



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: PLANNING COMMISSION
FROM: PATRICK KELLY, AICP, CONTRACT SENIOR PLANNER
MEETING DATE: MARCH 4, 2010
SUBJECT: USE PERMIT AMENDMENT NO. 3011-10 TO MODIFY
CONDITIONS OF APPROVAL OF USE PERMIT NO. 2891-05 TO
ALLOW FOR OVERNIGHT BOARDING OF ANIMAL PATIENTS
WITHIN AN EXISTING VETERINARY CLINIC.
PROPERTY ADDRESS: 172-16TH STREET
APN #006-166-003
APPLICANT: DR. JENNIFER WERNISING, COTTAGE VETERINARY CARE,
INC.
ZONING: C-1
**GENERAL PLAN
LAND USE
DESIGNATION:** DOWNTOWN COMMERCIAL
CEQA STATUS: CATEGORICALLY EXEMPT, CLASS 1

RECOMMENDATION:

Hold a public hearing to consider Use Permit Amendment No. 3011-10 to allow for overnight boarding of animal patients within an existing veterinary clinic. Staff recommends approval of the Use Permit amendment subject to the recommended findings and conditions.

BACKGROUND:

The existing veterinary clinic operates within the bottom two floors in an existing three-story building at the subject address. The third floor of the building is occupied by an apartment unit. Other multi-story, mixed-use buildings abut the property to the rear and south, and the Elmarie Dyke Open Space area abuts the property to the north.

Use Permit No. 2891-05 was obtained for the operation of the clinic by the owner in 2005. This Use Permit contains a condition prohibiting animal boarding on the property, and it is requested that this condition be amended. There are no additional water credits sought or required for this request.

DISCUSSION:

As required by the existing Use Permit, hours of operation of the veterinary clinic are limited to Monday through Friday, 8:00 a.m. to 5:00 p.m., and Saturdays from 9:00 a.m. to 2:00 p.m. The

clinic is closed on Sundays. The residential apartment unit on the third floor of the building is required to be occupied by the owner or an employee of the veterinary practice.

The condition of approval prohibiting overnight boarding of animal patients was intended to eliminate the potential for nighttime disturbances from barking dogs staying overnight in the facility. It has been the experience of the veterinarian of the clinic, however, that this condition does not permit appropriate care for some of the animal patients served by the clinic. Specifically, post-operative or critical need animal patients are often not medically stable or comfortable for transfer to an emergency clinic for overnight care. Further, animal patients of the clinic requiring overnight care must currently be picked up from the clinic by their owners and transported to an overnight emergency pet clinic for monitoring and care. The pets must then be picked up at the emergency clinic in the morning before it closes at 8:00 a.m. and transported back to the Cottage Veterinary Clinic for continued treatment. This transportation between the Cottage Veterinary Clinic and the emergency clinic is not optimal for the care of the pets.

Because overnight boarding would be limited to critical care patients, and not provided as a general boarding service, nighttime disturbances by barking dogs are not anticipated to occur. This is because critical care animal patients are typically quiet and subdued due to their post-operative or other state of ill health. Should these animals occasionally become vocal, a resident employee of the clinic is always available to provide care. Further, the boarded animals would be monitored by video and sound equipment to detect noises or other animal distress. Finally, windows at the clinic are kept closed at night, and sound-dampening insulation has been incorporated into the building to minimize noise impacts on the surrounding buildings and uses. As a further measure to minimize the potential for noise disturbances within the surrounding area, staff recommends that a condition of approval be included limiting the overall number of animal patients being boarded at any one time to five.

RECOMMENDED FINDINGS:

Staff recommends approval of Use Permit No. 3011-10 based on the following finding:

As conditioned, allowing critical care animal patients to board overnight will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city, because veterinary clinics are permitted in the C-1 zone subject to use permit approval, and the critical care and post-operative animal patients will be subdued and carefully monitored, and, therefore, will not result in nighttime disturbances to the surrounding commercial and mixed uses.

RECOMMENDED CONDITIONS OF APPROVAL:

Staff recommends approval of Use Permit No. 3011-10 based on the following conditions:

1. All conditions of approval of Use Permit 2891-05 shall remain in full force and effect, with the exception of Condition No. 2 of said permit, which shall be amended to read as follows: "Animal boarding and/or grooming services are prohibited on the

- property, with the exception that animal patients requiring post-operative care or are otherwise in a state of ill health and requiring overnight monitoring may be boarded.”
2. The number of animal patients being boarded overnight at any one time shall not exceed five.
 3. The property owner shall record a deed restriction, to be prepared by the Community Development Department and containing the conditions of this Use Permit, with the Monterey County Office of the Recorder within 15 days of final approval of this Use Permit amendment. The conditions of this use permit are applicable to all subsequent property owners, heirs, assigns and successors in interest.
 4. Should a violation of the conditions of the deed restriction occur, the property owner shall pay all of the costs expended by the City of Pacific Grove in enforcing its ordinances, regulations and terms of the deed restriction.

ATTACHMENTS:

- A. Draft Resolution
- B. Public Hearing Notice
- C. Use Permit No. 2891-05
- D. Use Permit Applications and Supporting Documents

RESPECTFULLY SUBMITTED:

REVIEWED BY:

Patrick Kelly, AICP
CONTRACT SENIOR PLANNER

Lynn Burgess, AICP
CHIEF PLANNER

March 4, 2010

**ATTACHMENT A
DRAFT RESOLUTION**

**RESOLUTION NO.
RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PACIFIC GROVE, STATE OF CALIFORNIA**

USE PERMIT AMENDMENT NO. 3011-10

WHEREAS, Dr. Jennifer Wernsing, Cottage Veterinary Care, Inc., has made an application to the Pacific Grove Planning Commission for Use Permit Amendment No. 3011-10 to allow overnight boarding of animal patients for an existing veterinary clinic, address being 172 16th Street, Pacific Grove, California.

WHEREAS, this resolution amends Use Permit No. 2891-05, approved on November 3, 2005; and

WHEREAS, the proposed project is exempt from the California Environmental Quality Act under Categorical Exemption Class 1; and

WHEREAS, the Planning Commission, at its meeting of March 4, 2010, has found and determined that the granting of the use permit amendment will be consistent with Section 23.72.050 of the Pacific Grove Municipal Code, and bases said findings and conclusions on the following facts:

Finding for Use Permit Amendment No. 3011-10:

As conditioned, allowing critical care animal patients to board overnight will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the city, because veterinary clinics are permitted in the C-1 zone subject to use permit approval, and the critical care and post-operative animal patients will be subdued and carefully monitored, and, therefore, will not result in nighttime disturbances to the surrounding commercial and mixed uses.

NOW, THEREFORE, the Planning Commission hereby grants and issues Use Permit No. 3009-09 subject to the following conditions of approval:

Conditions of Approval:

1. All conditions of approval of Use Permit 2891-05 shall remain in full force and effect, with the exception of Condition No. 2 of said permit, which shall be amended to read as follows: "Animal boarding and/or grooming services are prohibited on the property, with the exception that animal patients requiring post-operative care or are otherwise in a state of ill health and requiring overnight monitoring may be boarded."

2. The number of animal patients being boarded overnight at any one time shall not exceed five.
3. The property owner shall record a deed restriction, to be prepared by the Community Development Department and containing the conditions of this Use Permit, with the Monterey County Office of the Recorder within 15 days of final approval of this Use Permit amendment. The conditions of this use permit are applicable to all subsequent property owners, heirs, assigns and successors in interest.
4. Should a violation of the conditions of the deed restriction occur, the property owner is shall pay all of the costs expended by the City of Pacific Grove in enforcing its ordinances, regulations and terms of the deed restriction.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacific Grove held on the 4th day of March, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Please note that this resolution does not take effect until the 10-day appeal period has expired.

Craig Riddell, Chairman

ATTEST:

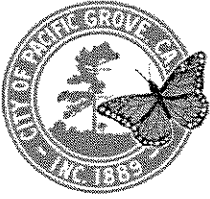
Lynn Burgess, AICP, Secretary

The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to and comply with said terms and conditions.

Owner:
Dr. Jennifer Wernsing, Cottage Veterinary Care, Inc.

By _____
Dr. Jennifer Wernsing

Date



CITY OF PACIFIC GROVE NOTICE OF PUBLIC HEARING

FOR A PROJECT LOCATED AT 172 16th STREET

When: Thursday, March 4, 2010, at 6:00 p.m.
Where: Planning Commission, City Hall, Council Chambers
300 Forest Avenue, Pacific Grove, California 93950
Contact: Patrick Kelly, AICP, Contract Senior Planner (831) 648-3190

What is being planned?

Applicant, Jennifer Wernsing, Cottage Veterinary Care, Inc., has applied for Use Permit No. 3011-10 (amendment to Use Permit No. 2891-05) to allow overnight boarding of animal patients for an existing veterinary clinic.

What is the purpose of this notice, and where do you come in?

This notice is to alert you to the time and place of the public hearing. The public hearing provides an opportunity for you to ask questions or formally record comments related to the project or its impacts. Legal challenges to the City's action on this project must be limited only to those issues raised in such testimony during the public hearing process.

What information is available and whom should you contact?

Drawings of some aspects of the project are posted at the front property line at 172 16th Street. These drawings are preliminary and subject to change. To review all plans and receive the latest information on the project, contact the Pacific Grove Community Development Department at 300 Forest Avenue [Telephone: (831) 648-3190]. Up-to-date plans and related documents also will be available for review at the public hearing.

Special Accommodations:

The City of Pacific Grove does not discriminate against persons with disabilities. The Pacific Grove Civic Center is an accessible facility. A limited number of devices are available to assist those who are hearing impaired. If you would like to use one of these devices, please contact the Community Development Department at (831) 648-3190.

APPLICANT: Jennifer Wernsing, Cottage Veterinary Care, Inc.

ZONE DISTRICT: C-1

LEGAL DESCRIPTION: APN #006-166-003

GENERAL PLAN DESIGNATION: Commercial

ENVIRONMENTAL STATUS: Categorically Exempt, Class 1

OTHER CITY APPROVALS REQUIRED: None

This Notice may be removed 10 days after Final Planning Commission action.

RECEIVED

NOV 28 2005

RESOLUTION NO. 05-41
RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PACIFIC GROVE, STATE OF CALIFORNIA COMMUNITY DEV. DEPT.

USE PERMIT NO. 2891-05

WHEREAS, Dr. Jennifer S. Wernsing, DVM, applicant and buyer-in-escrow, has made an application to the Pacific Grove Planning Commission for a use permit to allow establishment of a small-animal veterinary practice in a portion of an existing mixed-use residential/commercial building, per notice of Public Hearing for property located at Lot 14, Block 48, Pacific Grove Retreat (Zoning District: C-1; General Plan Designation: Downtown Commercial; Environmental Status: Categorically Exempt, Class 1), generally located at **172 16th Street** in the City of Pacific Grove, County of Monterey, State of California; and

WHEREAS, the Planning Commission, at its meeting of November 3, 2005, has found and determined that the granting of the use permit will be consistent with Section 23.72.050 of the Pacific Grove Municipal Code, and bases said findings and conclusions on the following facts:

Findings for Use Permit Application No. 2891-05:

Subject to the recommended conditions the establishment, maintenance and operation of the use applied for will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city because: (1) veterinary clinics are a permitted use in the C-1 zone district subject to use permit approval, (2) no animal boarding and/or grooming will be permitted in order to reduce potential noise impacts and to reduce the number of vehicle trips to and from the site, (3) conditions for collection and removal of animal waste materials have been prescribed in order to reduce potential nuisances and odors, (4) days and hours of operation have been prescribed to limit operation to the days and hours that are typical of other Downtown businesses, (5) the owner or an employee of the practice is required to live in the residential unit on the property to ensure compliance with required conditions.

NOW, THEREFORE, the Planning Commission hereby grants and issues Use Permit No. 2851-04, subject to the following conditions of approval:

Conditions of Approval for Use Permit No. 2891-05:

1. Veterinary practice days and hours of operation are limited to Monday-Friday 8:00 a.m.-5:00 p.m. and Saturday 9:00 a.m.-2:00 p.m.; Sunday operation is prohibited.
2. Animal boarding and/or grooming services are prohibited on the property.

3. The residential unit is required to be occupied by the owner or an employee of the veterinary practice.
4. The subject property and surrounding areas including but not limited to adjacent public rights-of-way and the Elmarie Dyke Open Space, shall be inspected every four hours, or as needed, during the approved hours of operation by the veterinary practice staff for the purpose of collecting and disposing of all animal waste. All animal waste shall be immediately removed and placed in a closed receptacle on the subject property. All animal waste receptacles on the property shall be maintained in a sanitary and secure condition.
5. All medical waste receptacles shall be maintained in a sanitary and secure location within the enclosed building and shall be removed from the site only by a licensed biohazard company.
6. The applicant shall comply with the provisions of Section 11.18.011 establishing criteria for sewer cleanouts and housetraps.
7. Review and approval by the Public Works Department is required prior to issuance of a building permit. If required, the applicant shall obtain an encroachment permit from the Public Works Department prior to issuance of the building permit.
8. The permit shall be revoked if not used within one year from date of approval. Application for extension of these permits must be made prior to the expiration date.
9. Construction shall not commence until a copy of the resolution signed by the permittee or authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, is returned to the Community Development Department.
10. All construction must occur in strict compliance with the proposal as set forth in the applications for permits, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Planning Commission approval.
11. These terms and conditions shall be perpetual, and it is the intention of the Planning Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacific Grove held on the 3rd day of November, 2005, by the following vote:


AYES: Linda Bailey, Bob Davis (Chair), Dan Miller, Eric Miller,
Bruce Obbink, Craig Riddell, Gary Sprader

NOES: None

ABSTAIN: None

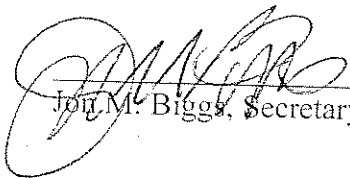
ABSENT: None

Please note that this resolution does not take effect until the 10-day appeal period has expired.




Robert E. Davis, Chair

ATTEST:



John M. Biggs, Secretary

The undersigned hereby acknowledges the approved terms and conditions, and agrees to fully conform to and comply with said terms and conditions.



Jennifer S. Wernsing, DVM

11/29/05
Date

CITY OF PACIFIC GROVE
APPLICATION FOR USE PERMIT
(Municipal Code Chapter 23.72.030)

Item 8B - Attachment D

(Minor Amendment
to PC)

Accepted for submittal by: Cymameto
[CDD Staff person]

CDD Use only 3011-10
USE PERMIT NO.

RECEIVED
JAN 28 2010
COMMUNITY DEV DEPT.

$650.00 \times 15\% = 97.50 = 747.50$

FEE \$650 + 15%
01-4401

advance
planned
fee

Project Location 172 - 16TH STREET APN 0061166003

Lot(s) _____ Block _____ Tract _____ Lot Size _____

Applicant COTTAGE VETERINARY CARE INC - JENNIFER WERNISING DM

Applicant's Address 172 - 16TH STREET PG CA 93950

Applicant's Daytime Phone No(s) 831 372 3524 M-W : 831 3751469 H-SUN

Applicant's E-mail Address: jennifer.wernising@sbcglobal.net Check if you prefer e-mail contact

Property Owner FRANK PREMUTATI

Property Owner's Address 208 ALDER ST

Property Owner's Phone No. 831 3751469 E-mail: premutati@sbcglobal.net

PROPOSED USE OR PROJECT (State in detail) – Attach additional sheets if necessary:

MINOR AMENDMENT TO USE PERMIT - PLEASE SEE ATTACHED ->

Indicate, if applicable: Days/hours of operation, number of employees:

I, the undersigned, under penalty of perjury, depose and say that I am the applicant for this request, that the owner of the property approves this application and that all statements are true and correct.

1/27/10
Date

Jennifer Wernising DM
Signature of Applicant

(Applicant continues on reverse)

10 4 CDD-USE
CHECK NUMBER 0015A
RECEIPT NUMBER 002000050659

JAN 28 2010

COTTAGE VETERINARY CARE COMMUNITY DEV. DEPT.
172- 16TH STREET
PACIFIC GROVE, CA 93950
831-372-3524

Pacific Grove Community Development Department
300 Forest Avenue
Pacific Grove, CA 93950

January 27, 2010

Sarah Hardgrave, Planning Department, and neighbors of Cottage Veterinary Care,

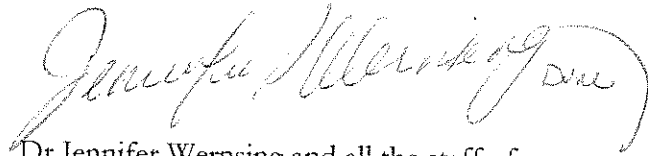
Please accept for review our proposal for minor amendment to use permit dated 2005. In our original use permit there is detailed restriction of boarding and grooming at our facility. We abide strictly within this restriction currently. We have found difficulty however in that the restriction limits our scope of care for our patients and clients. Infrequently, yet of substantial concern, we have post-operative or critical needs patients that are not medically stable or comfortable for transfer to the emergency clinic for overnight care. Such transfer relies both on the ability of owners to transfer patients to the ER upon close and transfer back to our clinic in the morning as the ER closes at 8am. For some patients and owners such transfers are not medically optimal or safe. We are respectfully requesting removal of the boarding restriction on the use permit as to allow medical needs patient to stay overnight as appropriate. We are and will remain very aware of our neighboring residents and businesses and will insure that such a change will not negatively impact the living or working environment.

All proposed hospitalized patients will be of medical need only (ie: we will not be boarding happy healthy barking dogs) which unfortunately means these animals are quite ill or post-operative – these animals are generally quiet by nature of the infirmity. We will be monitoring these patients continually, directly or via camera/ sound monitoring to insure their comfort, safety and to insure as well the surroundings remain quiet. If any status change occurs and a patient shows signs of pain, or vocalization for other reasons we will have owners pre-approval to medicate as necessary to control pain and calm the patient. Our standard of care is that such care will be provided immediately upon need. Our policy will provide that if at any time a patient becomes too noisy and we are not able to control such noise in a reasonable time period such patients will be transferred to alternative care facilities.

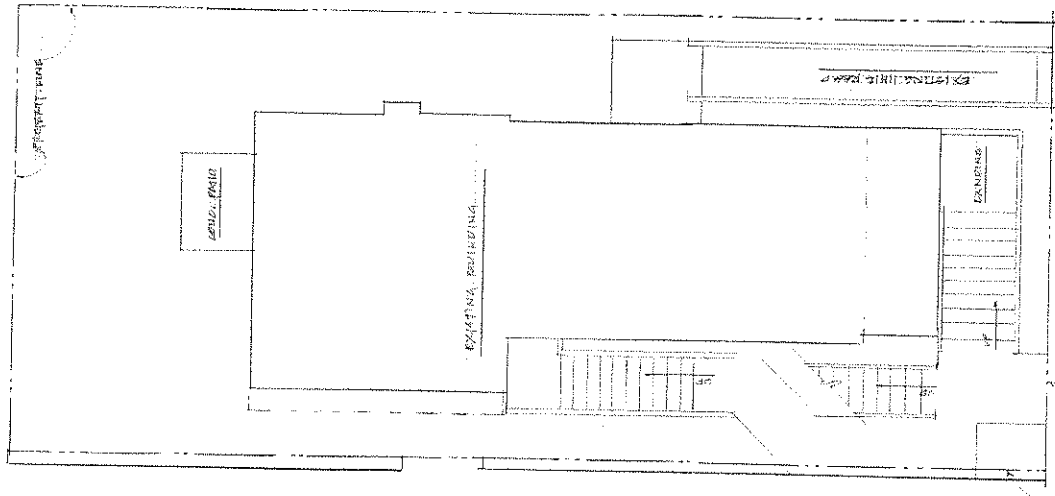
We lodge intensive care patients in the treatment areas on either the first or second floors of the building determinant of patient need. We house our canine guests most exclusively on the first floor. Both floors have majority of windows (kept closed at night) facing into the Ellmarie VanDyke Open space park next door (opposite and away from our neighbors on Lighthouse Ave). The building has been designed with insulation and sound dampening effects to limit noise as appropriate. Our experience in this facility over the past 4 years has proven these factors very successful in minimizing negative noise impact in the environment. I can not foresee any other negative impacts this change to our use permit would provide, and our attention to noise will be diligent. The positive impact this change would make for our patients in need would be tremendous.

We appreciate your attention to our request. I believe the ability to provide supervised overnight care to medical needs patients will greatly enhance the level of care we can provide to our clients and patients. The four legged and furry Pacific Grove neighbors need your help. Please help us help them. Thank you for your kind attention to this matter.

Sincerely,

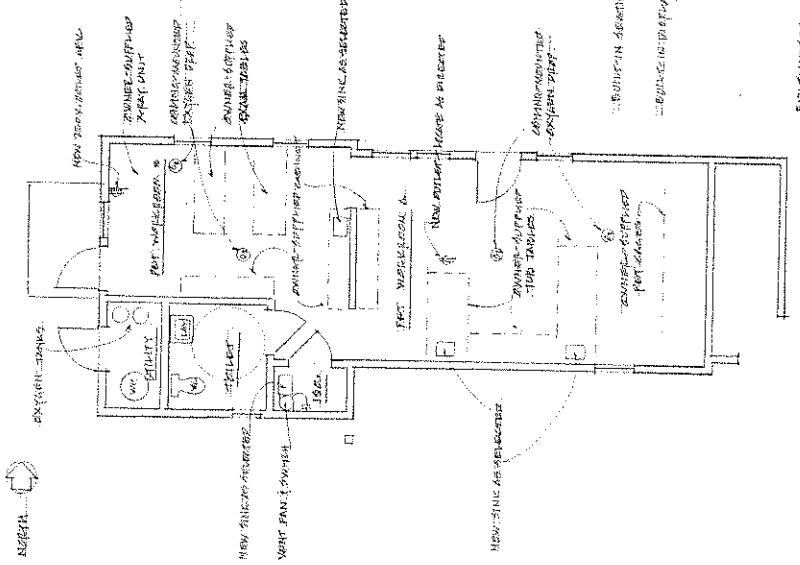
A handwritten signature in cursive script that reads "Jennifer Wernsing, DVM". The signature is written in dark ink and is positioned above the printed name.

Dr Jennifer Wernsing and all the staff of
Cottage Veterinary Care



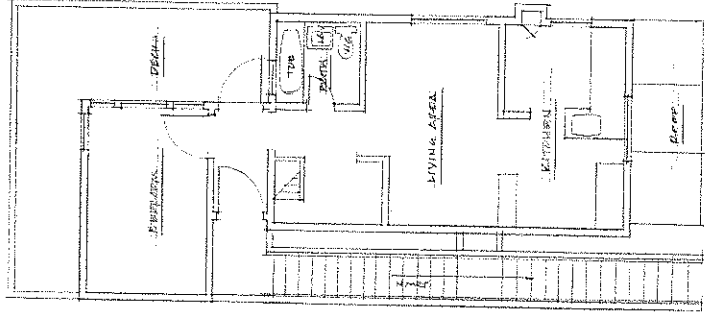
RENOVATED LOWER FLOOR
SCALE: 1/8"=1'-0"

NOTE: NEW FINISHES, OUTLETS, AND EX-TUBS ARE TO BE LOCATED AS DIRECTED
NEW FINISHES SHOWN HAVE BEEN TRIMS TO MEET MEASUREMENTS



RENOVATED MAIN FLOOR
SCALE: 1/8"=1'-0"

NOTE: NEW FINISHES, OUTLETS, AND EX-TUBS ARE TO BE LOCATED AS DIRECTED
NEW FINISHES SHOWN HAVE BEEN TRIMS TO MEET MEASUREMENTS



EXISTING UPPER FLOOR
SCALE: 1/8"=1'-0"

NOTE: NEW FINISHES, OUTLETS, AND EX-TUBS ARE TO BE LOCATED AS DIRECTED
NEW FINISHES SHOWN HAVE BEEN TRIMS TO MEET MEASUREMENTS

THE PLAN
RENOVATED FLOOR PLANS
EXISTING UPPER FLOOR (AS SHOWN)
NO CHANGES

RENOVATING COMMERCIAL FLOORS
175 W. STREET
PHOTO WORKING
KALIN
175 W. STREET
PHOTO WORKING
KALIN

175 W. STREET
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