REPORT TO THE PLANNING COMMISSION



DATE: January 14, 2020

TITLE: Conditional Use Permit No. 19-14: An Application to

Establish a Pet Daycare and Boarding Facility Within an

Existing Building at 66169 Pierson Boulevard

Prepared by: Patricia M. Villagomez, Assistant Planner &

Scott Taschner, Senior Planner

Reviewed by: Rebecca Deming, Community Development Director

RECOMMENDATION

- 1) Staff Report
- 2) Entertain questions of Staff from the Planning Commission;
- 3) Open Public Hearing;
- 4) Take testimony from Applicant;
- 5) Take public testimony for those in favor;
- 6) Take public testimony from those opposed;
- 7) Take public testimony from those in a neutral position;
- 8) Opportunity for Applicant rebuttal;
- 9) Close the Public Hearing
- 10) Planning Commission discussion and questions to Staff; and
- 11) Approve A) an exemption to the California Environmental Quality Act (CEQA) pursuant to Section 15303 of the CEQA Guidelines; and B) Conditional Use Permit No. 19-14 to operate a pet day care and boarding facility at 66169 Pierson Boulevard.

EXECUTIVE SUMMARY

The applicant, Dawn Diaz. has filed Conditional Use Permit application to change the current use (from a business office) to a doggie day care and boarding facility at 66169 Pierson Blvd in the Commercial General (C-G) zoning district.



BACKGROUND AND SETTING

The proposed project is located at 66169 Pierson Blvd in a building that has four tenant spaces. The proposed facility is planning to operate in the tenant space towards the western side of the building next to the paved parking area.

The immediate vicinity is largely vacant commercial land but there are a few buildings close by that include two restaurants, a thrift store, a party rental business, a gift shop, an auto smog and repair business and a mortuary. Staff has conducted an analysis of the surrounding land uses which can be found in Table 1, below.

Table 1: Surrounding Land Uses

	Zoning & General Plan Designations	Current Land Use
North	C-G (Commercial General)	Vacant/Party Rental Business
West	C-G (Commercial General)	Vacant / Restaurant
South	C-G (Commercial General)	Single Family Residential
East	C-G (Commercial General)	Adjoining Commercial Tenants Spaces

PROJECT DESCRIPTION

The applicant proposes to operate a dog daycare and boarding facility. This will be a "cage free" environment for both small and large dogs. There will be two separate areas for the cage free activities; one for the small dogs and the other for the large dogs. All customers will be required to submit their dog to a temperament test to ensure the safety of the other animals. Any animal which does not pass the temperament test will not be allowed in the cage free environment.

CUP ANALYSIS

Consistency with the General Plan:

The proposed project is located within the C-G General Plan land use district. The City's General plan states the intent of this designation as follows:

"These lands include a wide variety of smaller commercial centers, specialty retail shops, a broad range of clothing and apparel, jewelry stores and a variety of personal service business. Smaller moderately priced department stores may also be appropriate under this designation. Development may range from free standing retail buildings, offices and restaurants, to planned commercial centers. Typical sizes range between 2 to 8 acres with gross leasable square footage varying with use. Hotel Motels may also be appropriate on these lands"

The proposed use will provide a service type business that will help to service the community's needs. Residents will be able to drop their animals off by the hour, for a half-day, for a full-day, or overnight. The applicant has indicated that there is a need for this type of business as residents of the city currently must go miles down valley to find this type of facility for their pets. Staff has evaluated the project for consistency with the City's General Plan goals, policies and programs and has determined that the proposed business is consistent with the City's General Plan.

Consistency with the Zoning Code:

The attached business plan (Exhibit No. 4) discusses the type of services, the number of employees and how certain interior spaces will be utilized within the building. The proposed use, as a pet daycare, is not specifically listed in the table of permitted uses. However, the City's Zoning Code allows for other uses which are not specifically listed when a similar use determination can be made.

Similar Use Determination

When a use is not specifically listed in the DHSZC, it shall be understood that the use may be permitted if it is determined by the Director/Planning Commission that the use is similar to other uses listed for that zone. It is further recognized in the DHSZC that every conceivable use cannot be identified in the Code, and anticipating that new uses will evolve over time, this section establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Ordinance and the Standard Industrial Classification Manual for determining similarity.

Staff has evaluated the proposed project and found that the pet daycare and boarding facility is most closely aligned with a "veterinary clinics, animal hospital" which is in table of permitted uses (Section 17.12.01), and which is allowed with an approved conditional use permit application.

Section 17.76.010 specifically states the purpose of a conditionally permitting certain uses, as stated below:

17.76.010 Purpose.

Many land uses are or can be made conditionally appropriate, depending on the circumstances at the site and surrounding area; these discretionary determinations are termed "conditional uses." Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against the impact which it may cause.

Staff has conducted a review of the project and the associated impacts and has added certain conditions of approval to make the project more compatible with the surrounding land uses. A more detailed analysis of the neighborhood compatibility of the project can be found in the required findings later in this staff report.

Site Coverage, Building Height, Setbacks

The applicant is not requesting any modifications that would impact the site coverage, building height or setbacks. The only exterior change will be a new landscape area on the west side of the building, new lighting wall packs on the parking lot side of the building, replacement/resurfacing on the parking area, sidewalk, curbs/gutters where necessary, new ADA signage and parking are, etc.

The applicant has indicated that they may repaint the building in the future and possible add a mural to the parking lot façade but is not proposing any of those changes at this time.

Site Circulation/Off-Street Parking

Ingress and egress to the site is provided from a single driveway at the west side of the property. Parking for 8 vehicles (1 of which is ADA compliant) is currently provided. The parking is located on a different parcel so the applicant/property owner/developer will be required to enter into a reciprocal parking agreement and a deed restriction will need to be placed on the parking lot to ensure that the business will meet the minimum parking requirements.

The off-street parking area will require installation of a curb cut, driveway approach paved parking surfaces, striping and submittal and approval of all necessary permits from the City, including but not limited to the City's Engineering Department. The applicant has indicated that the facility may ultimately have two or three employees on site at any given time, but in the beginning, she will run the business on her own.

A pet day care and boarding facility is not listed in Table 17.48.040 (Number of parking spaces required of required). Therefore, staff required the applicant to provide a parking analysis for this use. They contracted with MSA Consulting to conduct a parking analysis, which is provided as Exhibit No 5, to ensure that there is sufficient parking being provided for this use. Staff has

evaluated the parking analysis that was provided along with the City's Zoning Code and determined that the parking analysis is adequate to meet the parking demand of the proposed business. Therefore, staff has concluded that the proposed 8 parking stalls (one of which will be ADA compliant) is sufficient for the proposed business.

<u>Parking</u>: Based on the parking analysis the use requires 1 space for each 4 animals/customers and 1 space for each employee. Staff has provided a breakdown of the required parking in Table 2, below.

The parking lot is located on the adjacent property to the west. A reciprocal access agreement will be required to ensure adequate parking is provided for the proposed business and a deed restriction placed on the property with the parking lot. The applicant/property owner will also be required to widen the drive access, pave, and stipe the proposed parking spaces to meet City standards.

All on-site paving, curbs and gutters, sidewalks, ramps and other site work shall be constructed to City standards, subject to the improvement plans approved by the City Engineer.

The applicant is also proposing to pave a portion of the back area behind the existing building.

Table 2: Analysis of Required Parking:

Use	Ratio/Requirement	Number of Spaces Required	Number of Spaces Provided
Dog Daycare/Boarding	1 per every 4 customers	3	5
Employees	one per employee	3	3
Total		6	8

Services Provided:

The facility will establish a pet daycare and boarding facility. The Barx Doggie Daycare facility will also provide weekly dog/puppy training on specific days, as requested, and dog walking for their client's pets. As a future proposal, the pet care would like to be able to offer dog grooming services, which is permitted by right of zone. Only a minor modification of their Conditional Use Permit would be required (for the minor revisions to the floor plan), which would be a staff level administrative review.

<u>Employees and Hours of Operation:</u> The applicant has indicated that for the time being she will be the only employee of the business, but at some point, in the future she may hire one or two more employees, as needed to support the business.

The pet daycare will be open for business seven (7) days a week. Monday thru Wednesday from 8am - 5pm, Thursday and Friday 8am - 6pm, Saturday from 8am - 5pm, and Sunday from 10am - 4pm. There may be some evenings where there will be puppy/dog training classes which will be held from $5:30 \ pm - 9pm$. The applicant has indicated that no more than five clients will attend these training sessions, at any one time (due to the limited size of the business and the limited number of parking spaces).

Signage

The site currently has no signage and any future signage will be required to submit a separate application that shall conform to the current specific standards of the City's Sign Ordinance.

REQUIRED FINDINGS

Similar Use Determination Findings

When a use is not specifically listed in the DHSZC, it shall be understood that the use may be permitted if it is determined by the Director/Planning Commission that the use is similar to other uses listed for that zone. It is further recognized in the DHSZC that every conceivable use cannot be identified in the Code, and anticipating that new uses will evolve over time, this section establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Ordinance and the Standard Industrial Classification Manual for determining similarity.

The DHSZC requires that, in determining "similarity" the Director/Planning Commission make all the following findings:

a. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the General Plan;

Staff has evaluated the Goals, Policies and Programs of the City's General Plan and has identified the following relevant Goals & Policies:

Administrative Goals & Policies

Policy 5

The City shall assure that properly filed development applications shall be processed in an expeditious and timely manner.

The application was filed on November 27, 2019, and since then staff has reviewed the project for consistency with the City's General Plan and the City's Zoning Code and has prepared the staff report and has duly noticed the project for a Planning Commission public hearing. The hearing will be held on January 14, 2020, less than two months after the application was submitted. Therefore, the City finds that the project has been processed in a timely manner.

Policy 8

City shall provide opportunities for review and comment on development proposals through public hearing notices sent to owners of property located at least within 300 feet of development proposal sites.

The Planning Commission hearing was duly noticed to all property owners within 300 feet of the project on Thursday December 20, 2019 and was noticed in the Desert Star Weekly (public of local circulation) on Friday December 27, 2019 to meet the City & State noticing requirements.

General Goals & Policies

Policy 6

All land use development proposals shall be consistent with all applicable land use policies and standards contained in the General Plan.

This General Plan Policy is addressed by this section of the staff report (Conditional Use Permit, Required Findings No a.)

Commercial Goal & Policies

Goal 1

A responsive range of commercial land uses conveniently and appropriately distributed

throughout the City, meeting the community's needs and taking full advantage of emerging development and economic opportunities.

The applicant proposes to establish a pet day care and boarding facility along the Pierson Blvd commercial corridor. The business would be located near the downtown area and near most of the residences in the city. The applicant has also indicated that there is a need for this type of business, as currently the residents must go miles down valley to find a business that provides these types of services for their pets.

Policy 3

Encourage lot consolidation and integrated development planning along the Palm Drive and Pierson Boulevard corridors as well as the old Town district to reduce fragmentation and encourage in-fill development.

The proposed pet day care and boarding facility is proposing to move into a vacant tenant space within an existing building along the Pierson Blvd commercial corridor. The proposed business would provide a needed service-type business for residents and it would also help to fill-in vacant commercial space.

Community Design Goals & Policies

Policy 4

Commercial development and mixed use projects shall consist of integrated designs that incorporate safe and convenient vehicular and pedestrian-oriented circulation, safe and convenient ingress and egress, shared parking, screened outdoor storage/loading and other noisy or unsightly areas, and protected outdoor seating areas, lighting, signage and the planting of mature landscaping to provide an immediate effect of permanency and quality.

The project has been conditioned by the City Engineer and the Riverside County Fire Department to ensure adequate circulation, vehicular and pedestrian circulation, safe and convenient ingress and egress, ADA requirements and other safety requirements. The Planning Department has conditioned the project to provide adding paving to accommodate the required parking and to maintain the property in good condition to ensure that pet waste does not accumulate and is disposed of properly. The Animal Control Department has also reviewed the project and added a condition that the proprietor shall not exceed the maximum number of canines per square footage, that all animals have proper vaccinations, and that they maintain proper sanitation controls (artificial turf within the building).

Economic Development Goals & Policies

GOAL 1

A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.

The proposed pet day care and boarding facility will provide a service-type business that will help to broaden the services that are available to the residents of the City.

b. The proposed use shall meet the stated purpose and general intent of the district in which the use is proposed to be located;

The proposed pet day care and boarding facility is located within the C-G (Commercial General) General Plan land use district. The City's General plan states the intent of this designation as follows:

"These lands include a wide variety of smaller commercial centers, specialty retail shops, a broad range of clothing and apparel, jewelry stores and a variety of personal service business. Smaller moderately priced department stores may also be appropriate under this designation. Development may range from free standing retail buildings, offices and restaurants, to planned commercial centers. Typical sizes range between 2 to 8 acres with gross leasable square footage varying with use. Hotel Motels may also be appropriate on these lands"

Appropriate development under this designation includes land uses which are compatible with the predominately commercial character of the land use district. The proposed use will provide a service-type business that will help to service the community's needs. The applicant has indicated that there is a need for this type of business and that there are few options when looking for this type of facility. Residents will be able to drop their animals off by the hour, for a half-day, for a full-day, or overnight. The City has evaluated the project for consistency with the intent of the Commercial General land use and has determined that the proposed service-type business is consistent with the stated intent of the land use district. Staff recommends this finding.

c. The proposed use shall not adversely impact the public health, safety and general welfare of the City's residents; and

The proposed pet day care and boarding facility will be operated within an existing building located along the Pierson Blvd commercial corridor. The conditional use permit has been conditioned to require the applicant/owner/proprietor to comply with all local, state, and federal laws including but not limited to ADA (American's with Disabilities Act) requirements, California Fire Codes, California Building Codes, City's Zoning Code, Municipal Code, and the City's General Plan. The business has been conditioned to properly maintain the landscape area adjacent to the parking lot and to properly dispose of pet waste. Staff has not identified any other impacts that have not been conditioned as part of the project. Therefore, the City has determined that the proposed use will not adversely impact the public health, safety and general welfare of the City's residents. Staff recommends this finding.

d. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use district in which it is to be located.

The proposed business will operate out of an existing building located along the Pierson Blvd commercial corridor. Other businesses in the area include an automotive repair shop, two restaurants, a gift shop, a mortuary and a party rental business. Staff has evaluated the proposed facility and has determined that the pet day care and boarding business will not be of greater intensity, density or generate more environmental impacts that those uses listed in the land use district. Staff recommends this finding.

Conditional Use Permits Findings

Conditional Use Permits are regulated under Section 17.76 of the Desert Hot Springs Municipal Code and require that certain findings be made by the Planning Commission before granting a CUP request. Staff has developed recommendations for each finding, as follows:

1. That the proposed use is conditionally permitted within the subject land use district and complies with all of the applicable provisions of this Zoning Ordinance.

The proposed application is for a conversion of the existing building from an office to a pet daycare. This is not a listed use in the City's Zoning Code. When a use is not specifically listed in the DHSZC, it shall be understood that the use may be permitted if it is determined by the

Director/Planning Commission that the use is similar to other uses listed for that zone. It is further recognized in the DHSZC that every conceivable use cannot be identified in the Code, and anticipating that new uses will evolve over time, this section establishes the Director's authority to compare a proposed use and measure it against those listed in this Zoning Ordinance and the Standard Industrial Classification Manual for determining similarity.

Staff has evaluated the proposed project and found that the pet daycare is most closely aligned with a "veterinary clinic, animal hospital" in table of permitted uses (Section 17.12.020), which allows a veterinary clinic/animal hospital with an approved conditional use permit. However, the applicant is proposing a god day care with other services provided which will have a greater impact on the site and on the adjacent properties. Therefore, staff has determined that it is more closely aligned with uses that are conditionally permitted such as a veterinary hospital, animal hospital.

Section 17.76.010 specifically states the purpose of a conditionally permitting certain uses, as stated below:

17.76.010 Purpose.

Many land uses are or can be made conditionally appropriate, depending on the circumstances at the site and surrounding area; these discretionary determinations are termed "conditional uses." Conditional uses are unique and their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to established development standards and design guidelines. This review shall determine whether the proposed use should be permitted by weighing the public need for the benefit to be derived from the use against the impact which it may cause.

The City has evaluated the project and the associated impacts and has added certain conditions of approval to make the project more compatible with the surrounding land use. The City finds that the project, as modified and conditioned, will comply with all the applicable provisions of this Zoning Ordinance. Staff recommends this finding.

2. That the proposed use would not impair the integrity and character of the land use district in which it is to be located.

Appropriate animal care/services under this designation includes pet grooming, veterinary clinics, and animal hospitals. The proposed use will not have any greater impacts on the integrity and character of the land use district than other uses that could potentially be approved, in fact, the proposed use, as it is being conditioned will have comparatively reduced impacts on traffic and parking than the previous office, since no more than five (5) customers will be allowed to drive or park their vehicle on site. The City has found that the proposed project is consistent with the intent of the land use designation and will not have a significant negative impact on the integrity and character of the land use district. Staff recommends this finding.

3. That the subject site is physically suitable for the type and intensity of land use being proposed.

The proposed pet daycare will occupy an existing structure. No tenant improvements are proposed and no change to the building massing, architecture is proposed. The City has found that the proposed use is compatible with adjacent land uses in scale, mass, coverage, density and intensity. Staff recommends this finding.

4. That the proposed use is compatible with the land uses presently on the subject property.

The proposed pet day care and boarding facility will occupy only a portion of the suite within an existing structure. No other uses are present on the project site. The City has found that the proposed use will not impact any other on-site uses since none are present. Staff recommends this finding.

5. That the proposed use would be compatible with existing and future land uses within the general area in which the proposed use is to be located.

The proposed business will operate out of an existing building located along the Pierson Blvd commercial corridor. Other businesses in the area include an automotive repair shop, two restaurants, a gift shop, a mortuary and a party rental business. Staff has evaluated the proposed facility and has determined that the pet day care and boarding business will be compatible with existing and future land uses within the general area. Staff recommends this finding.

6. That the proposed use is compatible in scale, mass, coverage, density, and intensity with all adjacent land uses.

The proposed pet day care and boarding facility will occupy only a portion of the suite within an existing structure. No other uses are present on the project site. The City has found that the proposed use will not impact any other on-site uses since none are present. Staff recommends this finding

7. That there are adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to public health and safety.

The subject site already has an existing multi-tenant building. Water, sewer, electrical, gas, and other utilities are already provided to the site. The conversion of the building for use as a pet daycare with only five (5) customers at one given time allowed will not have a significant impact on those services and will not have a detrimental effect to public health & safely. Staff recommends this finding.

8. That there will be adequate provisions for public access to serve the site.

The subject site is on the southwest side of Pierson Blvd corner approximately 400 feet from Cactus Drive which are both paved and the site already has access provided by a driveway on the southwest side of Pierson Blvd. Staff recommends this finding.

9. That there will not be an adverse effect upon desirable neighborhood characteristics.

Desirable neighborhood characteristics include long-range views, neighborhood design characteristics, historic development patterns, etc. The building is within an existing and multi-tenant building which has a block colored finish and flat roof that is consistent with the neighborhood. The current proposal only changes the use and requires mostly interior improvements to bring the building up to current building, fire and ADA requirements. Staff recommends this finding.

10. That the proposed use is necessary and essential to the community.

Currently there are very few facilities with the City of Desert Hot Springs that provide these types of services for pet owners. The applicant has indicated that in many case residents must miles down valley to get the services they are seeking. The proposed business could add a more diverse mix of services that can be found within the city. The proposed business also intends on takin gone of the City's vacant commercial space along one of the most prominent commercial corridors. The City encourages in-fill and occupancy of its existing commercial buildings and therefore believed that the proposed pet day care and boarding facility would be a good addition to the City and could be found to be necessary and essential to the community in many aspects. Staff recommends this finding.

11. That the proposed use is consistent with applicable goals and policies of the General Plan.

Staff has evaluated the Goals, Policies and Programs of the City's General Plan and has identified the following relevant Goals & Policies:

Administrative Goals & Policies

Policy 5

The City shall assure that properly filed development applications shall be processed in an expeditious and timely manner.

The application was filed on November 27, 2019, and since then staff has reviewed the project for consistency with the City's General Plan and the City's Zoning Code and has prepared the staff report and has duly noticed the project for a Planning Commission public hearing. The hearing will be held on January 14, 2020, less than two months after the application was submitted. Therefore, the City finds that the project has been processed in a timely manner.

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Commercial Goal & Policies

Goal 1

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The applicant proposes to establish a pet day care and boarding facility along the Pierson Blvd commercial corridor. The business would be located near the downtown area and near most of the residences in the city. The applicant has also indicated that there is a need for this type of business, as currently the residents must go miles down valley to find a business that provides these types of services for their pets.

Policy 3

Encourage lot consolidation and integrated development planning along the Palm Drive and Pierson Boulevard corridors as well as the old Town district to reduce fragmentation and encourage in-fill development.

The proposed pet day care and boarding facility is proposing to move into a vacant tenant space within an existing building along the Pierson Blvd commercial corridor. The proposed business would provide a needed service-type business for residents and it would also help to fill-in vacant commercial space.

Community Design Goals & Policies

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The project has been conditioned by the City Engineer and the Riverside County Fire Department to ensure adequate circulation, vehicular and pedestrian circulation, safe and convenient ingress and egress, ADA requirements and other safety requirements. The Planning Department has conditioned the project to provide adding paving to accommodate the required parking and to maintain the property in good condition to ensure that pet waste does not accumulate and is disposed of properly. The Animal Control Department has also reviewed the project and added a condition that the proprietor shall not exceed the maximum number of canines per square footage, that all animals have proper vaccinations, and that they maintain proper sanitation controls (artificial turf within the building).

Economic Development Goals & Policies

GOAL 1

A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.

The proposed pet day care and boarding facility will provide a service-type business that will help to broaden the services that are available to the residents of the City.

ENVIRONMENTAL ANALYSIS

Only minor alterations, repairs, are proposed and the City is only going to require minor improvements so that the building and site can be brought up to current code and with the resulting change in occupancy. Staff has evaluated the project for compliance with the guidelines of the California Environmental Quality Act (CEQA) and found the project to be exempt from further environmental review, as a Class 1 exemption, pursuant to section 15301 (Existing Facilities).

FISCAL IMPACT

The applicant has paid all required fees for review and potential Planning Commission entitlements. Development of this project will also generate revenues to the City in the form of building permit fees to defray plan check and inspection costs.

RECOMMENDATION

Staff finds that the proposed project is substantially consistent with the General Plan and meets the development standards of the C-G (Commercial General) Zoning District. Staff recommends that the Planning Commission approve and Exemption to CEQA and approve Conditional Use Permit No. 19-14, subject to the Conditions of Approval, and the findings contained in this report.

EXHIBIT(S)

- 1) Draft Conditions of Approval
- 2) Proposed Site Plan
- 3) Proposed Floor Plan Showing Play Areas
- 4) Project Description
- 5) MSA Parking Analysis
- 6) Photos of Play Areas
- 7) Kennels
- 8) Dog Waste Station and Signage
- 9) Aerial Image
- 10) Street view Site Photo