

**CITY OF CARMEL-BY-THE-SEA  
PLANNING COMMISSION**

**PLANNING COMMISSION RESOLUTION NO. 2021-XX-PC**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA  
APPROVING A CONDITIONAL USE PERMIT (UP 21-105, CARMEL ACADEMY OF PAMPERED  
ANIMALS) FOR THE ESTABLISHMENT OF A DOG DAYCARE FACILITY LOCATED ON MISSION 2  
NORTHEAST OF 8TH AVENUE IN AN EXISTING 3,087 SQUARE-FOOT COMMERCIAL BUILDING  
IN THE RESIDENTIAL AND LIMITED COMMERCIAL (RC) ZONING DISTRICT, APN: 010-162-002**

WHEREAS, Kellie Hoffmeister (“Applicant”) submitted an application requesting the approval of a Use Permit “UP 21-105 (Carmel Academy of Pampered Animals)” described herein (“Application”); and

WHEREAS, the applicant is proposing to establish a dog daycare (kennel) to be located in a 3,087 square foot building formerly occupied by the Carmel Academy of Performing Arts located on Mission 2 northeast 8<sup>th</sup> in the Residential and Limited Commercial (RC) Zoning District; and

WHEREAS, kennels are permitted in the RC zoning district upon issuance of a Conditional Use Permit by the Planning Commission; and,

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the project proposes the conversion of an existing 3,087 square-foot dance studio to a dog daycare (kennel). Therefore, pursuant to CEQA regulations, the project is categorically exempt under Section 15303 (New Construction or Conversion of Small Structures); and

WHEREAS, pursuant to Section 15300.2 of the CEQA Guidelines, the proposed residence does not present any unusual circumstances that would result in a potentially significant environmental impact, and there are no exceptions to the exemption; and

WHEREAS, notice of the public hearing was published in compliance with State law (California Government Code 65091), as well as hand-delivery of the public notice by the Applicant to each property owner within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on May 12, 2021, the Planning Commission held a public hearing to receive public testimony regarding the Final Design Study, including without limitation, information

provided to the Planning Commission by City staff and through public testimony on the conceptual design of the project; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the Commission at the hearing date including, without limitation, the staff report submitted by the Community Planning and Building Department; and

WHEREAS, the Planning Commission did hear and consider all said reports, recommendations and testimony herein above set forth and used their independent judgement to evaluate the project; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Carmel-By-The-Sea does hereby make the following findings and determinations regarding the Conditional Use Permit:

<b>FINDINGS REQUIRED FOR USE PERMIT APPROVAL (CMC 17.64)</b> For each of the required findings listed below, staff has indicated whether the submitted plans support adoption of the findings. For all findings checked "no" the staff report discusses the issues to facilitate the Planning Commission decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
<b>Municipal Code Findings – CMC 17.64.010 General Findings Required for All Use Permits</b>	<b>YES</b>	<b>NO</b>
1. That the proposed use will not be in conflict with the City's General Plan.	✓	
2. That the proposed use will comply with all zoning standards applicable to the use and zoning district.	✓	
3. That granting the use permit will not set a precedent for the approval of similar uses whose incremental effect will be detrimental to the City, or will be in conflict with the General Plan.	✓	
4. That the proposed use will not make excessive demands on the provision of public services, including water supply, sewer capacity, energy supply, communication facilities, police protection, and fire protection	✓	
5. That the proposed use will not be injurious to public health, safety or welfare.	✓	
6. That the proposed use will be compatible with surrounding land uses and will not conflict with the purpose established for the district within which it will be located.	✓	
7. That the proposed use will not generate adverse impacts affecting health, safety, or welfare of neighboring properties or uses.	✓	
<b>Municipal Code Findings – 17.64.020 General Findings Required for Commercial Use Permits</b>		

1. That allowing the proposed use will not conflict with the City's goal of achieving and maintaining a balanced mix of uses that serve the needs of both local and nonlocal populations.	✓	
2. That proposed use will provide adequate ingress and egress to and from the proposed location.	✓	
3. That the capacity of surrounding streets is adequate to serve the automobile and delivery truck traffic generated by the proposed use.	✓	

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Carmel-by-the-Sea does hereby APPROVE the Use Permit (UP 21-105, Carmel Academy of Pampered Animals) for the establishment of a Dog Daycare Facility located on Mission 2 northeast of 8th Avenue in an existing 3,087 square-foot commercial building in the Residential and Limited Commercial (RC) Zoning District, (APN: 010-162-002), subject to the following Conditions of Approval:

CONDITIONS OF APPROVAL		
No.	Standard Conditions	
1.	<b>Authorization.</b> This approval of a Use Permit (UP 21-105) authorizes the establishment of a Dog Daycare Facility located on Mission 2 northeast of 8th Avenue in an existing 3,087 square-foot commercial building in the Residential and Limited Commercial (RC) Zoning District as depicted in the application, plans and associated documents submitted to the Community Planning & Building Department and presented to the Planning Commission on May 12, 2021, or as otherwise modified by the conditions of approval contained herein.	✓
2.	<b>Codes and Ordinances.</b> The business shall be operated in conformance with all requirements of the Residential and Limited Commercial (RC) district and adhere to all adopted building, fire, and health codes. If any codes or ordinances require elements of the business to be changed, or if any other changes are requested at the time such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.	✓
3.	<b>Permit Validity.</b> Approval of the Use Permit shall be valid for a period of 6 months from the date of final action. If a Business License or building permit is not applied for within 6 months, the approval shall become null and void. Once business operation has commenced, this Use Permit shall be valid for a period of 3-months and shall require reconsideration by the Planning Commission.	✓
4.	<b>Permit Extension.</b> The Planning Commission may administratively grant one extension for approvals originally subject to a public hearing. A request to extend the permit approval must be submitted in writing and the appropriate fees paid prior to expiration of the permit.	✓
5.	<b>Water Use.</b> Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is not available for this site,	✓

	this permit will be scheduled for reconsideration and appropriate findings prepared for review and adoption by the Planning Commission.	
6.	<b>Modifications.</b> The applicant shall submit in writing to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating changes. If the applicant substantively changes the project beyond general conformance with the approved plans prior to obtaining City approval, the applicant will be required to either: a) submit the change in writing and cease all work on the project until either the Planning Commission or staff has approved the change; or b) eliminate the change and submit the proposed change in writing for review. The project will be reviewed for its compliance to the approved plans prior to final inspection.	✓
7.	<b>Indemnification.</b> The applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns, from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceeding, to attack, set aside, void, or annul any project approval. The City shall promptly notify the applicant of any legal proceeding, and shall cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for the resolution of all such actions by the parties hereto.	✓
<b>SPECIAL CONDITIONS</b>		
8.	<b>Planning Commission Review.</b> The applicant shall return to the Planning Commission for review and reconsideration of this use permit 3 months from the commencement of business operation to ensure the business is operating consistent with the statements made as part of this application. The applicant shall obtain a city business license prior to commencing business operation and shall notify the Community Planning and Building Department when the business commences business operation. Review and reconsideration of the Use Permit by the Planning Commission shall be scheduled for the next available Planning Commission hearing date 3 months from the time the business commences business operation. Should the Planning Commission find the business is unable to maintain the operational requirements required to meet the standards outlined in the Municipal Code, this Use Permit and associated Business License may be revoked.	✓
9.	<b>Hours of Operation.</b> The business may operate from 8 am to 8 pm Sunday through Thursday and 8 am to 9 pm on Friday and Saturday. No dogs shall be permitted on-site before opening time and all dogs shall be off-site by closing time.	
10.	<b>Business Plan Implementation.</b> The applicant shall fully implement, and maintain for the life of the business, the odor control plan, sound proofing plan, and noise monitoring plan described in their application materials as reviewed and approved	✓

	by the Planning Commission on May 12, 2021.	
11.	<b>Business Summary.</b> The applicant shall provide a summary of the clients served within the initial 3-month period for review by the Planning Commission. The summary shall include, approximate pick up and drop off time of each dog, and the total number of dogs under the supervision of the business each day. The applicant shall also provide a copy of the noise reports captured by the "Roommonitor.com" device for review by the Planning Commission.	✓
12.	<b>Capacity.</b> The capacity of each play room, or room otherwise designated to house dogs consistent with the business operation, shall be limited to a capacity of one dog per 100 square feet of floor space of the room.	✓
13.	<b>Noise Levels.</b> No activity shall be permitted that generates noise in excess of 55 dBa at the exterior of the building or yard in which the use is conducted. No activity shall be permitted that causes in excess of 50 dBa measured at the property line of any site in the vicinity of the use. Proposed activities that would generate or cause noise in excess of these levels shall require mitigation to achieve these standards or shall be prohibited. Sound measurements shall be made using a sound level meter calibrated for the A-weighted scale and shall be averaged over a 15-minute period. If the use generates or causes noise which includes a steady whine, screech or hum, or is repetitive or percussive or contains music or speech the respective noise standards shall be reduced by five decibels.	✓
14.	<b>Waste Collection.</b> The applicant shall keep all indoor and outdoor areas in a sanitary condition and schedule trash pick-up as frequently necessary to prevent odor and other nuisances to the surrounding neighborhood.	✓
15.	<b>Garbage Enclosure.</b> All waste material must be kept in leak-proof trash bins and trash enclosure area must be paved with impermeable material. No other area must drain onto or into these areas. The trash enclosure and recycling areas must not drain to the storm drain system or the sanitary sewer, and all cleanup must be performed using dry cleanup methods.	✓
16.	<b>Interior Surfaces.</b> The interior building surfaces shall be constructed and maintained so that they are substantially impervious to moisture and may be readily sanitized.	✓
17.	<b>Overnight Boarding Prohibited.</b> No overnight boarding of pets is allowed.	✓
18.	<b>Enclosed Structure Required.</b> Except in the event of an emergency, all animals in the custody of the business must be kept within the enclosed building at all times.	✓
19.	<b>Protection From Cold.</b> For all locations where dogs are present, the space shall be warm enough to protect the animals from cold. Sufficient clean bedding materials or other means of protection shall be provided when the ambient temperature falls below 60 degrees Fahrenheit.	✓
20.	<b>Ventilation.</b> For all locations where dogs are present, the space shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, or air conditioning and shall be ventilated so as to minimize drafts, odors, and moisture condensation. Auxiliary ventilation, such as exhaust fans and vents of air conditioning, shall be provided when the ambient temperature is 85 degrees	✓

	Fahrenheit, or higher, within the indoor housing facility. All odor and noise requirements must be maintained at all times, including during auxiliary ventilation.	
21.	<b>Access to Light.</b> For all locations where dogs are present, the space shall have by natural or artificial means or both, ample lighting of good quality that is well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period.	✓
22.	<b>Client Record.</b> The business operators shall keep available for inspection on the premises records that shall show the name, current address and telephone number of the owner of each animal kept at the kennel, the description of the animal, including its age (if known) or approximate age, breed, sex and color. As a part of such record a current valid rabies certificate, or other written proof of vaccination, shall be maintained. Said certificate must show the dog owner's name, the breed, color, and sex of the animal, month and year of birth, the date of vaccination and length of duration, and the name and telephone number of the veterinarian who vaccinated the animal or telephone number of the agency verifying the vaccination.	✓
23.	<b>Access To Food And Water.</b> All animals shall have convenient access to clean food (if food is requested by dog's owner) and access to clean water at all times.	✓
24.	<b>Sanitation.</b> Excrete shall be removed from the play areas as often as necessary to prevent contamination of the animals contained therein, and to reduce disease hazards and odors. Rugs, blankets, or other bedding material shall be kept clean and dry.	✓
25.	<b>Site Modification.</b> This Use Permit approval does not authorize any modifications to the interior and/or exterior of the building, including but not limited to paint, window treatments, signage, awnings, paving and landscaping. All modifications to the building or site shall first require written approval by the Department of Community Planning and Building.	

\*Acknowledgement and acceptance of conditions of approval.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

***Once signed, please return to the Community Planning and Building Department***

PASSED, APPROVED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF CARMEL-BY-THE-SEA this 12<sup>th</sup> day of May, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

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Michael LePage  
Chair

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Margi Perotti  
Planning Commission Secretary