

**ZONE VARIANCE – USE OF P ZONE
REQUEST FOR MAINTENANCE OF DOG CARE AND WELLNESS FACILITY**

K9'S ONLY
18603 w. Topham Street
Tarzana, CA 91355

1. The strict application of the zone code would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of the zoning regulations.

The applicant has requested the variance within a portion of the P Zone to allow for the continued use of an exercise area and one-on-one training area in association with the primary facility. Different from traditional dog kennels, this is an indoor dog-boarding facility without the traditional outdoor cages or enclosed runs where dogs are housed throughout their period of residency at the kennel. The state-of-the-art design of the facility with indoor kennel housing, day care exercise areas, training stations, and associated grooming and wellness areas, is unique to this business.

The Code provides for variance authority to address requests for relief due to hardship or other difficult circumstances. The discontinuance of the use would create an unnecessary hardship on the applicant inconsistent with the intent of the zoning regulations. Denial of the request would prevent the applicant from maintaining a reasonable use of the site.

The use has proven to be beneficial to the community in providing a desirable service, rehabilitating a vacant property, and will not displace or require relocation of any businesses or tenant(s). The terms of the previous grant imposed conditions of approval to ensure that the use is consistent with the general purpose and intent of the zoning regulations and does not compromise the character of the neighborhood. While the applicant does seek some modifications of the existing conditions of approval, K9s only has established that its operations are complementary to the existing neighborhood, and the proposed modifications will cause no disruption to the neighborhood and will allow the use to continue as a successful business. The use, in association with the existing development in this neighborhood can be accommodated in a manner that fulfills the intent and purpose of the zoning regulations. Therefore, the strict application of the Zoning Ordinance to deny the request for continued operation in this industrial-zoned location would create a practical difficulty that is otherwise unwarranted for safeguarding the adjoining residential areas from the impacts of the kennel.

Pursuant to the terms of Case No. ZA-2008-536-CU-ZV, the grant of entitlements has now expired and the applicant seeks to renew such entitlements, with modified conditions of approval as described in the accompanying application materials.

2. There are special circumstances applicable to the subject property such as size, shape, topography, location or surroundings that do not apply generally to other property in the same zone and vicinity.

The established P-zoning of the site envisioned parking in conjunction with industrial-zoned portion of the property fronting on Topham Street, and was also established to create a buffer between the primary industrial/commercial uses and residential-zone uses to the north. There are special circumstances

related to the construct of the facility and the size of a parcel large enough to provide area necessary to accommodate functions supporting the operation of a dog care facility in compliance with Department of Animal Service regulations. The subject location allows for the large kennel operation to house all animals within a fully enclosed building in an area that is subject to extreme heat during the summer. The centralized location is also opportune for its convenience to clients residing in the immediate area and community, allowing many clients to walk their dogs to and from the facility. The location is within easy walking distance from the Reseda station for the Metro Orange Line, and thus allows for transportation options for employees.

Similar variances have been granted within the City and community to allow appropriately-scaled development that maintains an adequate buffer between adjoining uses, thereby fulfilling an objective of the P Zone classification. A dense landscape hedge is required to be maintained along the north property line in association with an existing wall to avoid visual and noise impacts in association with the exercise and one-on-one training areas. Uses to the east, west, and south, fronting the north side of Topham Street will not be adversely affected. As expressly conditioned by the terms of the previous grant, the primary use on the site contained with the building located in the MI-zoned portion will maintain a minimum 60-foot wide setback from the north property line. Compliance with appropriate conditions of approval will ensure that the continued operation of the facility will not adversely affect the adjacent uses.

- 3. The variance is necessary for the preservation and enjoyment of a substantial property right or use generally possessed by other property in the same zone and vicinity but which, because of the special circumstances and practical difficulties or unnecessary hardships is denied to the property in question.**

The variance will allow the applicant continued maintenance of the existing facility. The use is similar to or of a lower intensity relative to other uses in the immediate area; adjoining uses allowed as a matter of right east of the property are occupied by auto-repair center uses, with a fitness center, storage facility, and industrial offices located to the west. The applicant has developed the property in a manner that is sensitive to the surrounding uses; as conditioned, there is no reason to believe that its continuance will be disruptive to the neighborhood.

- 4. The granting of the variance would not be materially detrimental to the public welfare, or injurious to the property or improvements in the same zone or vicinity in which the subject property is located.**

The applicant is seeking relief to allow encroachment of a use other than parking into the P Zone. Considering the entire project in relation to the subject property, the proposed use of the P-Zone will operate substantially similar to other enterprises within the industrial corridor. The outdoor exercise/training area within the P Zone, measuring approximately 1,300 square feet, comprises approximately 20 percent of the total 6,340 square-foot area zoned for parking. A 6-foot in height opaque resin fence encloses this area prescribed solely for the fully-supervised exercise and the one-on-one training of the dogs (conducted within a separate portion of the full enclosure). These activities occur periodically during the operational hours. The one-on-one sessions last for approximately 45 minutes, are conducted by a certified trainer, and do not utilize amplified speakers, microphones, bullhorns, or other devices for instruction.

The continued use of the portion of the P-zoned property in this manner will not generate adverse effects to the adjacent properties or community. There have been no health code violations or any reports of

violations from the Department of Animal Services. Conducting the use in compliance with the conditions of the previous grant, as modified by the current case, will ensure development that does not adversely affect the proximal residential uses.

5. The granting the variance would not adversely affect any element of the General Plan.

The Community Plan goals and objectives seek to encourage appropriate uses within the existing environs. The applicant has demonstrated that the facility will continue to operate with consideration of the adjacent residents and businesses, fulfills a desired service, and is compatible with the neighborhood in both appearance and use. As such, permitting a portion within the P-zoned area for limited outdoor use is consistent with the goals and objectives of the Community Plan and thereby consistent with the General Plan and its elements.

Granting a requested variance will provide a use that will enhance the aesthetic environment of the neighborhood by maintaining the quality improvements made to the structure, attractive landscaping, appropriate lighting and a much needed community service function, all of which will be consistent with the aforementioned General Plan and Community Plan goals and objectives.