

CITY OF LOS ANGELES
CALIFORNIA



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August 19, 2009

Bobby Dorafshar (A)(O)
K-9s Only
18603 Topham Street
Tarzana, CA 91335

David A. Langer (R)
DAL Dimensions Consulting
3702 Casanova Drive
San Mateo, CA 94403

CASE NO. ZA 2008-0536(CU)(ZV)
CONDITIONAL USE/ZONE VARIANCE
18603 West Topham Street
Reseda-West Van Nuys Planning Area
Zone : M1-1, P-1
D. M. : 177B121
C. D. : 3
CEQA : ENV 2008-537-MND
Legal Description : Lot B, Tract
PM 2620

Pursuant to Los Angeles Municipal Code Section 12.24-W,25, I hereby APPROVE:

a Conditional Use permit authorizing the continued use and maintenance of a dog care and wellness facility, within 500 feet of a residential use,

Pursuant to Charter Section 562 and Los Angeles Municipal Code Section 12.27, I hereby APPROVE:

a Zone Variance to permit the use of a portion of the P Zone for an exterior, enclosed one-on-one dog training area and separate enclosed dog exercise area, all on a 23,010 square-foot property in the M1 and P Zones,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective Conditions, if, in the Administrator's opinion, such



Conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.

4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.
5. A copy of the first page of this grant and all Conditions and/or any subsequent appeal of this grant and its resultant Conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The applicant shall defend, indemnify and hold harmless the City, its agents, officers, or employees from any claim, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul this approval which action is brought within the applicable limitation period. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim action or proceeding, or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
7. The authorization is for the continued operation, use, and maintenance of a dog care and wellness facility (kennel), in the M1-1 and P-1 Zones.
8. Animal Keeping Facilities. All of the requirements of the Department of Animal Services shall be complied with in the operations, use, and maintenance of the facility.
9. The hours of operation shall be from 7 a.m. to 7 p.m., Monday through Saturday. The facility shall be closed on Sunday and holidays. Exception to these hours is permitted for special events (as noted in Condition No. 11, below) and to allow 24-hour access for operational staff for animal supervision, care, and maintenance, and/or emergency purposes.
10. There shall be no use of the outdoor exercise or training areas between the hours of 7 p.m., daily, and 7 a.m. of the following day.
11. Extended hours allowing the facility to close at 8:30 p.m. are permitted for special events, as permitted by this grant. In association with any special event, the activity shall terminate at 8:30 p.m., with the facility closed and fully vacated by non-operational staff no later than 8:45 p.m.. Special events shall not be conducted on Sunday or holidays.
12. Not more than 12 special events, including training seminars and clinics, shall be conducted during any calendar year (January to December). Such special events are to be conducted only within the interior of the building.
13. Parking spaces for the facility shall be provided to the satisfaction of the Department of Building and Safety. Off-site parking shall comply with provisions of the Municipal

Code Section 12.26-E. Off-site parking lot locations shall be to the satisfaction of the Zoning Administrator.

14. There shall be no outdoor public address systems or similar amplified speakers permitted.
15. Identification signage for the business is restricted to the Topham Street frontage. No business-related name plate, advertising (permanent or temporary), banners or similar signs are permitted on the outside of the building for any building wall facing the north property line. Signage for safety purposes, including vehicular/pedestrian directional purposes, is permitted in association with the facility and as may be required by responsible agencies.
16. The applicant shall be responsible for maintaining the area adjacent to the premises, under its control, free of litter including any parking areas specifically designated for use by the facility.
17. Use of the P Zone portion of the property for outdoor exercise and/or training of animals shall be expressly limited to the designated fully-enclosed exercise and training areas as shown on Exhibit "A", attached to this determination and the case file.
 - a. The designated one-on-one training area adjoining the north property line shall be limited to a maximum occupancy of three animals, fully supervised and partnered with a trainer at any time.
 - b. No training or exercising of dogs shall be permitted within the driveway, designated vehicle parking area on the property, or off-site parking locations. (This shall not preclude the loading and unloading of animals in both the on- and off-site parking areas to access the facility, or the training of animals which may occur during walk times (e.g., sit-stay, down-stay instruction) in those locations expressly established pursuant to the off-site dog walking route policy as noted in Condition No. 23).
18. Open areas devoted to trash storage shall be enclosed, with all containers covered so as not to result in noise, odor or debris impacts on any adjacent residential uses.
19. The applicant shall be responsible for the maintenance of landscaped areas including watering, trimming, plant replacement and other operations necessary to assure healthy and vigorous growth and appearance.
20. The north property line shall maintain a minimum 2-foot wide, fully landscaped buffer maintained and equipped with an automatic irrigation system. The hedgerow established along the north property line shall be maintained with dense vegetation at a minimum height of 6 feet at maturity, as measured from the existing grade on the applicant's property. Any plant material adjoining the north property line that requires replacement shall be replaced with a minimum 15-gallon container size specimen, with a minimum height of 4 feet 6 inches at time of planting.

21. The applicant shall identify a contact person in association with a 24-hour telephone number, available to respond to any inquiries regarding facility operations and maintenance. The 24-hour phone number shall be provided to the representative Council District Office and made available upon request to any interested party. The operator shall keep a written record of all calls received and the date and substance of the response. A copy of this log shall be made available for review upon request by the Zoning Administrator.
22. The project shall comply with those mitigation measures recommended in ENV 2008-537-MND, dated April 27, 2009, attached to the case file, modified herein, as follows:
 - a. Outdoor lighting shall be designed and installed with shielding so that the light source cannot be seen from adjacent residential properties. This shall not preclude the use of low-level security lighting on the site.
 - b. All dog waste shall be kept in airtight containers, in separate trash bins, disposed of at least twice per week, and shall comply with the Los Angeles Bureau of Sanitation regulations. The exterior exercise and training areas shall be cleaned on a daily basis and any waste materials picked up routinely throughout the day after each use.
 - c. Solid, opaque resin fencing shall be maintained within the P-Zone portion of the property to fully enclose the exercise and training areas, as shown on the plot plan, Exhibit "A", and Exhibit "C" (photographs dated July 13, 2009), attached to this determination and the case file.
 - d. North and East Property Line. A dense hedgerow of vegetation not less than 6 feet in height, as measured from grade on the applicant's property, and a minimum 2 feet in width shall be maintained along the north property line, in association with maintenance of the existing block wall. The existing mesh fabric screening material shall be maintained in good condition along the north property line landscape buffer boundary until such time as the hedgerow reaches maturity, to further screen the property. The existing landscape buffer and mesh fabric screening shall be maintained along the east property line. Such mesh screening shall be green in color, the location and material subject to approval by the decision-maker(s).
 - e. There shall be no use of the outdoor exercise or training areas between the hours of 7 p.m., daily, and 7 a.m. of the following day.
23. Employee walking of dogs shall be conducted pursuant to the route defined in the K9's *Only* memorandum dated January 2, 2007, Exhibit D, attached herein and to the case file. Any need for variation from this route (e.g., construction, sidewalk closure) shall preclude use of Calvert Street and avoid other local residential streets in the area, with the allowed exception for any emergency circumstance.
24. Employees shall wear an identifiable uniform at all times during their assigned shift.

25. The Conditions of this grant shall be retained at all times on site and be immediately produced upon request of the City of Los Angeles' Department of Planning, Department of Animal Services, Fire Department, Building and Safety Department, and Police Department. The manager and all employees shall be knowledgeable of the Conditions of the grant stated herein.
26. The authorization granted herein is for a period of **ten (10) years** from the effective date of this grant. Thereafter, a new conditional use and variance will be required to maintain operation of the facility on the site.
27. **At any time during the effective period of this grant**, should documented evidence be submitted showing violation of any condition of this grant, resulting in an unreasonable level of disruption or interference with the peaceful enjoyment of the adjoining and neighboring properties, the Zoning Administrator reserves the right to require the applicant to file for a plan approval application and associated fees pursuant to Section 19.01-I of the Los Angeles Municipal Code, the purpose of which will be to hold a public hearing to review the applicant's compliance with and the effectiveness of these Conditions. The applicant shall prepare a radius map and cause a notification to be mailed to all owners and occupants of properties within a 500-foot radius of the property, the Council Office, and the Los Angeles Police Department corresponding Division. Upon this review the Zoning Administrator may modify, add or delete conditions, and reserves the right to conduct this public hearing for nuisance abatement/revocation purposes.
28. **At any time should there be a change in the owner/operator of the site or facility during the grant term**, the new owner/operator shall be required to file a Plan Approval application and associated fees pursuant to Section 19.01-I of the Los Angeles Municipal Code at the Planning Department Public Counter. The Plan Approval application shall be submitted to the Planning Department within 30 days of the date of change in ownership/operation management. The purpose of the plan approval will be to review and establish conditions deemed applicable to the use as maintained consistent with the intent of the Conditions of this grant. Upon this review the Zoning Administrator reserves the right to conduct a public hearing and may modify, add or delete conditions of this instant grant as appropriate and require a subsequent plan approval or additional entitlements if deemed necessary.
29. **Within 30 days of the effective date of this action**, a covenant acknowledging and agreeing to comply with all the terms and Conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the Conditions attached must be submitted to the Zoning Administrator for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the case file.

OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES - TIME EXTENSION

All terms and Conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within two years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void. A Zoning Administrator may extend the termination date for one additional period not to exceed one year, if a written request on appropriate forms, accompanied by the applicable fee is filed therefore with a public Office of the Department of City Planning setting forth the reasons for said request and a Zoning Administrator determines that good and reasonable cause exists therefore.

TRANSFERABILITY

This authorization runs with the land. In the event the property is to be sold, leased, rented or occupied by any person or corporation other than yourself, it is incumbent upon you to advise them regarding the conditions of this grant.

VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR

Section 12.29 of the Los Angeles Municipal Code provides:

"A variance, conditional use, adjustment, public benefit or other quasi-judicial approval, or any conditional approval granted by the Director, pursuant to the authority of this chapter shall become effective upon utilization of any portion of the privilege, and the owner and applicant shall immediately comply with its Conditions. The violation of any valid Condition imposed by the Director, Zoning Administrator, Area Planning Commission, City Planning Commission or City Council in connection with the granting of any action taken pursuant to the authority of this chapter, shall constitute a violation of this chapter and shall be subject to the same penalties as any other violation of this Code."

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$1,000 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

APPEAL PERIOD - EFFECTIVE DATE

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after SEPTEMBER 3, 2009, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal

will not be accepted. **Forms are available on-line at <http://cityplanning.lacity.org>.**
Public offices are located at:

Figueroa Plaza
201 North Figueroa Street,
4th Floor
Los Angeles, CA 90012
(213) 482-7077

Marvin Braude San Fernando
Valley Constituent Service Center
6262 Van Nuys Boulevard, Room 251
Van Nuys, CA 91401
(818) 374-5050

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

NOTICE

The applicant is further advised that all subsequent contact with this office regarding this determination must be with the Zoning Administrator who acted on the case. This would include clarification, verification of condition compliance and plans or building permit applications, etc., and shall be accomplished **BY APPOINTMENT ONLY**, in order to assure that you receive service with a minimum amount of waiting. You should advise any consultant representing you of this requirement as well.

FINDINGS OF FACT

After thorough consideration of the statements contained in the application, the plans submitted therewith, the report of the Zoning Analyst thereon, the statements made at the public hearing on July 13, 2009, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

BACKGROUND

The property is a level, rectangular-shaped, interior lot, consisting of 23,106 square feet with an even width and depth of 128 feet and 180 feet, respectively. The property is split zoned, with the front 130 feet in depth zoned as M1 and the rear 50 feet in depth zoned as P1. The property is developed with a one-story, 12,651 square-foot industrial type building, built in 1976.

The applicant seeks to maintain the continued use of a dog care and wellness facility (kennel), doing business as *K9s Only*, in the M1 Zone with an outdoor exercise and training area at the rear of the site in the northeast portion of the P1 Zone. The facility has been in operation at the location for approximately 2-1/2 years. The rear of the site within the P1 Zone (north property line) abuts a residential zone. The Los Angeles Municipal Code (LAMC) Section 12.17.5-B,4 requires a Conditional Use permit if the lot on which the dog kennel is located in the M Zone is within 500 feet of a residential zone. The applicant also

seeks a zone variance to utilize the outdoor exercise and training area in a P Zone, not otherwise allowed by the Code.

All kennels and primary dog training areas are located within the interior of the building, with some one-on-one training located in the exterior training area. There are no outdoor kennels for housing of animals at anytime in association with the facility (see photographs attached to case file).

The east side of the building is attached to the east adjoining building (auto repair business). The west side of the property consists of a shared driveway with the west adjoining property which leads to rear parking lot areas for both properties. The subject parking lot is enclosed with chain link and barbed wire on the west side. The rear northeast area of the property, east of the parking lot, contains enclosed outdoor dog training and day care areas, with a combination solid wall and screening material of varied height located along the north and east property line (approximately 6 feet in height as measured from grade on the applicant's property). A hedgerow of shrubs approximately 6 feet in height has been planted and established along the north and east property line. A small number of immature shrubs composing the hedgerow that did not survive an unusual freeze during the 2008 winter have been replaced and are approximately 4 feet in height, and appear to be maturing where they will fill the previous void area in the hedge.

The Department of Building and Safety issued an Order to Comply (No. A-1455856) on May 8, 2007 for operating the kennel without a conditional use permit.

Topham Street, adjoining the property to the south, is a Local Street dedicated a width of 55 feet, and fully improved.

The Metro Orange Line transportation corridor right-of-way is located south of the Topham Street right-of-way.

Previous zoning-related actions on the site include:

Building and Safety Order to Comply No. A-1455856 – Issued May 8, 2007, for operation of a dog kennel/boarding in the M1 Zone without a conditional use permit. Documentation indicates the applicant originally submitted for a conditional use permit in February 2008, however, was subsequently advised by the Department of Building and Safety that he would needed to resubmit the application as a zone variance would also be prerequisite to continued operation of the facility.

Certificate of Occupancy – Issued January 27, 1977, for a 1-story 110' x 115' manufacturing building with 25 required parking spaces provided.

Case No. CPC 22440 – On March 5, 1972, Ordinance No. 143,015 became effective changing the zone on the property from RA-1 to M1-1 and P-1.

Public Hearing

A public hearing was conducted by the Zoning Administrator on July 13, 2009. The applicant's representative **David Langer** and the applicant, **Bobby Dorafshar**, were

present. Over 20 people attended the hearing, comprised of neighborhood residents, community stakeholders, and K9's Only clientele. **Jonathan Brand, Third Council District Planning Deputy** also attended.

An explanation of the proposed project, design components, and findings in relation to Code compliance was presented by Mr. Langer. Mr. Dorafshar provided a more-detailed account of the facility history, operations, continued and positive involvement with the community and local businesses, and relationship to the neighborhood.

Consistent with their application, **the applicant and representative's testimony** noted:

The subject property is utilized as a dog car[e] facility. K9s Only has been operating at this location, for over two years, without incident. The business, with a contained dog care use and outside exercise area, has been a good neighbor since the time it opened. Moreover, the Conditions of the Approval of a variance can eliminate many of the possible elements of discord thereby providing a higher degree of compatibility between the facility and the surrounding residential community.

The building, outside dog exercise area and upgrade of the facility is in reasonable conformance with the municipal code. The business is already in operation and poses no threat to neighbors given the sites compatible nature in terms of land use. The use itself does not generate much foot traffic in that patrons merely drop off their dogs on short visits without spending much time on the premises.

"The building has been upgraded and improved for use as a dog care and wellness facility (kennel) operating between the hours of 7 a.m. and 7 p.m., Monday through Saturday. With extended hours until 8:30 pm for posted Special Events conducted inside the building, such events include Free Spay and Neutering Clinics.

The business will use an existing 155 square foot outside dog exercise area in the Northeast corner of the site in the P-1 Zone. Not more than 25 dogs are permitted to attend the day care component of the facility each day. Dogs are rotated between the interior and exercise area, with no more than 5 dogs generally occupying the exercise area at any one time. Each group of dogs and dog training, lounge, or exercise area within the facility is fully supervised by a minimum 2 employees at all times.

Eight (8) off-site parking spaces will be provided to off-set and accommodate the dog exercise area. A copy of a Covenant and Agreement (not yet notarized) was submitted indicating eight off-site parking spaces can be used at 18625 Topham Street, two lots west of the site.

There are very few locations in the City that can be used to develop a specialized private dog care facility. This particular site provides an opportunity for dog owners to leave their pets at a place that fosters a nurturing environmental for dog owners to have their pets trained and car[e]d for. The design of the facility is remarkable, contemporary and well maintained. The subject site is located on a lot that provides ample vehicle access to the property and sufficient parking (both onsite and adjacent off-site parking in a neighboring property), all in an area where the use is contained.

The use is not and will not become materially detrimental to the immediate neighborhood. The intensity of the proposed development is limited, traffic volumes are relatively low, and the visual appearance of the property has been greatly enhanced. The sleek and contemporary design of the facility lends itself of the visual improvement of Topham Street, and any new conditions of a variance are designed to eliminate possible elements of discord thereby providing a higher degree of compatibility between K9s Only and the residential community.

The building itself is quite compatible with the community. The outside dog exercise area provides supervised areas for dogs and trainers to use during the business hours. This specialized service provides a benefit to the dog-loving public who brings its pets to this facility. The proposed use is within the intent of the Zoning Ordinance and requires a variance from the LAMC to operate.

The application has operated in a manner that is harmonious with the character of, and in no way adverse to, the surrounding community. As a good corporate citizen, K9s Only is managed by individuals whose paramount responsibility is that of responsiveness and cooperation to the members of its community. This is to ensure a good rapport as a neighbor.

After noting the fact that the subject use is already in an industrial area of the city, the impacts that will result from a variance approval are minimal.

The Reseda-West Van Nuys Community Plan designates the subject site for Limited Manufacturing with corresponding zones of CM, MR, P, and M1 and Height District No. 1. The proposed project meets the objects of the General Plan, and kennels are allowed in proximity to a residential zone as long as they are approved by way of a variance. The proposed use is consistent with other commercial uses in along with industrially-zoned street.

The approval of the K9s Only facility and outside exercise area is to better serve the community, dog lovers in particular, is desirable to the public convenience and welfare, and will be in harmony with the various elements and objectives of the General Plan."

Kathy Delle Donne, representing the Tarzana Neighborhood Council (TNC), provided testimony based on statements in the TNC letter, dated July 13, 2009, (attached to case file), noting

- On June 23, 2009 the Governing Board of the Tarzana Neighborhood Council voted to support the request for a conditional use permit and a zone variance for the continued use and maintenance of an existing commercial dog care and wellness facility (kennel) subject to compliance with 19 conditions recommended and adopted by the Neighborhood Council, including:
- Redesign the dog park/exercise area in rear parking lot from current location to an area directly behind northern elevation of building to provide deeper buffer between dog exercise area and residential;

- Compliance with Mitigated Negative Declaration
- All auxiliary or non-conforming structures, such as storage bins, must be removed from the P zone;
- Off site parking spaces in compliance with LAMC filed prior to Building and Safety Dept. issuing a Certificate of temporary or permanent occupancy;
- No more than 6 non-business related events, such as free spay and neuter clinics, per year- these events shall be held within the enclosed areas of the business;
- All dog training and other classes or programs provided by the applicant shall be conducted within the enclosed area of the business;
- Large roll-up door on the west side of the building to remain closed prior to 9 a.m. and after 4 p.m. and all day Sat. and Sun;
- Sound engineer's report that noise does not exceed ambient noise levels;
- Provide a landscaped buffer, such as cypress trees, along the entire rear property line to block noise and shield headlights to residential homes;
- Drainage not to flow onto adjacent properties;
- Properly maintain this landscaping and replace as needed;
- Dogs shall be walked along the Orange Line pedestrian & bike path or on main thoroughfares, not on local neighborhood streets, such as Calvert St. & Erwin Street
- Employees are to wear a uniform shirt when walking the dogs
- Hours of operation shall be 7 a.m. to 7 p.m., Mon-Fri., 8 a.m. to 6 p.m. Sat
- No signage on rear of facility facing homes on Calvert St.;
- All graffiti to be removed within 24 hours;
- Post a contact telephone number that is monitored on a 24 hour basis;
- Plan approval to monitor compliance required one year from the written date of approval;
- Limit the number of years for both the conditional use permit and zone variance.

Lisa Cerda, 18610 and 18640 Calvert Street, and **Jeff Bernard**, 18624 Calvert Street, voiced **opposition** to the request , with comments based on Ms. Cerda's letter dated July 13, 2009, from **Tarzana Residents Against Poor Property Development**, (letter attached to case file). Ms. Cerda's property located at 18610 Calvert directly abuts the north boundary of the applicant's property, adjoining the P1 Zone portion used for the outdoor exercise and training area. Mr. Bernard's property is north, across Calvert Street from 18610 Calvert.

- The owner failed to get building permits for the extensive remodel when changing the auto parts warehouse to dog care facility.
- Failed to get a CUP or Zone Variance and operated with out them for years proving his disregard to abide by city requirements. Ignorance is not a defense.
- Play area is washed with chemicals that pool on the private property. The feces, urine and chemicals are a hazard to the health of abutting properties, pets, and wild life.
- The business has many employees who need parking and can not be forced to take public transit in a parking intense area. Clientele need parking.

- Any agreement with another local business to provide parking for K-9s employees is simply shifting business parking into residential areas or into the MTA Orange line parking lot.
- Dave Aviram's tree trimming company, who offered K-9s parking spaces, will be unable to meet parking requirements for his own employees, trucks, chippers, etc. before or after he builds a new building.
- Having served on the MTA landscape committee, experts conveyed that trees and masonry walls can not eliminate or even reduce sound since sounds reflects, thus MTA made 20-foot walls to deflect the sound of the airbrakes on the buses by having the sound deflected higher than the majority of one story homes along the line. So, it is disingenuous to offer a 6 ft masonry wall as a buffer for 25 barking dogs.
- The large bay door in the rear of the facility is always open during business hours, creating an echo chamber for dogs being trained within the facility, closing the door permanently would achieve two things; eliminate noise and reduce condition enforcement requirements. The bay is not used to receive goods and an exterior rear exit/entry door is useable for emergencies.
- The city risks being sued for a violation of CEQA, (AB3181) Environmental Mitigation Monitoring - if the city fails to follow through. Thus you are creating an additional cost to the city by either monitoring or settling a lawsuit.
- The dog kennel use would not conform to the general plan, the specific plan or the zoning ordinance.
- The failure to have updated plans and the constant approval of nonconforming projects has had a devastating impact on our community. The standard applicant behavior is to build and operate what you want, how you want, and apply after the fact for permits, variances, and CU's. Sympathy for the violators is rampant and mitigation is a mythical creature.
- Using a ZA's discretion in approving a development project, is proof that the system is broken; from the flawed Condition Development Management System they rely on, to the protracted timeline and lack of condition enforcement and oversight by all agencies. None of which is under the ZA's ability to control.
- The fact that multiple agencies can change the conditions unbeknownst to the others, is another red flag that indicates no matter how well intentioned and thorough the ZA is, his work ends with the determination and leaves communities relying on a flawed system with no checks and balances. Our property values are impacted by such approvals and the message is sent to others that everyone is welcome to do what they like, chances are the city won't stop you
- The owner is not reliant on the exterior play area for income - indoor play area where the training takes place. And noise can be truly mitigated by permanently closing the bay door.

- Collateral affect of noise and pollutants are not considered in EIR, only the
- Other uses that impact our area?

MTA Orange Line - No sound wall, noise and pollutants

Approx 10 Auto shops -Noise and pollutants

Florist exterior refrigeration unit - noise - pollutant

Tree Trimming Company -Trucks and chippers -backing up beeping, idling? polluting, noise.

Discovery School - 200 children - playground noise

S.O.C.E.S Magnet school with 1800 bussed children delivered in the worst toxic polluters and noise generating busses.

- Due to the cities lack of funding, a weakened and demoralized work force is not likely to increase the amount or quality of code and condition enforcement. Code enforcement has not been a budget priority, or a City focus.
- The historic weakness of the overall planning process in Los Angeles has encouraged the proliferation of discretionary actions to side-step the city's legally adopted zones and plan designations
- This project does not comply with "Tarzana Crossing" plans that have been in the works for the last two years, which is a concept for a future transit-oriented community site at that location.

Five (5) neighborhood residents/property owners, six (6) clients of the facility/community residents, and three (3) employees, spoke in support of the request. Those testifying included **Natasha Cannon, David Lawrence, Dave Aviram, Terry Siebenthal, Michele Fishman, Sharon Vincuilla, Yvonne Garst, Karen Rubin, Janice Bartlett, Richard Stone, Andre Chesis, and Karen Freeman and Edward Valle.** They cited the positive characteristics of the current operation, noting benefits to local residents, clientele, as well as the community and region. They identified the improvements made to the property, and the respectful nature of the operation towards other property owners, businesses and residents in the area. All noted the professional yet personal care provided in regards to boarding and training needs for their dogs, and that no objectionable odors, noise or problems have resulted from operations on the site. Edward Valle, Sharon Vincuilla, and Yvonne Garst noted the programs made available to the community regarding animal education, behavior, and health care, adoption/rescue clinics, canine CPR and first aid, programs for the disabled, and other outreach programs. Terri Siebenthal and Richard Stone noted that the facility had substantially improved the appearance of the site and neighborhood as a whole, and that the presence of more dog walkers and the use itself added beneficially to the character of the neighborhood. Karen Freeman and Dave Aviram noted that the ambient noise levels noted in previous testimony were in association with well-established uses that had been accepted by residents in the area, and that these uses had been operating continuously in the neighborhood for over 25 years (e.g., the Discovery School, tree-trimming and auto-related uses, as well as the noise generated by other industrial/commercial uses along Topham Street). It was stated that ongoing construction and other dogs owned by residents immediately adjoining the property contribute

significantly to noise in the neighborhood. Mr. Aviram spoke specifically in regards to his ownership of properties in the area and the ability to provide off-site parking sites for use by the facility. All parties in support emphasized the applicant's desire and willingness to work cooperatively with residents, property owners, and the community stakeholders to maintain a desirable facility without adverse affect to the neighborhood.

Jonathan Brand, Council District Three, stated **Councilman Zines' support** for the facility, subject to conditions imposed consistent with the intent of the Tarzana Neighborhood Council recommendations, as may be modified by the decision of the Zoning Administrator. He noted the investment made by the applicant in improving the immediate property and character of the neighborhood, as well as K9s Only active involvement with the community, citing specific benefits associated with the facility and its outreach programs. Mr. Brand noted that other businesses allowed by-right in the M1-Zone in general would be much more objectionable than allowing the continued operation of the applicant's board and training facility. He noted that the by-right uses would not have the level of scrutiny, physical site improvements, site maintenance, nor conditions of operation that ultimately will be imposed for the boarding/training facility. He identified the letter received from Captain Keith Kramer, Center Manager, West Valley Animal Care and Control Center, Department of Animal Services stating that in a search of their records, there were no open or recently closed investigations into complaints of any nature regarding K9's Only.

Mr. Langer and the applicant noted in response and rebuttal to statements made previously during the hearing the following:

- The applicant received building permits issued by the Department of Building and Safety, and proceeded with improvements and modifications to the site, but was not apprised of the need for the conditional use permit and zone variance until prior to issuance of the Certificate of Occupancy.
- All kennels and primary dog training areas are located within the interior of the building. There are no outdoor kennels maintained for housing of animals in association with the facility.
- Both employees and clients are currently following and will continue to be required to adhere to the adopted rules and regulations established in the facility's policies, issued to each client and employee, and posted on the business website.
- Potential parking generated by use could be accommodated on-site and within the auxiliary parking lot.
- A noise study has been prepared with findings concluding that the operation does not exceed ambient exterior noise levels in the area, that activities generating the highest noise levels are conducted within the enclosed interior of the facility, and that dogs outside control of the operator, residing in the proximal properties contribute more substantially to canine-generated noise in the neighborhood.
- Noise created by adjoining industrial uses, the Orange Line transportation corridor, on-going construction on other properties in the neighborhood, and truck traffic on

Topham Street contribute more significantly to ambient noise levels than that generated by the facility.

- The outdoor areas are cleaned continuously during the day, with drainage flowing off-site towards the south and southwest; the existing walls and landscape areas prevent draining to the north and east. The applicant has coordinated with the City's Stormwater Public Education Manager regarding pet care tips and environmental measures for the facility as well as clients;
- The rollup doors on the west side are not left open at any time. The rollup door on the north-facing side is opened intermittently during the day to allow air circulation, and otherwise remains closed after 7 p.m. until the following day.
- The outdoor exercise and one-on-one training area is fully enclosed behind the 6-foot resin fence and landscaping with tall shrubs provides a visual screen and noise buffer between the site and adjoining properties.

Mr. Dorafshar expressed his full intent to continue to avoid and minimize any potential for impacts and had no objections to Conditions addressing operations on the site and implementation of a majority of the recommendations of the Neighborhood Council. It was noted that the facility maintains policies regarding employee dog-walking locations, limited to the Orange Line public right-of-way, as well as policies regarding client pick-up drop-off schedules for day care and boarding. He requested that the condition language suggested by the Neighborhood Council be modified as follows:

Limitations for dog walking to apply to *employees only*, so that *clients* who walk their dogs to the facility would not be limited in the locations where they could walk their animals.

Extended hours until 8:30 p.m. for special events (e.g., Dog CPR Training, Spay/Neuter Clinics, Teeth Cleaning clinics,) consistent with directives of the Neighborhood Council;

Ability to keep the roll-up door at the north side elevated during business hours as necessary to allow for circulation, with the recognition that the group training classes are conducted within the interior of the building.

The Zoning Administrator closed the testimony portion of the public hearing, noting that the K9's Only facility, while not developed with benefit of permits, ultimately meets the intent and objectives of the Zoning Code, and therefore, should be allowed to continue to operate at the current location in its current configuration and status. The Zoning Administrator concurred with the Council District recommendation to allow the facility to operate with assurances that adjoining properties were not adversely affected and that operation of the facility was conducted with full acknowledgement of their responsibility towards other property owners in the area. The Zoning Administrator recognized the affirmative written statements of the Department of Animal Services. The recommendations of the Council District, Neighborhood Council, and other commentators, as well as those volunteered by the applicant were taken under advisement by the Zoning Administrator, with the intent to conduct an additional site visit to insure that adequate buffering could be attained in relation

to the adjoining residential area. It was noted that a condition would be imposed consistent with the Code, requiring covenants for any off-site parking in association with the use, and that any off-site location be subject to approval by the Zoning Administrator. The Zoning Administrator stated that based on the evidence in the file, testimony at the public hearing, and information provided by public agencies established in the file, that affirmative findings could be made. The request would be approved, with specific Conditions to be imposed to maintain and assure appropriate use of the site compatible with the adjoining properties.

Written Comments and Correspondence

Support

Captain Keith Kramer, Center Manager, West Valley Animal Care and Control Center, Department of Animal Services stating that in a search of their records, there were no open or recently closed investigations into complaints of any nature regarding K9's Only.

Edward Boks, General Manager, Department of Animal Services, letter dated October 17, 2007 in support of the adjunct New Leash on Life animal rescue foundation programs conducted by the applicant.

Joyce Amaro, Stormwater Public Education Manager, letter dated Spring 2008, regarding ongoing cooperation in coordination with outreach team.

The **Tarzana Neighborhood Council** issued a letter in support of the request, contingent on implementation of operational conditions in association with the use (letter dated July 13, 2009).

Submitted with the application were **19 signatures of support** (form letters) which consist of 10 properties within the immediate area, including the east and west adjoining businesses on Topham Street and northwest and northeast adjoining single family properties on Calvert Street.

An additional package comprised of **approximately 40 letters, emails, and similar correspondence in support from clients, adjacent tenants and adjacent property owners** was submitted at the hearing (all documents noted herein are attached to the case file). **Three (3) individual statements** were submitted at the public hearing.

Opposition

Lisa Cerda, Co-chairperson, Tarzana Residents Against Poor Property Development (TRAPPD), and property owner for 18610 Calvert Street and 18640 Calvert Street, Tarzana, CA. Letter dated July 213, 2009, submitted at the public hearing and comment letter attached to the Mitigated Negative Declaration ENV 2008-537-ND, dated August 20, 2008, noting **opposition to the request**, citing adverse effects including odors, noise, chemical seepage from toxic cleaning agents used to wash the facility, exposure of local resident animals to canine illnesses from out-of-area boarder's dogs, existing noise generating uses in the area and inadequate on-site patron parking as well as misuse of the

variance process, inadequate mitigation, and inability of the City to effectively enforce compliance with conditions established under entitlement grants

(Note: documents identified herein are attached to the case file).

Site Field Review

The Zoning Administrator conducted an on-site visit of the facility on August 4, 2009 at 9:30 a.m.. Both interior and exterior areas of the facility were reviewed. The proposed off-site parking location was observed. A vehicular survey of Topham Street, west of Reseda Boulevard, and Calvert Street, between Yolanda Street, Yolanda Street, and Reseda Boulevard was conducted. It was noted that the outdoor exercise areas were occupied, fully supervised and that no noise associated with the animal use was audible at any point on the site. Dogs were observed on the adjoining residential property to the north of the applicant's property and barked at the sound of the Zoning Administrator's voice during observation of the northern property line, while standing within the parking area of the applicant's site. Tall, upright shrubs have been planted along the full length of the northern property line, fronting a green mesh screening material that has been installed above the existing cinderblock wall to provide support for the shrubs and further visual screening/noise attenuation. The shrubs planted in the landscape setback along the north and east property lines have attained a height of approximately 5 to 6 feet at this time. Audible noise was primarily associated with traffic, truck unloading, trucks traffic, and construction equipment including small graders, hand tools, and similar machinery operating in the immediate area. Clients entered the facility primarily from the front Topham Street entry and not the rear access. The facility was well-maintained and quiet within the interior and exterior. An amplified sound system was audible for occasional announcements within the interior of the building, but not audible beyond the interior of the structure.

BASIS FOR CONDITIONAL USE PERMITS

A particular type of development is subject to the conditional use process because it has been determined that such use of property should not be permitted by right in a particular zone. All uses requiring a conditional use permit from the Zoning Administrator are located within Section 12.24-W of the Los Angeles Municipal Code. In order for a dog care and wellness facility to be authorized, certain designated findings have to be made.

CONDITIONAL USE FINDINGS

Following (highlighted) is a delineation of the findings and the application of the relevant facts to same:

1. The proposed location will be desirable to the public convenience or welfare.

The site is well maintained and improvements to the building façade, landscaping, and signage have created an attractive frontage along a street otherwise developed with industrial warehouse buildings adjoining the Metro Orange Line transportation corridor. The boarding of animals is located entirely within the interior of the state-of-the-art facility. The use of the site for animal boarding and training is a logical and

reasonable use of the site. The proposed conditions of approval and the environmental conditions would ensure that potential adverse impacts are minimized or avoided. Testimony at the public hearing identified substantial benefits associated with the use, recognized by area residents and business owners. Issues and concerns identified regarding the use have been appropriately addressed in the conditions established pursuant to this grant. As conditioned herein, the facility, parking areas and continued operation of the canine board and training facility at this location is desirable to the public welfare and convenience.

2. The location is proper in relation to adjacent uses or the development of the community.

The property is zoned M1 (limited industrial) and P (parking) which allows for limited light industrial uses and commercial uses (and associated parking) including: manufacturing, compounding, processing or treating of such products as drugs, pharmaceuticals, and perfumed toilet soap, tobacco, and paint, ceramics, concrete or cement, maintenance of electrical and neon signs, billboards, commercial advertising structures, food products (except fish products, sauerkraut, vinegar, yeast, or the rendering or refining of fats and oils), provided that no noxious or offensive odors are permitted to emanate from the premises, as well as plastic, rubber or synthetic rubber products. Distribution plants, parcel delivery service, ice and cold storage plants, bottling plants as well as truck repairing or overhauling and wholesale rebuilding of automobile parts accessories or assemblies; battery manufacturing; and the like are also permitted when conducted within the interior of the building. Offices, accessory to the primary industrial use of the lot, and showrooms for products produced on the premises and other professional, administrative, and clerical services needed by industries in the area are also permitted.

The M1 Zone allows veterinary, dog and cat hospitals, kennels, or facilities for breeding and boarding of animals (with no outside keeping of animals). The Code states that in no case, however, shall any new kennel or animal breeding and boarding facility be constructed where any portion of the parcel is located within 500 feet of a residential zone without obtaining a conditional use permit pursuant to Section 12.24 of this Code. The intent of the Code under this provision is to assure that adequate protections have been installed to reduce, avoid, or prevent adverse effects on the adjoining residential use.

As testified at the hearing, and in observations conducted on the site by the Zoning Administrator, and Zoning Analyst, the potential for adverse affects is likely to be greater in association with by-right uses allowed under the M1 Zone than the applicant's facility. The dog care and wellness facility is required by the grant to abide by conditions including specific hours of operation, a prescribed location and/or route for dog-walking, training, and exercise activities, landscape improvements, and operational elements that will insure a well-maintained facility, sensitive to other uses in the area. All animals are housed within the interior of the building, with only periodic exercise and one-on-one training conducted in the exterior areas. The exterior portion of the site is screened from adjoining properties, fully enclosed, and limited to hours of use between 7 a.m. and 7 p.m. daily. The

use of a portion of the P Zone for these activities will not result in significant adverse affects and generates less noise, odor, or potential impact than loading, vehicle parking and movement, and similar activities observed in association with established industrial uses in the immediate neighborhood. It is noted that adjoining uses east of the property are occupied by an auto-repair center, with a fitness center, storage, and industrial offices to the west.

The use of the property, as maintained for occupancy by the applicant's facility, is appropriate in relation to adjacent uses. The facility has operated according to policies and standards consistent with the intent of the Code requirements despite lacking appropriate entitlements. As conditioned herein, the facility will continue to maintain a desirable presence in the neighborhood and contribute to enhancing the character of the community.

3. The use will not be materially detrimental to the character of development in the immediate neighborhood.

The continued operation of the facility is compatible with the scale of the neighborhood and does not introduce activities that would result in a significant adverse change to conditions within the neighborhood. as expressly conditioned by this grant, operation of the primary facility within the existing structure located in the M1 Zone, and exercise area and one-on-one training area, within the P-zoned portion, will not impact proximal residential uses. Activity areas and parking provided on-site are substantially screened from view by the surrounding structures, landscaping and walls. The project will maintain the existing architectural style and appearance, compatible with neighboring properties.

The applicant is required to comply with LAMC Section 12.26-E,5. This Code provision establishes as a prerequisite to the issuance of the required certificate of occupancy, that the owner or owners of said lot on which the off-site parking is to be provided shall record an agreement in the Office of the County Recorder of Los Angeles County, California, as a covenant running with the land for the benefit of the City of Los Angeles, providing that such owner or owners shall continue to maintain said off-site parking spaces for use by the applicant so long as the building or use they are intended to serve is maintained.

The facility operator, employees, and clients recognize their obligation to be a respectful to the residents, businesses, and property owners within the immediate neighborhood and have stated in testimony at the public hearing their commitment to operating a facility that is both amenable to and desirable within the community. The applicant provided a copy of the adopted policies including rules and responsibilities made available to all clients and employees, posted on the website and circulated at the time of enrollment or hiring, respectively. Testimony was received at the hearing and written statements were submitted from businesses, neighborhood residents, and stakeholders primarily in support of the request, included in the case file. Testimony and letters in objection were submitted by an adjoining property owner and proximal property owner, also attached to the case file. The issues identified in objection have been addressed in the Conditions of Approval imposed by this grant, based on a comprehensive review and on-site observations

of the Zoning Administrator, and recommendations of the Council District, Neighborhood Council and Zoning Analyst.

The Conditions of the instant grant allow the City the discretion to review the record of compliance, impose additional Conditions, or initiate nuisance abatement proceedings if deemed necessary. As conditioned, the use will not be materially detrimental to the character of development in the immediate neighborhood.

4. **The proposed location will be in harmony with the various elements and objectives of the General Plan.**

The Reseda-West Van Nuys Community Plan Map designates the property for Limited Manufacturing with corresponding zones of CM, MR1, M1 and P.

The goals and objectives of the Community Plan are reflected in both the function and design of the proposed project. The project meets the intent of Plan provisions regarding land use compatibility, buffering of adjoining development and proximal residential zones, providing for the public welfare, and maintaining desirable characteristics of existing neighborhoods.

VARIANCE FINDINGS

In order for a variance to be granted, all five of the legally mandated findings delineated in City Charter Section 562 and Municipal Code Section 12.27 must be made in the affirmative. Following (highlighted) is a delineation of the findings and the application of the relevant facts of the case to same:

5. **The strict application of the provisions of the Zoning Ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the zoning regulations.**

The applicant has requested the variance within a portion of the P Zone to allow for 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 applicant worked diligently to find an appropriate site for the facility. The applicant has stated that due to misinformation and a lack of guidance regarding the zoning regulations, he was advised that the dog boarding facility was permitted by-right at the site and that proper permits had been acquired to proceed with development and use of the facility on the premises. While ignorance of the statute and development regulations does not excuse non-compliance, 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). This grant imposes Conditions of approval to insure that the use is consistent with the general purpose and intent of the zoning regulations and does not compromise the character of the neighborhood. 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.

6. **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 this grant, the primary use on the site contained within the building located in the M1-zoned portion will maintain a minimum 60-foot wide setback from the north property line. As previously noted, compliance with the Conditions of this grant will insure that the continued operation of the facility will not adversely affect the adjacent uses.

7. **Such 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 such special circumstances and**

practical difficulties or unnecessary hardships, is denied the property in question.

As previously noted herein, 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 herein, there is no reason to believe that its continuance will be disruptive to the neighborhood.

8. **The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the same zone or vicinity in which the 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. Not more than three dogs and training partners are allowed within the personal one-on-one training area at any time.

The impacts associated with use of the P-zoned portion of the site have been considered in reviewing this request. A review of project plans, historic permit documentation, and a field survey of the site concluded that the use will not generate adverse effects to the adjacent properties or community. Condition No. 2 requires project use, development and site configuration to be consistent with the approved project plans reviewed by the Zoning Administrator and included in the case file. The proposed project is subject to review by responsible City agencies, including the Fire Department, Department of Building and Safety, and Department of Animal Services, to assure compliance with the Uniform Building Code and other state and local requirements as well as the specific Conditions of Approval imposed by this grant. There is no evidence of any health code violations or any reports of violations from the Department of Animal Services. Furthermore, the grant has been limited to a 10 year period to provide for further review in the future should the applicant seek to maintain the use for a longer period of time, as well as to revisit the appropriateness of the use within the immediate context and in association with development trends at that time. Any change in ownership/operator would initiate a plan approval review to assure that the new operator is apprised and maintains operation in compliance with the terms and limitations of the grant. As previously

noted, conducting the use in compliance with the Conditions of this grant will insure development that does not adversely affect the proximal residential uses.

9. **The granting of the variance will 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. Finding No. 4 above, further addresses consistency with the General Plan and its elements.

The "Tarzana Crossing Plan" referenced in hearing testimony relates to a resolution adopted by a subcommittee of the Tarzana Neighborhood Council land use committee. The resolution expresses a desire to establish a new pedestrian-friendly, mixed-use village for the area located within one-quarter of a mile in all directions from the Reseda Boulevard station of the Orange Line, with the intent to create a community vision for the future development/redevelopment of this village (copy of resolution attached to case file). As such, while the concept is recognized for its vision and opportunities, it is not an official program of the General Plan adopted by the City of Los Angeles.

Nonetheless, the applicant's project is consistent with the intent of the program, and as designed and currently operated, meets the following objectives of the Tarzana Crossing resolution:

Blank walls are prohibited along the streets in the core, and are discouraged elsewhere in the village.

Buildings should not be greater than six stories in height at the core, but as one heads outward from the core, the building heights step down until a compatible height is achieved with adjacent residential development

All parking is in the rear of the structures.

Where driveways are necessary, joint access is encouraged to reduce the number of driveways and keep the interruptions to the building streetscape to a minimum.

Although the village is expected to serve the existing and future residences of the area with uses that should be neighborhood serving, additional restaurants and the retention of certain bars/night clubs is encouraged to create a sense of vibrancy with the village.

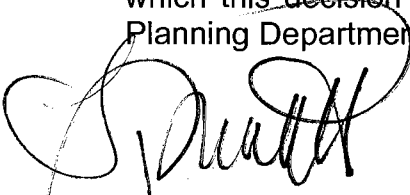
The retention of certain clean light industrial businesses and uses, including Columbia College's facilities, with the exception of any auto repair/servicing

facilities, machine shops, or uses with outdoor storage, is encouraged on the periphery of the village.

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.

ADDITIONAL MANDATORY FINDINGS

10. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.
11. On April 27, 2009, the City Planning Department Environmental Staff Advisory Committee (ESAC) issued Mitigated Negative Declaration No. ENV 2008-537-MND Article V – City CEQA Guidelines). On the basis of the whole of the record before the lead agency including any comments received, the lead agency finds that the imposition of the mitigation measures describe in the MND and identified in this determination, there is no substantial evidence that the proposed project will have a significant effect on the environment. I have considered the Mitigated Negative Declaration and hereby adopt that action. The Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are with the Environmental Review Section of the Planning Department in Room 750, 200 North Spring Street.

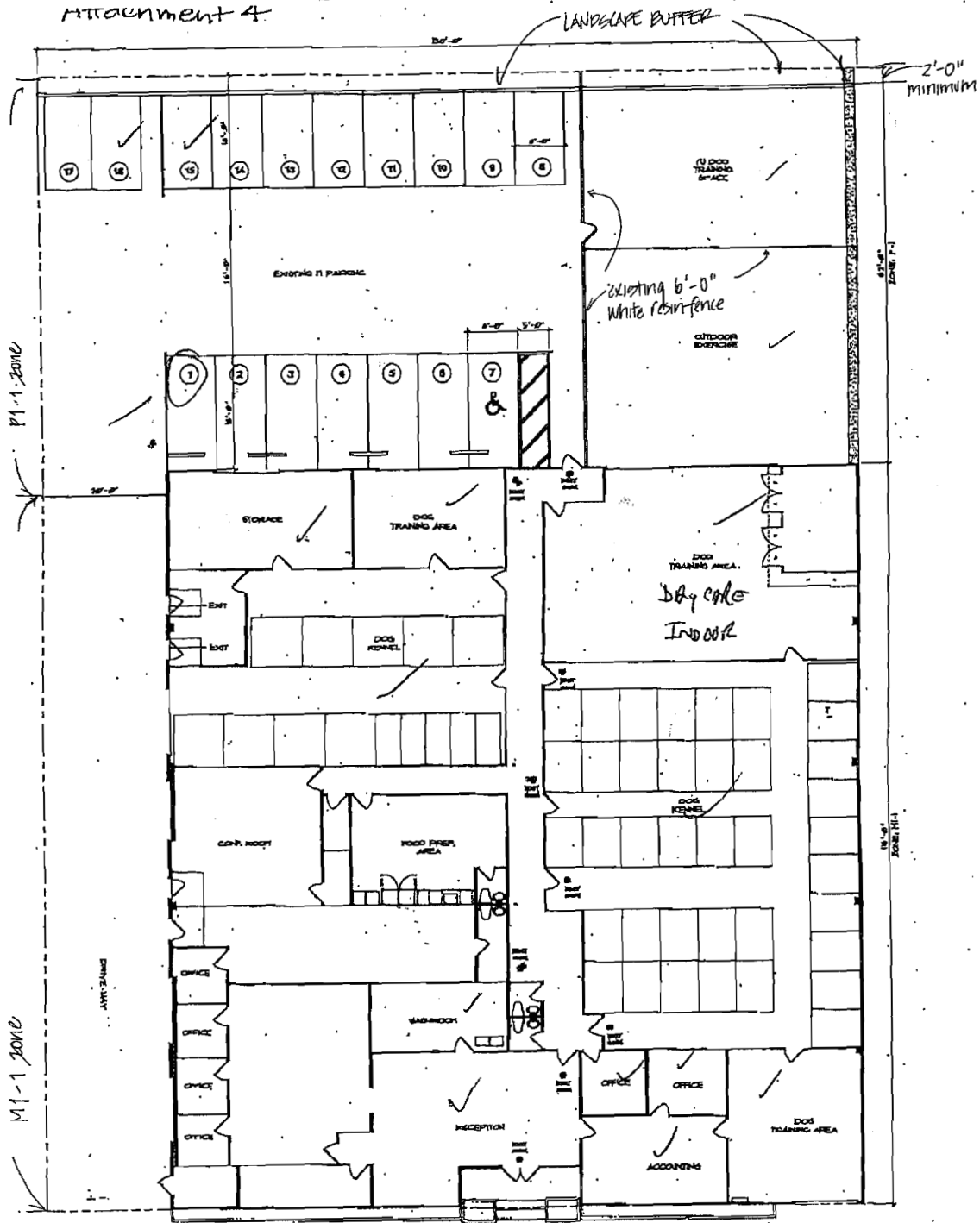


LINN K. WYATT
Associate Zoning Administrator
Direct Telephone No.: (818) 374-9914

LKW:lmc

cc: Councilmember Dennis P. Zine
Third District
Adjoining Property Owners

Attachment 4



SITE PLAN

18603 TOPHAM STREET
TARZANA, CALIFORNIA

EXHIBIT "A"

Page No. 1 of 1
Case No. LA 1003-0530 (N)(W)

July 13, 2009



EXHIBIT "C"
 Page No. 1 of 1
 Case No. 2A 2008-0736(W)(2V)



1/2/2007

18603 Topham St. Tarzana, CA 91335

T 818.344.9663

F 818.342.3120

K9s Only Staff Memo

From: Sharon, Training Manager

To: Kennel Staff

CC: Front Office/Training Staff

Re: Walking the dogs off the property

As you know, the dogs that board over night with us have the option of choosing an "Orange Line Walk," which is a private walk off the property, as an extra activity to keep them busy during their stay with us. Due to the fact that there have been several occurrences of our staff encountering loose dogs in the neighboring streets, we no longer feel that it is safe for our clients and staff to walk in residential areas during these walks. From now on, any staff member taking a dog off the property must take the following route:

From K9s Only, take a LEFT on Topham and walk towards Reseda.

At Reseda take a RIGHT and cross over the Orange Line.

Take a RIGHT on the Orange Line bike path, and continue as far as you feel necessary for the dog's enjoyment. You may walk all the way to Wilbur Street for a full walk. On hot days, please choose a half walk and only go as far as RedBarn.

When you get to Wilbur Street or RedBarn, please turn around and come back to K9s Only via Reseda and Topham Street.

Staff members are not to take our client's dogs anywhere other than the aforementioned route, unless given authorization by a manager.

| | |
|---------------------------------------|-------------------------------------|
| EXHIBIT "D" | |
| Page No. <u>1</u> | of <u>1</u> |
| Case No. <u>2A-100B-0536 (W) (EV)</u> | Witness <u> </u> |