



DEVELOPMENT SERVICES DEPARTMENT

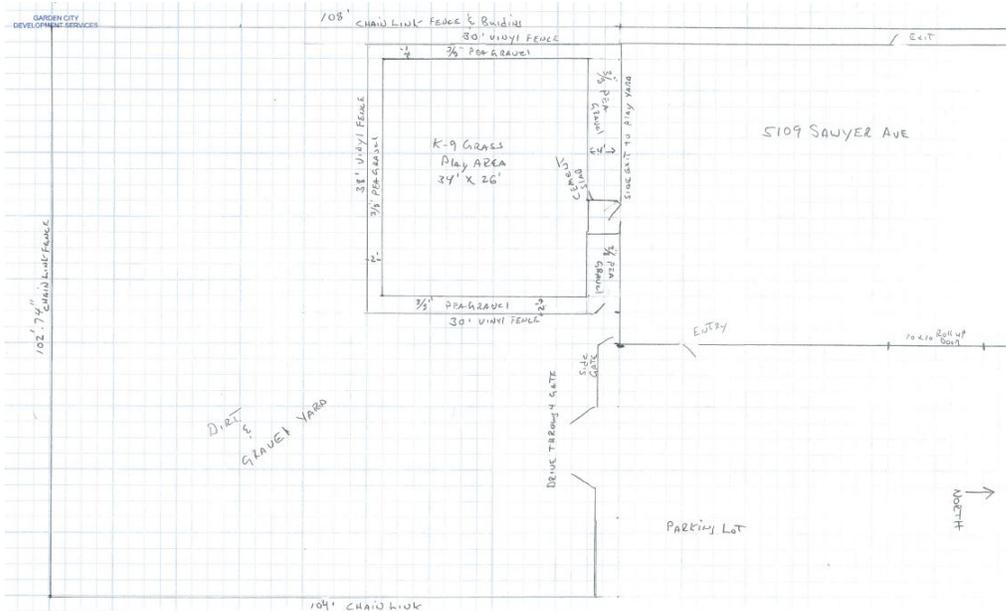
6015 Glenwood Street ■ Garden City, Idaho 83714
Phone 208/472-2921 ■ Fax 208/472-2996 ■ planning@gardencityidaho.org
www.gardencityidaho.org

September 13, 2016

Dear Property Owner:

This is an Official Notice of Public Hearing regarding a property near your own. You are invited to attend the public hearing of the Planning and Zoning Commission and offer your testimony for consideration at **6:30 pm on October 19, 2016**, at Garden City Hall, 6015 Glenwood Street, Garden City, Idaho. Anyone who submits written or oral testimony has the right to appeal all or a portion of the decision. If you wish to offer testimony on this item and are unable to attend this meeting, you may submit your comments to the Garden City Development Services office no later than the Tuesday eight (8) days prior to the public meeting and they will be entered in the public record on your behalf. *Auxiliary aids or services for persons with disabilities are available upon request. Please call Development Services three (3) or more days prior to this public meeting so that arrangements can be made.*

APPLICATION:



CUPFY2016-9: Louis Goaziou of Good Citizen Dog Training is requesting a conditional use permit approval of an 'animal care facility'. The 0.559 acre site is located on 5107 N Sawyer Ave, Ste. 5109 in Garden City; Ada County parcel R7851270020; Lot 2 Block 3 of the Sherer Subdivision. The property is within C-2 General Commercial zoning district and the Light Industrial Comprehensive Plan designation. Property owner is Jerry Klamerus.

What to Expect at a Public Hearing Each application on the agenda will adhere to the following procedure:

1. A staff member will present the *Staff Report*; then the applicant will have the ability to represent the application.
2. The Chair will open the **Public Hearing during which time you will have the ability to give testimony** (please see reverse side for testimony tips).
3. The applicant will then be able to give rebuttal testimony
4. Close of Public Hearing and discussion among decision making body.
5. The decision makers may approve, deny, continue for additional deliberations or make a recommendation to City Council.

GENERAL SUGGESTIONS FOR TESTIFYING OR SUBMITTING WRITTEN TESTIMONY

1. **State your recommendation and remember your objective!** It is your objective to persuade the decision makers to vote or decide in favor of your side of the issue. It generally will not help your cause to anger, alienate or antagonize the decision makers who are listening or reading your testimony.
2. **Speak to the point.** Public Officials have received testimony from hundreds of people. They are grateful when the testimony is pertinent, well organized, and directly regards the matter at hand. Long stories, lectures, abstract complaints about generalities, or redundant testimonies are usually ineffective.
3. **Be informed!** Get a copy of the application and staff report and read it ahead of time (available on line at www.gardencityidaho.org under the *Planning and Zoning* link under *Upcoming Public Meetings* or at Garden City Hall. Plan your comments accordingly.
4. **Be reasonable.** Put yourself in the shoes of the decision makers. They must balance all points of view, interests and proposals being made. They must also make sure that their decisions adhere to all local, state and federal laws.

GENERAL RULES FOR ORAL TESTIMONY AT HEARING:

1. No person shall be permitted to speak at the public hearing until the person is recognized by the chairperson or Mayor to do so.
2. All testimony at the public hearing will be limited to three (3) minutes
3. No person shall be permitted to testify at the public hearing unless such person has signed their full name and written their residential address on the signup sheets. Your name and address must be stated verbally for the record.
4. Testimony should not be repetitious with other entries into the record.
5. If oral testimony fails to comply with the aforementioned standards, the chairperson or Mayor may declare such testimony out of order and require it to cease.

STANDARDS FOR WRITTEN TESTIMONY:

1. Written testimony to be considered as part of the record shall be submitted to the City at least eight days prior to the hearing.
2. Testimony should directly address the subject at hand.
3. Written testimony shall include the signature and address of the submitter.
4. The chairperson or Mayor may require an oral reading of such written testimony if the chairperson deems it necessary.
5. If written testimony fails to comply with the aforementioned standards, the chairperson or Mayor may declare such testimony inadmissible.

If you wish to give testimony and cannot attend the Planning and Zoning Commission Meeting please submit the following form, or any additional written testimony containing the following information to City Hall Development Services no later than the Tuesday-(October 11, 2016) prior to the public meeting.
6015 Glenwood, Garden City Idaho 83714

.....
CUPFY2016-9: Establishment of an animal care facility at 5107 N. Sawyer Ave., Ste 5109, Garden City, Idaho 83714

Your Name _____ Date _____
 Your Physical Address: _____

(Please select) Regarding this application I:
 ___ Support the Application ___ Am Neutral ___ Oppose the Request

Comments: _____

Signature: _____

MOTTERN LIMITED PARTNERSHIP
1406 N MAIN ST # 215
MERIDIAN, ID 83642-0000

JACKSON MICHAEL L
5040 N SAWYER AVE
BOISE, ID 83714-1400

PASCOE FAMILY'S TRUST
250 S 5TH ST FL 2ND
BOISE, ID 83702-0000

SHEFSTALL GARY I
P O BOX 1414
BOISE, ID 83701-0000

PRO-TEAM INC
PO BOX 7385
BOISE, ID 83707-1385

KLAMERUS GERALD L
5107 N SAWYER AVE
GARDEN CITY, ID 83714-1490

MITCHELL-BLAKE PARTNERSHIP
5090 N SAWYER AVE
GARDEN CITY, ID 83714-1400

CROWNHOLDERS LLC
1515 WARM SPRINGS AVE
BOISE, ID 83712-0000

MARIPOSA LABS LLC
270 E 50TH ST
GARDEN CITY, ID 83714-0000

STOLFO FAMILY LTD PARTNERSHIP
P O BOX 140077
GARDEN CITY, ID 83714-0000

SPECIAL OLYMPICS IDAHO INC
199 E 52ND ST
GARDEN CITY, ID 83714-0000

BERENSTEIN BURTON & SHERRY TRUST
PO BOX 671
BURLINGAME, CA 94011-0671

TOBRON INVESTMENTS LLC
9350 SW TIGARD ST
TIGARD, OR 97223-0000

RUPP FAWN
5088 CHINDEN BLVD
GARDEN CITY, ID 83714-0000

BROURMAN PROPERTIES LLC
5019 N SAWYER AVE
GARDEN CITY, ID 83714-0000

LEGAL NOTICE OF PUBLIC HEARING

Pursuant to established procedure, NOTICE IS HEREBY GIVEN THAT The Garden City Planning and Zoning Commission will hold a public meeting at 6:30 p.m. Wednesday, October 19, 2016, at Garden City Hall, 6015 Glenwood St., Garden City, Idaho to consider a request for:

PUBLIC HEARINGS

- A.** CUPFY2016-9: Good Citizen Dog Training represented by Louis Goaziou, is requesting a Conditional Use Permit approval of an Animal Care Facility. The site is located at 5107 N Sawyer Street, Ste. 5109, Garden City, 83714, and is within the C-2 General Commercial Zoning District and the Light Industrial Comprehensive Plan Land Use Designation.
- B.** CUPFY2016-10: Emerson House represented by Glen Walker of Neudesign Architecture, is requesting a Conditional Use Permit approval of an addition of an existing assisted living facility. The site is located at 8250 W Marigold Street, Garden City, 83714, and is within the M Mixed Use Zoning District and the Residential Medium Density Comprehensive Plan Land Use Designation.

We are pleased to make reasonable accommodations for members of the public who are disabled or require special assistance. For those requiring special arrangements for any meeting, please contact our office at 472-2921, at least 72 hours prior to the time of the meeting.

From: [planning](#)
To: [Ken Couch](#); [Colin Schmidt](#); [Kevin Wallis](#); [Lindsey Pettyjohn](#); [Troy Vaughn](#); [Chas Heaton](#); [City Council](#); [Charles Wadams](#); [Frank Walker](#); [Rick Allen](#); [Abe Blount](#); [Adam Straubinger](#); [bob_kibler@fws.gov](#); [bpietras@idl.idaho.gov](#); [S. Bryce Farris](#); [carla.bernardi@cableone.biz](#); [clittle@achdidaho.org](#); [cmiller@compassidaho.org](#); [cnitz@adaweb.net](#); [criddle@cityofboise.org](#); [Danielle Robbins](#); [dgordon@cityofboise.org](#); [Mark Perfect](#); [Eric Exline](#); [fromm.carla@epa.gov](#); [greg.j.martinez@usace.army.mil](#); [idprospect@aol.com](#); [jamie.huff@dhs.gov](#); [Joe Canning Work](#); [Jim Morrison](#); [Jim Poe](#); [Katy Moeller](#); [Lanette Daw](#); [Lori Badigian](#); [linda.clark@deq.idaho.gov](#); [lisaharm@msn.com](#); [Lisa Leiby](#); [Mack Myers](#); [mark.wasdahl@itd.idaho.gov](#); [mark@pioneerirrigation.com](#); [mreno@cdhd.idaho.gov](#); [msinglet@intgas.com](#); [Nadine Curtis](#); [New Dry Creek Ron Sedlacek](#); [parks4fun4u@aol.com](#); [Pam Beaumont](#); [Projectmgr@boiseriver.org](#); [Fairview Acres](#); [Ronald Johnson](#); [rkinney@republicservices.com](#); [Rob Olson](#); [rphillips@idahopower.com](#); [rward@idfg.idaho.gov](#); [sanderst@dhw.idaho.gov](#); [sdouglas@idl.idaho.gov](#); [Shelley Young](#); [svarrington@achdidaho.org](#); [tmcorrow@spro.net](#); [Tom Patterson](#); [wbsdmb@qwestoffice.net](#)
Cc: [building](#); [Owen Nason](#)
Subject: Garden City Agency Notice
Date: Monday, September 12, 2016 4:25:32 PM

FROM: Garden City Development Service Department, City of Garden City, (208) 472-2921, 6015 Glenwood, Garden City, ID 83714.

THE FOLLOWING ITEMS WILL BE HEARD AT A PUBLIC HEARING BEFORE THE GARDEN CITY PLANNING AND ZONING AT 6:30 P.M. Wednesday, October 19, 2016, AT GARDEN CITY HALL, 6015 GLENWOOD STREET, GARDEN CITY, IDAHO TO CONSIDER A REQUEST FOR:

CUPFY2016-9: Good Citizen Dog Training represented by Louis Goaziou, is requesting a Conditional Use Permit approval of an Animal Care Facility. The site is located at 5107 N Sawyer Street, Ste. 5109, Garden City, 83714, and is within the C-2 General Commercial Zoning District and the Light Industrial Comprehensive Plan Land Use Designation. lou@goodcitizendog.com

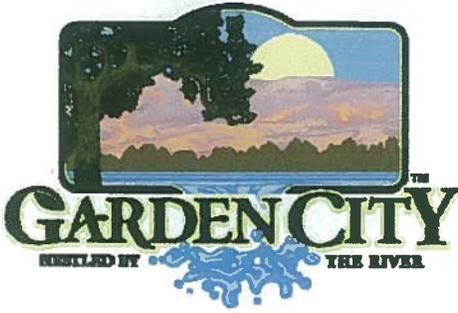
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CUPFY2016-10: Emerson House represented by Glen Walker of Neudesign Architecture, is requesting a Conditional Use Permit approval of an addition of an existing assisted living facility. The site is located at 8250 W Marigold Street, Garden City, 83714, and is within the M Mixed Use Zoning District and the Residential Medium Density Comprehensive Plan Land Use Designation. glenn@neudesignarch.com

Application materials can be found at

http://www.gardencityidaho.org/index.asp?SEC=435AAA7D-EB0F-4395-AA73-B9091191194B&DE=531C904E-82E1-4719-B6C7-38491414BE61&Type=B_EV

NOTE: Please send comments to Garden City Development Services by **October 4, 2016**. If you do not respond by this date it will be considered "No Comment".

It is the responsibility of those interested and/or affected jurisdictions to schedule their own applicable meeting. In some cases, Garden City's applications are processed before other jurisdictions' response, and the conditions of approval state that the approval is subject to statutory requirements of affected other jurisdictions. Please address your comments to the applicant as well as Development Services Department planning@gardencityidaho.org or Development Services Department, 6015 Glenwood, Garden City, Idaho 83714



6015 Glenwood Street • Garden City, Idaho 83714
Phone 208/472-2921 • Fax 208/472-2996 •
www.gardencityidaho.govoffice

Affidavit of Property Posting

I, (name) Louis R Goazion do hereby attest that the property located at (site address) 5109 N. SAWYER AVE, Garden City, Idaho, was posted on (date) 10/6/2016. This posting was for (application number) CUPFY 2016-9. The date of posting was no less than ten (10) days prior to the public hearing for which the application is to be heard in conformance with Section 8-6A-7 of the Garden City Code. The property was posted in compliance with Garden City standards of form, size, lettering, content, and placement for posting property for public notice.

BY: [Signature]
TITLE OWNER / Good Citizen Dog

State of Idaho)
)SS
County of Ada)

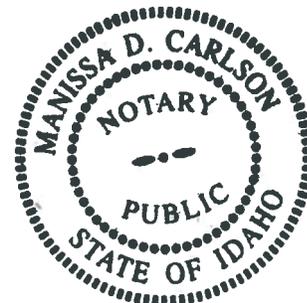
On this 06 day of October (month), 2016 (year), before me, the undersigned, a Notary Public in and for said State, personally appeared LOUIS R. Goazion (person responsible for posting) known or identified to me to be the person whose name is subscribed to be the foregoing instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Manissa Carlson
Notary Public for Idaho

Residing at Ada County, Idaho

Commission Expires: 7-16-2021



City of Garden City

Public Hearing Notice

THERE WILL BE A PUBLIC HEARING

ON 10/19/2016 AT 6:30PM

AT CITY HALL 6015 GLENWOOD

PURPOSE: Conditional Use Permit for an Animal Care Facility
Property Location 5107 N. Sawyer Ave., Ste 5109
Application By: Louis Goaziou for Good Citizen Dog Training
Contact Owen Nason at Development Services at (208) 472-2929
with any questions

USDA Animal Welfare Act Regulations - Minimum Space Requirements for Dogs

http://www.agriculture.ny.gov/ai/small_animals/minimum_space_require_for_dogs.pdf

ASPCA Dog Daycare Guidelines

<https://positively.com/contributors/doggy-daycare-a-how-to-guide/>

Also refer to:

1. City of Fremont, California Minutes Fremont Zoning Administrator Regular Meeting of 10/19/2015, Item 3, PLN2016-00042, Bay K9 Dog Daycare
2. City of Pacifica, California Plan Commission Staff Report dated 2/22/2011 Item 2, file number UP-018-11

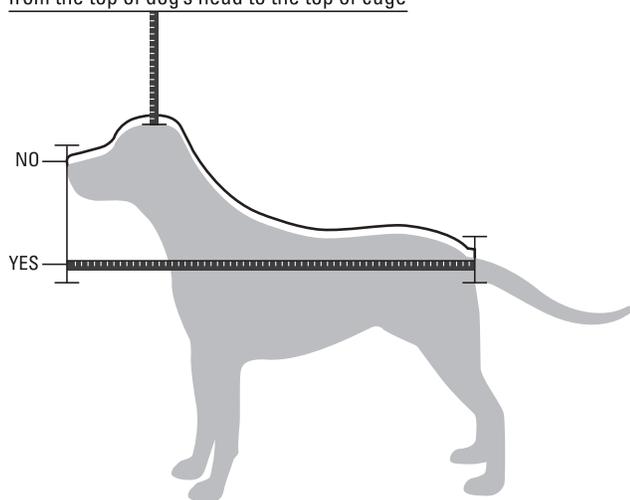
Minimum Space Requirements for Dogs

The Animal Welfare Act Regulations require that primary enclosures for adult dogs without nursing puppies or weaned puppies must have adequate space to allow the dogs to turn about freely, to stand, sit and lie in a comfortable, normal position and to walk in a normal manner. 9 CFR 3.6(a)(2)(xi) Additionally, the interior height of the primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure, measured when the dog is standing in a normal comfortable standing position. 9 CFR 3.6(c)(1)(iii)

Measuring the Length of a Dog

With the dog in a normal standing position, or with the dog held lying flat on its side, measure the dog along a straight line from the tip of the nose to the base of the tail. Do not follow the contours of the dog's body when measuring the length of the dog.

There must be a minimum space of 6 inches from the top of dog's head to the top of cage



This table below provides a guide to the minimum space needed for dogs based on body length

Dog Length (in)	Sq Ft Needed	Dog Length (in)	Sq Ft Needed	Dog Length (in)	Sq Ft Needed
7	1.17	19	4.34	31	9.51
8	1.36	20	4.69	32	10.03
9	1.56	21	5.06	33	10.56
10	1.78	22	5.44	34	11.11
11	2.01	23	5.84	36	12.25
12	2.25	24	6.25	38	13.44
13	2.51	25	6.67	40	14.69
14	2.78	26	7.11	42	16.00
15	3.06	27	7.56	44	17.36
16	3.36	28	8.03	46	18.78
17	3.67	29	8.51	48	20.25
18	4.00	30	9.00		

Calculating Minimum Space Requirements 9 CFR 3.6(c)(1)(i)

The following is an example of how to calculate minimum space requirements. Scout is a female Dalmatian. She is 31 inches long from the tip of her nose to the base of the tail.

Step 1: Measure the length of the dog from tip of nose to base of tail (inches). Add 6 inches to this number.

$$31 \text{ inches} + 6 \text{ inches} = 37 \text{ inches}$$

Step 2: Calculate minimum floor space in square inches.

$$37 \text{ inches} \times 37 \text{ inches} = 1369 \text{ square inches} \text{ minimum required amount of floor space in square inches}$$

Step 3: Calculate minimum floor space in square feet.

$$\frac{1369 \text{ square inches}}{144} = 9.51 \text{ square feet} \text{ minimum floor space in square feet}$$

** The total floor space for animals in group housing must meet or exceed each dog's individual minimum space requirement.

Special Requirements for Dams with Nursing Puppies

The additional space required for dams with nursing puppies is determined by the dog's breed and behavioral characteristics, the veterinarian's approval and the minimum space requirement calculation. 9 CFR 3.6(c)(1)(ii) Each puppy requires a minimum of 5% of the dam's minimum space requirement.

Example: Scout has a litter of 9 puppies. Scout is 31" from the tip of her nose to the base of her tail. Calculate the minimum amount of space they require.

Step 1: Calculate dam's minimum space requirement in square inches.

$$(31 \text{ inches} + 6) \times (31 \text{ inches} + 6) = 1369 \text{ inches}$$

Step 2: Calculate additional minimum floor space per puppy.

$$1369 \text{ square inches} \times 0.05 = 68.45 \text{ square inches}$$
 Scout's puppies each need 68.45 square inches of space

Step 3: Multiply additional floor space per puppy by number of puppies.

$$68.45 \text{ square inches} \times 9 \text{ puppies} = 616.05 \text{ square inches}$$
 minimum amount of additional floor space for all 9 puppies

Step 4: Calculate minimum space requirement in square inches. Add Scout's space requirements to the space requirement for the puppies

$$1369 \text{ square inches} + 616.05 \text{ square inches} = 1985.05 \text{ square inches}$$
 total minimum space requirement in square inches:
Scout and her puppies need 1985.05 square inches of space

Step 5: Calculate space required in square feet.

$$\frac{1985.05 \text{ square inches}}{144} = 13.79 \text{ square feet}$$
 total minimum space in square feet: Scout and her puppies need 13.79 square feet of space

If the available floor space does not meet the minimum amount calculated, then the housing must be approved by the APHIS administrator. 9 CFR 3.6(c)(1)(ii)

Note: The Exercise Requirement for dogs (9CFR 3.8) includes some floor space requirements.

If the enclosure meets the floor space requirements for group housed dogs, the enclosure is in compliance with the exercise requirement of Section 3.8

Singly housed dogs must be provided with twice the floor space required by Section 3.6 (c)(1), unless other opportunities for exercise are planned and documented in a written exercise plan as described in Section 3.8.

Exercise requirements do not apply to dams with nursing puppies or to dogs under 12 weeks of age.





**MINUTES
FREMONT ZONING ADMINISTRATOR
REGULAR MEETING OF OCTOBER 19, 2015**

CALL TO ORDER: Zoning Administrator Wheeler called the meeting to order at 3:00 p.m.

PRESENT: Zoning Administrator Wheeler
James Willis, Planner II

CONSENT CALENDAR: None

PUBLIC HEARING ITEMS

Item 1. **LE MANS KARTING – 45957 Hotchkiss Street – PLN2015-00271** - To consider a Zoning Administrator Permit Amendment to allow Le Mans Karting to expand their use to include an outdoor race track located in the South Fremont Community Plan Area, and to consider an exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303, New Construction or Conversion of Small Structures.

The public hearing was opened.

The applicant addressed the Zoning Administrator and described the merits of his proposal. There were also several supporters of the proposed project present.

Zoning Administrator Wheeler expressed some concern with the outdoor race track operating after 10:00 p.m. on Friday and Saturday nights and asked if the applicant would agree to a condition of approval limiting the use of the outdoor track to 10:00 p.m.

The applicant agreed but asked if he could apply for an amendment at a later date to allow the outdoor track to be used until 11:00 p.m. as proposed.

Zoning Administrator Wheeler responded yes.

The Zoning Administrator took the following action on Item 1:

1. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15303, New Construction

or Conversion of Small Structures because only 9,800 square feet of pavement and no permanent structures are proposed;

2. Found PLN2015-00271, a Zoning Administrator Permit Amendment to allow the operation of an outdoor go-kart track at an existing facility, is in conformance with the relevant provisions contained in the City's existing General Plan;
3. Approved PLN2015-00271, as shown on Exhibit "A," subject to findings and conditions in Exhibit "B."

Item 1 was approved with the following revised conditions of approval shown in ~~strikeout~~ and underline text:

5. The applicant shall notify the project planner upon completion of all necessary improvements and schedule a final inspection to be performed by the planner to ensure conformance with all conditions of approval prior to ~~building permit issuance~~ the commencement of activities associated with the outdoor track. The outdoor track shall not be used until the inspection is satisfactorily completed.
- 6 The hours of operation shall be 9:00 AM to 10:00 PM for the outdoor track and 9:00 AM to 11:00 PM for the indoor track, seven days per week. The facility's manager shall be responsible to ensure that all patrons ~~must be~~ are off the premises within 30 minutes after the facility's closure.
9. No spectators ~~are~~ shall be allowed ~~in on~~ on the track, ~~or in the pit lane or driver's area of either the indoor or outdoor areas~~ tracks.
15. Only go-karts provided by the facility ~~can~~ shall be used on the track. The number of go-karts on the track at any given time ~~cannot~~ shall not exceed twelve (12). These go-karts shall have emissions control devices such as a catalytic converter and noise dampening mufflers installed to ensure safe use indoors and outdoors. Mechanical ventilation equipment shall be in operation whenever go-karts are operating indoors.
16. The applicant shall install a noise barrier along the south and west property line. This noise barrier shall be equivalent to the barrier ~~suggested~~ recommended in the noise analysis ~~attached to this project~~ prepared by j.c. Brennen & associates date September 11, 2015. The ~~suggested~~ recommended noise barrier is an acoustic curtain applied to a height of eight feet on the existing chain link fence. The acoustic curtain product shall have a minimum sound transmission class (STC) rating of 27.

Item 2. **OO NOODLE – 4450 Enterprise Street – PLN2015-00309** - To consider a Zoning Administrator Permit to allow the establishment of a food preparation facility located in the South Fremont Community Plan Area, and to consider a categorical exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

The public hearing was opened and there were no public speakers.

The Zoning Administrator took the following action on Item 2:

1. Found that the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities as it would be located in an existing building and no exterior or site changes are proposed.
2. Found that Zoning Administrator Permit PLN2015-00190 is in conformance with the relevant provisions contained in the City's existing General Plan, including the goals and policies set forth in the Land Use and Economic Development Elements.
3. Approved Zoning Administrator Permit PLN2015-00190, as shown on Exhibit "A," subject to findings and conditions in Exhibit "B."

Item 2 was approved with the following revised condition of approval shown in ~~strikeout~~ and underline text:

8. ~~An upgraded~~ The applicant shall coordinate with the City's Environmental Services Division to determine if a trash enclosure will be required for the site prior to the start of operations. This can be constructed during the building permit phase of the project. Please contact Lori Marra at (510) 494-4581 for specific trash enclosure requirements.

Item 3. **BAY K9 DOG DAYCARE – 37425 Glenmoor Drive – PLN2016-00042** - To consider a Zoning Administrator Permit to allow an indoor dog daycare and boarding facility located in the Centerville Community Plan Area, and to consider an exemption from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301, Existing Facilities.

The public hearing was opened.

Zoning Administrator Wheeler asked the applicant about the proposed ratio of caregivers to dogs and area provided for boarding and daycare per dog.

The applicant responded that they were proposing two to three employees and up to 45 dogs. They were also proposing 70 square feet per dog.

Zoning Administrator Wheeler said that this would mean that caregivers could be responsible for 15 to 22 dogs each. Also, the applicant's calculation of dogs per square foot included areas not proposed for dogs (i.e., office and lobby areas). Thus, there is 2,350 square feet proposed for daycare and boarding. Based on her research, she indicated that the ASPCA recommends a minimum of one caregiver per ten dogs and 75 to 100 square feet per dog. To ensure that ASPCA guidelines are met, Zoning Administrator Wheeler asked the applicant if he would be agreeable to a condition

limiting the number of dogs to 33 based on one dog per 75 square feet and requiring one caregiver per ten dogs.

The applicant said yes.

The Zoning Administrator took the following action on Item 3:

1. Found that the project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities, because the project utilizes an existing building and no changes to the site are proposed;
2. Found PLN2016-00042, a Zoning Administrator Permit for a dog daycare and boarding facility, is in conformance with the relevant provisions contained in the City's existing General Plan;
3. Approved PLN2016-00042, as shown on Exhibit "A," subject to findings and conditions in Exhibit "B."

Item 3 was approved with the following revised conditions of approval shown in ~~strikeout~~ and underline text:

4. Noise emanating from the facility shall be limited to no more than 60 decibels at the property line closest to the adjacent residential development. The applicant shall install sound insulation materials as required to meet this limit. The applicant shall obtain building permits for this work as required by the California Building Code. Exterior doors to the facility, including existing roll up doors, shall remain closed at all times.
6. The maximum number of dogs on site for daycare and boarding combined shall be limited to no more than ~~45~~ 33 dogs based on one dog per 75 square feet of area designated for daycare and boarding as shown on Exhibit "A." In addition, there shall be one caregiver per 10 dogs on site.

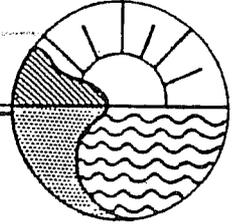
Meeting adjourned at 3:30 p.m.

APPROVED BY:



Kristie Wheeler
Zoning Administrator

AGENDA



Planning Commission – City of Pacifica

DATE: February 22, 2011
LOCATION: Council Chambers, 2212 Beach Boulevard
TIME: 7:00 PM
ROLL CALL:

SALUTE TO FLAG:

ADMINISTRATIVE BUSINESS:

Approval of Order of Agenda

Approval of Minutes: February 7, 2011

Designation of Liaison to City Council Meeting of: March 14, 2011

CONSENT ITEMS:

1. UP-003-09 EXTENSION OF PERMITS to construct two condominium duplexes at 10, 16, 20 and 26 Santa Rosa Avenue,
CDP-315-09 Pacifica (APN 016-182-020 and 030). Proposed Action: Grant extension request.
PSD-777-09

PUBLIC HEARINGS:

2. UP-018-11 USE PERMIT and COASTAL DEVELOPMENT PERMIT, filed by the applicant, Maureen Murray, on behalf of
CDP-331-11 the owner, Hong Chen, to operate a dog daycare, spa and boarding facility at 5400 Coast Highway in the
Pedro Point Shopping Center, Pacifica (APN 023-072-060). Recommended CEQA status: Exempt Proposed
Action: Approval with conditions.

OTHER AGENDA ITEMS:

COMMUNICATIONS:

Commission Communications:

Staff Communications:

Oral Communications:

This portion of the agenda is available to the public to address the Planning Commission on any issue within the subject matter jurisdiction of the Commission that is not on the agenda. The time allowed for any speaker will be three minutes.

ADJOURNMENT

Anyone aggrieved by the action of the Planning Commission has 10 calendar days to appeal the decision in writing to the City Council. If any of the above actions are challenged in court, issues which may be raised are limited to those raised at the public hearing or in written correspondence delivered to the City at, or prior to, the public hearing. Judicial review of any City administrative decision may be had only if a petition is filed with the court not later than the 90th day following the date upon which the decision becomes final. Judicial review of environmental determinations may be subject to a shorter time period for litigation, in certain cases 30 days following the date of final decision.

The City of Pacifica will provide special assistance for disabled citizens upon at least 24-hour advance notice to the City Manager's office (738-7301). If you need sign language assistance or written material printed in a larger font or taped, advance notice is necessary. All meeting rooms are accessible to the disabled.

NOTE: Off-street parking is allowed by permit for attendance at official public meetings. Vehicles parked without permits are subject to citation. You should obtain a permit from the rack in the lobby and place it on the dashboard of your vehicle in such a manner as is visible to law enforcement personnel.

CITY OF PACIFICA

AGENDA MEMO

DATE: February 22, 2011

TO: Planning Commission

FROM: Kathryn Farbstein, Assistant Planner

SUBJECT: Agenda Item No. 1: Extension of Coastal Development Permit, CDP-315-09, Use Permit, UP-003-09 and Site Development Permit, PSD-777-09 to construct two condominium duplexes at 10, 16, 20 and 26 Santa Rosa Avenue, Pacifica, (APN 016-182-020 and 030).

On January 4, 2010, the Planning Commission conditionally approved a Coastal Development Permit, Use Permit, Site Development Permit and Tentative Subdivision Map for two condominium duplexes at 10, 16, 20 and 26 Santa Rosa Avenue. Details of the project are contained in the attached staff report. Also attached are the minutes and the grant letter with conditions of approval from the Planning Commission meeting. Additional information is available upon request. The applicant is required to obtain a building permit and start construction within one of the approval date from the Planning Commission to keep the Coastal Development Permit, Use Permit and Site Development Permit active.

The permits were due to expire on February 17, 2011. On February 16, 2011, staff received the attached extension request. This is the applicant's first request for an extension. According to the applicant's statement, he is requesting additional time to obtain financing for the project. The applicant requested a one year extension for the Planning permits; however, the Subdivision permit will expire on February 17, 2012 and does not need an extension at this time.

It is not unusual for the applicant to request an extension for approved permits. Extensions are generally granted unless there have been significant changes in the conditions or circumstances affecting the property or area. Staff believes that no changes have occurred and is therefore recommending that the Commission grant the extension for one year.

COMMISSION ACTION REQUESTED

Move that the Planning Commission **EXTEND** CDP-315-09, UP-003-09 and PSD-777-09 to February 17, 2012.

10, 16, 20 and 26 Santa Rosa Ave. – Planning Commission Memo

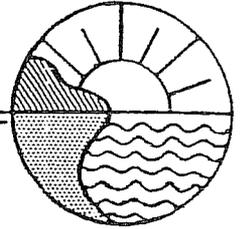
February 22, 2011

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Attachments:

- a. Letter from Applicant Dated February 16, 2011
- b. Staff Report and Planning Commission Meeting Minutes from January 4, 2010
- c. Grant Letter with Conditions of Approval Dated February 17, 2010

STAFF REPORT



PLANNING COMMISSION - CITY OF PACIFICA

DATE: February 22, 2011

ITEM: 2

PROJECT SUMMARY/RECOMMENDATION AND FINDINGS

Notice of Public Hearing was published in the Pacifica Tribune on February 9, 2011 and 21 surrounding property owners and occupants were notified by mail.

FILE: UP-018-11
CDP-331-11

APPLICANT: Maureen Murray, 917 Paseito Terrace, Pacifica, CA 94044

OWNER: Hong Chen, Pacifica Beach View Company, 102 Scarsborough Way, Los Gatos, Ca 95032

LOCATION: 5400 Coast Highway

APN: 023-072-060

PROJECT DESCRIPTION: The applicant proposes to operate a dog daycare, spa and boarding business in an existing commercial space.

General Plan: Commercial

Zoning: C-2 (Community Commercial District)/CZ (Coastal Zone)

RECOMMENDED CEQA STATUS: Exempt Section 15303 (c)

ADDITIONAL REQUIRED APPROVALS: Appealable to Coastal Commission

RECOMMENDED ACTION: Approval with conditions.

PREPARED BY: Kathryn Farbstein, Assistant Planner

ZONING STANDARDS CONFORMANCE:

<u>Standards (C-2)</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Parking for the Center	87 spaces	135 spaces	No Change

PROJECT SUMMARY

A. STAFF NOTES:

1. Project Description: Proposed is the conversion of approximately 1,300 square feet of an existing tenant space into a dog daycare, spa and boarding facility called Club Annabees. The previous use was a surfing rental shop which was part of the NorCal business that continues to operate in another location in the same shopping center. The tenant space proposed for the dog daycare, spa and boarding facility is the last tenant space to the north (closest to the ocean) in the Pedro Point Shopping Center. The adjacent tenant space to the south currently contains Annabee's Boutique which is a retail business selling dog related products that opened approximately one year ago. The owner of Annabee's Boutique is also the applicant for the proposed dog daycare, spa and boarding facility proposed for Club Annabees. In addition to Annabee's Boutique and Norcal Surfing Shop, several other businesses are operating in the Pedro Point Shopping Center including The Fog Zone, Exteme Pizza, Nona's Kitchen, La Playa and High Tides. The new grocery called Fresh and Easy at the south end of the Pedro Point Shopping Center is on a separate lot with different ownership. Fresh and Easy is scheduled to open on March 9, 2011.

Access to Club Annabees is proposed for a new door to replace the roll up door on the north side of the building and close to the back outdoor area. The door will open into a lobby area where customers will bring their dogs. The applicant is proposing to have three different areas, identified on the plans as "play area 1, 2 and 3", for the dogs to be kept. Play area 1 is indoor space at the front of the commercial area and is approximately 700 square feet of area. The dogs will be kept behind a fenced enclosure. Play area 2 is in the outdoor patio area and is approximately 1,000 square feet of yard space. A fenced area will be created within the outdoor play area in order to provide a walkway along the rear of the Club Annabees and Annabee's Boutique, and perpendicular to the building for access to the trash and recycling enclosure. The fenced walkway will also be used to keep dogs while the dogs are being transferred from different play areas. Play area 3 will be upstairs, available to the smaller dogs and will be approximately 200 square feet. A spa/groom shop is proposed within a small room at the rear of the tenant space. The bathroom area for the employees and customers will be shared with Annabee's Boutique, in the adjacent existing business.

The hours of operation for Club Annabees are proposed as Monday through Friday, 7 am until 7 pm, and on weekends, 8 am until 5 pm. Club Annabees will be closed from noon to 2 pm daily for the dogs to rest. The number of employees proposed is 4 full time and 3 part time employees. The number of dogs that would be utilizing the services at Club Annabees is between 30 to 45 dogs. The number of dogs boarded would range from 15 to a maximum of 23 dogs, with at least

one employee monitoring the dogs overnight. Upon review of the ASPCA Guidelines for dog daycare provided by the applicant (see Attachment c), staff had additional questions that have been fully addressed by the applicant in Attachment d. All the information the applicant has provided for the proposed business is attached as Attachments b, c, d and e (plans).

2. General Plan, Zoning, and Surrounding Land Use: The General Plan designation for the subject property is Commercial and the zoning designation is C-2, Community Commercial District and CZ for Coastal Zone. The properties to the north (across San Pedro Creek outlet) have a General Plan designation of Special Area and the zoning is P-F because of the pump station used by the Wastewater Division. The properties to the south and west have the same General Plan and zoning designations as the subject site. San Pedro Avenue and the Coast Highway form the property boundary on the west side of the site. The Linda Mar Shopping Center is located further west across Highway 1. The closest residentially zoned and developed property is more than 600 feet away.

3. Municipal Code and Regulatory Standards: The Municipal Code Section 9-4.1101 (b) (2) states “Pet care and sales establishments, including boarding and grooming” is a conditionally permitted use. In addition, Section 9-4.1102 (h) states that uses conducted outside a building require approval of a Use Permit and in this case, some of the dogs will be kept outdoors in play area 2. Thus, the proposed dog daycare, spa and boarding business would require review and approval of a Use Permit. The site is in the Coastal Zone and is an intensification of use of the tenant space because it is proposed up to 23 dogs will be boarded overnight and the previous retail use did not operate at night. In addition, as stated in Section 9-4.4303 (h) (3) (iv), this project is located between the ocean and the first public road paralleling the ocean which means the project is not exempt. Therefore, approval of a Coastal Development Permit is also necessary.

4. CEQA Recommendation: The following excerpt is from the California Environmental Quality Act under Article 19. Categorical Exemptions:

15303. New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

(c) A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

The project is an existing approximately 1,300 square foot commercial space being converted into another commercial use; thus, it is exempted from undergoing environmental review.

5. Use Permit: The Planning Commission shall grant approval of a Use Permit only when all of the following findings are made.

- a. That the establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, and welfare of the persons residing or working in the neighborhood or to the general welfare of the City;
- b. That the use of building applied for is consistent with the applicable provisions of the General Plan and other applicable laws of the City and, where applicable, the Local Coastal Plan; and
- c. Where applicable, that the use or building applied for is consistent with the City's adopted Design Guidelines.

6. Coastal Development Permit Findings: Section 9-4.4304(k) of the Municipal Code allows the Planning Commission to issue a Coastal Development Permit based on the findings specified below:

- a. The proposed development is in conformity with the City's certified Local Coastal Program.
- b. Where the Coastal Development Permit is issued for a development between the nearest public road and the shoreline, the development is in conformity with the public recreation policies of Chapter 3 of the California Coastal Act.

7. Analysis:

Use Permit – Staff believes that the proposed change of use from a surfboard supply rental shop to a dog daycare, spa and boarding facility would not be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City. Specifically, the applicant is proposing a type of use that is unique in Pacifica and will be located in a commercial area with few residential uses that would be impacted by the dogs. The impacts to the adjacent commercial tenants will be discussed below.

Coastal Development Permit – The project is proposed within a commercial area, and therefore, complies with Coastal Act Policy #23 that states new development shall be located within or contiguous to an existing developed area that is able to accommodate it. There is a mix of commercial uses within close proximity to the site, including the Linda Mar Shopping Center across Highway 1. Club Annabees will be providing a variety of services to customers with dogs. In staff's opinion, the proposed dog daycare, spa and boarding facility would be a unique type of business that may attract new customers to the City and it is located in an area that will not disturb residential uses.

The subject site is located between the nearest public road and the shoreline. There is a walk way to the north of the subject site and along San Pedro Creek that provides access to Pacifica State Beach. In conclusion, staff believes that the proposed commercial project satisfies the Local Coastal Program because public access exists nearby as encouraged with the public recreation policies of Chapter 3 of the California Coastal Act and the unique type of use with a variety of services for dog owners will attract visitors to the Pacifica coast.

Parking – Based on the existing commercial uses in the Pedro Point Shopping Center, 84 parking spaces are required and 135 parking spaces exist according to the property owner. Staff determined that the parking requirement for the proposed Club Annabees would be seven spaces because Municipal Code Section 9-4.2818 (d) for “kennels, stables and animal boarding” requires one space per employee on a maximum shift. The proposed use could also be considered as a personal service which would have a required parking ratio of one space per 300 square feet or 4 required spaces for the project, however, staff determined that using the greater number of parking spaces allocated to animal boarding would be more appropriate in this case. The maximum number of employees is seven as stated by the applicant. The previous retail use was allocated four spaces based on one parking space per 300 square feet for a retail use, and therefore, an additional three parking spaces would be needed for Club Annabees (the difference between seven spaces required and four spaces already allocated for the previous use is three new spaces needed). The Pedro Point Shopping Center has more than 50 surplus parking spaces; thus, there is plenty of parking for the proposed use even if an additional three spaces are needed for the new use. Staff is recommending a condition of approval requiring that the parking lot be restriped and paved because the condition of the parking lot surface is very uneven and has deteriorated so much that the parking spaces are not visible.

A fire hydrant is located on the north side of the tenant space and close to the front of the building but this hydrant is not shown on the plans. On the site plan, four parking spaces are identified perpendicular to the north side of the building but they cannot be used due to the proximity to the fire hydrant. These parking spaces are not marked on the actual parking lot. Based on conversations with the North County Fire Authority (NCFA) staff, at least 15 feet of space around the fire hydrant is required for access by NCFA, and therefore, those four parking spaces shown on the site plan cannot be utilized. These four parking spaces that have been eliminated are not included in the total number of parking spaces for the shopping center which is 135 parking spaces. In addition, the removal of four parking spaces will not affect the applicant’s ability to provide the seven parking spaces required for Club Annabees.

Potential Impacts to Adjacent Commercial Uses – The adjacent commercial uses may be impacted by the proposed use. Some of the anticipated major impacts that will be discussed are: 1) Noise from barking dogs, 2) Uncontrolled dogs, and 3) Unpleasant smells from dog waste. Additional issues, including some raised by staff, have been addressed by the applicant in Attachment b and d. The tenant space is placed at the north end of the Pedro Point Shopping Center and the adjacent tenant space is Annabee’s Boutique which is under the same ownership. However, the outdoor area (play area 2) extends across both Annabee’s Boutique and the proposed Club Annabees which means that the outdoor dog area does abut the adjacent business, The Fog Zone.

To reduce the noise impacts of groups of dogs staying in Club Annabees, rubber flooring made of recycled materials is proposed inside and outside. Sound buffering materials will be installed along the south wall of Club Annabees and to some extent, along the east wall (front façade of building). The west wall adjacent to the outdoor play area will have sound proofing sheet rock. Additional interior décor such as drapery may also be utilized to help dampen the noise impacts. Outdoor rated sound absorption blankets will be installed in play area 2 along the fence abutting The Fog Zone. According to the applicant, the busiest time for Club Annabees will be Monday through Friday for the daycare while the neighboring businesses are busier during the weekends. Thus, the applicant is proposing to limit outdoor play area time for the dogs to have time to defecate and urinate (potty breaks).

In response to question #7 from staff in Attachment d regarding controlling the dogs, the applicant describes how the dogs will be kept in Club Annabees. Customers will bring dogs on leash into the facility (applicant will enforce Pacifica's leash law) and a Club Annabees employee will place the dog in one of the three play areas. Indoor fencing and gates will be used to contain the dogs. If the applicant is unable to construct a new door on the north wall for access to Club Annabees, the dogs will be brought through Annabees Boutique and around the back door into Club Annabees. More information regarding controlling the dogs is described in Attachment b under the heading "Our Policies". The applicant will not be walking the dogs along the beach or other areas outside Club Annabees. All dogs allowed into the center will be spayed or neutered. In addition, the dogs will undergo a behavioral examination and personality tests, and attend enough daycare sessions to ensure that the dogs will behave appropriately for overnight stays at Club Annabees.

The applicant has described how dog waste will be collected and disposed of in Attachment b under the heading "Disposal of Waste". The procedure is to encourage dogs to use a dog box that contains gravel with litter or pads to collect the waste in a lower tray. The litter or pads from the trays will be collected and put in a sealed trash can as soon as possible and at least once a day. If a dog does not use the dog box either indoors or outdoors, the waste will be picked up immediately and put in a sealed trash can. If a dog urinates outside the dog box either indoors or outdoors, a wet vacuum will be used to pick up the liquid waste and a biodegradable, pet friendly cleaning product will be used to clean up the spot. The dog feces will be picked up weekly via a dog waste removal service and the wet vacuum will be flushed down the toilet after use. The applicant has stated that no dog waste will enter the storm drain system. Staff is recommending a condition of approval to require trash and recycling containers to be enclosed and this enclosure will be located at the back of the outdoor play area, away from the other commercial tenants.

8. Summary: In light of the foregoing, staff recommends that the Planning Commission approve the Use Permit, UP-018-11, and Coastal Development Permit, CDP-331-11 to allow a dog daycare, spa and boarding facility at 5400 Coast Highway. In staff's opinion, there are sufficient findings to approve the permits for this project because the proposed use will have minimal impact to the existing and surrounding commercial businesses, and it may encourage additional visitors to the City of Pacifica.

RECOMMENDATION AND FINDINGS

B. RECOMMENDATION:

Staff recommends that the Planning Commission **APPROVE** UP-018-11, and CDP-331-11 for a dog daycare, spa and boarding business called Club Annabees within an existing commercial space at 5400 Coast Highway, subject to the following conditions:

Planning Department:

1. Development shall be substantially in accord with the plans entitled "Club Annabees" consisting of four (4) sheets, dated January 24, 2011, except as modified by the following conditions.
2. Prior to the issuance of the building permit, the owner shall work with staff to record conditions of project approval on the title of the property.
3. Club Annabees hours of operation shall be Monday through Friday 7 am until 7 pm and on the weekends, 8 am until 5 pm.
4. No dog waste shall be washed into the City's storm drain system.
5. The dogs shall remain within Club Annabees grounds and the applicant shall ensure that the dog owners utilizing Club Annabees services will comply with the City's leash law.
6. All trash and recycling materials, if stored outdoors, shall be fully contained and screened from public view within the proposed enclosure to the Planning Director's satisfaction. The enclosure design shall be consistent with the adjacent and/or surrounding building materials, and shall be sufficient in size to contain all trash and recycling materials, as may be recommended by Recology of the Coast.
7. All outstanding and applicable fees associated with the processing of this project shall be paid prior to the issuance of a building permit.
8. Spa discharge drains shall not be connected directly to the storm drain or sanitary sewer system, unless the connection is specifically approved by the Wastewater Division as applicable.
9. No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning wash water) shall be discharged to the storm drain system, the street or gutter.
10. The applicant shall repair and/or resurface the seven parking spaces required for the proposed use to the Planning Director's satisfaction.

11. The applicant shall clearly indicate compliance with all conditions of approval on the plans and/or provide written explanations to the Planning Director's satisfaction prior to approval of a building permit.
12. The applicant shall indemnify, defend and hold harmless the City, its Council, Planning Commission, advisory boards, officers, employees, consultants and agents (hereinafter "City") from any claim, action or proceeding (hereinafter "Proceeding") brought against the City relating to applicant's project including, but not limited to, any Proceeding for personal injury, property damage, or death, or brought against the City to attack, set aside, void or annul the City's actions regarding any development or land use permit, application, license, denial, approval or authorization, including, but not limited to, variances, use permits, developments plans, specific plans, general plan amendments, zoning amendments, approvals and certifications pursuant to the California Environmental Quality Act, and /or any mitigation monitoring program, but excluding any approvals governed by California Government Code Section 66474.9. This indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and costs of suit, attorneys fees and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, City, and /or parties initiating or bringing such Proceeding. If the applicant is required to defend the City as set forth above, the City shall retain the right to select the counsel who shall defend the City.

C. FINDINGS:

1. **Findings for Approval of the Use Permit:** The Planning Commission finds that the proposed change of use for an existing commercial space would not be detrimental to the health, safety and welfare of the persons residing or working in the neighborhood or to the general welfare of the City. Specifically, the applicant is proposing to start a dog daycare, spa and boarding facility in an area far away from residential uses; and therefore, barking dogs will not create negative impacts in the evening hours. Although the proposed business is located in the Pedro Point Shopping Center, the negative impacts to the adjacent commercial tenants, associated with proposed dog daycare, spa and boarding services, have been addressed by the applicant. In addition, the project has adequate parking and it is a unique business to Pacifica which may attract visitors to the City.
2. **Findings for Approval of the Coastal Development Permit:** The Planning Commission finds that the proposed project, as conditioned, is in conformity with the City's Local Coastal Program and Public Recreation policies of Chapter 3 of the California Coastal Act. Specifically, the proposed unique business will attract customers and visitors to Pacifica. Beach access is provided adjacent to the Pedro Point Shopping Center. The project will not negatively impact any access to existing coastal recreation facilities, nor will it increase the demand for additional facilities or negatively affect any existing oceanfront land or other coastal area suitable for recreational use. The proposal will not have significant adverse effects, either individually or cumulative, on coastal resources.

D. **MOTION FOR APPROVAL:**

Move that the Planning Commission find that the project is exempt from CEQA, and **APPROVE** UP-018-11, and CDP-331-11, subject to conditions 1 through 12, based on findings contained within the February 22, 2011 staff report and incorporate all maps, documents, and testimony into the record by reference.

Attachments: (Planning Commission only)

- a. Land Use and Zoning Exhibit
- b. Business Overview from Applicant Received January 24, 2011
- c. ASPCA Dog Daycare Guidelines Received January 24, 2011
- d. Applicant's Response to Staff's Questions
- e. Plans and Elevations