

Zoning Administrator Agenda Report Me

Meeting Date 01/24/2023

DATE: January 10, 2023 File: MOD 22-02

TO: ZONING ADMINISTRATOR

FROM: Madison Driscoll, Assistant Planner, madison.driscoll@chicoca.gov, 879-6810

RE: Modification 22-02 (Canine Connections) – 10 Seville Court; APN 039-430-136

RECOMMENDATION

Planning staff recommends that the Zoning Administrator find the project categorically exempt from environmental review and approve Modification 22-02 to UP 10-13 (Canine Connections) based on the findings and subject to the recommended conditions of approval.

BACKGROUND

This is a request to modify a condition of approval of an existing use permit (UP 10-13) Canine Connection (see **Attachment B**, UP 10-13) to allow for indoor animal boarding facility and accessory retail for up to 80 dogs. The project site is located on the southwest end of Seville Court, between Ivy Street and Estes Road (see **Attachment A**, Location Map). The site is designated Manufacturing and Warehousing on the City of Chico General Plan Land Use Diagram and zoned MW (Manufacturing and Warehousing). Surrounding areas include manufacturing uses along with open space to the south.

DISCUSSION

Pursuant to Chico Municipal Code (CMC) Section 19.46.020, Table 4-8, kennels and animal boarding facilities are allowed in the Manufacturing and Warehousing district subject to use permit approvals. The original Use Permit allows for operation of an indoor animal boarding facility and accessory retail for dogs with up to 40 dogs at one time. The current conditions of the site are as follows (see **Attachment C**, Site Plan)

- 5,000 square feet of conditioned interior space.
- Approximately 2,500 square feet dedicated to 36 individual runs which can house 46 dogs.
- Approximately 1,800 sf open playroom and lounge space with four separate areas in total.
- 700 square feet of reception, office, and bathroom space.
- Approximately 12,000 sf of outdoor yard space organized into three play yards.

The applicant is requesting to modify Condition of Approval #1 of Use Permit 10-13 to allow for indoor animal boarding facility and accessory retail for up to 80 dogs at one time. No new construction, structural modifications, or site improvements are proposed.

ANALYSIS

Pursuant to Chico Municipal Code (CMC) Section 19.24.080 and Section 19.30.060 a permittee may apply for changes in any use or improvement authorized by the permit or any

condition applicable to the use or improvement.

(Original) Condition of Approval #1 for UP 10-13

Use Permit 10-13 (Canine Connections) authorizes operation of an indoor animal boarding facility and accessory retail for dogs with up to 40 dogs at one time, in substantial accord with the "Plat to Accompany Use Permit 10-13 (Canine Connections)", and in compliance with all other conditions of approval.

Current Site Conditions

The applicant has expressed the desire for increased dog boarding and daycare services with an updated narrative describing previously approved project site improvements and expansions to their facility (see **Attachment D**, Applicant Letter of Intent). Over the life of the Use Permit, there have been minimal issues with parking and dogs barking according to the applicant, and there have been no code enforcement cases from this property.

Surrounding areas to the north, east, and west are zoned MW (Manufacturing and Warehousing) with mainly manufacturing land uses with no residential. The Comanche Creek Green Belt is to the south of the site, providing a large buffer between Canine Connection and any residential property to the south.

The increase of dogs would be mainly from daycare boarding, as there is already boarding capacity at the existing facility to accommodate the additional boarding that's being requested. All client's dogs must undergo training and a temperament evaluation to be permitted to be boarded by Canine Connection. Overnight boarding of dogs would be reserved for clients who have a pervious history of daycare boarding with the business.

Dogs are spread-out throughout the facility in lounge areas, dog runs, and outdoor play areas. All dogs out in the play yards are supervised by staff to monitor barking or possible dog fights. Inside the building there are eight separate rooms with three hallways each that contain a total of 36 dog runs, capable of handling up to 46 dogs at a time. The spacing and separation of dog runs reduces the chance of contagious barking or stress for the dogs. The four separate lounge and play areas indoors can contain 40 dogs total. Most dogs that receive day boarding are not kept in dog runs or kennels. 30 portable crates are also at staff's disposal in case of an emergency or evacuation.

Parking

All other conditions of approval for Use Permit 10-13 shall remain applicable. The proposed request does not include any new construction or structural modifications to the existing facilities, or sit improvements such as a new lighting, parking, or landscaping. Pursuant to CMC Section 19.70.040, kennels and animal boarding facilities require 1 space for each employee plus 1 space for each 625 square feet of gross floor area. The applicant does not plan on increasing the number of employees working or the gross floor area of the building. Currently there are nine parking spaces.

All other conditions of approval for Use Permit 10-13 shall remain applicable. The proposed request does not include any new construction or structural modifications to the existing facilities, or site improvements

ENVIRONMENTAL REVIEW

The project has been previously determined to be categorically exempt pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities). Consistent with this exemption, the project involves the continued occupation and operation of an existing building and kennel.

FINDINGS

Following a public hearing, the Zoning Administrator may approve a use permit application, with or without conditions, only if all of the following findings can be made:

Use Permit Findings

- A. The proposed use is allowed within the subject-zoning district and complies with all of the applicable provisions of Chapter 19.24 (Use Permits).
 - Pursuant to Chico Municipal Code (CMC) Section 19.24.080 and Section 19.30.060, a permittee may apply for changes in any use or improvement authorized by the permit or any condition of approval applicable to the use or improvement. This modification to Use Permit 10-13 was processed in compliance with CMC 19.24 (Use Permits).
- B. The proposed use would not be detrimental to the health, safety, and general welfare of persons residing or working in the neighborhood of the proposed use.
 - Canine Connections has operated out of the subject property since 2010. No changes of use, new construction, structural modifications, or site improvements are proposed. The site is subject to compliance with the City's noise and nuisance regulations. With previous expansions of interior and exterior space for dogs, the expansion of the number of dogs would be minor in nature. It would not be detriment to the health, safety, or general welfare of the surrounding neighborhood.
- C. The proposed use will not be detrimental and/or injurious to property and improvements in the neighborhood of the proposed use, as well as the general welfare of the City.
 - No changes of use or structural modification is proposed for the modification. There have been no recorded complaints with the City of Chico regarding the property or use. The increase in number of dogs served would be minor in nature and not detrimental to the neighborhood or general welfare.
- D. The proposed use will be consistent with the policies, standards, and land use designations established by the General Plan.
 - The proposed modification would not alter or change the existing land use on the property which has been previously determined to be consistent with the policies, standards, and land use designations established by the General Plan.
- E. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The proposed modification would not alter or change the design, location, or size of any of the existing facilities and structures. Surrounding uses are not noise sensitive and there is no residential property directly abutting the site. The request changes Canine Connections ability to provide animal boarding for up to 80 dogs. Expansion of both indoor and outdoor facilities over the years have allowed for increased growth

CONDITIONS OF PROJECT APPROVAL

- Use Permit 10-13 (Canine Connections) authorizes operation of an indoor animal boarding facility and accessory retail for dogs with up to 80 dogs at one time, in substantial accord with the "Plat to Accompany Use Permit 10-13 (Canine Connections)", and in compliance with all other conditions of approval.
- 2. The permittee shall comply with all other State and local Code provisions, including those of the Building Division, Fire Department, Division of Engineering, Butte County Environmental Health, and Animal Services. The applicant is responsible for contacting these offices to verify the need for permits.
- 3. All conditions listed within UP 10-13 (Canine Connections) shall remain applicable.

PUBLIC CONTACT

A notice was published in the Chico Enterprise Record 10 days prior to the meeting date, and notices were mailed out to all property owners and tenants within 500 feet of the project site. As of this report's publication, staff has not received any public comments.

DISTRIBUTION:

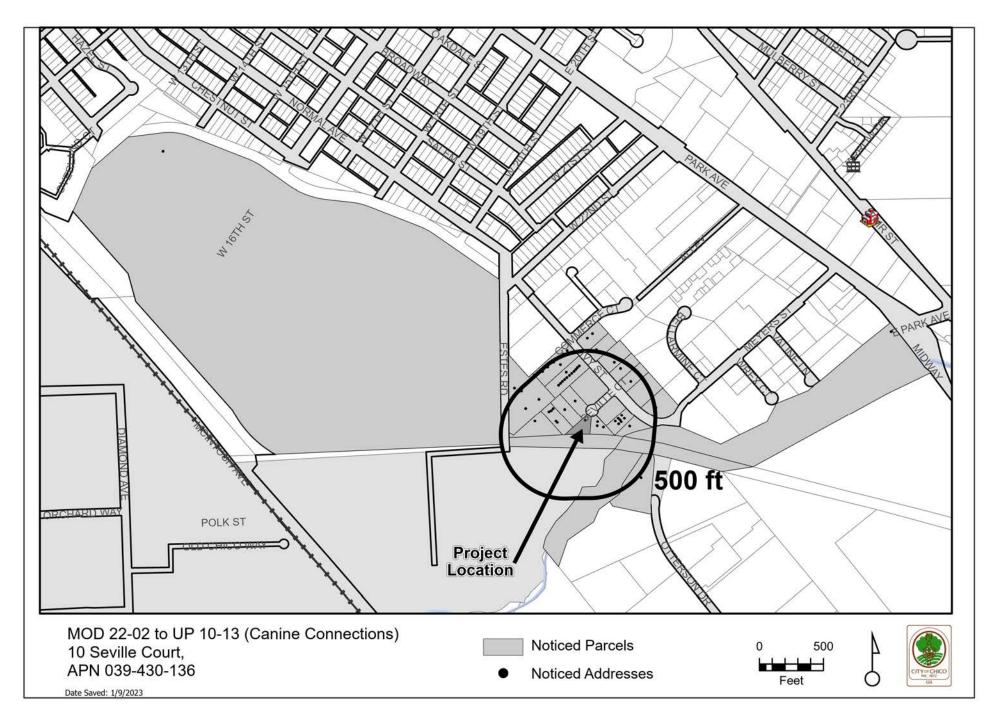
Internal (2)
Mike Sawley, Zoning Administrator
Madison Driscoll, Assistant Planner

External (1)

The Canine Connection LLC, Attn: Sarah Richardson, Email: sarah@thecanineconnection.com

ATTACHMENTS:

- A. Location Map
- B. Use Permit 10-13
- C. Site Plan
- D. Applicant Letter of Intent





PLANNING SERVICES DEPARTMENT

411 Main Street P.O. Box 3420 Chico, CA 95927 (530) 879-6800

PERMIT NO. <u>Use Permit 10-13</u> (Canine Connection)

CONDITIONAL USE PERMIT

Permit Description:

In accordance with Chico Municipal Code Sections: 19.24.040 and 19.46.020. Use Permit 10-13 (Canine Connection) authorizes the following:

Operation of an indoor animal boarding facility and accessory retail for dogs with up to 40 dogs at any one time.

At: 10 Seville Court

Assessor's Parcel No.: <u>039-430-136</u>

Final Action: Approved by the Zoning Administrator May 11, 2010

Effective Date of the Permit: May 22, 2010

Issuance of Permit:

In accordance with Chico Municipal Code Section 19.30.020, no permit, certificate, or other entitlement may be issued until the effective date. The Permittee shall sign the approved certificate or other entitlement within 30 days of approval indicating full understanding and concurrence with the approval and all conditions imposed by the review authority, or the entitlement will be deemed void.

This permit is hereby issued through the signatures of the Zoning Administrator and the Permittee.

Conditions of Approval:

- 1. Use Permit 10-13 (Canine Connection) authorizes operation of an indoor animal boarding facility and accessory retail for dogs with up to 40 dogs at any one time, in substantial accord with the "Plat to Accompany Use Permit 10-13 (Canine Connection)", and in compliance with all other conditions of approval.
- 2. The permittee shall comply with all other State and local Code provisions, including those of the Building and Development Services, Planning Services, and Fire Departments. The permittee is responsible for contacting these offices to verify the need for permits.
- 3. The permittee shall furnish a contact name and phone number to the Planning Services Department for the purpose of resolving noise complaints and other similar operational issues. The Planning Services Department shall provide this contact information to any nearby property owner or resident who requests it.
- 4. The permitee shall provide a total of nine off-street parking spaces that meet all applicable parking improvement standards, including all-weather surfacing and shade tree requirements.

5. All clientele arrivals shall be by appointment only, and the allowable hours of operation shall be as follows:

Boarding and Day Care Drop-off/Pick-up Hours:

7 am to 7 pm - Monday through Friday

9 am to 6 pm - Saturday

12 pm to 6 pm - Sunday

Grooming and Individual Training:

9 am to 6 pm - Monday through Friday

Group Training Classes:

5:30 pm to 8:30 pm - Monday through Friday, and

9 am to 1pm on Saturday and Sunday

- 6. Onsite staff shall only take dogs outside individually or in small groups of compatible playmates and no dog shall be left outside unattended. Dogs shall not be taken outside during nighttime hours between 10 pm and 7 am, unless unique circumstances exist with a dog which compel nighttime outings (e.g. illness).
- Onsite staff shall promptly take steps to stop barking outbursts, whether it occurs outdoors or indoors. In response to repeated outbursts of barking indoors, onsite staff shall ensure that all windows are closed until the barking events subside. Clients with dogs observed barking outdoors shall be advised of the facility's requirement to minimize barking.
- 8. The permittee shall be responsible for ensuring that noise from the facility does not exceed non-residential noise criteria found in CMC Chapter 9.38.040.
- The permitee shall ensure that daily cleaning of every occupied kennel suite, complete cleaning of each suite between occupation by different dogs, and clean-up of any dog droppings in the outdoor area occurs at least every 24 hours.
- 10. The permittee shall ensure that solid dog waste is either flushed into the sanitary sewer system using an apparatus approved by the Building and Development Services Director, or contained in air-tight sealed containers until trash day, and odor from the facility shall otherwise be minimized.
- 11. The Animal Control Division of the Chico Police Department shall retain the right to inspect the premises upon reasonable notice to ascertain if the dogs are being treated in a humane manner and to confirm that basic sanitation needs are being met, and the permittee shall attempt to correct any condition deemed unacceptable by the inspecting officer. It shall remain at the discretion of the Animal Control Supervisor to report any issue arising from the inspection to the Planning Services Director and, if significant, to request initiation of permit revocation procedures.
- 12. A minimum of two barriers (e.g. doors or gates at least four feet in height) shall be maintained between dogs and unenclosed areas at all times to prevent escape, unless the dog is on a leash or within the secure rear enclosure.
- 13. The facility shall not be used for keeping animals for the purpose of breeding, sale, or any other similar commercial use.

- 14. The applicant shall provide and maintain a solid visual barrier between the rear play areas and the adjacent offices located at 30 Seville Court.
- 15. The proposed trash enclosure and any containers pursuant to condition #10 shall not be placed within 100 feet of the entrance of any neighboring business.
- 16. Interior improvements to the facility shall be made to minimize noise transmission through the structure and shall specifically include windows with a minimum Sound Transmission Class (STC) rating of 30, and sealing all exterior doors leading into the boarding area using rubberized weather stripping or equivalent soundproofing products. These project features, as well as the parking area improvements and confinement barriers required by other conditions of this permit, shall be specified on the building plans and subject to Planning staff review and approval prior to building permit issuance.
- 17. The gate facing the offices at 30 Seville Court shall not be used by clients and shall only be used on an irregular basis.
- 18. No outdoor dog runs shall be allowed or authorized by this permit.

5.08.00

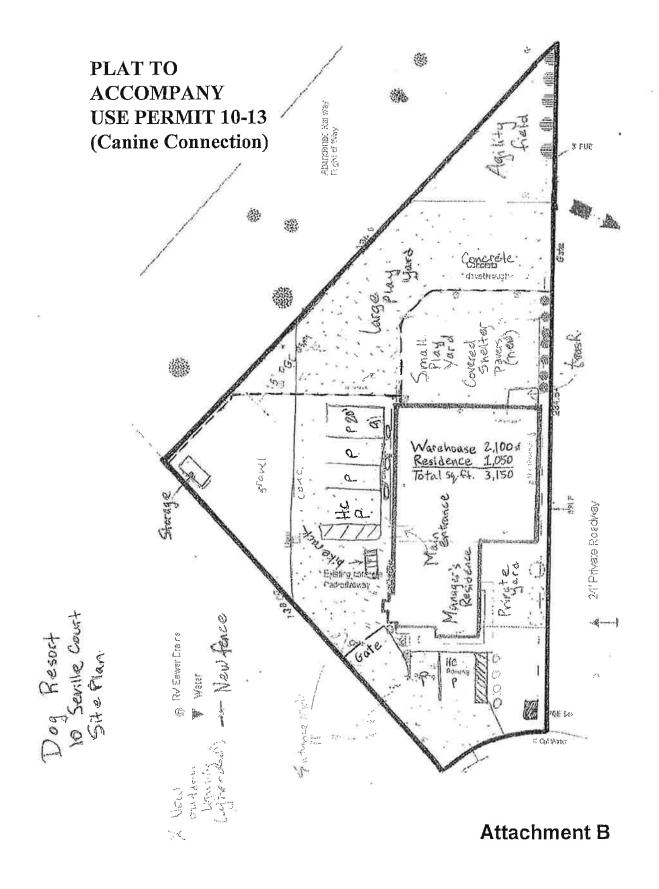
- 19. The permittee shall provide educational materials to clientele informing them where the offstreet parking area for the facility is located, and that parking in neighboring off-street parking areas is prohibited.
- 20. Once every three months for the first year of operation, the permitee shall provide a report to the Planning Services Department containing a description of any complaints or other issues and resolutions thereof that ocurred during the reporting period.

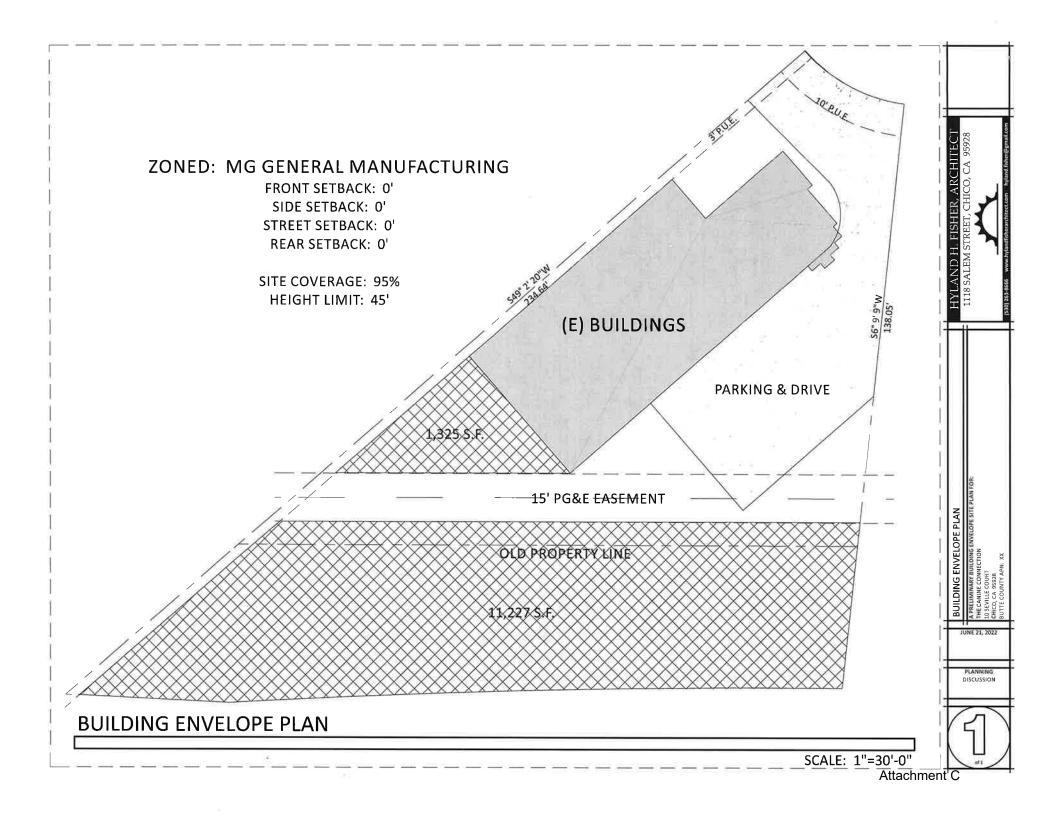
I hereby agree to accept this Use Permit subject to the provisions of the Chico Municipal Code (CMC) and the conditions specified above. I am aware that this permit becomes null and void if not used within one year of the date of approval as established in CMC Section 19.30.050 and may be subject to revocation pursuant to CMC Chapter 19.14.

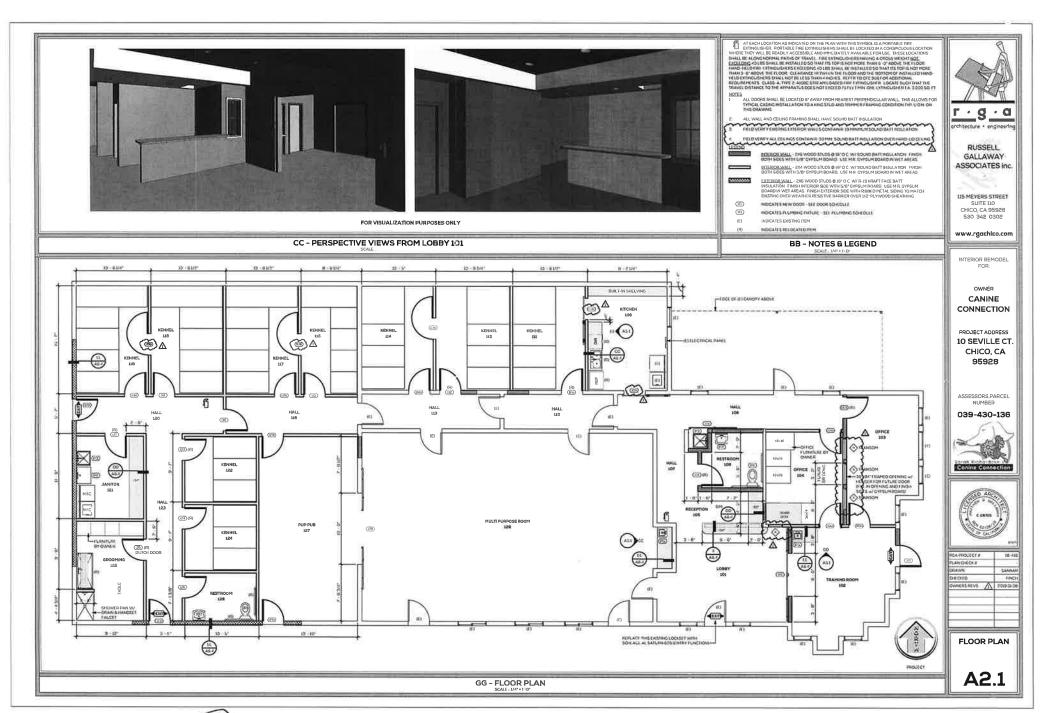
Permittee's Signature:	Date: <u> </u>
This use permit is hereby issued subject to conditions specified above. My Mulus Zoning Administrator	of the Chico Municipal Code and the

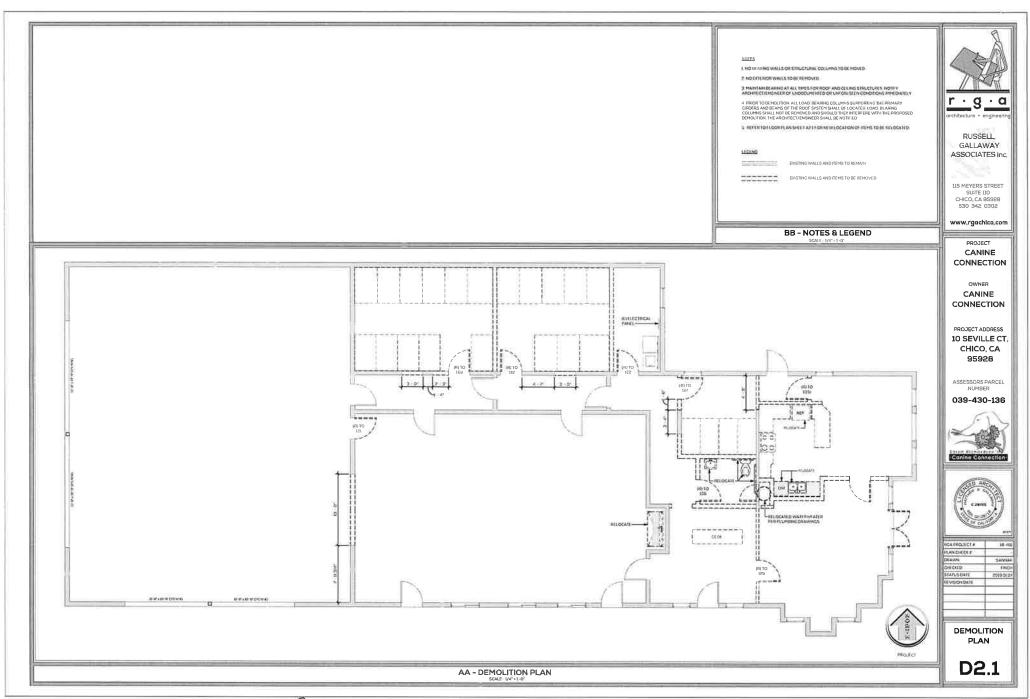
Permittee, Owner, SPCE, Building File, GISA Pierce

CC:









Remodel completed 2014?

Request for Modification to Use Permit

The Canine Connection LLC, 10 Seville Court, Chico CA 95928 (owner: Sarah Richardson)

A request is made to increase the number of dogs allowed under our use permit from the current number of 40 to 80. Since purchasing the property, I have expanded the facility considerably, which allows for additional dogs. As well, additional land has been purchased. Therefore, no facility changes or impacts to the surrounding property are proposed. Rather, it is requested that the ability of the current changes to accommodate a proposed number of dogs of 80 is granted.

Background

In spring 2010, I purchased the property at 10 Seville Court and, with a conditional use permit in hand, opened The Canine Connection's comprehensive dog center, offering boarding, daycare, and training. At the time of this business launch, The Canine Connection LLC already had a long history of providing excellent services in Chico, having provided positive and progressive dog training to Chico residents since the business' founding in January 2002.

At the time of the purchase, the building at 10 Seville Court included 1,000 sf of residence (that I occupied for 3 years), with 2,000 sf of unconditioned bay area. In the last decade, through two expansions and remodels, I have expanded the property to become 5,000 sf of conditioned interior space (with solar and modifications to promote energy efficiency), dedicated solely for my business, The Canine Connection. Our interior remodeling and expansion is truly state of the art in terms of providing for the safety and enriched experience of the dogs in our care. During this time, we have also configured the considerable outdoor space to be optimally used, with multiple play yards and patios for dogs. The area available for play yards was expanded through a purchase of surplus land made available through the Comanche Creek project. And, recently, I have opened a second center, this one in North Chico, dedicated just to training.

It's time for me to visit ways to modify my use permit. In 2010, when I bought 10 Seville Court, I could not imagine that I would have more than 40 dogs on our premises. But with the addition and remodeling of space, we can accommodate more dogs in our daycare and boarding programs. We would like the option to be able to do this. The demand for our services is extremely high. *Chicoans trust us, need us, and want us.* Therfore, I hope we can modify our use permit to allow for a maximum of 80 dogs on our premises with our current facility design.

Specific characteristics of our facility now include:

5,000 sf of conditioned interior space

- Approximately 2,500 sf dedicated to 36 individual runs which can comfortably house 46 dogs (some runs are double) and more if dogs are smaller and share the same household.
- Approximately 1,800 sf open playroom and lounge space (4 separate areas in total), the largest being 1,000 sf and the smallest approximately 200 sf of lounge space equipped beds, couches, etc. We are able to bring in individual crates should it become important to confine dogs at any point. Combined, these rooms can easily accommodate 40 dogs.
- We have an additional 700 sf (approximately) of reception, office, and bathroom space.
- Slightly under 12,000 sf of outdoor yard space is organized into 3 play yards, a sensory path, three courtyards, and 2 patios. Our outdoor space has increased due to the purchase of adjoining surplus land that became available because of the Comanche Creek project.

At The Canine Connection, we set the highest bar for safety and experience and our facility shows that. We provide nothing but the best for our clients.

By comparison, another facility in town that offers similar services, Wacky Wags, has 2,500 sf of space dedicated to dog kenneling (another 2,500 sf is dedicated to retail and offices), no interior lounge and playroom space and, apparently, 5,000 sf of outdoor space. Their permit number allows for 75 dogs. We respectfully request that our space, which is larger, indoor and out, allow for the same number as theirs.

Environmental Questionnaire - Describe the Proposed Project

All modifications to the structure and property which justify the expansion of the number of dogs to be hosted on-site have have already been made and were permitted at the time of construction. No new modifications will be made.