



PLANNING COMMISSION

AGENDA REPORT

VI. 6

MEETING DATE: OCTOBER 10, 2011

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-11-18
CONDITIONAL USE PERMIT FOR A DOGGIE DAYCARE AND BOARDING FACILITY
1599 SUPERIOR AVENUE, UNIT B2

DATE: SEPTEMBER 29, 2011

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER
(714) 754-5136 WENDY.SHIH@COSTAMESACA.GOV

PROJECT DESCRIPTION

Conditional use permit (CUP) for a doggie daycare and boarding facility in a 1,600 square-foot suite.

APPLICANT

The applicant is Theresa Vaughan, representing the property owner, Olen Commercial Realty Corp.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

BACKGROUND***Project Site***

The property is located on the southwest corner of West 16th Street and Superior Avenue. It is zoned MG (General Industrial) and has a General Plan designation of Light Industry. It is surrounded by industrial uses in all four directions. The property borders the City of Newport Beach to the south and east. The property is also located within the Mesa West Bluffs Urban Plan area. However, the applicant is not requesting to activate the provisions of the urban plan.

The 3.7 acre lot contains five multi-tenant industrial buildings totaling approximately 68,000 square feet. The site contains a mix of industrial office and manufacturing uses.

Staff notes that the existing trash enclosure behind the building does not have solid gates to screen the trash dumpster inside. The property owner is responsible for installing solid, opaque gates to screen the dumpster from view pursuant to the City's Property Maintenance Regulations (Title 20) regardless of this application. The applicant has been notified of this requirement and will coordinate with the property owner to install the gates.

Project Description

The applicant proposes to occupy a 1,600 square-foot suite (B2) to establish a daycare and boarding facility for small dogs (21 pounds and under). The applicant proposes to provide exclusive high-end service by membership only.

The operational characteristics are as follows:

- Daycare and boarding of small dogs only (21 pounds and under).
- Occupancy limited to six dogs per day.
- Five custom mini-condominium units for overnight boarding of dogs.
- One employee onsite at any one time.
- All activities will be contained indoors.
- All drop-off and pick-up will occur at the front of the building facing Superior Avenue.
- Operating hours from 8 a.m. to 5 p.m. daily.
- Soundproofing materials will be installed throughout the suite to contain noise, including Mason board and other materials similar to that used in recording studios and 10 to 20 sound-deadening foam baffles suspended from the ceiling.
- No grooming, training, or veterinary services will be provided at the site.

PLANNING APPLICATION PA-11-18

Staff supports approval of the CUP for the following reasons:

- *The proposed use would not negatively impact surrounding properties and uses.*

The property is surrounded by industrial office and manufacturing uses. The proposed location for the doggie daycare and boarding facility is near the southeast corner of the

property, within approximately 50 feet from Superior Avenue where access and parking directly in front of the unit is easily accessible. The site is not located in proximity to any sensitive land uses such as residences or schools. The nearest residences are located in a mobile home park (Ebb Tide Mobile Home Park) in Newport Beach at a distance of approximately 350 feet away.

In 2003, the Planning Commission also approved another dog daycare and boarding facility (The Bone Adventure) in an industrial zone within one block from this location at 1629 Superior Avenue. There have been no complaints regarding dog noise or odors from this facility. Therefore, staff believes that the proposed use would be compatible with, and not negatively impact, surrounding properties and uses.

If the Commission approves the use, conditions of approval (numbers 1 through 8) are included to regulate the operational characteristics to ensure minimal impact on surrounding uses.

- *The proposed use is compatible with existing uses on the property.*

Staff does not anticipate any negative impacts to other businesses onsite because all activities will be conducted indoors. The applicant will also implement measures to ensure sanitary condition of the facility. The suite will be cleaned and sanitized on a daily basis as described in the applicant's description letter to prevent odors both indoors and out. Trash bins within enclosures are also conveniently located behind the suite. The applicant also indicated that all waste will be contained in a sterile manner and removed frequently.

Condition no. 2 requires the applicant to keep all indoor and outdoor areas in a sanitary condition and to schedule trash pick-up as frequently as necessary to prevent odors and other nuisances to the surrounding businesses.

The applicant will ensure complete sound containment by installing soundproofing material similar to that used in recording studios as well as sound-deadening foam baffles on the ceiling. **Condition no. 3** requires the applicant to obtain verification from an acoustical engineer that the noise attenuation measures have adequately eliminated disruption to the other businesses in the complex by animal noise. The fire marshal shall verify that the noise attenuation measures do not pose a fire hazard. Prior to final building permits or within 60 days of the approval of the CUP (whichever occurs first), the applicant shall incorporate any recommendations made by the acoustical engineer and fire marshal to ensure life safety and compatibility with adjacent businesses in the building. If the City receives any noise complaints, the applicant shall provide further noise attenuation or modify the operational characteristics of the business as deemed appropriate by the Development Services Director.

To further ensure that the proposed use does not become a nuisance to the neighboring properties, the following conditions are also included:

Condition no. 4 requires that signs be posted to instruct the dog owners to keep dogs on leashes until they are inside the building and prohibits dogs without leashes to be in the parking lot or driveway areas.

Condition no. 5 requires boarding of dogs to be contained inside the building with a security staff/caretaker on the premises at all times.

Condition no. 6 requires all doors to remain closed at all times.

- Adequate on-site parking exists to accommodate the use.

Based on the highly exclusive facility catering to a maximum of six customers/small dogs per day with one employee onsite, the Transportation Services staff confirmed that the proposed use will not generate a higher vehicle trip rate than the building currently generates with industrial uses. Additionally, the proposed use will not trigger additional parking requirements.

According to City records, 153 parking spaces are required for the property; 196 spaces exist. The proposed suite is located near two driveways from Superior Avenue with a parking lot in front of, to the rear, and along the south side of the building for convenient access and parking. Staff has also visited the site and found many open parking spaces during normal business hours; approximately 40 percent of the parking lot was not utilized. Therefore, no parking impacts are anticipated.

Use	Parking Rate	Parking Requirement	Parking Demand
Existing Industrial Office/Manufacturing	3/1,000 SF	148 spaces	148 spaces max.
Proposed Doggie Daycare/Boarding	3/1,000 SF	5 spaces	4 spaces max.*
Total Required Parking		153 spaces	152 spaces
Existing On-Site Parking Supply		196 spaces	

* Based on applicant's description, there will be no more than one employee and three guest drop-offs in any five-hour period.

Condition of approval no. 7 stipulates that if the City receives parking complaints, the applicant or operator shall submit a parking management plan to the Planning Division for review. The plan may require pick-up and delivery service and/or staggering drop-off and pick-up times to resolve on-site parking issues.

GENERAL PLAN CONFORMITY

In accordance with the General Plan, the Light Industry land use designation allows a variety of service industries. Based on the specialized and exclusive nature of the business, approval would not result in adverse traffic impacts because the proposed use will not generate a higher vehicle trip rate than the building currently generates with industrial uses. Therefore, approval of a CUP for the doggie daycare and boarding facility would allow a use and intensity that is consistent with the General Plan.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve the application. This would allow the establishment of the doggie daycare and boarding facility, as described in the staff report, subject to conditions and Code requirements.
2. Deny the application. If Commission denies the application, the doggie daycare and boarding facility would not be permitted on the property. A similar request may not be submitted for six months.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

CONCLUSION

Staff believes that the proposed use will not negatively impact surrounding industrial/office uses. All activities will be conducted indoors with noise attenuation techniques used to minimize potential noise impacts. The site is not located near any sensitive, residential uses. On-site parking is also adequate to support the use.



WENDY SHIH
Associate Planner



CLAIRE FLYNN, AICP
Acting Asst. Development Services Director

- Attachments: 1. Draft Planning Commission Resolutions
2. Applicant's Project Description and Justification
3. Location Map
4. Plans

Distribution: Interim Development Services Director
Deputy City Attorney
City Engineer
Transportation Svs. Mgr.
Fire Protection Analyst
Staff (4)
File (2)

Kathryn Wadsworth
7 Corporate Plaza
Newport Beach, CA 92660

Theresa Vaughan
1638 Babcock St.
Costa Mesa, CA 92627

File: 101011PA1118	Date: 092911	Time: 8:30 a.m.
--------------------	--------------	-----------------

RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-11-18 FOR A DOGGIE DAYCARE AND BOARDING FACILITY

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Theresa Vaughan, authorized agent for property owner Olen Commercial Realty Corp., with respect to the real property located at 1599 Superior Ave., Unit B2, requesting approval of a conditional use permit for a doggie daycare and boarding facility in a 1,600 square-foot suite, in the MG zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2011, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-11-18 for a doggie daycare and boarding facility with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-11-18 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 10th day of October 2011.

COLIN MCCARTHY
Chair, Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. In accordance with the General Plan, the Light Industry land use designation allows a variety of service industries. Based on the specialized and exclusive nature of the business, approval would not result in adverse traffic impacts because the proposed use will not generate a higher vehicle trip rate than the building currently generates with industrial uses. Therefore, approval of a CUP for the doggie daycare and boarding facility would allow a use and intensity that is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) because:
1. The proposed use, as conditioned, is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. The property is surrounded by industrial office/manufacturing uses and another dog daycare and boarding facility one block from this location at 1629 Superior Avenue. The site is not located in proximity to any sensitive land uses such as residences or schools. The nearest residences are located in a mobile home park (Ebb Tide Mobile Home Park) in Newport Beach at a distance of approximately 350 feet away.
 2. Granting the conditional use permit, as conditioned, will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood. Specifically, the suite will be cleaned and sanitized on a daily basis to prevent odors both indoors and out. All waste will be contained in a sterile manner and removed frequently. Additionally, the proposed use will not generate a higher vehicle trip rate than the building currently generates with industrial uses and it will not trigger additional parking requirements. The suite is also located near two driveways from Superior Avenue with a parking lot in front of, to the rear, and along the south side of the building for convenient access and parking. Therefore, no parking impacts are anticipated.
 3. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation for the property.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The use shall be limited to the type of operation described in the staff report and applicant's description, subject to conditions. Any change in the operational characteristics including, but not limited to, type of service provided, number of dogs and employees, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)]. The approved use is as follows:
 - Daycare and boarding of small dogs only (21 pounds and under).
 - Occupancy limited to six dogs per day.
 - Five custom mini-condominium units for overnight boarding of dogs.
 - One employee onsite at any one time.
 - All activities will be contained indoors.
 - All drop-off and pick-up will occur at the front of the building facing Superior Avenue.
 - Operating hours from 8 a.m. to 5 p.m. daily.
 - Soundproofing materials will be installed throughout the suite to contain noise, including Mason board and other materials similar to that used in recording studios and 10 to 20 sound-deadening foam baffles suspended from the ceiling.
 - No grooming, training, or veterinary services will be provided at the site.
 2. The applicant shall keep all indoor and outdoor areas in a sanitary condition and shall schedule trash pick-up as frequently as necessary to prevent odors and other nuisances to the surrounding businesses.
 3. The applicant shall obtain verification from an acoustical engineer that the noise attenuation measures have adequately eliminated disruption to the other businesses in the complex by animal noise. The fire marshal shall verify that the noise attenuation measures do not pose a fire hazard. Prior to final building permits or within 60 days of the approval of the CUP (whichever occurs first), the applicant shall incorporate any recommendations made by the acoustical engineer and fire marshal to ensure life safety and compatibility with adjacent businesses in the building. If the City receives any noise complaints, the applicant shall provide further noise attenuation or modify the operational characteristics of the business as deemed appropriate by the Development Services Director.
 4. The applicant shall post signs instructing dog owners to keep dogs on leashes until they are inside the building or behind security gates. No

- dogs shall be allowed off leash in the parking or driveway areas.
5. Boarding of dogs shall be contained inside the building. A security staff/caretaker shall remain on the premises overnight with the dogs.
 6. All doors shall remain closed at all times.
 7. If the City receives parking complaints, the applicant or operator shall submit a parking management plan to the Planning Division for review. The plan may require pick-up and delivery service and/or staggering drop-off and pick-up times to resolve on-site parking issues.
 8. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
 9. The conditions of approval and ordinance or code provisions of Planning Application PA-11-18 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 10. Applicant shall contact the Planning Division to arrange Planning inspection of the site prior to permit finals and initiation of the business. This inspection is to confirm that conditions of approval and Code requirements have been satisfied.
 11. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

RESOLUTION NO. PC-11-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-11-18 FOR A DOGGIE DAYCARE AND BOARDING FACILITY

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Theresa Vaughan, authorized agent for property owner Olen Commercial Realty Corp., with respect to the real property located at 1599 Superior Ave., Unit B2, requesting approval of a conditional use permit for a doggie daycare and boarding facility in a 1,600 square-foot suite, in the MG zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on October 10, 2011, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-11-18 for a doggie daycare and boarding facility with respect to the property described above.

PASSED AND ADOPTED this 10th day of October 2011.

COLIN MCCARTHY
Chair, Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed use is not compatible and harmonious with uses both on site and those on surrounding properties.
 - b. The project is not consistent with the General Plan.

- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.

- C. The Costa Mesa Planning Commission has denied PA-11-18. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.

ATTACHMENT 2

July 20, 2011

City of Costa Mesa
Planning Division

RE: Background on the Proposed
Operation of The Owner's Club
1599 Superior, Unit B2

By copy of this letter, I hereby provide the City of Costa Mesa, Planning Division with supplemental information regarding my proposed business and its limited operations for a select number of clients within the city limits. By way of background, *Little Doggie Diggs* (a/k/a "The Owners Club") is a small canine boarding and day-care facility limited to small dogs (less than 21 pounds) for owners who seek private, high-end services. Boarding of guests is by membership only and occupancy is limited to 6 dogs ("guests") per day. The length of stay for each guest will range from overnight to as long as 1 month. Day care services will be available and the average guest stay will be 2 - 3 days per week.

Clientele

Clients will include an mix of sophisticated residents from the surrounding area; including: a corporate partner with a major international law firm, a sports commentator, a pharmaceutical company executive, a politician, lobbyists, sports figures and other business professionals who demand the best for their guests. All clients will be members of The Owner's Club which will entitle owners to pick up and drop off their guests during regular business hours. During their stay, guests will be pampered, entertained, and exercised indoors at The Owner's Club.

Location

The proposed site of operation is a roughly 1,600 square foot facility located within the MG zoning area, approved for use in Title 13 – zoning and development Chapter IV, citywide land use matrix, Sec. 13-30. – Purpose. The anticipated address of The Owner's Club is 1599-B2 Superior.

Facilities

The first floor of The Owner's Club (roughly 800 sq. ft.) will include 5 custom mini-condominium units for overnight stays and guest containment. The remaining open space on the ground floor of The Owner's Club will be used for guest exercise and play. The first floor offices (approximately 400 sq. ft.) will be used for client reception, guest drop-off, pick-up, and other day-to-day activities. The second floor will include office space (roughly 400 sq. ft.) used for business office activities, records management and other dry storage.

Noise Containment

Noise is not expected to be a factor, and to ensure complete sound containment The Owner's Club walls will be covered with mason board and other sound-proofing materials similar to that used in recording studios. In addition, 10 - 20 sound-deadening foam baffles will be suspended from the ceiling to further minimize any echo effect from guests within the Owner's Club. This technique has been used successfully in the past and neighboring tenants have been pleasantly surprised at its effect at reducing noise, such that complaints have been non-existent.

Business Hours

The Owner's Club will operate from 8 am to 5 pm daily.

References

I am willing to provide references from clients, guests, past neighbors and neighboring tenants, all of whom will confirm to the City of Costa Mesa that my business operations have always been conducted in a professional, clean, quiet, and friendly environment.

Further Assurances

To be sure, The Owner's Club will not be a large-scale operation. To the contrary, The Owner's Club will consist of a small, exclusive group of owners who seek only the best in high-end residences and day-care services for their guests while they attend to their professions and business travel.

In order to allay any concerns that the City of Costa Mesa may have regarding the operation of The Owner's Club, I hereby provide you with a list of assurances, including, but not limited to, the fact that:

- no grooming / dental / training / veterinary services will be provided or offered to guests;
- average number of guest per day 3 / maximum 6 guest;
- peak noise levels will be lower than current traffic and/or other tenant noise;
- there will be no more than 3 guest drop-offs in any 5-hour period;
- guest drop-offs will not entail parking for longer than 10-15 min each;
- adequate signage will be posted both indoors and out instructing all owners to keep their guests on leash until they are inside The Owner's Club;
- no guests shall be permitted to roam free outdoors;
- the interior of The Owner's Club shall be cleaned and sanitized on a daily basis;
- all waste and trash shall be contained and removed frequently, in a clean and sterile manner, all in accordance with best practices and consistent with City guidelines; and
- all guests shall be closely monitored and supervised by The Owner's Club executive personnel during the entire length of their stay, number of executive personnel one;

In addition, I would be more than happy to address any other concerns that the City of Costa Mesa may have regarding The Owner's Club in advance of its operation in order to ensure a mutually acceptable outcome.

If I can be of further assistance, or you require any additional information regarding The Owner's Club, please do not hesitate to contact Theresa Vaughan at 949.515.0022

Sincerely,
Theresa Vaughan



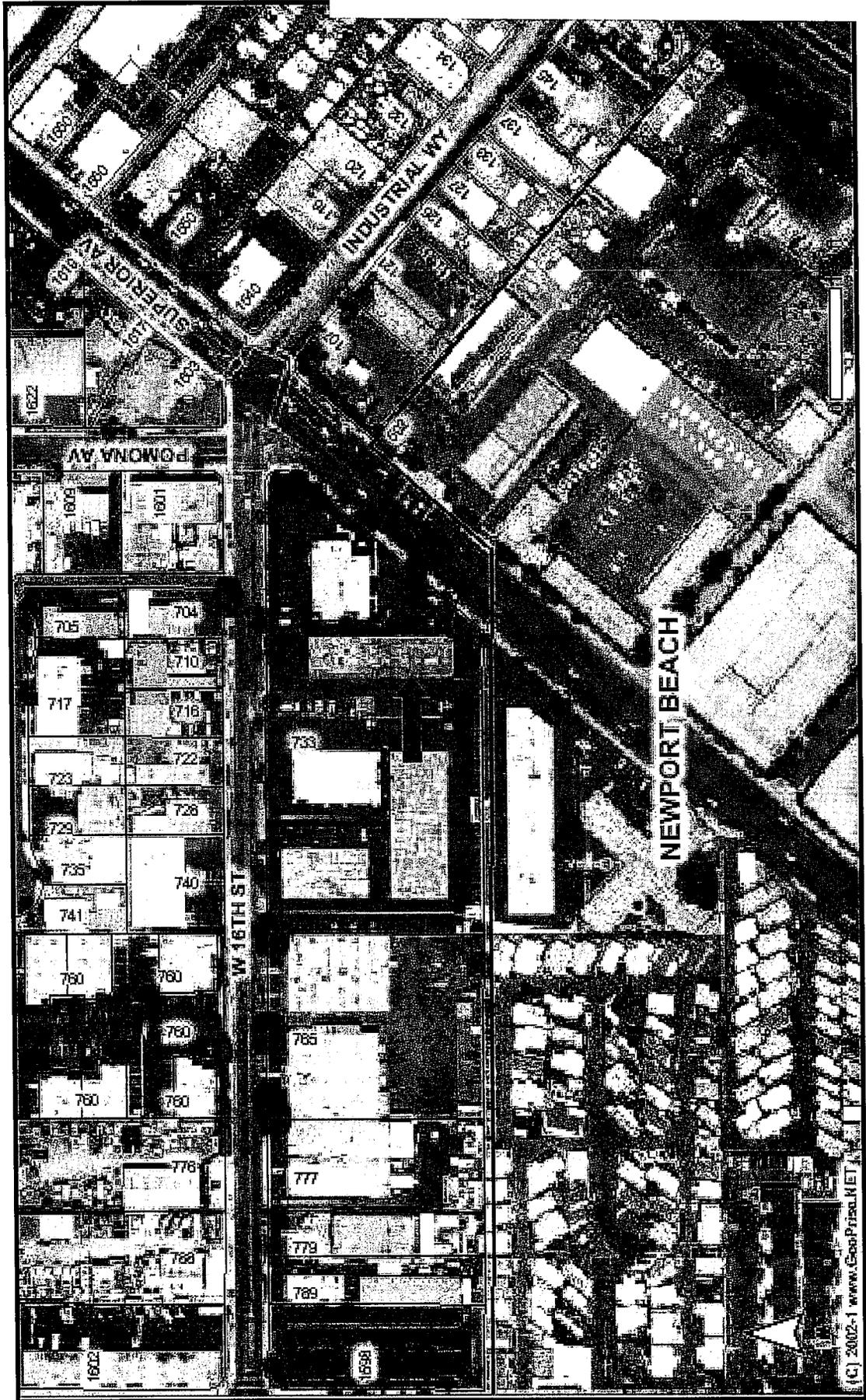
Business/Tenants Located at 1599 Superior

- B1 Noah Fine Art (website sale)
 - B2 Proposed Site for The Owners Club
 - B3 Tattoo Directory (referral service)
 - B4 Healthy Balance (exercise/physical fitness gym)
 - B5 Charles Trowbridge (landscaping)
 - B6 First Impulse (music)
 - B7 Lido Doors (garage doors)
 - B8 VACANT
 - B9 Aircraft Dealer (charter broker)
 - B10 Raul's Marine Canvas (boat covers/top's)
-
- A1 Remodeling Construction (handyman service)
 - A2 Metal Products (shade structures)
 - A3 Buyshade (web sales/custom design tents & awnings)
 - A4 Sea Dream (RV/boat leasing & sales)
 - A5 Superior Sandwich Shop

Business Located at 729 W. 16th Street

Negri Electronics (web sale/phone)
Newport Yacht Services (equipment & supplies)
Wpo Whoopo Solutions (business solutions)
Audio Science (manufacturing)
Age In Reverse (yoga class)
Educational Consultant Group (referral)
Auto Trader Dealer (Newport dealership referral)
Starbright Creations (embroidery)
Rag Daddy (garment production)
Villains/Vagabonds (store management)
Graphic Ink (screen-printing)
Steel City Glass (auto window glass)
University Graphix (apparel manufacturing)

LOCATION MAP



ATTACHMENT 4

SITE PLAN

1599 SUPERIOR
UNIT B2

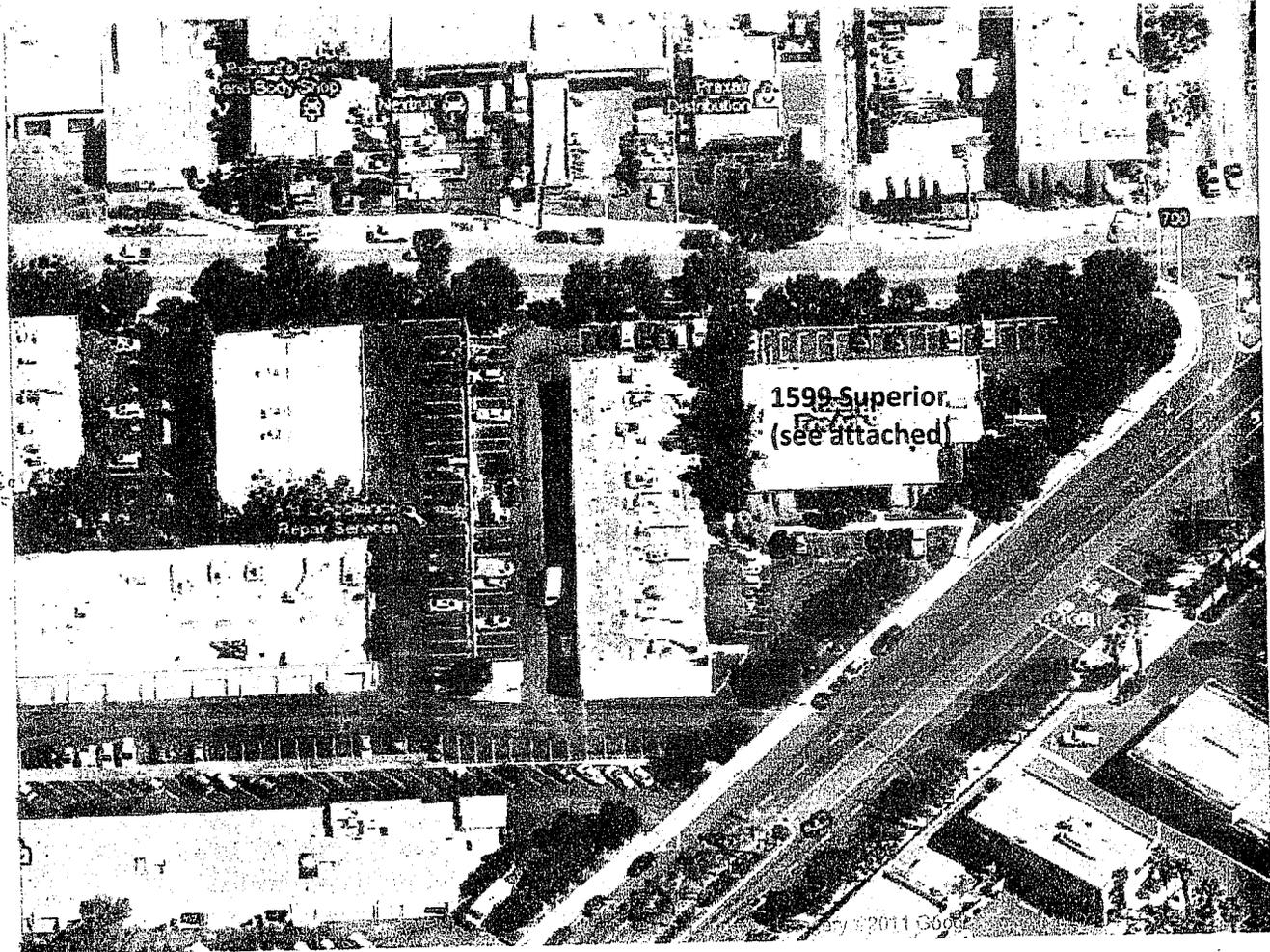
729 Vacant

728 AutoTech

722 Body Shop

Welding Supplies

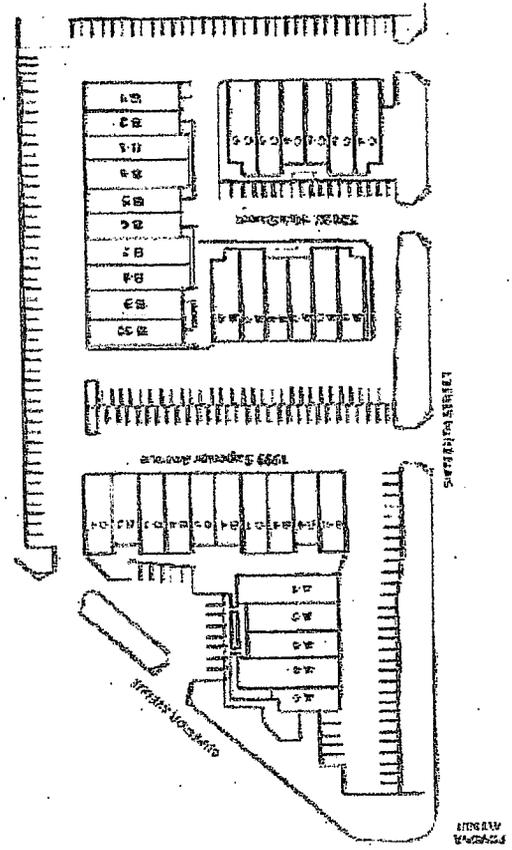
700 Newport Windows



Multitenant
(see attached)

City of
Newport
Beach

Multitenant
Plumbing
Carpenters
Mariners
Cake Mixes



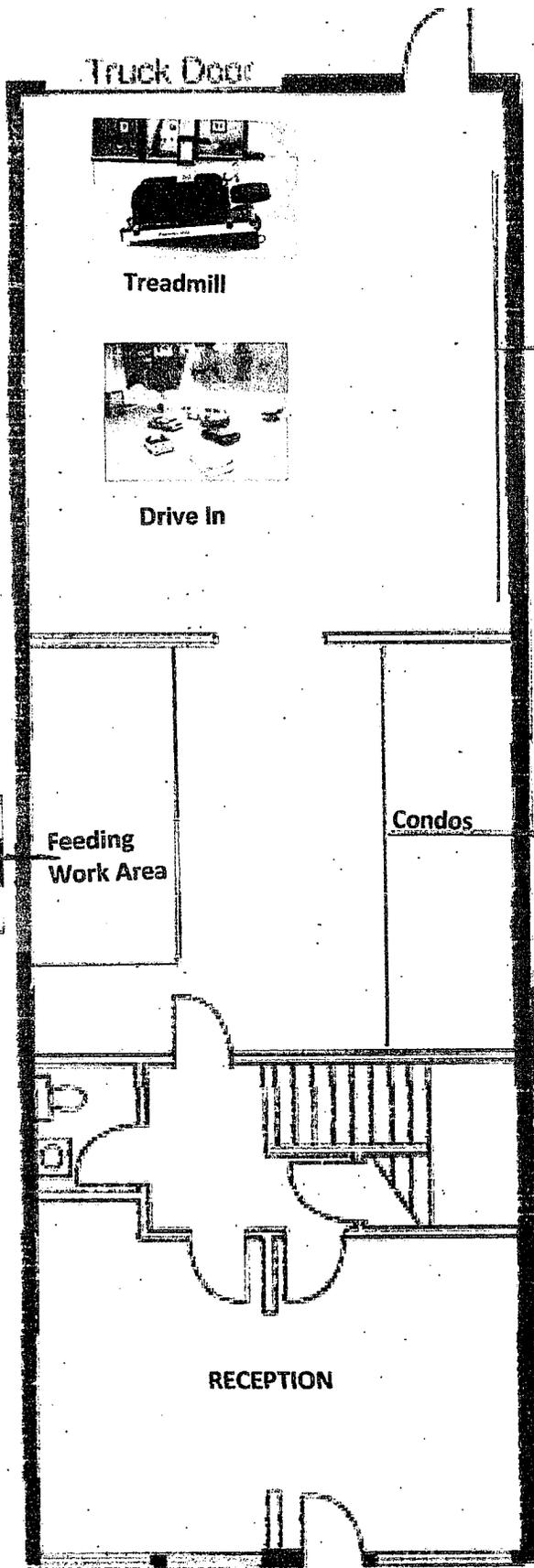
Unit B2 faces the parking lot and Superior Avenue

1599 Superior Avenue is located on the corner of 16th street and Superior Avenue

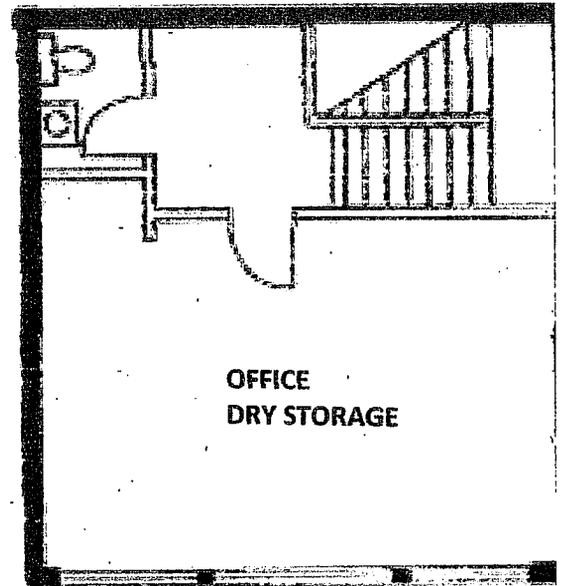
Parking: five spaces per unit

FLOORPLAN

1599 SUPERIOR
UNIT B2



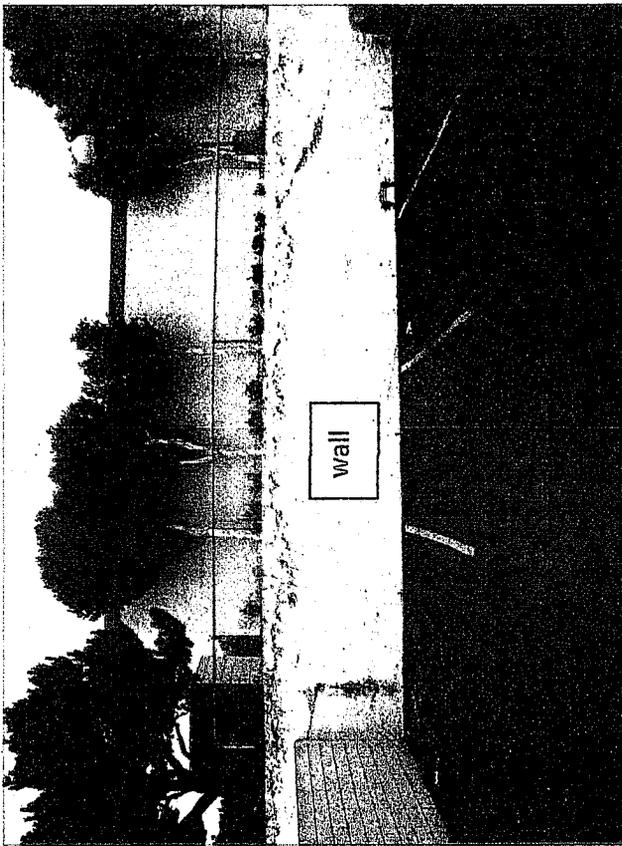
FIRST FLOOR



SECOND FLOOR

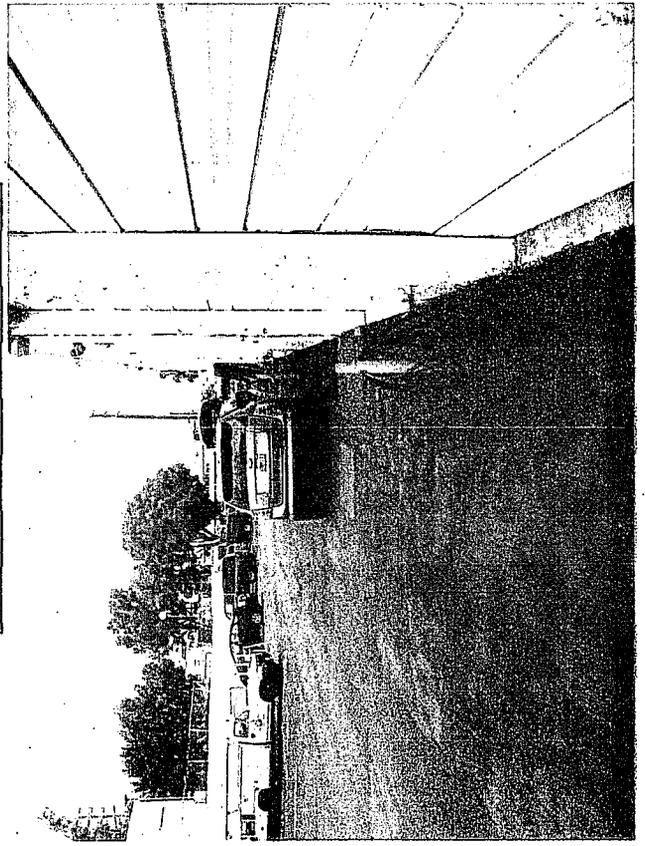
23

PA-11-18 File

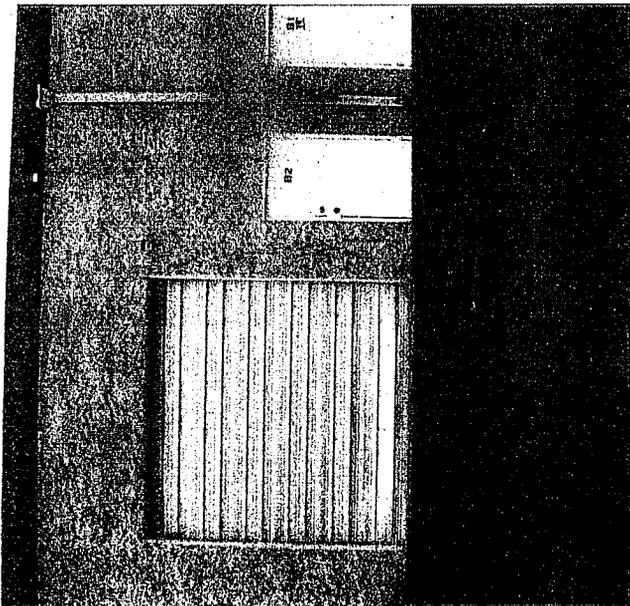


View from B2 back door (east)

View from B2 back door (North)



Elevated driveway



View from B2 back door (west)

View of B2 back door (south)

