

**EL DORADO COUNTY DEVELOPMENT SERVICES
ZONING ADMINISTRATOR
STAFF REPORT**



Agenda of: May 6, 2009
Item No.: 4.a.
Staff: Jonathan Fong

SPECIAL USE PERMIT

FILE NUMBER: S08-0022/ El Dorado Pet Club

APPLICANT/AGENT: Kerry McBride

REQUEST: Special Use Permit to allow overnight boarding as an expansion of an existing dog daycare facility and allow an existing outdoor fenced dog park.

LOCATION: On the east side of South Shingle Road 300 feet north of the intersection with Sunset Lane in the Shingle Springs Area, Supervisorial District II (Exhibit A).

APN: 090-440-22 (Exhibit B)

ACREAGE: 7.494 acres

GENERAL PLAN: Commercial (C) (Exhibit C)

ZONING: Planned Commercial (CP) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301(a) of the CEQA Guidelines

RECOMMENDATION: Planning Services recommends the Zoning Administrator take the following action:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15305(a); and
2. Approve Special Use Permit S08-0022 subject to the Conditions of Approval in Attachment 1 and Findings in Attachment 2.

BACKGROUND: The applicant currently operates a dog grooming and daycare facility in leased suites within an existing shopping center in Shingle Springs. A fenced area has been constructed outdoors to allow for a member only dog park and for outdoor play areas as part of the dog daycare facility.

A Pre-Application was submitted in July 2008 to consider an expansion of the dog daycare facility to allow for overnight boarding. Based on compatibility with the Planned Commercial Zoning and adjacent residential uses Planning Services staff recommended submittal of a Special Use Permit to consider the proposed uses.

STAFF ANALYSIS: Staff has reviewed the project for compliance with County regulations and requirements. An analysis of the permit request and issues for Zoning Administrator consideration are provided in the following sections.

Project Description: The Special Use Permit request would allow for overnight dog boarding as an expansion to the existing dog daycare facility. The Special Use Permit would allow an outdoor play area to be used as a member only dog park and outdoor play area for the dog daycare and boarding facilities. The dog park would be open during normal business hours and would only be available to El Dorado Pet Club Members.

A maximum of 20 dogs would be boarded overnight. The dogs would remain indoors during the nighttime hours and would be allowed outdoors for exercise for approximately 10-15 minutes and would be supervised at all times.

The Special Use Permit would govern all other uses associated within the existing lease area. These uses would include dog daycare, grooming and associated pet retail services.

Site Improvements: All necessary site improvements have been completed for the proposed uses. The dog boarding facility would be located within the existing lease area and would not require additional tenant improvements. The outdoor dog park area has been constructed and is currently in use.

Traffic: The proposed use would be an expansion of the existing dog daycare and grooming facility. The proposed expansion would not result in a significant increase in vehicular traffic in the project area.

Parking: The retail center provides a total of 127 parking spaces for the Post Office and the other retail tenants. A total of 55 parking spaces are located in the direct vicinity of the El Dorado Pet Club. The existing on-site parking would be sufficient to serve the existing uses and the proposed expansion.

Circulation: The retail center is accessed via a single encroachment onto Shingle Springs Road. The internal parking area provides two-way access throughout the retail center. The proposed expansion would not create circulation problems on-site or on the local roadway system.

Noise: Based on the proximity to adjoining residential uses to the east, an Acoustical Analysis was prepared to evaluate the potential noise impacts with respect to noise thresholds established by the General Plan. Table 6-2 of the General Plan establishes noise thresholds for sensitive land uses:

TABLE 6-2 NOISE LEVEL PERFORMANCE PROTECTION STANDARDS FOR NOISE SENSITIVE LAND USES AFFECTED BY NON-TRANSPORTATION SOURCES						
Noise Level Descriptor	Daytime 7 a.m. - 7 p.m.		Evening 7 p.m. - 10 p.m.		Night 10 p.m. - 7 a.m.	
	Community	Rural	Community	Rural	Community	Rural
Hourly L_{eq} , dB	55	50	50	45	45	40
Maximum level, dB	70	60	60	55	55	50

The Acoustical Analysis prepared by Bollard Acoustical Consultants, Inc. for the project analyzed the existing and anticipated noise levels in the project area. The Acoustical Analysis determined that the existing noise levels in the project area exceed the thresholds for noise established by the General Plan. Based on the proposed outdoor play area and hours of operation, the Acoustical Analysis determined that the proposed project would not result in additional noise levels beyond the existing ambient noise levels.

Lighting: No outdoor lighting would be included for the outdoor dog park.

Site Description: The project site is an existing retail center. The site is currently leased by retail and restaurant uses. The leased areas directly adjoining the dog daycare facility are a hair salon and a branch office of the U.S. Postal Service.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	CP	C	Retail center/ Post Office
North	C	C	Auto dealership
South	C	C	Retail center
East	C	MDR	Single family residential
West	C	C	Undeveloped Commercial

General Plan: The project site is designated Commercial (C) which range of commercial retail, office, and service uses. The existing dog daycare and grooming facility would be consistent within the C land use designation. The proposed expansion to allow for overnight dog boarding and an outdoor dog park would be consistent within the C land use designation. The following General Plan policies are applicable to the project:

Table 6-2 of the General Plan establishes maximum noise thresholds for non-transportation noise sources. As discussed in the Project Description above, an Acoustical Analysis was prepared which determined that the outdoor dog park would not generate noise levels which would exceed the thresholds of the General Plan.

General Plan Policy 2.2.5.21 requires that all development projects be designed in a manner that avoids incompatibility with adjoining land uses. The dog boarding would be an expansion of the existing dog daycare use to allow overnight boarding at the site. Dogs kept overnight would be kept indoors, with limited exercise between the hours of 7am to 9am and 5pm-7pm during which 3-4 dogs would be within the enclosed dog park for short periods of time with supervision. The overnight boarding would not result in noise levels which would exceed thresholds of the General Plan or create a nuisance in the area.

The proposed expansion of the existing daycare and grooming facility would not result in incompatibility with the adjoining land uses. As determined by an Acoustical Analysis the increase in noise in the area would occur during normal business hours and would not exceed thresholds of the General Plan. Therefore staff finds the Special Use Permit request would be consistent with the General Plan.

Zoning: The project site is designated Planned Commercial (CP) which permits a range of retail uses subject to Site Plan Approval by the Planning Director. During review of the proposed dog boarding and dog park, Planning Services staff determined that the use would be consistent with the “animal clinic or shelter” which can be approved through a Special Use Permit within the CP Zone. The overnight boarding and outdoor dog park would be an expansion of an allowed use by right within the CP Zone.

Section 17.32.160 of the County Code establishes Development Standards within the CP Zone District. No development would be proposed as part of the application and the existing retail center is in conformance with the Development Standards of the CP Zone District.

Section 17.22.540 of the County Code requires the approving authority make specific Findings of Approval prior to approving a Special Use Permit. As discussed above, the project would be an expansion of an existing use and would be consistent with the Development Standards of the CP Zone. Therefore staff finds the Special Use Permit request would be consistent with the Zoning Ordinance and Findings of Approval have been included in Attachment 2 of the Staff Report.

ENVIRONMENTAL REVIEW

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 (a) of the CEQA Guidelines which apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Pursuant to Resolution No. 240-93, a \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	Assessor's Parcel Number
Exhibit C	General Plan Land Use Map
Exhibit D	Zoning Map
Exhibit E	Site Plan
Exhibit F	Project Photos
Exhibit G	Acoustical Analysis

ATTACHMENT 1

CONDITIONS OF APPROVAL

**File Number S08-0022
El Dorado Pet Club
Zoning Administrator Hearing May 6, 2009**

1. The project, as approved, consists of the following:

This special use permit revision is based upon and limited to compliance with the project description, the Zoning Administrator hearing exhibits marked Exhibits D-E (Special Use Permit) dated May 6, 2009 and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

Project Description: This Special Use Permit shall allow overnight dog boarding and an outdoor dog park as an expansion of the existing dog grooming, daycare facility and retail services. The overnight dog boarding shall occur within the lease areas 3 and 4 as shown on the Site Plan.

The overnight dog boarding shall be limited to a maximum of 20 dogs. The dogs shall be kept in doors during overnight hours. Dogs kept in conjunction with the overnight boarding may be outdoors in the fenced dog park area from 7am to 9am and 5am to 7pm. A maximum of 4 dogs shall be permitted and shall be supervised at all times.

The dog park shall be limited to dog boarding and members of the El Dorado Pet Club. The Dog Park shall be open only during normal business hours. Signage with Park house and member requirements shall be clearly posted at the dog park.

Planning Services

2. All site improvements shall conform to Exhibits D-E.
3. This Special Use Permit shall only regulate the uses within Lease Areas 3 and 4 and the Dog Park as shown on the Site Plan (Exhibit E). The other uses within the retail center shall not be bound by the requirements of this Special Use Permit.
4. Prior to commencement of any use authorized by this Special Use Permit, the applicant shall obtain all necessary permits from the El Dorado County Animal Control. The applicant shall provide to Planning Services written proof that all necessary El Dorado

County Animal Control permits have been issued for operation of the dog boarding facilities and dog park.

5. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

6. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
7. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
8. Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.

ATTACHMENT 2

FINDINGS FOR APPROVAL

File Number S 08-0022
El Dorado Pet Club
Zoning Administrator Hearing May 6, 2009

1.0 CEQA FINDINGS

- 1.1** This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines which apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 1.2** The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department, Planning Services Division at 2850 Fairlane Court, Placerville, CA.

2.0 SPECIAL USE PERMIT FINDINGS

2.1 The issuance of the permit is consistent with the General Plan;

The proposed expansion of the existing dog daycare facility to allow an outdoor dog park and overnight boarding would be consistent with the Commercial Land Use Designation which allows for a range of commercial activities. The Acoustical Analysis prepared for outdoor dog park determined that the anticipated noise levels will not exceed established thresholds of the General Plan.

The overnight boarding will be an expansion of the existing daycare facilities. All dogs will be kept indoors during the evening hours and will not create negative impacts in the project area.

2.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood;

The proposed dog park and overnight boarding will not generate excessive noise levels or other impacts that will be detrimental to the neighborhood. The dogs will be kept indoors during the evening hours and will not create impacts outside of normal business hours.

2.3 The proposed use is specifically permitted by special use permit pursuant to this Title.

The Planned Commercial Zone District permits animal clinics and shelters through approval of a Special Use Permit. The proposed expansion to allow overnight boarding and an outdoor dog park is consistent in nature with an animal clinic or shelter and can be approved through Special Use Permit.