



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



August 26, 2015

Richard J. Bruckner
Director

Charles Moore, Cox, Castle & Nicholson LLP
2049 Century Park East, 28th Floor
Los Angeles, CA 90067

**REGARDING: PROJECT NO. R2013-02633-(3)
CONDITIONAL USE PERMIT NO. 201300135
1558 WILL GERR RD., TOPANGA (APN: 4440-007-055)**

The Regional Planning Commission, by its action of **August 26, 2015**, has **APPROVED** the above-referenced project. Enclosed are the Commission's Findings and Conditions of Approval. Please carefully review each condition. This approval is not effective until the appeal period has ended and the required documents and applicable fees are submitted to the Regional Planning Department (see enclosed Affidavit of Acceptance Instructions).

The applicant or any other interested persons may appeal the Regional Planning Commission's decision. The appeal period for this project will end at 5:00 p.m. on **September 9, 2015**. **Appeals must be delivered in person.**

Appeals:

To file an appeal, please contact:
Executive Office of the Board of Supervisors
Room 383, Kenneth Hahn Hall of Administration
500 West Temple Street, Los Angeles, CA 90012
(213) 974-1426

Upon completion of the appeal period, the notarized Affidavit of Acceptance and any applicable fees must be submitted to the planner assigned to your case. In addition, any applicable CEQA fees for the Department of Fish and Wildlife shall be paid, and a Notice of Determination, if applicable, must be filed with the County Clerk according to the instructions with the enclosed Affidavit of Acceptance. Please make an appointment to ensure that processing will be completed in a timely manner. Failure to submit these documents and applicable fees within 60 days will result in a referral to Zoning Enforcement for further action.

For questions or for additional information, please contact Travis Seawards of the Zoning Permits West Section at (213) 974-6462, or by email at TSeawards@planning.lacounty.gov. Our office hours are Monday through Thursday, 7:30 a.m. to 5:30 p.m. We are closed on Fridays.

Sincerely,
DEPARTMENT OF REGIONAL PLANNING
Richard J. Bruckner

Mi Kim, Supervising Regional Planner
Zoning Permits West Section

Enclosures: Findings, Conditions of Approval, Affidavit of Acceptance (Permittee's Completion),
c: Board of Supervisors; DPW (Building and Safety); Zoning Enforcement;

MKK:TSS

**FINDINGS OF THE REGIONAL PLANNING COMMISSION
AND ORDER
COUNTY OF LOS ANGELES
PROJECT NO. R2013-02633-(3)
CONDITIONAL USE PERMIT NO. 201300135**

1. The Los Angeles County ("County") Regional Planning Commission ("Commission") conducted a duly-noticed public hearing in the matter of Conditional Use Permit No. 201300135 ("CUP") on May 13, 2015.
2. The permittees, Randy Neece and Joe Timko ("permittee"), requests the Project Permit to authorize the continued operation of a dog boarding and training facility ("Project") on a property located at 1558 Will Geer Road in the unincorporated community of the Santa Monica Mountains North Area ("Project Site") in the A-2-10-DP (Heavy Agricultural – 10 Acre Minimum Area Required – Development Program) Zone pursuant to Los Angeles County Code ("County Code") section 22.40.040.
3. The Project Site is five gross acres in size and consists of one legal lot. The Project Site is rectangular in shape with relatively flat topography and is developed with a single-family residence, animal stables, and a dog boarding and training facility.
4. The Project Site is located in the Malibu Zoned District and is currently zoned A-2-10-DP. The project site was previously zoned A-1-1 (Light Agricultural – 1 Acre Minimum Area Required), but changed to A-2-DP with a zone change in 2002 as dog boarding facilities are not a permitted use in the A-1 Zone. Dog boarding facilities are a permitted use in the A-2 Zone; however, County Code Section 22.40.040 states that property in a DP zone may be used for any use permitted in the basic zone, subject to the requirements of a conditional use permit.
5. The Project Site is located within the N10 (Mountain Lands 10) land use category of the Santa Monica Mountains North Area Plan Land Use Policy Map.
6. Surrounding Zoning within a 500-foot radius includes:
 - North: A-1-10 (Light Agricultural – 10 Acre Minimum Area Required)
 - South: A-1-10, A-1-1 (Light Agricultural – 1 Acre Minimum Area Required, and R-1-10,000 (Single-Family Residence – 10,000 Square Foot Minimum Area Required)
 - East: A-1-10
 - West: A-1-10
7. Surrounding land uses within a 500-foot radius include:
 - North: Low density, single-family rural residential development and vacant residential lots.
 - South: Low density, single-family rural residential development and vacant residential lots.

- East: Low density, single-family rural residential development and vacant residential lots.
- West: Low density, single-family rural residential development and vacant residential lots.

8. The zoning and case history for the Project Site is as follows:
- Parcel Map No. 19479 approved three single-family lots on 16.1 acres and was recorded on July 28, 1992. The subject property consists of one of the three parcels.
 - Plot Plan No. 46468 approved a studio guest house and patio on October 27, 1999.
 - Zone Change Case No. 00-082-(3), approved on December 10, 2002 by the Board of Supervisors, changed the zoning designation on the project site to A-2-10-DP.
 - Conditional Use Permit No. 00-82-(3), approved on December 10, 2002 by the Board of Supervisors, approved the operation of a dog training and boarding facility. The CUP expired on August 30, 2012.
9. The site plan for the Project depicts a 5-acre, rectangular-shaped parcel that is accessed from Hillside Drive, which is a steep and narrow road, to Will Greer Road and by a 16-foot-wide driveway that leads to two separate parking areas containing a total of 19 parking spaces. The subject property contains an existing 3,640 square-foot single-family residence, an adjacent pool area south of the residence, and stables to the west of the residence that contain horses and llamas. The dog boarding and training facility is located north of the residence and contains a 1,125-square-foot administrative office that is surrounded by a small dog playground area. A separate large dog playground area is located north and east of the main residence.
10. The Project Site is accessible via Will Geer Road to the north. Primary access to the Project Site will be via an entrance/exit on Will Geer Road.
11. Dog boarding facilities do not have a specified number of required parking spaces in Title 22. Therefore, pursuant to Section 22.52.1220, where parking requirements for a specific use are not specified, the Director can require the number of parking spaces he finds adequate. The facility generally has five to eight full-time employees on the largest shift, and the facility operates two shuttle vans for the transport of dogs to and from the facility. The project site currently provides a total of 19 parking spaces, including two van accessible spaces. The Director finds that this is an adequate number of parking spaces to accommodate employees and guests for the facility.
12. The project was reviewed by the County Departments of Public Works, Public Health, and Fire.
- The Department of Public Works recommends that the applicants implement a shuttle service to reduce traffic on Hillside Drive, and remedy the existing

violation for the unpermitted conversion of a guest house into the boarding facility office.

- The Department of Public Health recommends approval of the project based on a review by the Drinking Water Program and of the private septic system plan.
- The Fire Department recommends minor changes to the facility access for fire apparatus and the placement of a new fire hydrant.

13. Prior to the Commission's public hearing on the Project, Regional Planning staff determined that the Project qualified for a Class 1, Existing Facilities, categorical exemption from the California Environmental Quality Act (Public Resources Code section 21000, et seq.) ("CEQA"), the State CEQA Guidelines, and the Environmental Document Reporting Procedures and Guidelines for the County, because the project is a request to allow the continued operation of an existing dog training and boarding facility with only an incremental increase in the number of dogs being boarded at the site to 45, with no other expansion or modification to the existing facility beyond that which was previously existing.

14. Pursuant to the provisions of sections 22.60.174 and 22.60.175 of the Zoning Code, the community was appropriately notified of the Project's public hearings by mail, newspaper, and property posting.

15. Prior to the Commission's public hearing, the Department of Regional Planning ("Regional Planning") staff has received approximately 20 letters and five phone calls in opposition to the project, and approximately 230 form letters of support for the project.

16. May 13, 2015 RPC Hearing

A duly noticed public hearing was held on May 13, 2015 before the Commission. Commissioners Valadez, Louie, and Pincetti, were present. Commissioners Pedersen, Modugno were absent.

The applicant's representatives, Charles Moore and Steve Hunter, presented testimony in favor of the request and answered questions presented by the Commission. Nine (9) neighboring residents presented testimony in opposition to the project. Testimony in opposition stated that the facility has operated in on-compliance with the previous conditions of approval, including allowing more than the allowed 30 dogs, for over 10 years. Additional testimony cited an increase in traffic on the roads leading to the facility, safety issues from this traffic, smells and runoff from the project site, barking dogs, and a concern that living next to a kennel has decreased their property values. Four (4) members of the community testified in favor of the project. Testimony focused on the benefit the facility provides to people's pets, and a representative from the Topanga Town Council read a letter of support and addressed what they feel are "misnomers" related to the project, including traffic created by the facility or that bleach affects the watershed, and feels the Topanga area needs kennels.

The Commission had follow up questions for staff regarding compliance issues and enforcement activities at the facility. Staff testified that the applicants had refused

entry on past enforcement visits or was asked to schedule inspections. The Commission inquired of staff and County Counsel what additional mechanisms beyond inspections can be employed to ensure compliance, such as noncompliance fees.

In light of the testimony presented at the hearing and due to years of non-compliance with the previous CUP conditions of approval, the Commission moved to continue the item to August 26, 2015. In addition, the Commission required that the applicant operate the facility under the regulations of the previous CUP, that staff monitor the site for compliance and report back on enforcement activities over the next three months, and that staff research additional mechanism to ensure compliance if the project were to be approved.

August 26, 2015 RPC Hearing

The Commission held a duly noticed public hearing that was continued from May 13, 2015. Commissioners Valadez, Louie, Pedersen, and Pincetl, were present. Commissioner Modugno was absent.

The item was continued in light of testimony given at the previous hearing from neighbors who oppose the facility, and due to the applicant's history of non-compliance with the previous CUP. The Commission required that the applicant operate the facility under the regulations of the previous CUP and asked staff to monitor the activities over three months.

Staff submitted a monitoring report that was completed by Zoning Enforcement, as well as letters in opposition and support of the project. The applicant's representative, Charles Moore, testified in favor of the project and said that the applicant were amending their request for a 100 dogs down to 60 dogs, and believe they showed that they can operate at that level with no impacts to traffic and noise.

Nine members of the community testified against the project. Testimony against the project focused on the inability of the applicants to comply with previous conditions of approval and limit the number of dogs on the premises, traffic from people travelling to the premises, noise from barking, water use at the facility, and the effects of a large business and evacuation needs in an emergency.

Commissioners Valadez and Pincetl had a few questions on certain conditions, and directed staff to make changes to the project's findings and conditions of approval based on the following comments.

- Amend Conditions No. 24 and 25 to allow a maximum of 30 dogs on the premises, with an allowance of up to 45 dogs on the already listed holidays.
- Amend the number of inspections to equal one inspection per month for the first two years of the grant term, with a minimum of two per year for the remainder of the grant term.
- Amend Condition No. 24 to require the applicant to submit a weekly log on the number of dogs at the facility to Zoning Enforcement staff.

- Create a new condition of approval, stating that upon inspection, if there are more than the 30 dogs (45 on designated holidays) on the premises, then the permittee shall be issued an immediate Notice of Violation. Upon the second Notice of Violation within one year of the first Notice of Violation for this infraction, the project will be immediately scheduled for revocation procedures.
- Amend Conditions No. 43 and 44 to state that within six (6) months of approval, the applicant must submit the required applications to conform to the Rural Outdoor Lighting Ordinance and for all unpermitted structures or unpermitted converted structures.
- Create a new condition of approval, stating that within six (6) months of approval, the applicant shall bring all existing signage into conformance with the requirements for signs under Title 22.

There being no further testimony, The Commission closed the hearing and approved the Project Permit subject to the Commission's changes to the Findings and Conditions of Approval

17. The Commission finds that the Project is consistent with the land use category. The project site is located within the N10 – Mountain Lands 10 land use category of the Santa Monica Mountains North Area Plan. This designation is intended for land that consists of rolling hillside areas, steep slopes, and isolated remote mountain lands with difficult or no access. Permitted uses include low density, single-family housing, agriculture, equestrian uses, retreats, monasteries, private campgrounds, bed-and-breakfast lodging, low intensity conference centers, public and private schools, water tanks, telecommunications facilities and other local serving commercial and public facilities. The dog training and boarding facility is a local serving commercial use and is therefore consistent with the permitted uses of the underlying land use category.
18. The Commission finds that the Project is consistent with all applicable development standards for the A-2 Zone. Pursuant to Section 22.24.170 of the County Code, establishments in the A-2 Zone are subject to the following setback development standards: front, side and rear yards shall be provided as required in Zone R-1, which includes a 20 foot setback for front yards, five feet setback on interior side yards, and a rear yard of no less than 15 feet in depth. All setbacks are shown on the site plan and show a setback of over 20 feet for the front yard, over 15 feet for the rear yard, and at least five feet on the interior side yard.
19. The Commission finds that the Project is located in the Santa Monica Mountains North Area Community Standards District, but that there are no development standards from the CSD that are applicable to the Project.
20. The Commission finds that CUP 00-82-(3), which previously approved the zone change and CUP for the dog boarding and training facility in 2002, allowed for no more than 30 dogs at the facility. Per the hearing documents for the previous approval, 30 dogs was the limit placed on the facility as the project site is located on a mesa that is accessed by a narrow and steep road, and a small "mom and pop"

type of commercial operation was thought to be more compatible with the low-density development pattern for the area.

21. The Commission finds that the applicant was not compliant with certain conditions of approval from the 2002 CUP and therefore staff is recommending only an incremental increase to 45 dogs instead of the applicant-requested 100 dogs. CUP 00-82-(3) limited the number of dogs that can be housed at the facility to 30, and due to potential traffic concerns, the CUP limited the hours of visitation from 8:00 a.m. to 5:00 p.m., Monday through Thursday, with no visitation on Sundays. The facility was also to be open to the public on an appointment-only basis. However, the facility often housed more than 30 dogs, and the applicants did not observe visitation hours or the appointment-only limitation.
22. The Commission finds that Regional Planning has received over 230 form letters of support from the public, a majority of which were from people who utilize the services at the dog and boarding facility, and that some letters of support had additional hand-written comments.
23. The Commission finds that the Project Site does not require new or improved public utilities or services to operate the dog boarding and training facility. The County Departments of Public Works, Fire, and Public Health reviewed the Project and stated that no additional water or septic system upgrades are required.
24. The Commission finds that Regional Planning has received complaints and statements of opposition to the CUP from residents that neighbor the dog boarding and training facility. The primary complaints from neighbors cite that the operation often houses much more than the allowed 30 dogs, which has increased traffic to and from the project site. Other residents, and the Topanga Watershed Committee, voiced concerns about the use of chemicals, such as bleach, to clean the grounds, the smells these chemicals create, and concerns about how these chemicals affect the watershed.
25. The Commission finds that based on comments from residents in the surrounding neighborhood of the project site, the business can potentially impact the health, peace, comfort and welfare of people residing in the area as the project site, with a dog boarding facility with up to 100 dogs as requested by the applicant, is not in an appropriate location. The project site is located on a mesa and is accessed by a narrow, winding, steep road that at times is only one car-width wide. Residents in the area state that they believe there have been a steep increase in traffic on this road and oppose additional traffic on the road. Therefore staff is recommending conditions that visits to the site be limited, be on an appointment-only basis, and that the facility utilize a mandatory shuttle service to transport dogs to and from the facility.
26. The Commission finds that with the implemented conditions of approval to limit the number of daily trips to the site and with the use of a mandatory shuttle service, the project site is adequately served by existing roads as there will be no negligible increase in traffic on the road leading to the project site.

27. The Commission finds that residents in the area have voiced concerns over smells emanating from the project site. The smells are not related to dog feces, but to a chemical smell that may be attributed to cleaning chemicals, such as bleach. The applicant has used bleach and other cleaners at the site, and there are concerns about how these chemicals impact the watershed. Therefore staff is recommending a condition of approval that the applicant use non-toxic, biodegradable cleaning products.
28. The Commission finds that the facility has sufficient physical and legal access to satisfy the conditional use permit burden of proof, for the following reasons:
- A. The permittee has provided evidence of an easement over Will Geer Road for "road purposes."
 - B. The permittee has demonstrated historical use of Will Geer Road to access its facility for over 10 years, since approximately 2002.
 - C. Will Geer Road, although a private street and, at times, narrow, is sufficiently improved in the opinion of the Department of Public Works and the Fire Department to provide access to and from the facility.
 - D. Whether the facility's use of Will Geer Road for its operations "overburdens" or exceeds the scope of the easement is a question of law for a court to determine, and the Commission has not been presented with evidence of any pending or final lawsuit which has challenged the facility's right to utilize Will Geer Road for its operations.
29. As relates to the Project's proposed use of Will Geer Road for access, the Commission finds that this grant is consistent with the County Zoning Code because Section 22.24.090.A of the County Code contemplates that property in the A-1 zone could be used to access uses not allowed in the A-1 zone; the A-1 zone allows uses which would have access needs comparable to or more impactful than the access needs of the Project, both in terms of frequency and intensity of access, such as airports, child care centers, churches, colleges, jails, golf courses, hospitals, libraries, museums, and schools; and the A-1 zone contemplates access to commercial uses, like the kind operated by the applicant, across properties within the zone.
30. As relates to the Project's proposed use of Will Geer Road for access, the Commission finds that approval of this grant does not effectuate a "taking" of the property of subservient tenants along Will Geer Road, because this grant only authorizes the on-site operation of a dog training and boarding facility, a private use. This grant does not in and of itself authorize the applicant to utilize Will Geer Road in any respects.
31. The Commission finds that new conditions of approval, in addition to conditions from the 2002 grant, are needed to address resident concerns and ensure the dog boarding and training facility is compatible with the surrounding area. The new conditions of approval address specific complaints related to the number of dogs

that can be housed at the facility, traffic impacts, and the use of cleaning chemicals at the facility. The new conditions of approval include:

- Except as provided in the Condition below, a maximum of 45 dogs may be kept on the premises at any one time. Throughout the term of this grant, the permittee shall maintain a log that identifies the date and time each dog enters and departs the facility. The log shall contain a column keeping a running total of dogs on-site as each dog enters and departs the facility. The log shall be kept in a form to the satisfaction of the Director. The permittee must keep the daily log up to date at all times, and make the log immediately available to Regional Planning staff for review upon request.
- A maximum of 60 dogs may be kept on the premises at any one time during the following times:
 - The six days immediately preceding Easter Sunday and the seven days immediately following Easter Sunday, to accommodate most students' spring break;
 - Memorial Day weekend;
 - The calendar week (Sunday through Saturday) during which the 4th of July occurs;
 - Labor Day weekend;
 - The period including Thanksgiving Day and the Friday, Saturday, and Sunday immediately following Thanksgiving Day; and
 - December 23rd through January 2nd.
- The hours of public visitation shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday, subject to further restrictions outlined below. The facility shall be closed to the public on Sundays.
- The number of daily trips (round-trip) to the facility, outside of the permittee(s) and facility employees, shall be limited to five (5) trips per day. The following additional restrictions apply to the five allowed daily trips:
 - Daily allowed trips shall not be during the morning peak hour time, which is 8:00 am – 10:00 am.
 - Daily trips to the facility shall be by appointment only.
 - All trips to the facility must be logged to the satisfaction of the Director, and documentation on daily trips to the facility shall be available for review by Enforcement staff as needed.
- The permittee shall continue the operation of a shuttle service for the transport of dogs to and from the facility. Outside of the five allowed daily trips, use of the shuttle system by clients of the facility shall be mandatory.
- The permittee shall only use biodegradable insecticides, cleaning detergents, and herbicides on the grounds of the facility. The permittee shall use insecticides,

detergents, and herbicides that are odor-free, to the greatest extent possible. A list of all cleaning and/or other solvents used by the facility shall be kept on file for review by Enforcement as needed.

32. The Commission finds that that applicant was not in compliance with the allowable number of dogs under the previous CUP, and that during the last three-month monitoring period, the applicant did not comply with the 30 dog maximum limit of the previous CUP. In addition, the Commission finds that the applicant did not obtain the required building permits for unpermitted structures on the property since the 2002 CUP approval. The Commission also finds that the request from the applicant to allow 60 dogs on the premises was based on the scale of the existing business as opposed to what was permitted in 2002, and the Commission finds based on testimony from residents in the area that any increase in the allowable number of dogs at the facility is incompatible with the surrounding residential area, and that the size of that project does not match the "boutique" scale of the project the Commission approved in 2002. Therefore the Commission directed staff at the August 26, 2015 public hearing to make the following changes to the Conditions of Approval:

- Amend Conditions No. 24 and 25 to allow a maximum of 30 dogs on the premises, with an allowance of up to 45 dogs on the already listed holidays.
- Amend the number of inspections to equal one inspection per month for the first two years of the grant term, with a minimum of two per year for the remainder of the grant term.
- Amend Condition No. 24 to require the applicant to submit a weekly log on the number of dogs at the facility to Zoning Enforcement staff.
- Create a new condition of approval, stating that upon inspection, if there are more than the 30 dogs (45 on designated holidays) on the premises, then the permittee shall be issued an immediate Notice of Violation. Upon the second Notice of Violation for this infraction within a year, the project will be immediately scheduled for revocation procedures.
- Amend Conditions No. 43 and 44 to state that within six (6) months of approval, the applicant must submit the required applications to conform to the Rural Outdoor Lighting Ordinance and for all unpermitted structures or unpermitted converted structures.
- Create a new condition of approval, stating that within six (6) months of approval, the applicant shall bring all existing signage into conformance with the requirements for signs under Title 22.

33. The Commission finds that with the implementation and adherence to the recommended conditions of approval, the project meets the conditional use burden of proof and the project is compatible with the surrounding area as resident concerns and land use compatibility issues have been addressed.

34. The Commission finds that the 10-year grant term for the Project strikes an appropriate balance between the permittee' rights to operate its business and the need in the future to ensure continued compatibility between the Project and the surrounding land uses.

35. The Commission finds that pursuant to sections 22.60.174 and 22.60.175 of the County Code, the community was properly notified of the public hearing by mail, newspaper, and property posting. Additionally, the Project was noticed and case materials were available on Regional Planning's website and at libraries located in the vicinity of Topanga community. On March 25, 2015, and revised on April 1, 2015, a total of 23 Notices of Public Hearing were mailed to all property owners as identified on the County Assessor's record within a 500-foot radius from the Project Site, as well as 11 notices to those on the courtesy mailing list for the Malibu Zoned District and to any additional interested parties.
36. The location of the documents and other materials constituting the record of proceedings upon which the Commission's decision is based in this matter is at the Los Angeles County Department of Regional Planning, 13th Floor, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. The custodian of such documents and materials shall be the Section Head of the Zoning Permits West Section, Department of Regional Planning.

BASED ON THE FOREGOING, THE REGIONAL PLANNING COMMISSION CONCLUDES THAT:

- A. The proposed use with the attached conditions will be consistent with the adopted General Plan.
- B. The proposed use at the site will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- D. The proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE REGIONAL PLANNING COMMISSION:

- 1. Finds that the Project is exempt from the California Environmental Quality Act pursuant to Section 15301 of the State CEQA Guidelines (Class 1, Existing Facilities categorical exemption); and
- 2. Approves Conditional Use Permit No. 201300135, subject to the attached modified conditions.

ACTION DATE: August 26, 2015

VOTE: Concurring:Dissenting:Abstaining:Absent: 4:0:0:1

Concurring: Valadez, Pincetl, Louie, Pedersen

Dissenting: "0"

Abstaining: "0"

Absent: Modugno

MKK:TSS
4/13/15

c: Each Commissioner, Zoning Enforcement, Building and Safety

**CONDITIONS OF APPROVAL
COUNTY OF LOS ANGELES
PROJECT NO. R213-02633-(3)
CONDITIONAL USE PERMIT NO. 201300135**

PROJECT DESCRIPTION

The project is a request for a conditional use permit to authorize the continued operation of a dog boarding and training facility for up to 30 dogs, subject to the following conditions of approval:

GENERAL CONDITIONS

1. Unless otherwise apparent from the context, the term "permittee" shall include the applicant, owner of the property, and any other person, corporation, or other entity making use of this grant.
2. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Los Angeles County ("County") Department of Regional Planning ("Regional Planning") their affidavit stating that they are aware of and agree to accept all of the conditions of this grant, and that the conditions of the grant have been recorded as required by Condition No. 7, and until all required monies have been paid pursuant to Condition No. 10. Notwithstanding the foregoing, this Condition No. 2 and Condition Nos. 4, 5, and 9 shall be effective immediately upon the date of final approval of this grant by the County.
3. Unless otherwise apparent from the context, the term "date of final approval" shall mean the date the County's action becomes effective pursuant to Section 22.60.260 of the County Code.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitations period. The County shall promptly notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense. If the County fails to promptly notify the permittee of any claim, action, or proceeding, or if the County fails to cooperate reasonably in the defense, the permittee shall not thereafter be responsible to defend, indemnify, or hold harmless the County.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing make an initial deposit with Regional Planning in the amount of not less than \$5,000.00, from which actual costs and expenses shall be billed and deducted for the purpose of defraying the costs or expenses involved in Regional Planning's cooperation in the defense, including but not limited to, depositions, testimony, attorney's fees, and other assistance provided to permittee or permittee's counsel.

If during the litigation process, actual costs or expenses incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of \$5,000.00. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.

At the sole discretion of the permittee, the amount of an initial or any supplemental deposit may exceed the minimum amounts defined herein. Additionally, the cost for collection and duplication of records and other related documents shall be paid by the permittee according to County Code Section 2.170.010.

6. If any material provision of this grant is held or declared to be invalid by a court of competent jurisdiction, the permit shall be void and the privileges granted hereunder shall lapse.
7. Prior to the use of this grant, the permittee, or the owner of the subject property if other than the permittee, shall **record the terms and conditions** of the grant in the office of the County Registrar-Recorder/County Clerk ("Recorder"). In addition, upon any transfer or lease of the property during the term of this grant, the permittee, or the owner of the subject property if other than the permittee, shall promptly provide a copy of the grant and its conditions to the transferee or lessee of the subject property.
8. **This grant shall terminate on May 13, 2025.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, whether or not the permittee proposes any modifications to the use at that time, the permittee shall file a new Conditional Use Permit application with Regional Planning, or shall otherwise comply with the applicable requirements at that time. Such application shall be filed at least six (6) months prior to the expiration date of this grant and shall be accompanied by the required fee. In the event that the permittee seeks to discontinue or otherwise change the use, notice is hereby given that the use of such property may require additional or different permits and would be subject to the then-applicable regulations.
9. This grant shall expire unless used within ninety (90) days from the date of final approval of the grant. A single thirty (30) day time extension may be requested in writing and with the payment of the applicable fee prior to such expiration date. For the purposes of this provision, continued operation of the dog boarding and training facility and satisfaction of Condition No. 2 shall be considered use of this grant.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Inspections shall be made to ensure compliance with the conditions of this grant as well as to ensure that any development undertaken

on the subject property is in accordance with the approved site plan on file. The permittee shall deposit with the County the sum of \$8,000.00. The deposit shall be placed in a performance fund, which shall be used exclusively to compensate Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval. The fund provides for forty (40) inspections (one inspection per month for the first two years, and two inspections per year for the remaining eight years). Inspections shall be unannounced.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible and shall reimburse Regional Planning for all additional enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be \$200.00 per inspection, or the current recovery cost at the time any additional inspections are required, whichever is greater.

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission ("Commission") or a Hearing Officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or Hearing Officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance, or as otherwise authorized pursuant to Chapter 22.56, Part 13 of the County Code.
12. All development pursuant to this grant must be kept in full compliance with the County Fire Code to the satisfaction of said department.
13. All development pursuant to this grant shall conform with the requirements of the County Department of Public Works to the satisfaction of said department.
14. All development pursuant to this grant shall comply with the requirements of Title 22 of the County Code and of the specific zoning of the subject property, unless specifically modified by this grant, as set forth in these conditions, including the approved Exhibit "A," or a revised Exhibit "A" approved by the Director of Regional Planning ("Director").
15. The permittee shall maintain the subject property in a neat and orderly fashion. The permittee shall maintain free of litter all areas of the premises over which the permittee has control.
16. All structures, walls and fences open to public view shall remain free of graffiti or other extraneous markings, drawings, or signage that was not approved by Regional Planning. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal

decorations or signage provided under the auspices of a civic or non-profit organization.

In the event of graffiti or other extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of notification of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. The subject property shall be developed and maintained in substantial conformance with the plans marked Exhibit "A." If changes to any of the plans marked Exhibit "A" are required as a result of instruction given at the public hearing, **three (3) copies** of a modified Exhibit "A" shall be submitted to Regional Planning by **July 13, 2015**.
18. In the event that subsequent revisions to the approved Exhibit "A" are submitted, the permittee shall submit **Three (3) copies** of the proposed plans to the Director for review and approval. All revised plans must substantially conform to the originally approved Exhibit "A". All revised plans must be accompanied by the written authorization of the property owner(s) and applicable fee for such revision.

PERMIT SPECIFIC CONDITIONS – DEVELOPMENT PROGRAM

19. No building or structure of any kind except a temporary structure used only in the developing of the property according to the program shall be built, erected, or moved onto any part of the property.
20. All improvements shall be completed prior to the occupancy of any structures.
21. Where one or more buildings in the projected development are designated as primary buildings, building permits for structures other than those so designated shall not be issued until the foundations have been constructed for such primary building or buildings.

PROJECT SITE SPECIFIC CONDITIONS

22. This grant authorizes the operation of a boarding and training facility for dogs.
23. The permittee must comply with all conditions of approval contained herein. Failure to comply with any condition of approval will result in an immediate citation of a Notice of Violation from the Department of Regional Planning, Zoning Enforcement Section. Upon a Final Enforcement Zoning Order, the project may be scheduled for permit revocation proceedings pursuant to Section 22.56.1780 of Title 22 (County Code).
24. Except as provided in Condition No. 25, a maximum of 30 dogs may be kept on the premises at any one time. Throughout the term of this grant, the permittee shall

maintain a log that identifies the date and time each dog enters and departs the facility. The log shall contain a column keeping a running total of dogs on-site as each dog enters and departs the facility. The log shall be kept in a form to the satisfaction of the Director. The permittee must keep the daily log up to date at all times, and make the log immediately available to Regional Planning staff for review upon request. The permittee shall submit these logs to Zoning Enforcement on a weekly basis.

25. A maximum of 45 dogs may be kept on the premises at any one time during the following times:
 - A. The six days immediately preceding Easter Sunday and the seven days immediately following Easter Sunday, to accommodate most students' spring break;
 - B. Memorial Day weekend;
 - C. The calendar week (Sunday through Saturday) during which the 4th of July occurs;
 - D. Labor Day weekend;
 - E. The period including Thanksgiving Day and the Friday, Saturday, and Sunday immediately following Thanksgiving Day; and
 - F. December 23rd through January 2nd.
26. The permittee must comply with all conditions of approval contained herein. Failure to comply with any condition of approval that limits the maximum number of dogs on the premises to 30, with the allowance of up to 45 dogs on specified holidays, will result in an immediate citation of a Notice of Violation from the Department of Regional Planning, Zoning Enforcement Section. Upon the second Notice of Violation within one year, the project will immediately be scheduled for permit revocation proceedings pursuant to Section 22.56.1780 of Title 22 (County Code).
27. All dogs that are boarded at the facility must be kept in sound-proof buildings at night.
28. The permittee shall provide a total of 19 parking spaces for the facility. Any change in the amount of parking spaces provided will require the submittal of Revised Exhibit "A" application.
29. The hours of public visitation shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Saturday, subject to further restrictions outlined below. The facility shall be closed to the public on Sundays.

30. The number of daily trips (round-trip) to the facility, outside of the permittee(s) and facility employees, shall be limited to five (5) trips per day. The following additional restrictions apply to the five allowed daily trips:
 - a. Daily allowed trips shall not be during the morning peak hour time, which is 8:00 am – 10:00 am.
 - b. Daily trips to the facility shall be by appointment only.
 - c. All trips to the facility must be logged to the satisfaction of the Director, and documentation on daily trips to the facility shall be available for review by Enforcement staff as needed.
31. The permittee shall continue the operation of a shuttle service for the transport of dogs to and from the facility. Outside of the five allowed daily trips, use of the shuttle system by clients of the facility shall be mandatory.
32. The permittee may establish other transportation management practices as necessary to comply with the conditions of approval for this permit, including the development of a drop-off and pick-up site.
33. The permittee shall only use biodegradable insecticides, detergents, and herbicides on the grounds of the facility. The permittee shall use insecticides, detergents, and herbicides that are odor-free or very low odor. A list of all cleaning and/or other solvents used by the facility shall be kept on file for review by Enforcement as needed.
34. The permittee shall implement best management practices to prevent water run-off from the project site onto any other property, and all solutions and run-off shall be directed into the existing leech field on the project site.
35. No odors related to the operation or the facility, including but not limited to the odors of cleaning products, animals, or animal waste, shall emanate off-site. The permittee shall employ additional odor mitigation measures, as needed, to comply with this condition, to the satisfaction of the Director.
36. The permittee shall employ noise attenuation equipment and/or measures as needed to the satisfaction of the Director. At all times, the permittee is required to conform to County Noise Ordinance standards.
37. The permittee shall cooperate with the appropriate authorities, including the County Fire Department, to ensure that at all times there is a current emergency evacuation plan for the facility.
38. Dog shows and special events are prohibited.
39. The grooming of dogs that are not being boarded by the facility is prohibited.

40. The permittee shall keep all facility licenses current and have such licenses available for inspection at all times.
41. No animal shall be kept or allowed outside of the facility's fences.
42. Facility premises shall be clean, well-maintained, and free of dog waste, and the boarding facility shall operate in accordance to all applicable requirements from Animal Care and Control, and Title 10 (Animals).
43. The permittee shall keep dog waste in airtight containers and it shall be disposed of, off-site, at least once a week.
44. Within six (6) months of approval, exterior lighting on the subject property shall be directed away from adjacent property owners, shall be of low intensity and height, shielded and conform to all Rural Outdoor Lighting Ordinance standards.
45. Within six (6) months of approval, the permittee shall submit all required building permit applications for this CUP, and get approval of all permits within one year of the date of approval of this CUP.
46. Within six (6) months of approval, the permittee shall bring all existing signage into conformance with the requirements for signs under Title 22.
47. The permittee shall comply with all conditions set forth in the attached County Public Works Department letter dated February 11, 2015, to the satisfaction of said department.
48. The permittee shall comply with all conditions set forth in the attached County Fire Department letter dated January 9, 2015, to the satisfaction of said department.
49. The permittee shall comply with all conditions set forth in the attached County Public Health Department letter dated October 16, 2014, to the satisfaction of said department.

Attachments:

Fire Department Letter dated January 9, 2015

Public Works Department Letter dated February 11, 2015

Public Health Department Letter dated October 16, 2014



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
<http://dpw.lacounty.gov>

GAIL FARBER, Director

February 11, 2015

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

IN REPLY PLEASE
REFER TO FILE: LD-2

TO: Mi Kim
Zoning Permits West Section
Department of Regional Planning

Attention Travis Seawards

FROM: Art Vander Vis
Land Development Division
Department of Public Works

CONDITIONAL USE PERMIT (CUP) NO. 201300135
PROJECT NO. R2013-02633
1558 WILL GEER ROAD
CANYON VIEW DOG RANCH
ASSESSOR'S MAP BOOK NO. 4440, PAGE 7, PARCEL NO. 55
UNINCORPORATED COUNTY AREA OF TOPANGA

We reviewed the site plan for the project located at 1558 Will Geer Road in the unincorporated County area of Topanga. The project is for the continued operation of a dog training and boarding facility and to increase the dog kennel capacity from 30 dogs to 100 dogs. The site access is on Will Geer Road, which is a private road. ~~Hillside Drive, which intersects Will Geer Road south of the project site, is the closest public roadway in the vicinity of the proposed project.~~

- Public Works recommends approval of this Site Plan.
- Public Works does **NOT** recommend approval of Site Plan.

1. Traffic

- 1.1 Implement a shuttle service program that transports multiple dogs from customer residences to the dog kennel and dog training facility to reduce the number of trips into and out of the site and to reduce traffic on Hillside Drive. The applicant shall maintain an on-site registry of the number of customers visiting the site as well as those that utilize the shuttle service. The registry will be used to substantiate the effectiveness of the trip reduction on Hillside Drive.

Mi Kim
February 11, 2015
Page 2

For questions regarding the traffic conditions, please contact Andrew Ngumba of Public Works' Traffic and Lighting Division at (626) 300-4851 or anugmba@dpw.lacounty.gov.

2. Building and Safety

2.1 Submit building plans to Public Works' Building and Safety Division, Calabasas District office, for review and approval for the unpermitted conversion of the existing guest house to the dog grooming facility. In addition, any dog kennel-related conversions or unpermitted structures must either obtain building permits or be removed to the satisfaction of Public Works.

For questions regarding the building and safety condition, please contact Clint Lee of Building and Safety Division at (62) 458-3154 or cllee@dpw.lacounty.gov.

If you require additional information, please contact Ruben Cruz of Public Works' Land Development Division at (626) 458-4910 or rcruz@dpw.lacounty.gov.

RC:tb

P:\dpubl\SUBPCHECK\Plan\CUP\CUP 201300135-1558 WILL GEER\CUP 201300135\2014-12-18 TCUP 201300135\CUP 201300135 Project docx



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2013-02633

MAP DATE: November 21, 2014

LOCATION: 1558 Will Greer Rd., Topanga Canyon

REVISED CONDITIONS: Supersedes Fire Dept. Conditions Dated October 10, 2014

THE FIRE DEPARTMENT RECOMMENDS CLEARANCE OF THIS PROJECT TO PROCEED TO PUBLIC HEARING AS PRESENTLY SUBMITTED WITH THE FOLLOWING CONDITIONS OF APPROVAL.

CONDITIONS OF APPROVAL – ACCESS

1. The fire apparatus access road as noted on the site plan shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code), which requires the fire apparatus access road to be “clear to the sky” and “all weather access”.
2. The fire apparatus access roads shall be extended to within 150 feet of all portions of the exterior walls of the first story of all buildings, as measured by an approved route around the exterior of the building. Fire Code 503.1.1 & 503.2.2
3. Provide approved building address numbers, and maintained them so they are plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Compliance required prior to occupancy to the satisfaction of the Department of Public Works and the County of Los Angeles Fire Code. Fire Code 505.1
4. A minimum 5-foot wide approved firefighter access walkway leading from the fire apparatus access road to all required openings in the building’s exterior walls shall be provided for firefighting and rescue purposes. Fire Code 504.1
5. All locking devices shall comply with the County of Los Angeles Fire Department Regulation 5, Compliance for Installation of Emergency Access Devices.



**COUNTY OF LOS ANGELES FIRE DEPARTMENT
FIRE PREVENTION DIVISION**

Land Development Unit
5823 Rickenbacker Road
Commerce, CA 90040
Telephone (323) 890-4243, Fax (323) 890-9783

PROJECT: R2013-02633

MAP DATE: November 21, 2014

LOCATION: 1558 Will Greer Rd., Topanga Canyon

CONDITIONS OF APPROVAL - WATER

1. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
 - The relocation of the existing on-site fire hydrant near the "pool pump house" can be done at the same time as the installation of the turn-around.
2. The on-site fire hydrants are served by a water tank.

For any questions regarding the report, please contact FPEA Wally Collins at (323) 890-4243 or at Wally.Collins@fire.lacounty.gov.



CYNTHIA A. HARDING, M.P.H.
Interim Director

JEFFREY D. GUNZENHAUSER, M.D., M.P.H.
Interim Health Officer

ANGELO J. BELLOMO, REHS, QEP
Director of Environmental Health

TERRI S. WILLIAMS, REHS
Assistant Director of Environmental Health

5050 Commerce Drive
Baldwin Park, California 91708
TEL (626) 430-5100 • FAX (626) 813-3000

www.publichealth.lacounty.gov

BOARD OF SUPERVISORS

Gloria Molina
First District
Mark Ridley-Thomas
Second District
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Third District
Don Knabe
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Fifth District

October 16, 2014

TO: Travis Seawards
Senior Regional Planning Assistant
Department of Regional Planning

FROM: Michelle Tsiebos, REHS, MPA (M.T.)
Environmental Health Division
Department of Public Health

SUBJECT: CUP CONSULTATION
PROJECT NO. R2013-02633
Canyon View Dog Ranch
1558 Will Geer Road, Topanga

- Public Health recommends approval of this CUP.
- Public Health does NOT recommend approval of this CUP.

The Department of Public Health-Environmental Health Division has reviewed the information provided for the project identified above. The CUP request is for the continued operation of a dog training and boarding facility. It was originally approved by CUP 00-82 in 2002 for a maximum of 30 dogs. The new request would like an increase to 100 dogs. The Department clears this project for public hearing.

Drinking Water Program

The Drinking Water Program recommends approval of this CUP.

The Drinking Water Program has further reviewed the *Canyon View Training Ranch for Dogs: A dog training and boarding facility*. The following comments are offered by staff of the Drinking Water Program.

The Drinking Water Program has received the requested amendments and comments offered by the project lead. The Drinking Water Program recommends approval of this project

For questions regarding the above requirements, please contact Richard Lavin or Epifanio Braganza at (626) 430-5420 or e-mail rlavin@ph.lacounty.gov or ebraqanza@ph.lacounty.gov.

Land Use Program

The Land Use Program recommends approval of this CUP.

The Land Use Program has received a copy of the private septic system plan approved in 2002 including the 100% future expansion. An inspection report that stated that the system appears to be functioning properly was also submitted.

For questions regarding the above section, please contact Eric Edwards or Vicente Banada at (626) 430-5380 or e-mail eedwards@ph.lacounty.gov or vbanada@ph.lacounty.gov.

For any other questions regarding this report, please feel free to contact me at (626) 430-5382 or at mtsiebos@ph.lacounty.gov.