

# Planning Commission Agenda Item

# **April 2, 2012**

TO: Chair Steiner and

**Members of the Planning Commission** 

THRU: Leslie Aranda Roseberry

**Planning Manager** 

FROM: Doris Nguyen

**Associate Planner** 

## **SUBJECT**

**PUBLIC HEARING:** Conditional Use Permit 2848-12 – OC Veterinary Medical Center Pet Boarding, located at 434 South Tustin Street

## **SUMMARY**

The applicant proposes to convert a veterinary hospital to a kennel (pet boarding) and animal rescue facility for non-profit groups.

### RECOMMENDED ACTION

Adopt Planning Commission Resolution No. 15-12 entitled:

A RESOLUTION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT 2848-12 ALLOWING OC VET MEDICAL CENTER TO HAVE A KENNEL AT 434 SOUTH TUSTIN STREET

## AUTHORIZATION/GUIDELINES

Section 17.18.040 of the Orange Municipal Code (OMC) states that any use not listed as a permitted use, conditional use, or accessory use is prohibited. However, the Community Development Director has the authority to determine if an unlisted use substantially conforms to the intent of the code. In this case, Staff felt that a Conditional Use Permit was appropriate, and the applicant could apply the OMC standards for conditionally permitted kennels in the A1 (Agricultural), M1 (Light Manufacturing), and M2 (Industrial) zones to the C-1 (Limited Business) zoned property.

# **PUBLIC NOTICE**

On March 22, 2012, the City sent a Public Hearing Notice to a total of 219 property owners/tenants within a 300-foot radius of the project site, and persons specifically requesting notice. The project site was also posted in 2 locations with the notification on that same date.

# **ENVIRONMENTAL REVIEW**

**Categorical Exemption:** The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines 15301 (Class 1 – Existing Facilities) because the project includes no expansion of the existing building. There is no public review required for a Categorical Exemption.

# PROJECT BACKGROUND

Applicant:	OC Veterinary Medical Center Boarding and Rescue; Dr. Jeffrey Horn	
Property Owner:	Lawrence Kosmin	
Property Location:	434 South Tustin Street	
Existing General Plan	General Commercial (G-C)	
Land Use Element designation:		
Existing Zoning	Limited Business (C-1)	
Classification:		
Old Towne:	No	
Redevelopment Project Area:	No	
Specific Plan/PC:	No	
Site Size:	32, 800 SF lot, 3,700 SF building	
Circulation:	Tustin Street is classified as a Major Arterial	
Existing conditions:	Veterinary Hospital	
Surrounding land uses	North: Commercial (C-1 zone)	
and Zoning:	East: Commercial (C-1 zone)	
	South: Residential (R-4 zone)	
	West: Residential (R-4 & R-1-6 zone)	
Previous	<b>VAR 268-58:</b> Permitted a Veterinary Hospital in an R-1	
Applications/Entitlements:	zone, subject to approval of building plans. CC approved	
	on June 10, 1958.	
	VAR 0533-61: Permitted a dog grooming business within	
	the existing building for a maximum of 2 years. CC	
	approved on October 10, 1961.	
	CUP 1351-84: Permitted a 720 SF temporary mobile	
	trailer for pet grooming	

### PROJECT DESCRIPTION

The applicant, OC Veterinary Medical Center (OCVMC), proposes to convert a veterinary hospital located at 434 South Tustin Street to a kennel which will accept pets from the community for a fee and also set aside a portion dedicated to non-profit animal rescues for a heavily reduced fee. The current veterinary hospital business has moved up the street to 200 South Tustin Street, Suite B.

Kennels are not listed as a permitted use in the C-1 zone of the OMC. However, the Community Development Director has the authority to determine if an unlisted use substantially conforms to the intent of the code. In this case, Staff felt that a Conditional Use Permit was appropriate, and the applicant could apply the OMC standards for conditionally permitted kennels in the A1 (Agricultural), M1 (Light Manufacturing), and M2 (Industrial) zones to the C-1 (Limited Business) zoned property. Also, precedent has been set with the 2007 approval of the Pampered Pets boarding facility, located at 2508 East Chapman Avenue, in the C-1 zone (CUP 2616-06). That facility is a retail pet boutique/day spa which provides pet grooming services and requested to add kenneling for up to 55% of the facility.

The proposed OC Veterinary Medical Center would dedicate the entire facility to kenneling and accept primarily dogs and cats. Rabbits and rodents would be allowed as long as the owner provides an appropriate cage; then the cage would be placed in an OCVMC cage.

There are currently 67 spaces for boarding animals, made up of 32 runs (kennels) and 35 cages. Although there are 67 spaces, the applicant intends on housing a maximum of 50 animals. The rest of the cages/runs are used for the storage of the pet's belongings and blankets, etc. Each animal would be in a separate run or cage, unless an owner requests otherwise. The applicant has no intentions on expanding the facility. It is the intent to set aside roughly 35% of the runs/cages for the rescue groups and 65% to house the community animals. The rescue groups would reserve the facility on a per run/cage basis. Rescue animals would need to fulfill the same requirements as community boarding animals.

The facility would be maintained and operated by two OCVMC staff members at a time. One team member who would be in charge of the management and maintenance of the kennel with another staff person rotated between the hospital and kennel facilities. Rescue group volunteers would be encouraged to help with their own animals; however, they would not be allowed to care for the community boarding animals. The facility will also have web cameras to monitor the animals.

The current proposed hours of operation for the kennel are 7am to 6pm Monday through Friday and Saturday 7am to 3pm, where there would always be an attendant present. However, the hours for accepting and discharging animals would be limited to 7-9am and 4-6pm Monday through Friday and 7-9am and 1-3pm on Saturdays. There would be no pick up or drop off on Sundays; however, an attendant would be on site between 7am to 3pm. There is a potential to extend the pick up/drop off hours from 7am to 6pm on weekdays and 7am to 3pm on weekends. Orange Municipal Code Section 17.30.050.D.2 requires a mandatory condition that "At least one person employed by the kennel shall be on the premises at all times of the day." The applicant is requesting that this

condition be removed and the animals be monitored through the use of web cameras. This matter is discussed in the Analysis section below.

The indoor facility is climate controlled with air conditioning, heating, and ceiling fans. The walls of the runs are 6' tall with chain link and plexiglass above that. There is chain link above each run and the doors to the runs are locked. The only change to the interior would be to convert the existing pharmacy to an animal intake area. The existing exam rooms would be used for potential owners to meet and greet rescue animals by appointment only. There are no changes proposed to the exterior of the building, landscaping, parking, outdoor dog park, or 24 parking spaces.

There is an outdoor play area on the west side of the parcel for dogs that is 87'-9" x 101' (8,863 SF). This park is open from 7am to 6pm. Boarded dogs would be taken to the park 2-3 times per day on an individual basis by an employee, with the exception of dogs that are from the same household. The dog park is open to clients of the business, but only when not in use by the hospital or boarding facility.

On January 29, 2012 the applicant mailed letters to the property owners and tenants within 300' of the property letting them know of their intent to move the veterinary business and convert the location to a pet boarding facility. They received no comments from the mailing. The letter, dated January 17, 2012, is included as Attachment 3.

There is a trailer on-site with the existing Terry's Paws and Claws pet grooming business. This business is a separate tenant on the parcel and would not be associated with the boarding facility.

### **Development Standards**

	Required	Proposed	<b>Code Section</b>
Building Height	Existing building. Proposal does not include building changes.	N/A	N/A
Distance between structures	Existing building. Proposal does not include building changes.	N/A	N/A
Fence height	Proposal does not include and fence changes.	N/A	N/A
Floor Area Ratio (FAR)	Existing building. Proposal does not include building changes.	N/A	N/A
Landscaping (non- residential)	Existing landscape. Proposal does not include landscape changes.	N/A	N/A
Loading area (non- residential)	Proposal does not include parking/loading changes.	N/A	N/A
Lot size (residential)	N/A	N/A	N/A
Lot frontage	Existing building. Proposal does not include building changes.	N/A	N/A
Lot depth	Existing building. Proposal does not include building changes.	N/A	N/A
Open space, common	N/A	N/A	N/A

(residential)			
Open space, private	N/A	N/A	N/A
(residential)			
Open space, useable	N/A	N/A	N/A
(residential)			
Parking (non-	Existing parking. Proposal does	N/A	N/A
residential)	not include parking changes.		
Parking (residential)	N/A	N/A	N/A
Parking, guest	N/A	N/A	N/A
(residential)			
Setback, Front	Existing building. Proposal does	N/A	N/A
	not include building changes.		
Setback, Rear	Existing building. Proposal does	N/A	N/A
	not include building changes.		
Setback, Side	Existing building. Proposal does	N/A	N/A
	not include building changes.		
Setback, Side	Existing building. Proposal does	N/A	N/A
	not include building changes.		

## APPLICATION(S) REQUESTED/ REQUIRED FINDINGS

<u>Conditional Use Permit:</u> The applicant is requesting a Conditional Use Permit for a private dance and music school in the Heavy Industrial zone.

### Required Findings:

- 1. A Conditional Use Permit shall be granted upon sound principles of land use and in response to services required by the community.
- 2. A Conditional Use Permit shall not be granted if it will cause deterioration of bordering land uses or create special problems for the area in which it is located.
- 3. A Conditional Use Permit must be considered in relationship to its effect on the community or neighborhood plan for the area in which it is located.
- 4. A Conditional Use Permit, if granted, shall be made subject to those conditions necessary to preserve the general welfare, not the individual welfare of any particular applicant.

## ANALYSIS/STATEMENT OF THE ISSUES

### Issue 1: Attended Premises

Orange Municipal Code Section 17.30.050.D.2 requires mandatory conditions be placed on kennels within the City of Orange. One of the conditions states that "At least one person employed by the kennel shall be on the premises at all times of the day." Staff has added this requirement as Condition 2 (see PC Resolution 15-12, Attachment 1). The applicant is requesting that this

condition be removed from the proposal because they feel it is not necessary and is not a requirement of the current veterinary hospital. They explain in the attached letter of justification, dated March 11, 2010 (Attachment 4) that employing a 24-hour attendant would require a price increase for both the community boarding and non-profit animal rescue boarding. They also believe it is unprofessional to have less than two employees present at any time for their own safety. The applicant would like to use the web cameras to achieve the 24-hour monitoring that is required.

According to the Orange County Animal Care Services rules and regulations for kennels and pet shops, Resolution No. 76-626, there is no regulation requiring operators of these facilities to have an employee present at all times of the day. The majority of the kennels within the City of Orange are in the industrial zone and have someone living on the premises while caring for the pets; therefore, they meet the requirements. The Pampered Pets facility located within the commercial zone (C-1) also has a Condition of Approval that states:

"At least one person employed by the kennel shall be on the premises at all times of the day. At least one employee shall be on the premises on closed/non-business days (Sundays) to ensure that all boarded animals are provided sufficient food and water, and are in good health. At all times, the applicant shall conform to the rules and regulations contained within Section 17.30.050.D of the Orange Municipal Code (OMC)."

Staff has included a similar condition (Condition 2) in the attached resolution, due to the fact that the OMC lists this as a mandatory condition for kennels (boarding facilities) and Pampered Pets, located in a commercial zone, is also subject to this condition.

### Issue 2: Additional possible conditions

OMC Section 17.030.050.C provides a list of non mandatory conditions that the Planning Commission may add to the resolution at their discretion. The conditions are listed in italics and Staff's comments are below the condition.

1. Site Coverage. Kennel facilities, including all runs, feeding areas, grooming centers, storage areas, drainage paths, and offices should not occupy more than thirty (30) percent of the total area of the property.

The current building is 3,700 SF, on a 32,800 SF lot, making the building 11.3% of the total area of the property. The applicant has no intentions of expanding the facility; therefore, staff believes that this condition is not required.

2. Animal Population Density. The animal population density shall not exceed two hundred (200) dogs per acre of property set aside for the animal runs.

The area with the animal runs and cages is roughly 995 SF. The 200 animals per acre (43,560SF) yields a ratio of 0.0046 animals per SF. 995 SF multiplied by a ratio of 0.0046 equals 4.5 animals. The applicant would house a maximum of 50 animals. This condition is

most likely for areas where animals are grouped together in one larger run, so that they would be allowed space to move around. In the proposed facility, each animal would be housed in an individual run or cage. Also, the facility is used to house animals that are being treated at the veterinary hospital, which could be several days. The applicant is not proposing any changes to the existing runs or cages.

3. Setbacks. All kennel facilities should be set back a minimum of ten feet from any property line not abutting another kennel.

The setback from the internal kennels to the northern commercial property is 11', to the western residential property line is 158'-9", and to southern residential property line is 51'-6". Tustin Street is to the east. Therefore, the property currently complies with this condition.

4. Cooling. Kennel facilities should be cooled with electric fans, shade trees, or covered segments of the run.

All the dog runs and cages are located inside the building, which has air conditioning, heating, and ceiling fans. The outdoor dog park has large trees for shade; therefore, the facility currently complies with this condition.

5. Separation. A minimum twenty-four (24) inch high masonry wall should separate adjacent runs.

The walls of the existing runs are 6' tall with chain link and plexiglass above that. There is chain link above each run. Therefore, the building currently complies with this condition. No changes are proposed.

6. Walls. A six foot high masonry wall, as measured from the high grade side of the wall, shall be erected to obscure views of the animal run areas from adjacent properties.

The dog runs are completely enclosed within the masonry building and not visible to the public or adjacent properties. The dog park to the west of the building has fences/walls that vary from 4' to 6' in height and is open from 7am to 6pm. There has been a veterinary business at that location since 1958 and no Code Enforcement complaints regarding the business since at least the year 1989, when the City started using the current computer tracking system. The enclosed runs within the building comply with this condition.

7. Additional Conditions. The Planning Commission may specify additional conditions as it determines to be necessary to achieve land use compatibility.

Staff proposes the conditions that are listed in PC Resolution 15-12.

# ADVISORY BOARD RECOMMENDATION

N/A

# ATTACHMENTS/EXHIBITS

## **Attachments to Report:**

- 1. Planning Commission Resolution PC 15-12
- 2. Vicinity map
- 3. Applicant's Letter to Neighbors, dated January 17, 2012.
- 4. Applicant's Letter of Justification for an Attended Premises, dated March 11, 2010

# Exhibits provided to the Planning Commission:

A. Site Plan and Floor Plan (date stamped received 3-1-12)

cc: OC Veterinary Medical Center ATTN: Dr. Jeffrey Horn 434 S. Tustin Street Orange, CA 92866