rita Road, a right-turn (only) entrance/exit driveway from Rosewood Drive, and a signalized entrance/exit driveway from Rosewood Drive. A service driveway is located between the building and the southwest property line, which

provides access to the rear entrances of AutoZone, Fresh and Easy, and the proposed clinic.

III. PROPOSED PROJECT

Exhibit B, attached, includes the applicants' narrative regarding the operations of the proposed veterinary clinic with a site plan and preliminary floor plan. The proposed clinic would provide complete medical and dentistry treatments and services for dogs and cats. The proposed operating hours would be Monday through Friday, from 7:00 a.m. to 6:00 p.m., and Saturday, from 10:00 a.m. to 3:00 p.m.

Based on the preliminary floor plan, the applicants would design the interior space into a reception/waiting area, examination rooms, pharmacy, separate rooms for dogs and cats awaiting treatments, surgery room, treatment area, x-ray room, office and a staff break room. No changes are proposed for the building's exterior. Exterior signage for the veterinary clinic would conform to the master tenant sign program for the Rose Pavilion commercial center and would be reviewed under a separate application.

IV. ANALYSIS

Veterinary clinics are conditionally permitted uses in the C-C district referenced by Ordinance 1421 for the Rose Pavilion shopping center. Conditional uses are uses that, by their nature, require individual review to ensure that the impacts that may be associated with their use will be regulated and minimal.

Use and Operations

The Rose Pavilion shopping center provides a variety of commercial uses and personal services including furniture stores, medical uses, a fitness center/gymnasium, sit down/take-out restaurant, general retail uses, and automotive tire sales and service uses. Staff considers the proposed veterinary clinic including its hours-of-operation to be compatible with the existing uses in the Rose Pavilion shopping center.

No overnight boarding would be provided. Dr. Bains would transfer a dog or cat requiring overnight boarding to VetCare or SAGE Veterinary Centers located in Dublin. As stated by Dr. Bains in his narrative, veterinary and animal waste would be transferred to Waste Abatement Resources (Napa, California) for disposal. Non-veterinary waste would be disposed in the garbage bins located in the service area behind the clinic. Bubbling Well Pet Memorial Park (Napa, California) is also available for a deceased pet.

Noise

As conditioned, the applicant is required to install a double-layer of sheetrock on the walls shared by the proposed veterinary clinic with AutoZone and with the Fresh and Easy Market to control animal-related noise. The applicant concurs with this requirement which will be implemented at the building permit stage.

Parking

Rose Pavilion Phase III is developed with approximately 134,855 square feet of buildings and 681 parking spaces, which equals a parking ratio of one parking space per 198 square feet of floor area. All Phase III parking spaces are shared by the Phase III businesses.

For veterinary uses, the Municipal Code² requires one parking space for each 250 square feet of floor area equaling nine parking spaces for the proposed clinic. Dr. Bains stated in his narrative that the parking required by the Pleasanton Municipal Code would be adequate for his clinic. The following table shows the parking required for the existing and proposed Rose Pavilion Phase III uses.

Use	Floor Area	Parking Standard ²	Required Parking
AutoZone (Retail Auto Parts)	7,579 sq. ft.	1 parking space per 300 sq. ft.	25 parking spaces
Care More (Medical)	9,694 sq. ft.	1 parking space per 150 sq. ft.	65 parking spaces
Dollar Tree (Retail)	8,000 sq. ft.	1 parking space per 300 sq. ft.	27 parking spaces
Ethan Allen (Furniture Store)	18,640 sq. ft.	1 parking space per 500 sq. ft.	37 parking spaces
Fitness 19 (Gymnasium)	19,344 sq. ft.	1 parking space per 300 sq. ft.	64 parking spaces
Former TGIF Friday's (Sit Down Restaurant)	8,000 sq. ft.	1 parking space per 200 sq. ft.	40 parking spaces
Fresh and Easy (Market)	15,585 sq. ft.	1 parking space per 150 sq. ft.	104 parking spaces
Golfsmith (Sporting Goods)	30,000 sq. ft.	1 parking space per 300 sq. ft.	100 parking spaces
Good Year Tire (Full Service)	5,612 sq. ft.	1 parking space per 300 sq. ft.	19 parking spaces
Iron Horse (Nutrition Counseling)	2,847 sq. ft.	1 parking space per 300 sq. ft.	9 parking spaces
Oil Changer (Quick Oil Change)	1,737 sq. ft.	1 parking space per 500 sq. ft.	3 parking spaces
Simply Greek (Restaurant)	970 sq. ft.	1 parking space per 200 sq. ft.	5 parking spaces
Retail Space (Vacant)	4,490 sq. ft.	1 parking space per 300 sq. ft.	15 parking spaces
Veterinary Clinic (Proposed)	2,357 sq. ft.	1 parking space per 250 sq. ft.	9 parking spaces
Total Required Parking	N/a	N/a	522 parking spaces
Total Provided Parking	N/a	N/a	681 parking spaces
Remaining Parking	N/a	N/a	159 parking spaces

Staff believes that there is adequate available parking for the proposed veterinary clinic and the existing uses located in the Rose Pavilion Phase III shopping center. Staff notes

² Pleasanton Municipal Code, Schedule of Off-Street Parking Space Requirements, (Section 18.88.030C., pp. 638-639.)

that the majority of the available parking – approximately 159 parking spaces – is located in the portions of the shopping center’s parking area directly in front the proposed veterinary clinic. The remaining parking spaces would also be sufficient for a new retail use or even a sit-down restaurant (where the required parking is based on floor area or seating, whichever is greater) in a remaining vacant tenant space.

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 verified by the City’s code enforcement staff do 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 received one phone call supporting the proposed veterinary clinic. Staff will forward to the Planning Commission any new 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 Animal Medical Center of Pleasanton:

- 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 veterinary clinic would be located in the Phase III section of the Rose Pavilion shopping center, which permits a variety of commercial uses and services such as furniture stores, medical uses, a fitness center/gymnasium, sit down/take-out restaurant, general retail uses, and automotive tire sales and service uses. The proposed veterinary clinic would complement the existing uses in the shopping center. Therefore, it is in accordance with the purposes of the C-C (Central Commercial) uses allowed by the PUD Development Plan for the shopping center to provide locations that offer a variety of commodities and services to the residents of Pleasanton and surrounding areas.

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 insure 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 ceiling and wall construction to address dog and cat 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 shopping center. Hence, it is not anticipated to generate adverse impacts on any of the surrounding uses due to the existing conditions of approval that will ensure that the safety and general welfare of the surrounding area is maintained. Also, the proposed use would not increase parking demand greater than the amount of parking available to this section of the shopping center. 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 zoning conditionally permits the establishment of a veterinary clinic. In staff's opinion, granting the conditional use permit to the applicant to operate a veterinary clinic at the Rose Pavilion 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 Animal Medical Center of Pleasanton is an appropriate use for the Rose Pavilion shopping center. Staff believes that the veterinary services provided by the proposal would not produce any adverse impacts on the adjacent tenants due to litter, noise, odor, parking, traffic, or other objectionable influences. The existing and proposed conditions of approval will ensure that the safety and general welfare of the shopping center and the surrounding area are 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 P13-0543 by taking the following actions:

1. Make the conditional use findings as listed in the staff report; and
2. Approve Case P13-0543, subject to the conditions listed in Exhibit A.

Staff Planner: Marion Pavan, Associate Planner, (925) 931-5610, mpavan@cityofpleasantonca.gov