

REPORT TO CITY COUNCIL

DATE: JANUARY 8, 2014

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER *hA For G.R.*

BY: MIKE KAMINO, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT *DK For M.K.*

SUBJECT: CONDUCT A PUBLIC HEARING AND INTRODUCE FOR FIRST READING ORDINANCE NO. 14-405, AMENDING MUNICIPAL CODE SECTIONS 9312.2, 9312.3, AND 9552.1, TO ALLOW DAYTIME DOG CARE FACILITIES, INCLUDING OVERNIGHT CARE, AS A CONDITIONALLY PERMITTED USE IN THE OLD AGOURA COMMERCIAL CENTER AREA OF THE COMMERCIAL RETAIL SERVICE (CRS) ZONING DISTRICT (CASE NO. 13-ZOA-002) (BRYCE WENDEL, APPLICANT)

The applicant, Bryce Wendel, is requesting to amend the Zoning Ordinance, by adoption of an Ordinance, to allow commercial daytime dog care, including overnight boarding, in the Commercial Retail Service (CRS) zoning district. The applicant is interested in opening the business on a commercially developed parcel located on the southeast corner of Chesebro Road and Dorothy Drive, and within the Old Agoura Design Overlay (OA) and Freeway Corridor Overlay (FC) zoning districts. The applicant's project description, which also includes retail and dog grooming services, is attached for reference as Exhibit D.

The property was last occupied by World Class Motoring, which was an automotive parts and accessories retail business, and is surrounded by Dorothy Drive and a gasoline station to the north, Chesebro Road and a professional office complex to the west, a vacant commercially zoned parcel to the south, and a light industrial complex to the east. The subject property includes an existing, approximately 3,000 square-foot retail building situated near the northeast corner of the 0.51 acre lot.

In 2009, at the request of Paul Berkovitz, owner of Camp Bow Wow which is now located at 28348 Roadside Drive, the City Council allowed dog day care and overnight care as a permitted use in the Business Park-Manufacturing (BP-M) zoning district, specifically for parcels located south of the 101 freeway, subject to issuance of a Conditional Use Permit. The BP-M zoning district is currently the only zoning district in which the use is allowed. Mr. Wendel is seeking to amend the Zoning Ordinance to expand the permitted locations of the use into the CRS zone, in which his property of interest is located.

This property is also located within the Old Agoura Commercial Center Area. The boundaries of this Area are shown in Exhibit B and consist of the parcels south of the 101 Freeway, west of Palo Comado Canyon Road/Chesebro Road, extending south to the parcels along Agoura Road, and just beyond Lewis Road to the west. Generally, properties adjacent to Dorothy Drive, within the Old Agoura Commercial Center Area, are within the CRS zoning designation. Properties to the south and adjacent to Agoura Road are within the Business Park-Office Retail (BP-OR) zoning district. Zoning Ordinance Section 9552.1 includes specific permitted uses within the Old Agoura Commercial Center Area. Daytime/overnight dog care is not included as a permitted use in the Area. Thus, this section of the Zoning Ordinance would also need to be amended to add the proposed use only within the CRS zone of the Area.

The Planning Commission held a public hearing on December 8, 2013, to consider the proposed ordinance, and unanimously recommended approval. The Planning Commission found the proposed use to meet the intent of the CRS zone, which is to provide areas for a diversity of general commercial, retail and service uses, and provide for the needs of the residents of the City and the surrounding area. The CRS zone further allows for the most variety of retail and service uses than any other zoning district. In this instance, the requested land use is proposed to be located within the CRS zone of the Old Agoura Commercial Center Area. There are 111 smaller-scale and community-serving commercial uses allowed within this Area.

The Planning Commission also found the proposed land use to be compatible with the existing mix of developed property within the Old Agoura Commercial Center Area, regardless of where the proposed use is located within this Area. The CRS zone of the Old Agoura Commercial Center Area is not located adjacent to residential development and there are other animal-related uses that are currently allowed, such as dog grooming, veterinarian service and animal hospital. Staff would note, however, that if the Zoning Ordinance Amendment is approved, more than one daytime dog care facility could be proposed within the Old Agoura Commercial Center Area.

In order to implement the requested change, the Planning Commission supported amending the Commercial Land Use Table within Zoning Ordinance Section 9312.2, and the listing of Special Conditions within Zoning Ordinance Section 9312.3. The underlined language below indicates the proposed additions to these sections of the Zoning Ordinance:

“9312.2. Commercial use table I.

The following shall be commercial use table I:

	USE, SERVICE OR FACILITY	COMMERCIAL					BUSINESS PARK	
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M
	Unless otherwise indicated, listing denote retail sales operations							
D.								
7.	Daytime dog care, including overnight care		<u>GG</u>					DD

9312.3. Special conditions.

The following special conditions apply to the uses indicated by the corresponding letter in table I described in section 9312.2:

GG: A permitted use in Commercial Retail Service (CRS) district of the Old Agoura Commercial Center Area as defined in Section 9552, subject to the issuance of a Conditional Use Permit by the Planning Commission.

The Planning Commission also supported the following amendment to Section 9552.1 of the Zoning Ordinance to allow for the proposed use in the Old Agoura Commercial Center Area:

“9552.1. Permitted uses within the building area of commercial lots.

30.1. Daytime dog care, including overnight care;”

The proposed Conditional Use Permit requirement would allow the Planning Commission to review each request for a dog care facility on a case-by-case basis to ensure compatibility with neighboring uses and to impose reasonable conditions. The number of dogs allowed at each facility, as well as site plan and architectural development proposals for the properties, would be at the discretion of the Planning Commission as part of their review of each Conditional Use Permit application. As such, the Planning Commission found the proposed Zoning Ordinance Amendment to be compatible with the General Plan Goal LU-2 which calls for “a mix of land uses that meets the diverse needs of Agoura Hills’ residents, offers a variety of employment opportunities, and allows for the capture of regional population and employment growth.”

The Planning Commission reviewed the draft Ordinance and determined that it has no likelihood of causing a significant effect on the environment, nor would its effects from adoption. Staff concludes that the proposed Ordinance is exempt from the application of the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the State CEQA Guidelines, which state as follows: “A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with

certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” This finding is premised on the fact that the adoption of the Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without changes or alteration. Since retail facilities, as well as pet stores and veterinarian/animal hospitals, are already allowed in this CRS zone, the addition of dog care facilities will not have any possibility of having a significant effect on the environment.

RECOMMENDATION

Staff respectfully recommends the City Council conduct a public hearing and introduce Ordinance No. 14-405, amending the Municipal Code Sections 9312.2, 9312.3, and 9552.1, to allow daytime dog care facilities, including overnight care, as a conditionally permitted use in the Old Agoura Commercial Center Area of the Commercial Retail Service (CRS) zoning district.

Attachments: Exhibit A: Ordinance
 Exhibit B: Old Agoura Commercial Center Area Map
 Exhibit C: Zoning Map
 Exhibit D: Applicant’s Project Description
 Exhibit E: Planning Commission Resolution No. 13-1103
 Exhibit F: Draft Planning Commission Meeting Minutes (December 8, 2013)
 Exhibit G: Planning Commission Staff Report

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTIONS 9312.2, 9312.3 AND 9552.1 OF THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) TO ADD DAYTIME DOG CARE, INCLUDING OVERNIGHT CARE, AS A CONDITIONALLY PERMITTED USE IN THE COMMERCIAL RETAIL SERVICE (CRS) ZONING DISTRICT PORTION OF THE OLD AGOURA COMMERCIAL CENTER AREA (CASE NO. 13-ZOA-002)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act ("CEQA"), as amended, the CEQA Guidelines, and the City's local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Zoning Ordinance Amendment ("Project") to allow daytime dog care, including overnight care, as a conditionally permitted use in the Commercial Retail Service (CRS) zoning district of the Old Agoura Commercial Center Area, has no possibility of causing a significant effect on the environment. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061, which states that "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant on the environment, the activity is not subject to CEQA." This finding is premised on the fact that the adoption of the Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without changes or alteration. The City Council concurs with City staff's determination and therefore directs staff to prepare and file a Notice of Exemption with the County Clerk pursuant to CEQA Guidelines Section 15062 within five days of the date of this action.

Section 2. Commercial Use Table I in Section 9312.2 of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add "GG" under the "CRS" column as follows (underlined text represents new text):

	USE, SERVICE OR FACILITY	COMMERCIAL					BUSINESS PARK	
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M
	Unless otherwise indicated, listing denote retail sales operations							
D.								
7.	Daytime dog care, including overnight care		<u>GG</u>					DD

Section 3. Section 9312.3 of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add Special Condition "GG" to read as follows:

"GG: A permitted use in the Commercial Retail Service (CRS) district of the Old Agoura Commercial Center Area as defined in Section 9552, subject to the issuance of a Conditional Use Permit by the Planning Commission."

Section 4. Section 9552.1 of Part 6 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add number "30.1" to the list of "permitted uses within the buildable area of commercial lots" as follows:

"30.1. Daytime dog care, including overnight care;"

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

Section 6. Certification and Posting. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law. This Ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2014, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT B

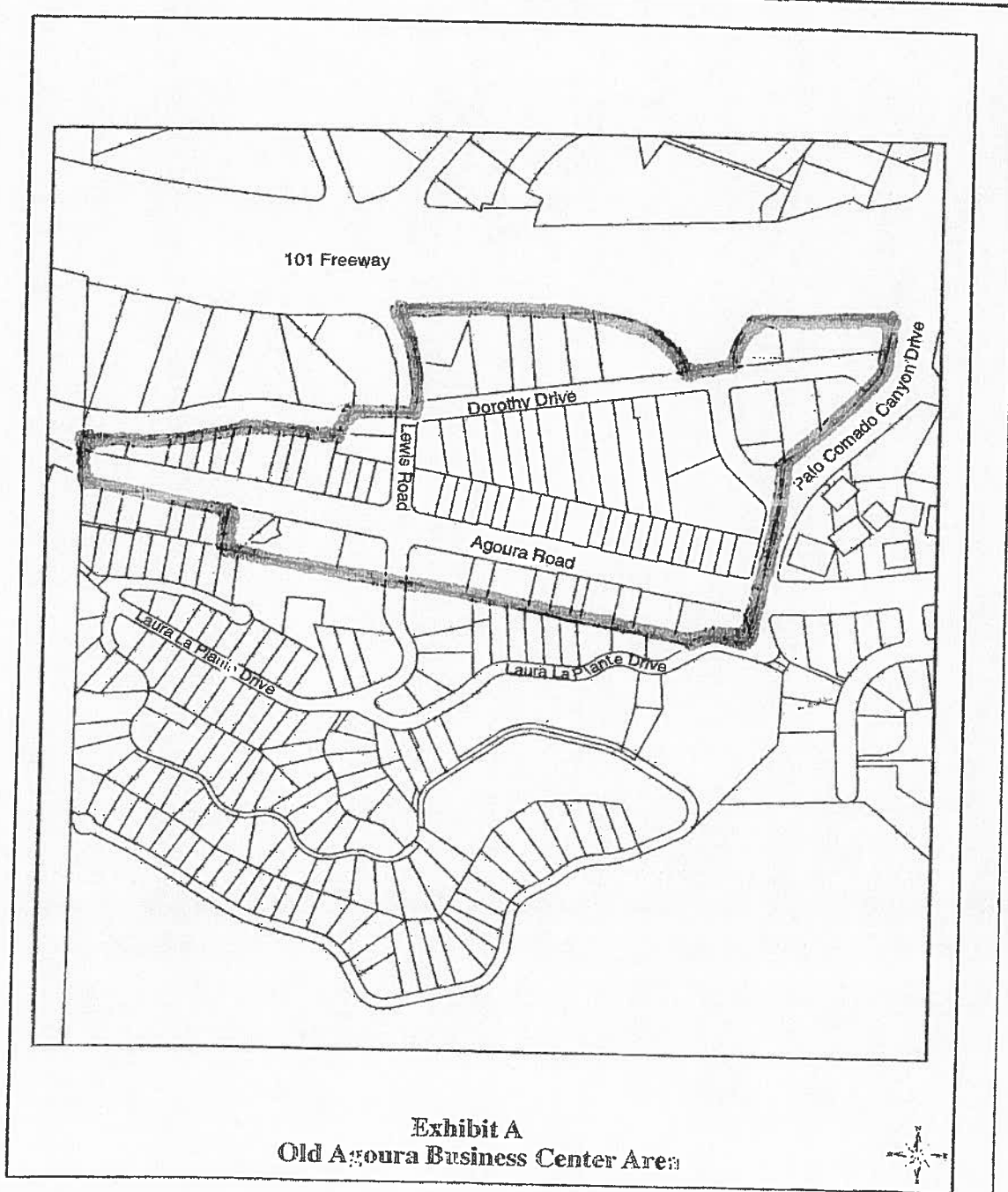
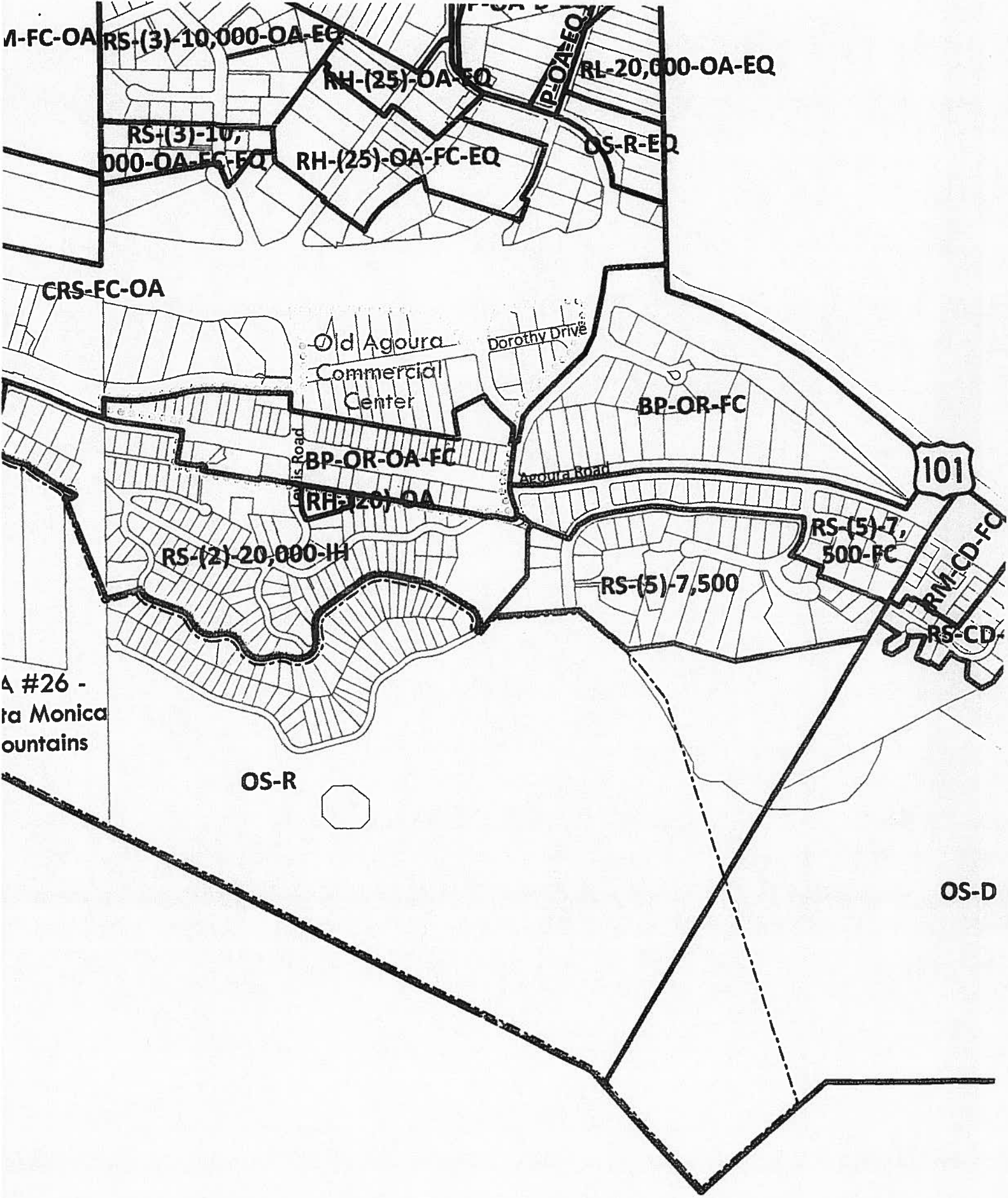


Exhibit A
Old Agoura Business Center Area

(Ord. No. 11-388, § 51, 12-14-2011)

EXHIBIT C



A #26 -
Santa Monica
Mountains

Old Agoura
Commercial
Center

Dorothy Drive

Agoura Road

Agoura Road

101

OS-R

OS-D

EXHIBIT D



Mike Kamino
City of Agoura Hills
Director of Planning and Community Development

Dear Mike,

Dioji K-9 Resort & Athletic Club seeks to open a retail and associated services boutique offering dog food, toys and other essential items along with dog daycare and boarding within the CRS zone and OA overlay at 5076 Chesebro Road. As stated in the zoning ordinance, the CRS district seeks to “provide areas for a diversity of general commercial, retail and service uses. It is intended that this district provide for the needs of the residents of the city and the surrounding area” and the OA overlay district’s purpose “is to preserve the unique character of Old Agoura through the establishment of special public improvement standards and design guidelines, and in specific areas of the district, particular types of smaller-scale and community-serving commercial uses.”

Dioji’s retail operation achieves these dual objectives by fulfilling a significant everyday need of the City’s residents, both two legged and four, while preserving its unique character. In fact, Dioji’s current clientele in both our Santa Barbara and Goleta locations, primarily rely on us for our products and services in a convenient waypoint on their daily routine much like a local drugstore or neighborhood market. Dioji’s retail storefront provides local residents with a wide variety of essential pet foods and products along with dog grooming, both already permitted in this zone. Additionally, Dioji’s ancillary daycare and boarding services mirror the operations of a veterinarian (also allowed with a CUP in this district) only differing in the reasons the dogs attend the facility. Whereas a veterinarian boards a dog for the treatment of an ailment, Dioji’s dog clientele attend our facilities to enjoy health management activities including exercise and socialization during the day and a safe, fully enclosed environment at night with our highly trained staff always onsite to constantly monitor their well-being.

We believe that a zoning ordinance amendment, to allow for outside dog daycare and inside overnight dog boarding at a retail pet boutique, specific to the OA overlay within the CRS zone and south of the 101 Freeway, would create a significant benefit to the everyday needs of the community.

Dioji experienced a similar process at our Goleta location (7340 Hollister Ave, Goleta, CA 93117). Dioji added the “Commercial Boarding of Small Animals” as a use permitted with a minor conditional use permit in the C-2 (Retail Commercial) Zone District. The City found the following:

“The amendment will add a use (a “Personal Service”) that is consistent with the purpose and intent of the C-2 zone district regulations, and will protect the community welfare by requiring a Minor Conditional Use Permit for small animal boarding facilities to mitigate any impacts resulting from such a use.”



Further the City found the following “associated benefits” of our business: “an increase in the economic base, provision of a service that is needed by the residents of the City, and short- and long-term employment opportunities.”



As shown in the above Google Earth visual, the City allowed for our use in the heart of the community surrounded by retail and business office operations not to mention a residential neighborhood. Our immediate neighbors include a salon, a restaurant, a market, a barber and numerous office spaces.





Additionally, as shown in the above Google Earth visual, our Santa Barbara location (822 E Yanonali St, Santa Barbara, CA 93103) is located in a similar commercial neighborhood, directly off a major retail strip and centered in the midst of the community.



As shown in the above Google Earth visual of 5076 Chesebro Rd, the surrounding areas of the subject property mirror that of our existing locations in Goleta and Santa Barbara with a high concentration of commercial and retail properties situated in a convenient site with ease of access for local residents.

As a part of our plans for the property at 5076 Chesebro Rd in Agoura Hills, Dioji seeks to retain the existing structure with only moderate improvements to the building and landscaping with the intention of beautifying the aesthetics of the current site therefore preserving the existing character of the neighborhood.



Please let us take this opportunity to introduce ourselves in more detail (and feel free to visit us online at www.dioji.com):

With over 6 years in business, Dioji K-9 Resort & Athletic Club currently operates 2 locations serving as the greater Santa Barbara area's premier retail pet boutique and associated dog daycare and boarding facility, offering a wide variety of pampering pet products and services to its club members. In fact, Dioji has swept the "Best of Santa Barbara" awards as voted by its residents for the past 5 years running. Dioji offers a wide variety of the highest-quality, essential retail pet products, tested and approved by our highly trained and knowledgeable staff, on-hand to provide best-in-show customer service. Dioji staff is on site 24 hours a day to deliver the finest quality, highly personalized service and care within its 10,000 sq ft luxury, cage-free facility and plush grounds complete with unparalleled resort amenities. This concept is the culmination of best practices across the nation, enhanced by the creativity of the Dioji founders.

Who we ARE:



Dioji's Doggie Boutique

Dioji's Doggie Boutique offers the best of the best in canine products, all hand selected by our retail specialist and tested by our member dogs. We offer only the finest in human-grade, organic dog foods and treats to satisfy even the most discriminating in canine taste. Our exquisite collection of dog leads, collars, bowls and beds has dogs living in style, while our full suite of all-natural grooming products will ensure that each dog's coat remains in pristine condition. We offer a wide variety of fun and innovative toys, all in-house tested for their quality, durability and popularity among Club Member dogs. Our knowledgeable team is always ready to assist with product selection.



playground houses a brightly colored agility set, similar to a child's jungle gym with slides and crawl spaces.

Dioji offers 24-hour supervised, cage-free boarding with an unparalleled facility and second-to-none care. To minimize the stress of its canine clients, Dioji emulates a multitude of at-home environments. The night room is fully enclosed and filled with all types of sleeping arrangements, such as doghouses, crates, elevated dog beds and slip-covered couches. A staff member stays directly in the room with the dogs, providing personalized care and attention. Each dog is fed individually in a secluded space and medications administered according to owner instructions. Finicky eaters even have the option of being hand fed. Owners also have the choice of leaving their dog's favorite toy and night-time treats in a personalized cubby. Soothing mood music and lighting fill the room to ease the tensions of excess stimulation. In addition, detailed records are kept on each guest's likes, dislikes and anxieties to further smooth the transition. A stay at Dioji is the canine equivalent of a stay at the Four Seasons.

Dioji's Community Based Approach

Dioji provides for the community: Dioji fulfills a major need of the community by offering everyday retail services at a convenient location within the community. We deliver peace of mind to dog owners for their dogs' wellbeing by providing a safe, highly structured play environment. Dioji also delivers retail products and supplies at affordable prices while serving a major community service by alleviating neighborhood dog disturbances and establishing happy and healthy dogs.

Dioji supports the community: Dioji gives to the community by employing 25 full and part-time residents with top industry compensation packages including health insurance and retirement plans. Dioji is also actively involved in customer education creating a safer and healthier neighborhood dynamic. Dioji constantly donates its time and resources to the community through outreach programs, partnerships with local charities and events to promote local dog shelters and adoption programs including licensing and spay/neuter efforts. Further, Dioji is actively involved with disaster relief initiatives and served as a major evacuation point during the recent Santa Barbara fire disasters.

Dioji respects the community: Dioji incorporates community input, addresses all community concerns and embraces a green approach, constantly striving to be proactive and not just reactive.

Who we are NOT:

Dioji is NOT a kennel with dogs continuously caged and constantly barking. Dioji is NOT a dilapidated and unappealing facility with odors emanating from an unsanitary concrete building.

The three most common misconceptions concerning Dioji's dog daycare and boarding business are as follows:



Dog Daycares & Boarding Facilities Create Noise – Barking is most often triggered by frustration stemming from the seclusion of being caged. Dioji is not a caged environment and the vigorous interview process ensures that only the most good-natured dogs become members. Additionally, dogs are continuously monitored by our highly trained and extremely knowledgeable staff, to facilitate controlled, quiet play. Finally, sound proofing materials are utilized to further minimize the already limited noise arising from the dog play and no dogs are allowed in the external play areas outside of operating hours.

Dog Daycares & Boarding Facilities Create Odor – Dioji's facility is cleaner than a hospital. The facility is spot sanitized continuously with full anti-bacterial scrub downs twice daily along with the periodic replacement of flooring and equipment. The cleanliness of the facility is a key component to Dioji's service offering and thus held in the highest regard.

Dog Daycares & Boarding Facilities Create Safety Issues – Dioji serves as the premiere dog daycare and boarding facility and as such has the highest commitment to quality and service. Dioji's stringent dog interview process coupled with its highly trained and knowledgeable staff creates the utmost in safe, controlled and continuously monitored play.

Please feel free to contact Steve Heinze at (310) 480-3445 with any questions or concerns or visit us at www.dioji.com for more information.

Sincerely,

Bryce D. Wendel
President and CEO
Dioji Inc.
www.dioji.com

EXHIBIT E

RESOLUTION NO. 13-1103

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING SECTIONS 9312.2, 9312.3 AND 9552.1 OF THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) TO ADD DAYTIME DOG CARE, INCLUDING OVERNIGHT CARE, AS A CONDITIONALLY PERMITTED USE IN THE COMMERCIAL RETAIL SERVICE (CRS) ZONING DISTRICT PORTION OF THE OLD AGOURA COMMERCIAL CENTER AREA (CASE NO. 13-ZOA-002)

THE PLANNING COMMISSION OF THE CITY OF AGOURA HILLS DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

WHEREAS, the Planning Commission has considered an application from Bryce Wendel to amend Sections 9312.2, 9312.3, and 9552.1 of the Agoura Hills Municipal Code to add "daytime dog care, including overnight care," as a conditionally permitted use in the Commercial Retail Service (CRS) zoning district of the Old Agoura Commercial Center Area (Case No. 13-ZOA-002); and

WHEREAS, a public hearing was duly held on December 5, 2013, at 6:30 p.m. in the Council Chambers of City Hall, 30001 Ladyface Court, Agoura Hills, California. Notice of the time, date, place and purpose of the aforesaid public hearing was duly given and published as required by state law; and

WHEREAS, evidence, both written and oral, including the staff report and supporting documentation, was presented to and considered by the Planning Commission at the aforesaid public hearing; and

WHEREAS, after the close of the public hearing, the Planning Commission considered all public comments received both before and during the public hearing, the presentation by City staff, the staff reports, the recommendations and all other pertinent documents and associated actions regarding the proposed ordinance amendments; and

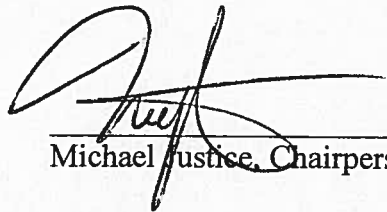
WHEREAS, the proposed ordinance is consistent with the General Plan and Goal LU-2 because it contributes to the mix of land uses that meets the diverse needs of Agoura Hills' residents, offers a variety of employment opportunities, and allows for the capture of regional population and employment growth; and

WHEREAS, City staff has determined that the adoption of the Ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) because there is no possibility that the Ordinance would have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED, based on the findings and conclusions set forth above, that the Planning Commission of the City of Agoura Hills recommends the City Council adopt the attached draft Ordinance (attached).

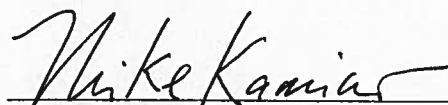
PASSED, APPROVED, and ADOPTED this 5th day of December, 2013, by the following vote to wit:

AYES: (5) Justice, Northrup, O'Meara, Rishoff and Zacuto
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)



Michael Justice, Chairperson

ATTEST:



Mike Kamino, Secretary

DRAFT ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING SECTIONS 9312.2, 9312.3 AND 9552.1 OF THE ZONING ORDINANCE (ARTICLE IX OF THE AGOURA HILLS MUNICIPAL CODE) TO ADD DAYTIME DOG CARE, INCLUDING OVERNIGHT CARE, AS A CONDITIONALLY PERMITTED USE IN THE COMMERCIAL RETAIL SERVICE (CRS) ZONING DISTRICT PORTION OF THE OLD AGOURA COMMERCIAL CENTER AREA (CASE NO. 13-ZOA-002)

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS HEREBY ORDAINS AS FOLLOWS:

Section 1. Pursuant to the California Environmental Quality Act (“CEQA”), as amended, the CEQA Guidelines, and the City’s local CEQA Guidelines, City staff for the City of Agoura Hills determined that the proposed Zoning Ordinance Amendment (“Project”) to allow daytime dog care, including overnight care, as a conditionally permitted use in the Commercial Retail Service (CRS) zoning district of the Old Agoura Commercial Center Area, has no possibility of causing a significant effect on the environment. Staff concludes that the proposed Ordinance is exempt from the application of CEQA pursuant to CEQA Guidelines Section 15061, which states that “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant on the environment, the activity is not subject to CEQA.” This finding is premised on the fact that the adoption of the Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without changes or alteration. The City Council concurs with City staff’s determination and therefore directs staff to prepare and file a Notice of Exemption with the County Clerk pursuant to CEQA Guidelines Section 15062 within five days of the date of this action.

Section 2. Commercial Use Table I in Section 9312.2 of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add “GG” under the “CRS” column as follows (underlined text represents new text):

	USE, SERVICE OR FACILITY	COMMERCIAL					BUSINESS PARK	
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M
	Unless otherwise indicated, listing denote retail sales operations							
D.								
7.	Daytime dog care, including overnight care		<u>GG</u>					DD

Section 3. Section 9312.3 of Part 2 of Chapter 3 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add Special Condition “GG” to read as follows:

“GG: A permitted use in the Commercial Retail Service (CRS) district of the Old Agoura Commercial Center Area as defined in Section 9552, subject to the issuance of a Conditional Use Permit by the Planning Commission.”

Section 4. Section 9552.1 of Part 6 of Chapter 5 of Article IX (Zoning Ordinance) of the Agoura Hills Municipal Code is hereby amended to add number “30.1” to the list of “permitted uses within the buildable area of commercial lots” as follows:

“30.1. Daytime dog care, including overnight care;”

Section 5. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid or unconstitutional by any court or competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision or applications, and to this end the provisions of this ordinance are declared to be severable. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof even if one or more sections, subsections, sentences, clauses, phrases, parts or portions thereof is declared invalid or unconstitutional.

Section 6. Certification and Posting. The City Clerk of the City of Agoura Hills shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law. This Ordinance shall go into effect on the 31st day after its adoption.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2014,
by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

William D. Koehler, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

EXHIBIT F



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

DRAFT

**MINUTES OF THE REGULAR SCHEDULED MEETING OF
THE PLANNING COMMISSION
December 5, 2013**

CALL TO ORDER:

Chair Justice called the meeting to order at 6:34 p.m.

FLAG SALUTE:

Commissioner Rishoff

ROLL CALL:

Chair Michael Justice, Vice Chair John O'Meara, Commissioners Linda Northrup, Steve Rishoff and Curtis Zacuto.

Also present were Director of Planning and Community Development Mike Kamino, Assistant Planning and Community Development Director Doug Hooper, and Recording Secretary Sheila Keckhut.

APPROVAL OF AGENDA:

On a motion by Commissioner Northrup, seconded by Commissioner Rishoff, the Planning Commission moved to approve the December 5, 2013 Agenda. Motion carried 5-0.

PUBLIC COMMENTS:

There were no public comments.

APPROVAL OF MINUTES:

1. Minutes – October 17, 2013 Planning Commission Meeting

On a motion by Commissioner Northrup, seconded by Commissioner Zacuto, the Planning Commission moved to approve Minutes of the October 17, 2013 Planning Commission Meeting. Motion carried 4-0-1. Commissioner Rishoff abstained.



NEW PUBLIC HEARING:

2. REQUEST: Request for the Planning Commission to conduct a public hearing and provide a recommendation to the City Council for a proposed ordinance to allow daytime dog care facilities, including overnight care, as a conditionally permitted use in the Old Agoura Commercial Center Area of the Commercial Retail Service (CRS) zoning district, by amending Zoning Ordinance Sections 9312.2., 9312.3., 9552.1.
- APPLICANT: Bryce Wendel
Dioji Inc.
618 Litchfield Lane
Santa Barbara, CA 93109
- CASE NO.: 13-ZOA-002
- LOCATION: Citywide
- ENVIRONMENTAL DETERMINATION: Exempt from the California Environmental Quality Act (CEQA) per Section 15061.B.3 of the CEQA Guidelines.
- RECOMMENDATION: Staff recommends the Planning Commission adopt the draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 13-ZOA-002.
- PUBLIC COMMENTS: Chair Justice opened the meeting for public comments.

Bryce Wendel, Applicant

Phil Ramuno, Resident

Chair Justice closed the item.
- ACTION: On a motion by Commissioner Northrup, seconded by Commissioner Zacuto, the Planning Commission moved to adopt Resolution No. 13-1103, recommending that the City Council approve Zoning Ordinance Amendment Case No. 13-ZOA-002. Motion carried 5-0.

DRAFT

PLANNING COMMISSION/STAFF COMMENTS

None

ADJOURNMENT

At 7:11 p.m., on a motion by Vice Chair O'Meara, seconded by Commissioner Zacuto, the Planning Commission moved to adjourn the meeting to the next scheduled Planning Commission meeting on Thursday, December 19, 2013 at 6:30 p.m. Motion carried 5-0.

EXHIBIT G



**DEPARTMENT OF PLANNING AND
COMMUNITY DEVELOPMENT**

ACTION DATE: December 5, 2013

TO: Planning Commission

APPLICANT: Bryce Wendel
Dioji Inc.
618 Litchfield Lane
Santa Barbara, CA 93109

CASE NO.: 13-ZOA-002

LOCATION: Citywide

REQUEST: Request for the Planning Commission to conduct a public hearing and provide a recommendation to the City Council for a proposed ordinance to allow daytime dog care facilities, including overnight care, as a conditionally permitted use in the Old Agoura Commercial Center Area of the Commercial Retail Service (CRS) zoning district, by amending Municipal Code Sections 9312.2, 9312.3, and 9552.1.

**ENVIRONMENTAL
DETERMINATION:** Exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines.

RECOMMENDATION: Staff recommends the Planning Commission adopt the draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 13-ZOA-002.

I. PROJECT BACKGROUND AND DESCRIPTION

The applicant, Bryce Wendel, is requesting a Zoning Ordinance Amendment to allow commercial daytime dog care, including overnight boarding, in the Commercial Retail Service (CRS) zoning district. The applicant is interested in opening the business on a commercially developed parcel located on the southeast corner of Chesebro Road and Dorothy Drive, within the Old Agoura Design Overlay (OA) and Freeway Corridor

Overlay (FC) zoning districts. The applicant's project description, which also includes retail and dog grooming services, is attached for reference.

The property was last occupied by World Class Motoring, which was an automotive parts and accessories retail business, and is surrounded by Dorothy Drive and a gasoline station to the north, Chesebro Road and a professional office complex to the west, a vacant commercially zoned parcel to the south, and a light industrial complex to the east. The subject property includes an existing, approximately 3,000 square-foot retail building situated near the northeast corner of the 0.51 acre lot.

In 2009, at the request of Paul Berkovitz, owner of Camp Bow Wow which is now located at 28348 Roadside Drive, and with the Planning Commission's recommendation for approval, the City Council allowed dog day care and overnight care as a permitted use in the Business Park-Manufacturing (BP-M) zoning district, specifically for parcels located south of the 101 freeway, subject to issuance of a Conditional Use Permit. The BP-M zoning district is currently the only zoning district in which the use is allowed. Mr. Wendel is seeking to amend the Zoning Ordinance to expand the permitted locations of the use into the CRS zone, in which his property of interest is located.

This property is also located within the Old Agoura Commercial Center Area (Sub Area 5 of the General Plan). The boundaries of this Area are shown in Exhibit A and consist of the parcels south of the 101 Freeway, west of Palo Comado Canyon Road/Chesebro Road, extending south to the parcels along Agoura Road, and just beyond Lewis Road to the west. Generally, properties adjacent to Dorothy Drive within the Old Agoura Commercial Center Area are within the CRS zoning designation. Properties to the south and adjacent to Agoura Road are within the Business Park-Office Retail (BP-OR) zoning district. Zoning Ordinance Section 9552.1 includes specific permitted uses within the Old Agoura Commercial Center Area. Day time and overnight dog care is not included as a permitted use in the Area. Thus, this section of the Zoning Ordinance would also need to be amended to add the proposed use only within the CRS zone of the Old Agoura Commercial Center Area.

II. STAFF ANALYSIS

The proposed use is compatible with the purpose of the CRS zone, which is to provide areas for a diversity of general commercial, retail and service uses, and provide for the needs of the residents of the City and the surrounding area. The CRS zone further allows for the most variety of retail and service uses than any other zoning district. In this instance, the requested land use is proposed to be located within the portion of the Old Agoura Commercial Center Area that is zoned as CRS.

There are 111 smaller-scale and community-serving commercial uses allowed within this Area. Staff finds the proposed land use to be compatible with the intent of the CRS zoning district. In addition, staff finds the proposed land use to be compatible with the existing mix of developed property within the Old Agoura Commercial Center Area, regardless of where the proposed use is located within this Area. The CRS zone of the

Old Agoura Commercial Center Area is not located adjacent to residential development and there are other animal-related uses that are currently allowed, such as dog grooming, veterinarian services, and animal hospitals. Staff would note, however, that if the Zoning Ordinance Amendment is approved, more than one daytime dog care facility could be proposed within the Old Agoura Commercial Center Area. If the Planning Commission finds it necessary to further restrict the boundaries of this type of use, their recommendation will be forwarded to the City Council for consideration.

In order to implement the requested change, staff proposes to amend the Commercial Land Use Table within Zoning Ordinance Section 9312.2, and the listing of Special Conditions within Zoning Ordinance Section 9312.3. The underlined language below indicates the proposed additions to these sections of the Municipal Code:

9312.2. Commercial use table I.

The following shall be commercial use table I:

	USE, SERVICE OR FACILITY	COMMERCIAL					BUSINESS PARK	
		CS	CRS	CR	CN	CS-MU	BP-OR	BP-M
	Unless otherwise indicated, listings denote retail sales operations							
D.								
7.	Daytime dog care, including overnight care		<u>GG</u>					DD

9312.3. Special conditions.

The following special conditions apply to the uses indicated by the corresponding letter in table I described in section 9312.2:

GG: A permitted use in the Commercial Retail Service (CRS) district of the Old Agoura Commercial Center Area as defined in Section 9552, subject to the issuance of a Conditional Use Permit by the Planning Commission.

Staff also proposes the following amendment to Section 9552.1 to allow for the proposed use in the Old Agoura Commercial Center Area:

“9552.1. Permitted uses within the building area of commercial lots.

30.1. Daytime dog care, including overnight care;”

The proposed Conditional Use Permit requirement would allow the Planning Commission to review each request for a dog care facility on a case-by-case basis to ensure compatibility with neighboring uses and to impose reasonable conditions. The number of dogs allowed at each facility, as well as site plan and architectural development proposals for the properties, would be at the discretion of the Planning Commission as part of their review of each Conditional Use Permit application. As such, the proposed Zoning Ordinance Amendment would be compatible with the General Plan Goal LU-2 which calls for “a mix of land uses that meets the diverse needs of Agoura Hills’ residents, offers a variety of employment opportunities, and allows for the capture of regional population and employment growth.”

Staff reviewed the draft Ordinance and determined that there is no possibility that the Ordinance will have a significant effect on the environment. Thus, staff concludes that the proposed Ordinance is exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15061 of the State CEQA Guidelines, which states that a project is exempt from CEQA “[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” This finding is premised on the fact that the adoption of the Ordinance will maintain the current environmental conditions arising from the current land use regulatory structure as adopted by the City without changes or alteration. Since retail facilities, as well as pet stores and veterinarian/animal hospitals are already allowed in this CRS zone, the addition of dog care facilities will not have any possibility of having a significant effect on the environment.

The Planning Commission is asked to make a recommendation of approval to the City Council on the draft Ordinance. Final action on the Ordinance will be taken by the Council at a public hearing. If the Ordinance is approved by the City Council, the applicant may then apply for a Conditional Use Permit for the proposed use, which would be considered by the Planning Commission at a public hearing.

III. RECOMMENDATION

Based on the foregoing review and analysis, staff recommends the Planning Commission adopt the attached draft Resolution, recommending that the City Council approve Zoning Ordinance Amendment Case No. 13-ZOA-002.

IV. ATTACHMENTS

- Draft Resolution and Draft Ordinance
- Exhibit A: Old Agoura Commercial Center Area Map
- Exhibit B: Zoning Map
- Exhibit C: Applicant’s Project Description

Case Planner: Doug Hooper, Assistant Director of Planning & Community Development