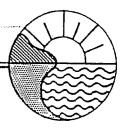
AGENDA

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:

UP-003-09 CDP-315-09

EXTENSION OF PERMITS to construct two condominium duplexes at 10, 16, 20 and 26 Santa Rosa Avenue,

Pacifica (APN 016-182-020 and 030). Proposed Action: Grant extension request. . .

PSD-777-09

PUBLIC HEARINGS:

UP-018-11 CDP-331-11 USE PERMIT and COASTAL DEVELOPMENT PERMIT, filed by the applicant, Maureen Murray, on behalf of 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.

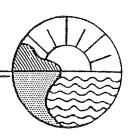
10, 16, 20 and 26 Santa Rosa Ave. – Planning Commission Memo February 22, 2011 Page 2 of 2

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:

Standards (C-2)	Required	Existing	Proposed
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.** <u>CEQA Recommendation:</u> 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. <u>Use Permit</u>: 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.** <u>Coastal Development Permit Findings:</u> 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:

<u>Use Permit</u> – 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.

<u>Coastal Development Permit</u> – 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. 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.

<u>Potential Impacts to Adjacent Commercial Uses</u> — 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. <u>Summary:</u> 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. 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