

# REQUEST FOR Planning Commission Action



**PLANNING COMMISSION MEETING DATE:**

**JANUARY 27, 2020**

**TITLE:**

**PUBLIC HEARING – CONDITIONAL USE  
PERMIT NO. 2019-44 TO ALLOW THE  
OPERATION OF A CANINE REHABILITATION  
CENTER AT THE PROPERTY LOCATED  
AT 2920 SOUTH KILSON DRIVE  
{STRATEGIC PLAN NO. 3, 2}**

**PLANNING COMMISSION SECRETARY**

**APPROVED**

- ☐ As Recommended
- ☐ As Amended
- ☐ Set Public Hearing For \_\_\_\_\_

**DENIED**

- ☐ Applicant's Request
- ☐ Staff Recommendation

**CONTINUED TO** \_\_\_\_\_

Prepared by Kathy Khang

Executive Director

Planning Manager

## **RECOMMENDED ACTION**

Adopt a resolution approving Conditional Use Permit No. 2019-44 as conditioned.

## **Executive Summary**

Lauryn Mayo, business owner of Canine Rehabilitation of Orange County, is requesting approval of a conditional use permit (CUP) to allow the operation of a 4,000-square foot canine rehabilitation center located at 2920 South Kilson Drive. Pursuant to Section 41-472.5(e) of the Santa Ana Municipal Code (SAMC), kennels for the temporary care and lodging of dogs and other domesticated household animals require approval of a CUP by the Planning Commission. Staff is recommending approval of the CUP as the canine rehabilitation center will provide an additional service in the neighborhood and will not be detrimental to the health, safety, or general welfare of the surrounding community.

**Table 1: Project and Location Information**

Item	Information
Project Address	2920 South Kilson Drive
Nearest Intersection	Dyer Road and Kilson Drive
General Plan Designation	Industrial (IND)
Zoning Designation	Light Industrial (M1)
Surrounding Land Uses	North Industrial/Warehouse and Manufacturing East Industrial/Warehouse and Manufacturing South Industrial/Warehouse and Manufacturing West Industrial/Warehouse and Manufacturing
Property Size	1.13 acres
Existing Site Development	The subject site contains four individual single-story buildings at 2919 and 2911 South Oak Street and 2920 and 2912 South Kilson Drive, totaling 16,002 square feet and approximately 45 surface parking spaces.
Building Square Footage Per Building	Approximately 4,000 square feet
Use Permissions	Allowed with a conditional use permit (CUP)

Item	Information	
Zoning Code Sections Affected	Kennels	SAMC Section 41-94
	Uses	SAMC Section 41-472.5(e)

### **Project Description**

The applicant is proposing to occupy the building with a canine rehabilitation facility. In order to accommodate the proposed use, minimal improvements are needed to the site. Interior improvements will be made to the floor plan, including a reception area, business office, exam room, office, and two restrooms. An open floor plan concept for the proposed therapy sessions will occur in a large room with designated areas for different physical therapy activities. The physical therapy areas in the open floor plan will include physiology area, treadmills, massage and heat therapy stations, gait analysis and stepping work area, proprioception lab, obstacle course area, and an employee lounge.

In addition, minor cosmetic exterior improvements will be made to only the exterior door, which will be painted to match the existing door color, and sod will be installed at the front patio area located adjacent to the entrance of the building. The building's existing 12 parking spaces and the site's 45 total parking spaces, which exceed minimum code requirements for the entire site by 13 spaces, will continue to adequately serve all businesses on the site and the subject facility.

The proposed public business operation hours are Mondays, Wednesdays, and Thursdays from 9:00 a.m. to 3:00 p.m.; and Tuesdays and Fridays from 9:00 a.m. to 5:00 p.m.

### **Project Background**

The subject building was constructed in 1964, and the subject lot contains four standalone buildings with 4,000 square feet per building, totaling approximately 16,002 square feet. The current use of the four buildings are manufacturing and warehousing. However, the subject building at 2920 South Kilson Drive is currently vacant.

Canine Rehabilitation of Orange County is a canine rehabilitation business that provides physical therapy services to dogs, including hydrotherapy, acupuncture, wheelchair/cart fitting, stretching and massage, and laser therapy. The business was established in 2014 in Newport Beach and is looking to relocate to Santa Ana.

### **Project Analysis**

The applicant is requesting approval of CUP No. 2019-44 to allow the operation of a canine rehabilitation center. Pursuant to SAMC Section 41-638, kennels requires review and approval of a CUP by the Planning Commission.

Staff is recommending approval of the applicant's request as the canine rehabilitation facility will provide a unique service that will contribute to the general well-being of the community and satisfy a niche demand. The proposed canine rehabilitation center will assist in diversifying the range of services available within the City, especially to those working or residing in the south and east

sections of the city. Further, the proposed canine rehabilitation center is best suited within a larger building that is typically found in the City's industrial zoning districts.

The facility will not be detrimental to persons residing or working in the vicinity as the proposed canine rehabilitation center will operate within a completely enclosed building, thereby minimizing potential impacts, such as noise, on the surrounding tenants. Additionally, conditions of approval have been incorporated into the project conditions to minimize impacts from occurring on the premises. Furthermore, the project complies with all applicable development standards as specified in the Light Industrial (M-1) zoning district. The proposed Canine Rehabilitation of Orange County will be in compliance with all applicable regulations and provisions of Chapter 41 of the Santa Ana Municipal Code and all other provisions that are applicable to a kennel use.

In addition, the proposed canine rehabilitation center at this location supports three General Plan Land Use Element goals including: Goal 1, which promotes the balance of land uses to address basic community needs by providing an additional service to the community; Goal 2, which promotes land uses that enhance the economic viability of the City by occupying a reoccupying a vacant industrial building and generate revenue for the city; and Goal 3, which encourages uses that preserve and improve the character and integrity of neighborhoods by a use that is compatible with the surrounding manufacturing and warehousing businesses. Furthermore, the proposed facility will not adversely affect the General Plan. Land Use Element Policy 2.8 promotes the rehabilitation of commercial properties and encourages increased levels of capital investment involving both interior and exterior improvements of a vacant tenant space. The re-tenanting of a vacant space with a viable business further supports the rehabilitation of this property. Land Use Element Policy 5.4 supports land uses which are consistent with the Land Use Plan of the General Plan. The M-1 zoning district allows kennels subject to a conditional use permit, making the proposed use consistent with the zoning and the Land Use Plan of the General Plan. Land Use Element Policy 5.5 encourages development, which is compatible with and supportive of surrounding land uses.

**Table 2: CEQA, Strategic Plan Alignment, and Public Notification & Community Outreach**

CEQA, Strategic Plan Alignment, and Public Notification		
CEQA		
CEQA Type	Exempt pursuant to CEQA Guidelines Section 15301: Class 1, Existing Facilities.	
Document Type	Notice of Exemption, Environmental Review No. 2019-118	
Reason(s) Exempt or Analysis	In accordance with the California Environmental Quality Act, the project is exempt from further environmental review under the general rule pursuant to CEQA Guidelines Section 15301, Class 1 which indicates that CEQA review applies to projects that have no potential for causing a significant impact on the environment. The proposed project is a change of use in an existing facility with minor cosmetic modifications to the building with no proposed additional square footage and no intensification of use.	
Strategic Plan Alignment		
Goal(s), Policy or Policies	Strategic Plan No. 3, 2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies).	
Public Notification & Community Outreach		
Public Hearing	Site posting	A public notice was posted on the project site on January 17, 2020.

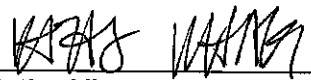
CEQA, Strategic Plan Alignment, and Public Notification		
	Notification by mail	Notices were mailed to all property owners and occupants within 500 feet of the project site on January 17, 2020.
	Newspaper posting	Newspaper posting was published in the Orange County Reporter on January 17, 2020.

### **Economic Development**

The proposed facility will result in an increase in property tax revenue and will create sales tax revenue for the City. This change in use will require that permit and licensing fees be paid to the City. Based on sales volume estimates provided by the applicant, the canine rehabilitation center will provide additional sales tax revenue to the City that is estimated to be over \$23,125 annually, and four full-time jobs will be created.

### **Conclusion**

Based on the analysis provided within this report, staff recommends that the Planning Commission approve Conditional Use Permit No. 2019-44 as conditioned.

  
\_\_\_\_\_  
Kathy Khang  
Assistant Planner I

S:\Planning Commission\2020\1-27-20\CUP-2019-44 Canine Rehab of OC

Exhibits:      1 – Resolution  
                    2 – Vicinity Zoning & Aerial View  
                    3 – Site Photo  
                    4 – Site and Existing Floor Plan

# **EXHIBIT 1**

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# RESOLUTION NO. 2020-xx

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA ANA APPROVING CONDITIONAL USE PERMIT NO. 2019-44 AS CONDITIONED TO ESTABLISH A CANINE REHABILITATION CENTER KENNEL AT THE PROPERTY LOCATED AT 2920 SOUTH KILSON DRIVE.

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Planning Commission of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Lauryn Mayo with Canine Rehabilitation of Orange County (Applicant) is requesting approval of Conditional Use Permit (CUP) No. 2019-44 to operate a canine rehabilitation center at an existing building located at 2920 South Kilson Drive.
- B. Santa Ana Municipal Code (SAMC) Section 41-472.5(e) requires approval of a conditional use permit to operate a canine rehabilitation center kennel for the temporary care and lodging of dogs and other domesticated household animals within the Light Industrial (M-1) zoning district.
- C. Pursuant to SAMC Section 41-638, the Planning Commission is authorized to review and approve the conditional use permit for this project.
- D. On January 27, 2020 the Planning Commission held a duly noticed public hearing for Conditional Use Permit No. 2019-44.
- E. The Planning Commission of the City of Santa Ana has considered the information and determines that the following findings, which must be established in order to grant Conditional Use Permit No. 2019-44, for a canine rehabilitation center, have been established as required by SAMC Section 41-638:
  1. That the proposed use will provide a service or facility which will contribute to the general well being of the neighborhood or community.

The proposed use will provide a service to the community.  
The proposed canine rehabilitation center is a use that will

support the adjacent industrial and residential uses in the area and will assist in diversifying the range of services available to those working or residing in the south and west sections of the city. Further, the proposed canine rehabilitation is best suited within a larger building that is typically found in the City's industrial zoning districts.

2. That the proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity.

The proposed Canine Rehabilitation of Orange County will not be detrimental to persons residing or working in the vicinity because the facility will operate within a completely enclosed building, thereby minimizing any potential impact, such as noise, on the surrounding tenants. Additionally, conditions of approval have been incorporated into the project approvals to minimize impacts from occurring on the premise so that the proposed use will not adversely affect the present economic stability or future economic development of properties surrounding the area.

The site as developed is suitable for the proposed use. The canine rehabilitation center will generate city tax revenue and long-term employment in the community. In addition, this use will provide a service and an amenity to the nearby residents and community, thereby enhancing rather than adversely affecting the economic stability of the surrounding properties in the area.

3. That the proposed use will adversely affect the present economic stability or future economic development of properties surrounding the area.

The proposed project will not adversely affect the economic viability of the area. The proposed a canine rehabilitation center will result in a positive addition to the surrounding area and will complement and improve the economic viability of the area as the use will re-occupy a vacant industrial building by reducing the vacancy rate of the area and identifying the area as a stable location for economic investment. The proposed canine rehabilitation center will also generate revenue for the city.

4. That the proposed use will comply with the regulations and conditions specified in Chapter 41 for such use.

The project complies with all applicable regulations and conditions specified in Chapter 41 of the SAMC and the



conditions of approval will ensure the canine rehabilitation center does not deviate from the approved plans.

5. That the proposed use will not adversely affect the General Plan of the city or any specific plan applicable to the area of the proposed use.

The proposed Canine Rehabilitation of Orange County will not adversely affect the General Plan. Land Use Element Policy 2.8 promotes the rehabilitation of commercial properties and encourages increased levels of capital investment. The proposed project is a change of business in an existing facility with minor cosmetic modifications to the building with no proposed additional square footage and no intensification of use. The re-tenanting of a vacant space with a viable business further supports the rehabilitation of this property. Land Use Element Policy 5.4 supports land uses which are consistent with the Land Use Plan of the Land Use Element. The M1 zoning district allows kennels subject to a conditional use permit, making the proposed use consistent with the zoning and the Land Use Plan of the Land Use Element. Land Use Element Policy 5.5 encourages development which is compatible with and supportive of surrounding land uses. The addition of a canine rehabilitation center will provide a service to the surrounding businesses and residents.

Section 2. In accordance with the California Environmental Quality Act, the project is exempt from further environmental review under the general rule pursuant to CEQA Guidelines Section 15301, Class 1 which indicates that CEQA review applies to projects that have a potential for causing a significant impact on the environment. The proposed project is a change of business in an existing facility with minor cosmetic modifications to the building with no proposed additional square footage and no intensification of use. Based on this analysis, a Notice of Exemption, Environmental Review No. 2019-118 will be filed for this project.

Section 3. The Applicant shall indemnify, protect, defend and hold the City and/or any of its officials, officers, employees, agents, departments, agencies, authorized volunteers, and instrumentalities thereof, harmless from any and all claims, demands, lawsuits, writs of mandamus, and other and proceedings (whether legal, equitable, declaratory, administrative or adjudicatory in nature), and alternative dispute resolution procedures (including, but not limited to arbitrations, mediations, and such other procedures), judgments, orders, and decisions (collectively "Actions"), brought against the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof, that challenge, attack, or seek to modify, set aside, void, or annul, any action of, or any permit or approval issued by the City and/or any of its officials, officers, employees, agents, departments, agencies, and instrumentalities thereof (including actions approved by the voters of the City) for or

concerning the Project, whether such Actions are brought under the Ralph M. Brown Act, California Environmental Quality Act, the Planning and Zoning Law, the Subdivision Map Act, Code of Civil Procedure sections 1085 or 1094.5, or any other federal, state or local constitution, statute, law, ordinance, charter, rule, regulation, or any decision of a court of competent jurisdiction. It is expressly agreed that the City shall have the right to approve, which approval will not be unreasonably withheld, the legal counsel providing the City's defense, and that Applicant shall reimburse the City for any costs and expenses directly and necessarily incurred by the City in the course of the defense. City shall promptly notify the Applicant of any Action brought and City shall cooperate with Applicant in the defense of the Action.

Section 4. The Planning Commission of the City of Santa Ana after conducting the public hearing hereby approves Conditional Use Permit No. 2019-44, as conditioned in Exhibit A, attached hereto and incorporated herein for the project located at 2920 South Kilson Drive. This decision is based upon the evidence submitted at the abovesaid hearing, which includes, but is not limited to: the Request for Planning Commission Action dated January 27, 2020, and exhibits attached thereto; and the public testimony, written and oral, all of which are incorporated herein by this reference.

ADOPTED this 27<sup>th</sup> day of January, 2020.

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTENTIONS: Commissioners:

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Mark McLoughlin  
Chairperson

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: \_\_\_\_\_  
Lisa Storck  
Assistant City Attorney

## CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, SARAH BERNAL, Recording Secretary, do hereby attest to and certify the attached Resolution No. 2020-xx to be the original resolution adopted by the Planning Commission of the City of Santa Ana on January 27, 2020.

Date: \_\_\_\_\_

\_\_\_\_\_  
Recording Secretary  
City of Santa Ana

## EXHIBIT A

### **Conditions of Approval for Conditional Use Permit No. 2019-44**

Conditional Use Permit No. 2019-44 for a canine rehabilitation center at 2920 South Kilson Drive is approved subject to compliance, to the reasonable satisfaction of the Planning Manager, with applicable sections of the Santa Ana Municipal Code, the California Administrative Code, the California Building Standards Code, and all other applicable regulations.

The Applicant must comply with each and every condition of approval listed below prior to exercising the rights conferred by this conditional use permit.

The Applicant must remain in compliance with all conditions listed below throughout the life of the conditional use permit. Failure to comply with each and every condition may result in the revocation of the conditional use permit.

1. Any amendment to this conditional use permit must be submitted to the Planning Division for review. At that time, staff will determine if administrative relief is available or the conditional use permit must be amended.
2. All proposed improvements must conform to the staff report exhibits.
3. Prior to issuance of a building permit, the Applicant shall submit a landscape plan to the Planning Division for review and approval.
4. The site occupant shall be responsible for maintaining the premises free from graffiti. All graffiti shall be removed within 24 hours.
5. In order to minimize impacts to adjacent tenants, all canine rehabilitation therapy shall be conducted within an enclosed building.
6. Prior to issuance of a building permit, a waste management plan shall be submitted to the Planning Division for review and approval.
7. Prior to issuance of a certificate of occupancy, the existing trash enclosure shall be re-built and constructed to City standards.
8. Prior to the issuance of a building permit, a Property Maintenance Agreement must be recorded against the property. The agreement will be subject to review and applicability by the Planning and Building Agency, the Community Development Agency, the Public Works Agency, and the City Attorney to ensure that the property and all improvements located thereupon are properly maintained, Developer (and the owner of the property upon which the authorized use and/or authorized improvements are located if different from the Applicant) shall execute a Maintenance Agreement with the City of Santa Ana which shall be recorded against the property and which shall be in a form reasonably

satisfactory to the City Attorney. The Maintenance Agreement shall contain covenants, conditions and restrictions relating to the following:

(a) Compliance with operational conditions applicable during any period(s) of construction or major repair (e.g., proper screening and securing of the construction site; implementation of proper erosion control, dust control and noise mitigation measure; adherence to approved project phasing etc.);

(b) Compliance with ongoing operational conditions, requirements and restrictions, as applicable (including but not limited to hours of operation, security requirements, the proper storage and disposal of trash and debris, enforcement of the parking management plan, and/or restrictions on certain uses,

(c) Ongoing compliance with approved design and construction parameters, signage parameters and restrictions as well as landscape designs, as applicable;

(d) Ongoing maintenance, repair and upkeep of the property and all improvements located thereupon (including but not limited to controls on the proliferation of trash and debris about the property; the proper and timely removal of graffiti; the timely maintenance, repair and upkeep of damaged, vandalized and/or weathered buildings, structures and/or improvements; the timely maintenance, repair and upkeep of exterior paint, parking striping, lighting and irrigation fixtures, walls and fencing, publicly accessible bathrooms and bathroom fixtures, landscaping and related landscape improvements and the like, as applicable);

(e) If Developer and the owner of the property are different (e.g., if the Applicant is a tenant or licensee of the property or any portion thereof), both the Applicant and the owner of the property shall be signatories to the Maintenance Agreement and both shall be jointly and severally liable for compliance with its terms.

(f) The Maintenance Agreement shall further provide that any party responsible for complying with its terms shall not assign its ownership interest in the property or any interest in any lease, sublease, license or sublicense, unless the prospective assignee agrees in writing to assume all of the duties, obligations and responsibilities set forth under the Maintenance Agreement.

(g) The Maintenance Agreement shall contain provisions relating to the enforcement of its conditions by the City and shall also contain provisions authorizing the City to recover costs and expenses which the City may incur arising out of any enforcement and/or remediation efforts which the City may undertake in order to cure any deficiency in maintenance, repair or upkeep or to enforce any restrictions or conditions upon the use of the property. The maintenance agreement shall further provide that any unreimbursed costs and/or expenses incurred by the City to cure a deficiency in maintenance or to enforce use restrictions shall become a lien upon the property in an amount equivalent to the actual costs and/or expense incurred by the City.

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# **EXHIBIT 2**

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CUP No. 2019-44, "Canine Rehabilitation Center of Orange County"  
2920 So. Kilson Drive

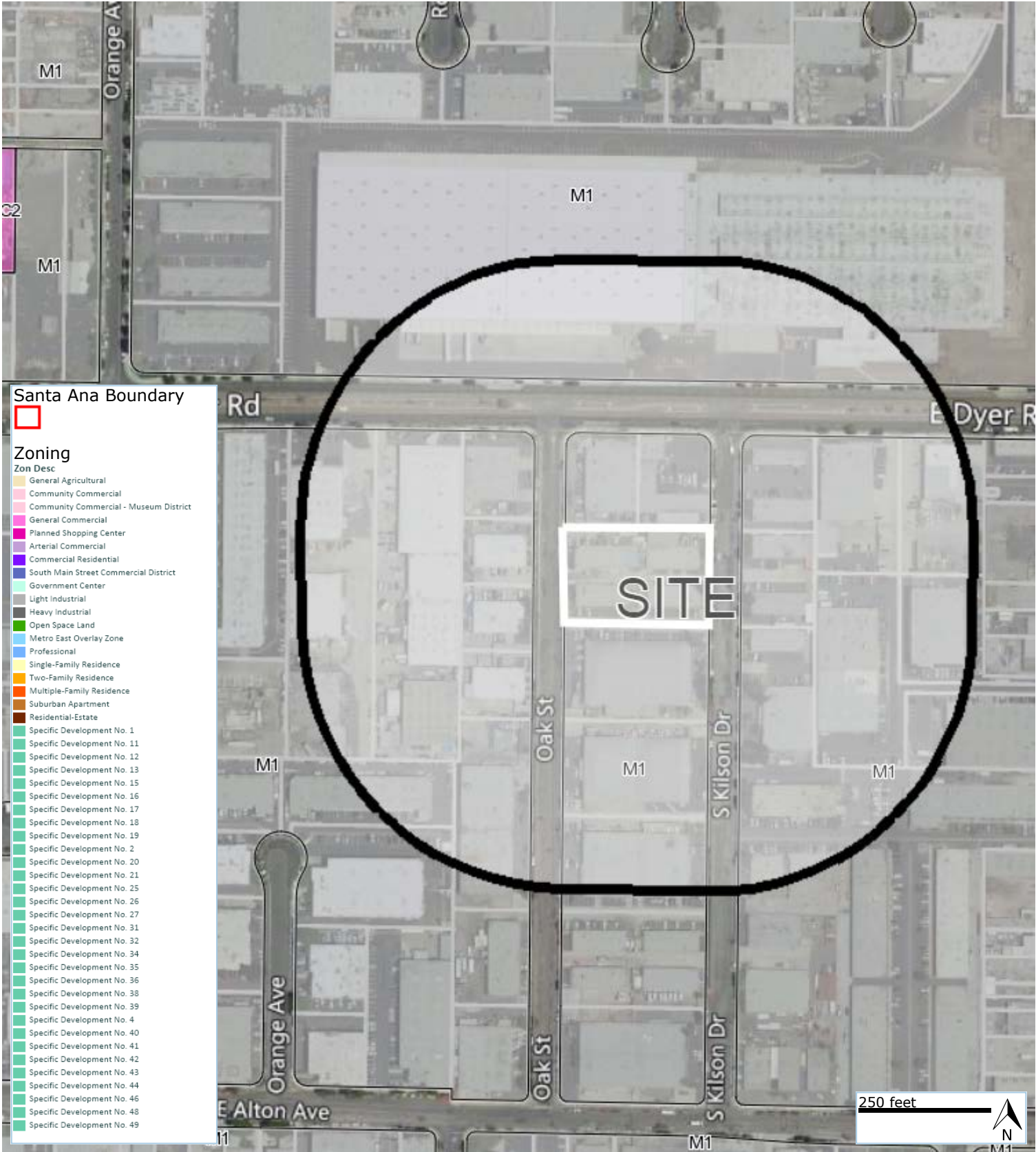


Exhibit 2 – Vicinity Zoning and Aerial View



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# **EXHIBIT 3**

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CUP No. 2019-44 "Canine Rehabilitation Center of Orange County"

2920 South Kilson Drive



Exhibit 3 – Site Photo

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# **EXHIBIT 4**

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