

# **MASTER APPEAL FORM**

**WITH ATTACHMENTS**



## APPLICATIONS:

### APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

#### 1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission    ☐ City Planning Commission    ☐ City Council    ☐ Director of Planning

Regarding Case Number: ZA-2016-1587-CU

Project Address: 6344 Arizona Circle

Final Date to Appeal: 12/06/2016

Type of Appeal:    ☐ Appeal by Applicant/Owner  
                              ☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
                              ☐ Appeal from a determination made by the Department of Building and Safety

#### 2. APPELLANT INFORMATION

Appellant's name (print): Charles V. Salice

Company: CTK Ventures, LLC

Mailing Address: 6374 Arizona Circle

City: Los Angeles    State: CA    Zip: 90045

Telephone: (310) 956-3500    E-mail: nfps@me.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self    ☐ Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?    ☐ Yes    ☒ No

#### 3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jerold Neuman, Esq.

Company: Liner LLP

Mailing Address: 633 W. 5th St., Suite 3200

City: Los Angeles    State: CA    Zip: 90071

Telephone: (213) 694-3131    E-mail: jneuman@linerlaw.com



4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed?

☒ Entire

☐ Part

Are specific conditions of approval being appealed?

☐ Yes

☒ No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_

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

12/06/16

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - Appeal Application (form CP-7769)
  - Justification/Reason for Appeal
  - Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

December 6, 2016

**VIA HAND DELIVERY**

Esther Margulies, President  
West Los Angeles Area Planning Commission  
City of Los Angeles, Department of City Planning  
200 N. Spring Street  
City Hall, Room 532  
Los Angeles, CA 90012

**RE: 6344 Arizona Circle/Appeal of ZA-2016-1587-CU**

Dear President Margulies and Members of the West Los Angeles Area Planning Commission:

On behalf of Charles Salice, the owner of the 6368 Arizona Circle and 6374 Arizona Circle buildings, directly south of and abutting the proposed 24-hour dog and cat boarding facility ("Proposed Kennel"), Liner LLP ("Liner") appeals in full the Zoning Administrator's ("ZA") Determination dated November 21, 2016 in relation to the conditional use permit ("CUP") requested pursuant to ZA-2016-1587-CU and ENV-2016-1588-EAF (the "Entitlements").

We anticipate the submission of supplemental documentation, from both residential and commercial parties, in support of this appeal prior to the date of the West Los Angeles Area Planning Commission's ("Commission") scheduled hearing on this matter for the Commission's review.

**I. RELEVANT BACKGROUND**

**A. APPLICANT'S PROPOSED KENNEL**

SVI 6344 ARIZONA, LLC ("Applicant") is attempting to change the use of the building at 6344 Arizona Circle from creative office and warehouse/storage space into a 24-7 Kennel. The building directly abuts Mr. Salice's building occupied by the production studio CVLT LA, as described below.



The proposed Kennel is located in the center of the Campus and will house as many as 150 dogs and 20 cats at any given time. The Applicant plans to operate the kennel 24/7 permitting animal owners to come at all hours of the day and night for check-in/check-out services.

The proposed Kennel represents Applicant's first ever attempt to run a dog and cat hotel. Applicant lacks any experience whatsoever in operating a dog and cat hotel and has never demonstrated compliance with conditions of approval for such a use. Rather, Applicant is an investor in the following *human* hotels: Embassy Suites Los Angeles International Airport/North, Residence Inn by Marriott Los Angeles, LAX/Century Boulevard, Residence Inn by Marriott Beverly Hills, and Courtyard by Marriott Pueblo Downtown. With no experience in dealing with or mitigating impacts from the boarding of dogs and cats, Applicant is now attempting its first experiment by placing up to 170 animals in the center of the creative cluster of businesses at the Campus.

**B. MR. SALICE'S PROPERTY, AND THE ARIZONA CIRCLE CAMPUS AS A WHOLE, CONSTITUTE A UNIQUE COMMUNITY OF CREATIVE USES ENTIRELY INCOMPATIBLE WITH A KENNEL USE**

Mr. Salice owns two buildings located at 6368 Arizona Circle and 6374 Arizona Circle buildings, respectively occupied by production companies CVLT LA and Supply & Demand, Inc. His buildings are filled with creative directors, producers, photographers, set designers, stylists, editors, DAM managers and post-production technical experts, all of which engage in production and creative work. Mr. Salice is one of several commercial occupants and property owners at the Arizona Circle campus ("Campus") who collectively comprise a creative, cutting-edge, high-technology community. In what has become the essence of a start-up pocket in "Silicon Beach" nestled in West Los Angeles, a series of creative businesses have flocked to the location with their shared sensitivities to certain impacts (including noise) and an interest in maintaining an area suitable for their uses.

Mr. Salice's and other creative uses show the growth and evolution of the Campus and the unique character embodied by its occupants. No kennel currently exists in or near the Campus, and many of the

occupants and property owners were drawn to the location for that precise reason. A dog hotel would completely disrupt the existing businesses and cause many to relocate.

## **II. THE ZONING ADMINISTRATOR HAS ERRED AND ABUSED ITS DISCRETION**

### **A. THE ZA HAS FAILED TO PROVIDE A LEGALLY ADEQUATE WRITTEN JUSTIFICATION AND FINDINGS**

Certain developments are subject to the conditional use process under Los Angeles Municipal Code ("LAMC") Section 12.24 because the City of Los Angeles has determined that such uses of property should not be permitted by right in certain zones. In the M Zone, one such use is "Kennels or facilities for breeding and boarding of animals (no outside keeping of animals - no open runs) . . . . where any portion of the parcel is located within 500 feet of any residential zone." (LAMC Section 12.24-W.25.)

Under the LAMC, a decision-maker, in this instance the Zoning Administrator, is strictly prohibited from granting a conditional use permit for a Kennel without first making the following findings:

1. that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
2. *that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and*
3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

(LAMC Section 12.24-E, emphasis added.)

The plain meaning of the LAMC is that before a Kennel use can be approved in the M Zone, a decision-maker must determine that the proposed "location, . . . . operations and other signification features will be compatible with and not adversely affect or further degrade adjacent properties [or] the surrounding



neighborhood." (LAMC Section 12.24-E.) The clear language of the LAMC does not limit the compatibility analysis to residential concerns. Rather, such includes properties, commercial and residential alike, regardless of their use, based on their location and proximity to the proposed conditional use permit.

In error, the ZA has taken the stance that because the Kennel would be by-right if it were located outside of a 500 foot radius of residences, that the purpose of LAMC Section 12.24-E is confined to "protecting residential uses." (ZA Determination, P. 13.) Based on this misinterpretation, the ZA has not given proper weight to the long list of concerns expressed at the hearing and submitted via Petition submitted to the ZA on August 30, 2016 (attached hereto as Exhibit A.)

As explained above, the proposed Kennel directly abuts a building owned by Mr. Salice at 6368 Arizona Circle. The building is occupied by CVLT LA which engages in production and creative business. Among other concerns, CVLT LA is extremely concerned with the impact the Kennel would have on their business. Attached as Exhibit B are photographs depicting the Kennel with respect to CVLT LA as well as correspondence from CVLT LA's Managing Director, Steven Henry, which reads in part: "A dog kennel would render our space unusable and drive CVLT out of business." Since learning of the ZA Determination, Mr. Henry has conveyed following:

I realize that my business will not have a leg to stand on with regard to filing noise complaints even though the degree of disruption to our business could be devastating. Any noise from dogs barking will render the entire side of my studio worthless for any kind of post production. It is unimaginable that a director or client will put up with barking dogs in the middle of an edit or sound design.

- Steven Henry, November 28, 2016

These concerns are shared by fellow surrounding business owners and occupants as described in the Petition included as Exhibit A. Adjacent businesses are similarly concerned with noise, as well as the certainty that prior to being dropped off or picked up animals will litter the area with feces causing obnoxious odors and creating health issues as well as traffic, parking and storm water concerns. The

Kennel would completely disrupt the existing businesses and degrade adjacent properties. While Mr. Salice has experience himself in having an interest in a kennel in Long Island, New York, the proposed location of the Kennel in this instance is entirely inappropriate and is incompatible with the adjacent properties and surrounding neighborhood.

Moreover, even if the ZA were to maintain that only residential concerns were to be considered for purposes of LAMC Section 12.24-E, three separate petitions were submitted by residential opponents to the proposed Kennel. (attached as Exhibit C.) These concerns were voiced at the Hearing.

In view of the foregoing, the ZA abused its discretion by making the finding that the Kennel's location, size and operations will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**B. THE CONDITIONS OF APPROVAL IMPOSED BY THE ZA DO NOT MITIGATE THE HARM WHICH WILL OCCUR DUE TO THE OPERATION OF THE KENNEL**

Under LAMC Section 12.24-W, in approving the Kennel, the ZA may impose conditions related to the findings which must be made and are referenced above in this Appeal. Here, while certain conditions were imposed, based on the information provided by Applicant relating to the proposed Kennel and given the surrounding businesses it will not be possible for Applicant to properly manage noise and other impacts from incoming and outgoing dogs, nor can Applicant guarantee sound or sewage runoff escaping from the facility. Mitigation provided offers inadequate protection of means of monitoring impactful behavior by Applicant's proposed use. Excessive dog barking at all hours will be intolerable and will significantly affect the Campus' businesses, and will likely cause businesses to relocate.

**C. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") REQUIREMENTS FOR PUBLIC DISCLOSURE AND PROTECTION OF THE ENVIRONMENT HAVE BEEN SUBVERTED BY THE CITY'S APPROVAL DESPITE A LACK OF A VALID NOISE ANALYSIS OR MITIGATED NEGATIVE DECLARATION**

CEQA requires lead agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those significant environmental impacts. Through the CEQA



process, projects are required to incorporate feasible mitigation measures to ensure that the project does not impact the environment any more than necessary to achieve stated project objectives. Further, the California Supreme Court in *Friends of Mammoth v. Board of Supervisors* (1971) 8 Cal.3d 247, 259 and again in *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 274 emphasized that CEQA is "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Thus, this deference toward environmental protection applies to the environmental analysis and disclosure requirements of CEQA, and to the government at all levels, which is compelled to make decisions with the environmental consequences in mind.

Here, on June 24, 2016, the subject Kennel was issued a Notice of Exemption under ENV-2016-1588-CE based on a Noise Impact Study dated April 18, 2016 and an Addendum dated September 23, 2016 prepared by Mei Wu Acoustics to assess potential noise impacts from the Kennel.

This informal environmental information provided by Applicant was insufficient to obtain a Categorical Exemption from CEQA is inadequate and did not properly analyze many of the impacts this new "doggy hotel" concept might have on the Kennel's commercial neighbors, including Mr. Salice's adjoining building. Some impacts of particular concern include noise, animal waste, runoff, smells, increased traffic and parking. These and other impacts should be formally addressed through the Mitigated Negative Declaration process as has been required for other dog and cat boarding facilities. The fact that this Kennel utilizes new technology and offers unique services for pets not commonly observed elsewhere only further increases the need to properly study its potential impacts.

### III. CONCLUSION

For the reasons stated above, we respectfully request the Commission find that the ZA has erred in approving the proposed Kennel and deny Applicant's request to place a 24/7 Kennel at the center of a small community of businesses and residences that has become a quiet sanctuary for creative and productive uses.

West Los Angeles Area Planning Commission  
December 6, 2016  
Page 7

Respectfully,

LINER LLP

A handwritten signature in black ink, appearing to read 'MA' followed by a stylized 'Mi'.

Matt Nichols

Attachments

cc: Charles Salice



## EXHIBIT A

## Petition to Deny Conditional Use Permit at 6344 Arizona Circle

<b>Petition summary and background</b>	<p>We, the undersigned commercial occupants and property owners at Arizona Circle, urge you to deny the Conditional Use Permit ("CUP") requested in Case No. ZA-2016-1587-CU. As members of an established business community which fosters multiple creative and sensitive uses, we strongly believe the proposed kennel would be an inappropriate use of the land.</p> <p>Applicant, SVI 6344 ARIZONA, LLC, is requesting the CUP to operate a 24-hour kennel in the center of the business campus at Arizona Circle, which will house as many as 120 dogs and 20 cats at any given time. The Applicant plans to operate the kennel 24/7 permitting animal owners to come at all hours of the day and night for check-in/check-out services.</p> <p>As voiced at the Public Hearing, we are extremely concerned that the proposed kennel would disrupt or completely frustrate the existing uses and the creative dynamic within Arizona Circle for a variety of reasons.</p> <p>We believe the informal environmental information provided by the Applicant to obtain a Categorical Exemption from CEQA is inadequate and does not properly analyze many of the impacts this new "doggy hotel" concept might have on the project's commercial neighbors, one of which directly abuts the walls of the proposed kennel. Some impacts of particular concern include noise, animal waste, runoff, smells, increased traffic and parking. These and other impacts should be formally addressed through the Mitigated Negative Declaration process.</p> <p>We do not believe the developer will be able to properly manage noise and other impacts from incoming and outgoing dogs, nor can they guarantee sound or sewage runoff escaping from the facility. Excessive dog barking at all hours will be intolerable and will significantly affect our businesses, and may cause some businesses to relocate. No other business in Arizona Circle operates with a use even remotely similar to the proposed kennel, and in fact, many of us located here specifically for that reason.</p> <p>Additionally, proper notice was not provided to Applicant's commercial neighbors at Arizona Circle, leaving many of us unaware of the proposed kennel use and with little to no time to participate in the process leading up to the Public Hearing.</p> <p>For these reasons, and others expressed orally at the hearing and through written submission, we encourage you to deny the CUP requested in Case No. ZA-2016-1587-CU. Thank you for your consideration.</p>
<b>Action petitioned for</b>	<p>We, the undersigned, are commercial occupants and property owners at Arizona Circle and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.</p>



[illegible]

## **EXHIBIT B**



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045

Dear Matthew,

Included are images from CVLT Production located at 6368 Arizona Circle, Los Angeles CA 90045, directly south of the proposed kennel located at 6344 Arizona Circle.

As a Production Studio, our business is affected greatly by any sound, even below 5DB at all times of day and night.

A dog kennel would render our space unusable and drive CVLT out of business.

Sincerely,

Steven Henry  
CVLT LA  
Managing Director

CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



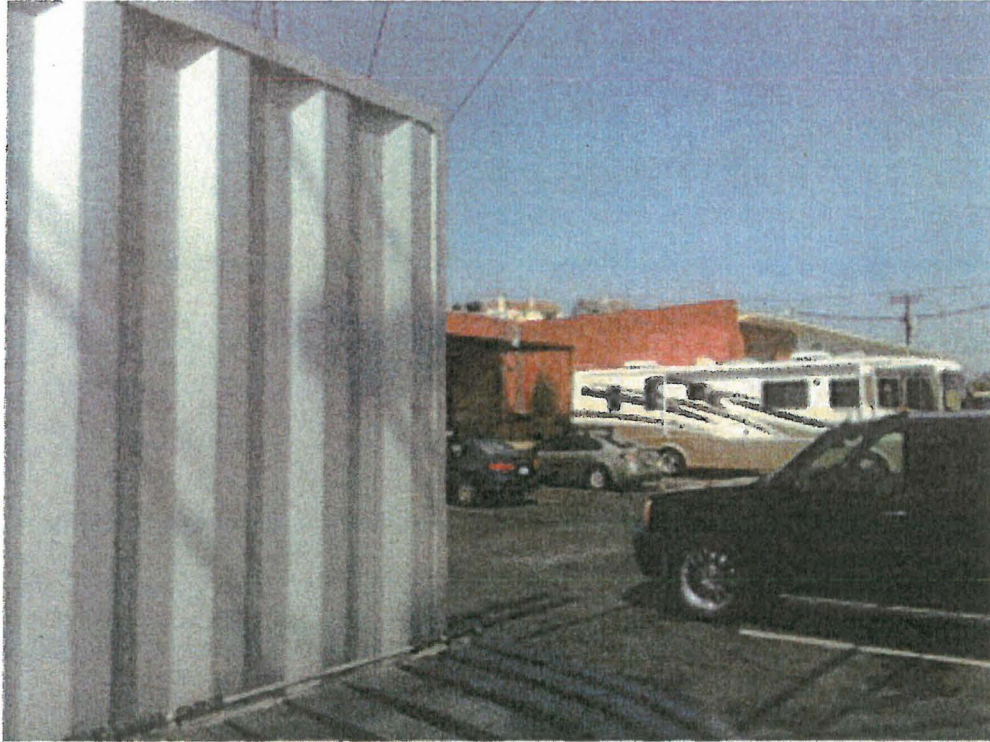
1. View of CVLT patio looking West



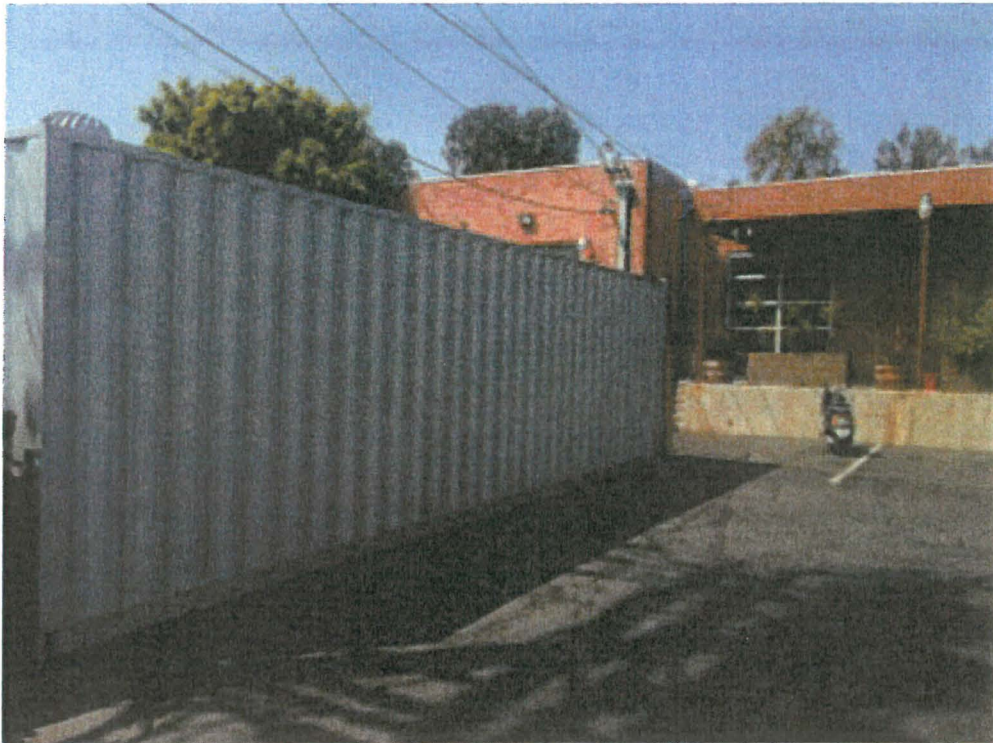
2. Star wagon/meeting room



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



3. Star wagon viewed from South. Note production container on immediate left



4. Production container South end of parking lot with overhead loading door looking West



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



5. Rear of proposed Boarding Kennel. Note that the entire second floor is glass. Also note the loading dock door.



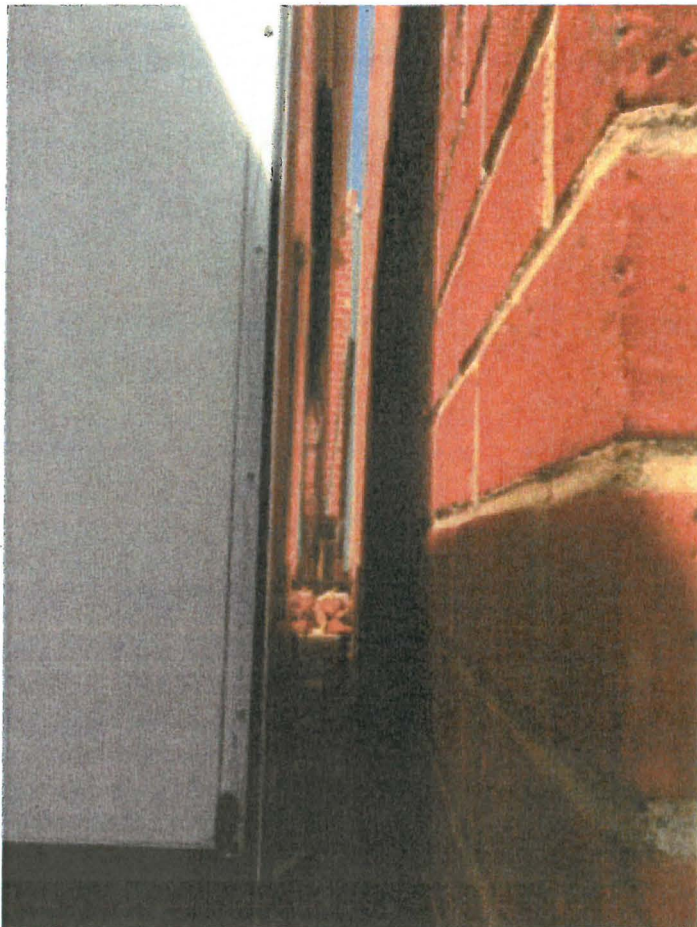
6. Star wagons proximity to Kennel. Please note how close the meeting room push-out is to the Kennel. There isn't any double brick wall here or any air space. Any barking dogs will render this useless. No ability to accommodate talent and clients will severely damage our business.



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



6.1 Note proximity of Kennel to Star Wagon



7. Space between Star Wagon and Single Brick Wall



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



8. Employee-Client Patio. This area is where we eat breakfast, lunch and dinner. Both employees and clients also work out here when we are shooting inside. This is one of the main features that caused us to lease this property. This is the view looking North and the wall at the end would be a single brick wall, not double and no air space. Barking dogs at any decibel would render this area useless.








9. View looking West from inside the Production Container

## EXHIBIT C



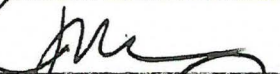


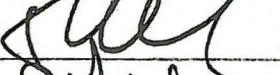
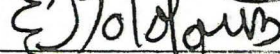
## Petition to Deny Conditional Use Permit at 6344 Arizona Circle

<b>Petition summary and background</b>	<p>We believe the developer of 6344 Arizona Circle has not acted in good faith, presented false facts about neighborhood outreach, presented biased sound studies, and used paid lobbyists to try to garner approval from the local city council.</p> <p>We believe the proposed kennel will have a negative psychological and physical impact on residents. Please see study at <a href="http://barkingdogs.net/exposure.shtml">http://barkingdogs.net/exposure.shtml</a> Excessive dog barking at all hours of the night will be intolerable.</p> <p>We do not believe the developer will be able to properly manage noise from incoming and outgoing dogs, nor can they guarantee sound escaping from the facility.</p> <p>We do not believe the developers sound study presents the facts about the way sound travels in and up the hillside. The fact is, this is a virtual amphitheater with a gradual slope where sound is corralled and funneled. The hill is not a "sound barrier". Residents can currently hear noises, including car horns from much farther away than the kennel that is only 500' away.</p> <p>No other business in Arizona Circle operates with any noticeable sound during the day (with the exception of the Time Warner truck's "backup horns" when they leave the property in the AM). There is currently no noise generated from Arizona Circle at night. The sound of dogs barking will dramatically change that.</p> <p>We believe the existence of "nuisance sound" will have a negative effect on property values.</p>
<b>Action petitioned for</b>	<p>We, the undersigned, are residents of Riggs Place and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.</p>

Printed Name	Signature	Address	Comment	Date
YOLANDA REED		6523 RIGGS PLACE	NO KENNEL	8/20/16
Mark Kitching		6930 Kentwood Ct	No kennel	8-20-16
Nancy Catullo		6921 Kentwood Ct	No Kennel	8-20-16
Bruce San Hoy		6517 RIGGS PL.	No KENNEL	8/21/16
Miyoko Fujiwara		6509 Riggs Pl.		8/21/16

## Petition to Deny Conditional Use Permit at 6344 Arizona Circle


<p><b>Petition summary and background</b></p>	<p>We believe the developer of 6344 Riggs place has not acted in good faith, presented false facts about neighborhood outreach, presented biased sound studies, and used paid lobbyists to try to garner approval from the local city council.</p> <p>We believe the proposed kennel will have a negative psychological and physical impact on residents. Please see study at <a href="http://barkingdogs.net/exposure.shtml">http://barkingdogs.net/exposure.shtml</a> Excessive dog barking at all hours of the night will be intolerable.</p> <p>We do not believe the developer will be able to properly manage noise from incoming and outgoing dogs, nor can they guarantee sound escaping from the facility.</p> <p>We do not believe the developers sound study presents the facts about the way sound travels in and up the hillside. The fact is, this is a virtual amphitheater with a gradual slope where sound is corralled and funneled. The hill is not a "sound barrier". Residents can currently hear noises, including car horns from much farther away than the kennel that is only 500' away.</p> <p>No other business in Arizona Circle operates with any noticeable sound during the day (with the exception of the Time Warner truck's "backup horns" when they leave the property in the AM). There is currently no noise generated from Arizona Circle at night. The sound of dogs barking will dramatically change that.</p> <p>We believe the existence of "nuisance sound" will have a negative effect on property values.</p>
<p><b>Action petitioned for</b></p>	<p>We, the undersigned, are residents of Riggs Place and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.</p>

Printed Name	Signature	Address	Comment	Date
John H. McDANIEL		6457 RIGGS PL.		8/19/16
Rick Greenwood		6443 RIGGS PL.		8/19/16
Bruce Terakka		6435 RIGGS PL.		8/19/16
Tom KREUER		6423 RIGGS PLACE		8/19/16
Olen Goldfarb		6415 Riggs Place		8/19/16



## Petition to Deny Conditional Use Permit at 6344 Arizona Circle

<b>Petition summary and background</b>	<p>We believe the developer of 6344 Arizona Circle has not acted in good faith, presented false facts about neighborhood outreach, presented biased sound studies, and used paid lobbyists to try to garner approval from the local city council.</p> <p>We believe the proposed kennel will have a negative psychological and physical impact on residents. Please see study at <a href="http://barkingdogs.net/exposure.shtml">http://barkingdogs.net/exposure.shtml</a> Excessive dog barking at all hours of the night will be intolerable.</p> <p>We do not believe the developer will be able to properly manage noise from incoming and outgoing dogs, nor can they guarantee sound escaping from the facility.</p> <p>We do not believe the developers sound study presents the facts about the way sound travels in and up the hillside. The fact is, this is a virtual amphitheater with a gradual slope where sound is corralled and funneled. The hill is not a "sound barrier". Residents can currently hear noises, including car horns from much farther away than the kennel that is only 500' away.</p> <p>No other business in Arizona Circle operates with any noticeable sound during the day (with the exception of the Time Warner truck's "backup horns" when they leave the property in the AM). There is currently no noise generated from Arizona Circle at night. The sound of dogs barking will dramatically change that.</p> <p>We believe the existence of "nuisance sound" will have a negative effect on property values.</p>
<b>Action petitioned for</b>	<p>We, the undersigned, are residents of Riggs Place and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.</p>

Printed Name	Signature	Address	Comment	Date
Roger Featherston		6449 Riggs Pl		8/22/16



# **DETERMINATION LETTER**

LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
THEODORE L. IRVING  
ALETA D. JAMES  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

DEPARTMENT OF  
CITY PLANNING

VINCENT P. BERTONI, AICP  
DIRECTOR  
(213) 978-1271

KEVIN J. KELLER, AICP  
DEPUTY DIRECTOR  
(213) 978-1272

LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

November 21, 2016

SVI 6344 Arizona, LLC (A)  
3334 East Coast Highway  
Corona del Mar, CA 92625

Arizona Circle, LLC(O)  
4110 Baldwin Avenue  
Culver City, CA 90232

Jonathan Lonner(R)  
Burns & Bouchard, Inc.  
9619 National Boulevard  
Los Angeles, CA 90034

CASE NO. ZA 2016-1587(CU)  
CONDITIONAL USE  
6344 Arizona Circle  
Westchester-Playa del Rey Los Angeles  
Planning Area

Zone : [Q]M1-1VL

D. M. : 105B165

C. D. : 11

CEQA : ENV-2016-1588-CE

Class 1, Category 1

Legal Description : Lot 22, TR 22262

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

a conditional use to allow dog and cat boarding in the [Q]M1-1VL Zone within 500 feet of a residential zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The boarding facility shall be subject to the following limitations:
  - a. Hours of operation are permitted 24-hours daily.
  - b. A maximum of 150 dogs and 20 cats shall be maintained on the premises (unless further restricted by the Department of Animal Services).
  - c. Activities in the play yard areas shall be limited from 7 a.m. to 10 p.m. No use of the play yards shall be permitted between 10 p.m. and 7 a.m.
  - d. Pick-up and drop-off of animals between 10 p.m. and 7 a.m. shall be limited to the rear entry of the facility. The front entrance shall not be used between 10 p.m. and 7 a.m.
  - e. All doors and windows shall remain closed during all hours of operation.
  - f. All dogs shall be on a leash when being dropped-off or picked up.
7. The facility shall obtain the required permit from the Los Angeles Department of Animal Services and shall comply with the City of Los Angeles Kennel Permit Standards and shall comply with all other applicable State and local health and safety standards and regulations for the operation of an animal boarding facility including licensing requirements.
8. The facility shall comply with applicable noise regulations.
9. No outdoor dog or cat runs or kennels are permitted and no animals shall be kept outdoors. Animals shall not be walked or exercised on adjacent streets.
10. No animal waste shall be disposed of on the exterior of the premises such as outdoor containers and no animal or food waste shall be stockpiled anywhere on the premises. All animal waste shall be collected in the interior of the building daily and shall be disposed into the sewer.
11. Plans submitted for plan check shall incorporate the acoustical mitigation measures (and shall be included as notes on the plans recommended by the Noise Impact Study dated April 18, 2016 prepared by Mei Wu Acoustics) which address the following:
  - a. The garage/roll up doors on the east and west façades shall be sealed/encapsulated in accordance with the alternative options recommended under Section 4.2.1 of the Noise Impact Study.



- b. All gaps/openings in the roof, building façade and glazing shall be fully sealed to avoid sound leaks. The roof shall be insulated as recommended under Section 4.4.4 of the Noise Impact Study with fiberglass insulation with an all-service-jacket (ASH) or comparable material as determined by Mei Wu Acoustics.
  - c. Existing roof vents and ventilators shall be closed and sealed to avoid leaks.
  - d. A new HVAC system shall be installed and appropriate attenuation measures shall be provided to mitigate sound transmission as determined and recommended by Mei Wu Associates.
  - e. Acoustical absorption shall be incorporated into the play yard areas to control reverberant noise in accordance with the recommendations contained in Section 4.2.2 of the Noise Impact Study.
  - f. The private dog rooms/suites shall be fully enclosed with a drop ceiling and glass door to provide additional sound attenuation.
12. At least one qualified staff person shall be on-site and responsible at all times, 24 hours per day, for supervising the behavior, health, and safety of dogs at the facility.
13. Parking shall be provided in accordance with the Los Angeles Municipal Code.
14. The operator shall encourage all patrons to use the off-street parking area for loading and unloading of animals.
15. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
16. Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
17. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the

approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.



For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

### **TRANSFERABILITY**

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

### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **December 6, 2016**, unless an appeal therefrom is filed with the **City Planning Department**. It is strongly advised that appeals be filed **early** during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning **on or before** the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>.** Public offices are located at:

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

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

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

**NOTICE**

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

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on August 17, 2016, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:



**BACKGROUND**

The property is a level corner lot totaling 15,142 square feet in area, with an approximate 127-foot frontage along the north side of Arizona Circle, a 45-foot frontage along the westerly side of Arizona Circle, and depth of 155 feet. The property is currently developed with a vacant one-story industrial building that is located within an industrial business complex.

Surrounding properties are within an industrial business complex and are zoned [Q]M1-1VL and are developed with one- to two-story industrial buildings. Properties to the north and northwest, 225 feet from the subject site, are zoned R1-1 and are improved with single-family homes. Between the residential uses and the project site, there is a large industrial building with a 190-foot deep lot and the 60-foot wide Arizona Circle.

Arizona Circle is a Local Street-Standard dedicated to a width of 60 feet, and is fully improved.

Arizona Avenue is a Local Street-Standard dedicated to a width of 60 feet, and is fully improved.

**Public Hearing**

The Zoning Administrator conducted a public hearing on August 17, 2016 in downtown Los Angeles City Hall. The hearing was attended by the applicant, by the applicant's representatives, Mr. Jonathan Lonner and Ms. Tina Choi, by a representative of the Westchester-Play del Rey Neighborhood Council, Ms. Cyndi Hensch, by several adjacent business owners and adjacent homeowners.

Mr. Lonner described the proposed project and the requested entitlement. Mr. Lonner stated that the applicant proposed to operate a 24-hour dog and cat boarding facility on the site. He noted that the property is zoned [Q]M1-1VL and that the Q condition on the site limits land uses to those permitted in the MR1 Zone. He stated that while the proposed use is generally allowed by-right within the MR1 Zone, because the property is located less than 500 feet from an R Zone, the proposed dog and cat boarding requires a Conditional Use. Mr. Lonner noted that properties west of the site and upslope on a bluff are zoned R1 and contain single-family residences.

Mr. Lonner stated that the boarding facility would be fully contained within the interior of the building and no activities would take place on the exterior of the building. He noted that an acoustical engineer was retained by the applicant to evaluate acoustic transmission from the proposed facility and he noted that based on the proximity between the building on the site and the adjoining building and based on the buildings' construction types, which consist of two rows of solid brick with a 4-inch air gap, the transmitted sound levels are expected to be approximately 15 dBA less than a typical office use.

Mr. Lonner indicated that the proposed change of use would only generate 8 net new trips and the trip generation associated with the proposed facility was below the threshold to require a traffic study.

Mr. Lonner noted that the facility would be a high end pet hotel with high standards and would be well maintained and would remain compatible with its neighbors. He noted that the facility is subject the issuance of permits by the Los Angeles Department of Animal Services and that the facility will comply with applicable standards and regulations of all state and local regulations that address health and safety requirements to ensure a sanitary environment.

He noted that the facility was designed to minimize any noise impacts on surrounding properties, specifically, the adjoining property to the south. He noted that the facility incorporates several interior exercise areas for various sizes of dogs and that no dogs would be walked or exercised outside the building. He also noted that the Dog Suites where dogs would be housed over-night and would not generate noise were located along the southerly wall adjacent to the neighboring property to the south by design to minimize potential noise impacts on the adjoining building.

Ms. Cyndi Hench testified in support of the request. She stated that the Neighborhood Council reviewed the applicant's request that the Council voted unanimously to support the request. She stated that the area surrounding the site is a community of pets and that this type of operator would be a huge asset to the community. She noted that the site's location in proximity to LAX was a good location and convenient to cater to travelers. She stated that the density surrounding the site merits the use.

Several adjacent commercial business tenants testified in opposition to the request including the adjoining business operator south of the subject site and other surrounding businesses. The surrounding businesses include high tech and production studios, including the taping of video shoots and various T.V. programs that are very sensitive to noise. The business owners expressed the following concerns at the hearing and in communications submitted subsequent to the hearing:

- Noise from dogs barking consistently would interfere with the operations of their business, especially production studios that are sensitive to noise.
- There is not adequate soundproofing proposed to muffle the sounds of barking dogs.
- Artists participating in TV and video productions need a quiet place to get centered before performing and the adjoining studio use south of the subject site has a patio used by artists for quiet time and for meals by staff that is located directly adjacent to the rear wall of the building on the subject site and the quiet enjoyment of the patio will be disrupted by the barking noise from dogs.
- A trailer/mobile home for use by talent/artists is located in the parking area of the adjoining property to the south directly adjacent to the south wall of the subject site and noise from barking dogs will disrupt artists preparing to work.
- There will be noise generated by barking dogs on the exterior of the building when dogs are dropped-off and picked up.



- The windows of the adjacent buildings need be open to allow ventilation which will allow noise from barking dogs to leak into the adjoining buildings and interrupt taping and recording activities in the adjoining studio.
- Even with windows closed, the production and taping is hyper-sensitive to noise and typical ambient noise activities on the street interrupt taping and production.
- The proposed use would therefore have a substantial impact on surrounding businesses.
- Concerns were also expressed about the exterior of the building being littered with dog waste creating obnoxious odors and health issues.
- The surrounding businesses have invested substantial sums of money on tenant improvements and equipment and the investment will be undermined by the proposed use and businesses will be forced to relocate.
- Due to the potential noise that will be generated by the proposed use, a Categorical Exemption is not the appropriate environmental clearance and additional noise and traffic analysis is required.

### CORRESPONDENCE

A letter dated May 17, 2016 was submitted by the Neighborhood Council of Westchester Playa indicating that the Council's Board of Directors voted unanimously to support the request. The letter noted that the proposed pet hotel would be an asset to the community and that the operator has a strong track record operating hotels in the area including the Residence Inn Los Angeles/LAX and the Embassy Suites.

A letter dated June 16, 2016 was submitted by the LAX Coastal Chamber of Commerce in support of the request. The letter indicated that the Chamber is familiar with the operator and that the operators are outstanding owners who maintain high-quality properties.

A letter dated August 30, 2016 was submitted by the Hollywood Media District BID. The letter noted that there are at least three doggie day care centers/pet hotels located in the Hollywood Media area in close proximity to noise-sensitive production facilities and studios and the letter notes that both industries have co-existed well and that the BID has not received any complaints regarding noise from the pet hotels.

Two petitions and several e-mail communications were submitted in opposition to the request. One petition was submitted by residents west of the site and another petition was submitted by some of the adjacent business owners. The issues and concerns highlighted by these e-mails and petitions have been summarized above.

### BASIS FOR CONDITIONAL USE PERMITS

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



**FINDINGS**

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

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject site is an irregular shaped corner parcel containing 15,142 square feet with an approximate 127-foot frontage along the north side of Arizona Circle and a 45-foot frontage along the westerly side of Arizona Circle with a depth of 155 feet. The property is zoned [Q]M1-1VL and is improved with a one-story building constructed in 1977 that contains approximately 9,800 square feet. The building was originally occupied by a printing business and was most recently occupied by a creative office use. Surrounding properties along Arizona Circle and Arizona Place are zoned [Q]M1-1VL and consist of light industrial and creative office uses including production studios.

The applicant is requesting a Conditional Use to allow a kennel within 500 feet of a residential zone. The proposed kennel will board up to 20 cats and 150 dogs and will operate 24 hours daily. The [Q] condition on the subject site limits uses to those permitted in the MR1 Zone. A kennel is permitted by right in the MR1 Zone, provided the site is located more than 500 feet from a residential zone. The subject site is located approximately 420 feet from R1 zoned lots to the west and is therefore subject to a Conditional Use.

The proposed boarding facility will be a state of the art, "high-end" facility. The project consists primarily of interior tenant improvements that will upgrade the existing building and retrofit the building for the proposed use. The facility is designed so that all activities will be fully enclosed within the building. No outdoor runs for animals are proposed or permitted. The facility is intended to provide an array of unique services for its canine and feline users. Core services of the facility will include grooming, indoor recreation and exercise areas as well as overnight short-term boarding.

Planned upgrades to the building include advanced sewer facilities to accommodate waste disposal by feline and canine users directly into the sewer. In accordance with the applicant's lease agreement, the floor of the facility will be sloped and sealed to allow proper draining and to prevent waste water from permeating or damaging the floor. The proposed play areas will utilize the latest indoor synthetic grass that allows water and cleaning solutions to flow beneath the synthetic grass to clean and rinse canine urine directly into the drain. The scope of the work also includes acoustical improvements to mitigate noise impacts on surrounding properties. No alterations are proposed to the exterior building façade other than new signage. Thus, the scope of improvements will have no effect on the built environment.



In addition to day care and overnight short-term boarding services, the facility will offer grooming services and accessory retail services. The site's proximity to adjacent residential neighborhoods and to LAX is convenient to local residents, business workers, and travelers desiring day-care or overnight short-term care for their dogs and cats. As such, the proposed canine and feline boarding facility will provide a service that is beneficial to the community and region given the facility's proximity to residential uses, businesses and LAX.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

As stated, the subject site is an irregular shaped corner parcel containing 15,142 square feet with approximately 127 feet of frontage along the south side of Arizona Circle and approximately 45 feet of frontage along the east side of Arizona Circle with approximately 120 feet of frontage along a 20-foot alley on the east side of the site. The applicant requests a Conditional Use to allow a kennel within 500 feet of a residential zone. The proposed kennel will board up to 20 cats and 150 dogs and will operate 24 hours daily. The property is zoned [Q]M1-1VL and the [Q] condition on the subject site limits uses to those permitted in the MR1 Zone. A kennel is permitted by right in the MR1 Zone, provided the site is located more than 500 feet from a residential zone. The subject site is located approximately 420 feet from R1 zoned lots to the west and is therefore subject to a Conditional Use

The subject site is improved with a one-story building constructed in 1977 that contains approximately 9,800 square feet. The building was originally occupied by a printing business and was most recently occupied by a creative office use.

Surrounding properties along Arizona Circle and Arizona Place are zoned [Q]M1-1VL and consist of creative office and high tech uses and light industrial uses such as a uniform and equipment service, an aerospace/medical support use and Time Warner Cable. The adjoining property to the south is improved with a one-story building occupied by a creative office use (production and editing studio) that is constructed to the northerly property line and is separated from the building on the subject site by approximately 4-inches. Properties across the alley, east of the site, appear to be general office uses and properties to the west and northwest across Arizona Circle are improved with light industrial uses. Additional high tech/creative office uses are located northeast of the site and south west of the site across Arizona Circle between 70 and 120 feet from the subject site. Properties further west are on a bluff located upslope from Arizona Circle and are zoned R1 and contain single-family uses that have their frontage on Riggs Place and Kentwood Court to the west.



Concerns were raised at the public hearing and in communications received prior to and subsequent to the hearing concerning potential noise and traffic impacts generated by the proposed boarding facility. Prior to the hearing, a petition opposing the request was submitted by surrounding commercial business owners and a separate petition opposing the request signed by residents along Riggs Place and Kentwood Court was also submitted. The business owners' petition expressed concerns regarding noise, animal waste, run-off, odors and increased traffic and parking problems. It was noted that the surrounding businesses are creative uses that are very sensitive to noise and that excessive noise from dogs barking 24-hours a day from inside the facility and outside the facility while dogs are being picked-up and dropped-off or while dogs are being walked would severely impact and interfere with the surrounding businesses' ability to operate.

At the hearing, it was stated that recording or production activity is frequently interrupted by typical ambient noises such as noise from beeping trucks and that a kennel would constantly expose these sensitive businesses to noise from barking dogs around the clock which would have a significant adverse impact on these businesses. It was noted that unlike traditional offices, the creative office uses operate beyond typical 9 to 5 office schedules and have late night and early morning hours. It was noted that inevitably, patrons and/or staff of the boarding facility would walk their dogs in the area, which would generate noise outside the facility from dogs barking and that dogs would relieve themselves and leave their waste on the sidewalks creating health and sanitation issues. Concerns were raised that washing of animal waste inside the facility would also cause health and odor problems from potential runoff which would jeopardize public health.

Concerns were also raised that there is inadequate on-site parking to serve the facility and that traffic on Arizona Circle is already excessive. For all of the above reasons, it was stated that the proposed facility is not well suited to the neighborhood which consists of creative and high tech businesses that have invested substantial resources into their businesses and may be forced to relocate.

The petition submitted by the residents stated that the proposed kennel would have a psychological and physical impact on residents from excessive dog barking at all hours of the night which would be intolerable. The petition questioned whether the operator would be able to manage noise from incoming and outgoing dogs and guarantee that sound would not escape from the facility. The petition also questioned whether the noise study considered how noise travels up the hill and noted that the topography creates an amphitheater affect and that noises can currently be heard from further distances than the kennel including car horns. The neighborhood is quiet at night and the sound from dogs barking will change this dramatically.

The Zoning Administrator has considered the site's location, its proximity to surrounding residential uses, the land use pattern surrounding the site and the scope of operations within the proposed kennel, and has reviewed the Noise Study submitted with the application and finds that as conditioned, the facility's operations should not have a significant adverse impact on surrounding properties



or uses. Based on a review of the noise study, the surrounding residential uses and adjacent commercial uses are not expected to be negatively affected by the proposed facility. The Zoning Administrator recognizes the sensitivity of some of the adjacent creative office uses, particularly the adjoining commercial use south of the site.

However, but for the site's location approximately 400 feet from R1 Zoned lots to the west, the facility could otherwise be established by-right without consideration for surrounding businesses in the M1 Zone and without the benefit of any operational conditions or mitigation measures. Specifically, Section 12.17.5-B,4,0 of the L.A.M.C. allows veterinary, dog and cat hospitals, and kennels by-right in the MR1 Zone. However, outside keeping of animals or open runs on the exterior of the premises in connection with these facilities is expressly prohibited. In order to protect residential uses from the potential impacts associated with this type of facility, a conditional use is required when any portion of the parcel where a kennel is located is within 500 feet of a residential zone. For reference, the MR1 Zone permits a range of manufacturing, assembly, packaging, printing and similar uses by-right that have the potential to generate operational noise from equipment or processes that may be audible beyond the project site.

A review of the plans shows that the entire facility and all activities will be fully enclosed. The building's main entrance is on the north elevation facing Arizona Circle and a second entrance is provided on the building's east elevation facing the adjoining alley. Section 53.63 of the L.A.M.C. regulates excessive noise from barking dogs and defines the term "**excessive noise**" as "*....noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. The noise must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period.*" However, the provisions of this section do not apply to any commercial animal establishment permitted by zoning law where located.

Under the City's Noise Element and the City's adopted CEQA Guidelines, a project would normally have a significant impact on noise levels from project operations if the project causes the ambient noise level measured at the property line of affected uses to increase by 3 dBA in CNEL (Community Noise Equivalent Level) or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase.

The applicant submitted a Noise Impact Study dated April 18, 2016 and an Addendum dated September 23, 2016 prepared by Mei Wu Acoustics to assess potential noise impacts from barking dogs on the adjacent residential uses west of the site and on the adjoining creative office use immediately adjoining the site. The Noise Study measured existing average ambient noise levels at the residential neighborhood located approximately 100 feet above and over 400 feet west of the subject site and calculated noise impacts to residential properties due to dogs barking while entering/exiting the building and due to dogs barking in the play



areas, which may be transmitted through the building façade or roof. According to the noise study, existing ambient noise levels were measured at the intersection of Riggs Place and Kentwood Avenue (which is an undeveloped section at the edge of the bluff with approximate sight lines toward the project site). The measured CNEL based upon 24-hour measurements was approximately 66 dBA CNEL which exceeds the General Plan Noise Element's conditionally acceptable level for residential use. According to the noise study, contributing noise sources include traffic on the local roads and distant traffic from the 405-freeway and other neighborhood activities such as lawnmowers, occasional aircraft flyovers etc. and the elevated sound levels are likely attributable to the bluff's exposure to the 405 Freeway and the existing industrial uses below the bluff.

During average daytime hours, the transmitted sound level from two barking dogs at the front entrance of the building would be below the 66 dBA ambient noise level measured at the adjacent residential neighborhood and is not anticipated to be audible at the residential neighborhood. Barking noise would be faintly audible at the exterior of residential properties at most when using the front entrance and not at all when using the entrance from the alley.

The study also estimated the sound levels generated from the interior of the subject building to be approximately 95dBA within the play areas, assuming all 150 dogs were barking simultaneously. Based on existing average ambient noise levels within the residential neighborhood, both during the day and at night, the noise generated by barking dogs would remain below ambient levels and would have no measurable impacts on the adjacent residential neighborhood. The study assumes specific sound attenuation measures are incorporated into the facility which have been incorporated as conditions of the grant to ensure that noise levels remain consistent with the noise study's analysis.

According to the noise study, the loudest barking noise is anticipated to take place within the play areas during the hours between 7 a.m. and 10 p.m. Dogs will be placed in their private suites between 10 p.m. and 7 a.m. and less barking is expected to occur when dogs are in their suites. A row of suites will be located along the south elevation directly adjoining the creative office use to the south. According to the noise study, the demising assembly between the project site and neighboring building consists of two rows of solid brick with a four-inch air gap. Assuming dog barking pressure level at the southerly wall is 95dBA, the transmitted sound level to the adjoining property is estimated to be a maximum of 27 dBA, which according to the study, is 15 dBA below a private office ambient sound level which is typically 35 dBA or 45 to 49 dBA for a typical open office environment.

Condition No. 11 of the grant requires that the facility incorporate the sound attenuation measures recommended by the noise study that include sealing all gaps/openings in the roof, building façade and glazing to avoid sound leaks, installation of a new HVAC system with sound attenuation measures, acoustical absorption must be incorporated into the play yard areas to control reverberant noise and the private dog rooms/suites must be fully enclosed with a drop ceiling



and glass door to provide additional sound attenuation. Condition No. 6 prohibits any exterior use of the facility (which is prohibited by the zoning ordinance), limits capacity as proposed to a maximum of 150 dogs and 20 cats, limits activity in the play yard areas from 7 a.m. to 10 p.m., requires that pick-up and drop-off of animals between 10 p.m. and 7 a.m. be limited to the rear entry of the facility and requires that all doors and windows remain closed during all hours of operation. Finally, dogs are required to be on a leash when being dropped-off or picked up to prevent dogs from getting loose in the exterior of the premises. In the event barking noise results in a violation of the City's Noise Ordinance, surrounding residents or business owners would have a remedy available via City enforcement protocols.

With respect to traffic, the Department of Transportation reviewed the trip generation associated with the proposed change of use and determined that the project's trip generation does not exceed a threshold which warrants a technical memorandum or a traffic study. To ensure an accurate estimate, the Department of Transportation did not rely on empirical evidence submitted by the applicant but instead drew from prior existing similar projects within West Los Angeles. According to the Department of Transportation, the project is estimated to generate a net increase of 186 daily trips, a net increase of 20 a.m. peak hour trips and a net increase of 18 p.m. peak hour trips (based on trip rate requirements of the Coastal Transportation Corridor Specific Plan and formulas published by the Institute of Transportation Engineers).

Arizona Circle and Arizona Place function as one continuous circular street that forms a horseshoe at its intersections with Arizona Avenue to the east. The residential streets to the west would not be impacted by traffic to and from the project site as there is no access between the residential streets to the west and the subject site and Arizona Circle or Arizona Place. Pick-up and drop-off of dogs and cats will be limited from 7 a.m. to 10 p.m. and is anticipated to be staggered throughout these hours.

With respect to concerns regarding health and sanitation issues, the boarding facility is regulated by the Department of Animal Services and Condition No. 7 of the grant requires the facility to obtain the required permit/license from the Department of Animal Services and the facility is subject to the Kennel requirements of LAMC Section 53.50 (also known as the City of Los Angeles Kennel Permit Standards which sets forth 30 standards applicable to the operation of a kennel). These standards are enforced by the Department of Animal Service and address health, safety, sanitation and maintenance issues. For example, Standard Number 19 requires the removal of animal and food wastes, used bedding, debris, and other organic wastes from primary enclosures at least twice daily to prevent contamination of animals and to reduce disease hazards and odors. Standard Number 20 requires a waste disposal plan to be approved by the Department of Animal Services that provides for regular and frequent collection, removal and disposal of excreta and food wastes, soiled bedding, debris, garbage, water, other fluids and wastes in a manner that minimizes environmental contamination and disease risks and prohibits the stockpiling of waste on the premises.



In this case, proposed upgrades to the building include advanced sewer facilities to accommodate waste disposal by feline and canine users directly into the sewer. In accordance with the applicant's lease agreement, the floor of the facility will be sloped and sealed to allow proper draining and to prevent waste water from permeating or damaging the floor. The proposed play areas will utilize the latest indoor synthetic grass that allows water and cleaning solutions to flow beneath the synthetic grass to clean and rinse canine urine directly into the drain.

Thus, the conditions of approval assure the compatible use of the site with the proximal residential area. Condition No. 2 requires project use, development and site configuration to be consistent with the approved project plans reviewed by the Zoning Administrator and included in the case file. Other conditions limit the number of animals allowed overnight and length of stay. Potential interaction between dogs and the public environs is anticipated to be minimal. The dogs will be housed and exercised indoors and there will be no outdoor kennels or dog runs. In view of all of the foregoing, as conditioned, the facility's location, size and operations are not anticipated to adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Westchester-Playa del Rey Community Plan Map designates the property for Limited Industrial land uses with corresponding zones CM, M1, and MR1 and Height District No. 1. The property is not currently within the area of any specific plans or interim control ordinances. The Q Conditions restrict uses at the site to those allowed in the MR1 Zone and the conditions prohibit pole signs, roof signs, billboards, and unscreened rooftop equipment. The proposed project complies with the Q Conditions of the underlying zoning.

The Community Plan goals and objectives seek to encourage appropriate uses within the existing environs and to preserve and protect the existing residential uses in the area. The use of the building as an indoor dog and cat kennel has been determined to be compatible with the neighborhood. As conditioned, the facility will be operated with consideration of the adjacent residents, fulfills a desired service, and is compatible with the neighborhood in both appearance and use. As such, the facility is consistent with the goals and objectives of the Community Plan and thereby consistent with the General Plan and its elements.

**ADDITIONAL MANDATORY FINDINGS**

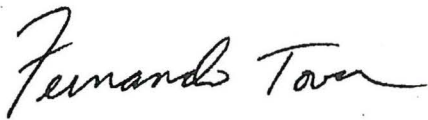
**4. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.**



5. On June 24, 2016, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2016-1588-CE, for a Categorical Exemption, Class 1, Category 1. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter should be directed to Heather Bleemers, Planning Staff for the Office of Zoning Administration.

Heather Bleemers  
City Planner  
(213) 978-0092



FERNANDO TOVAR  
Associate Zoning Administrator

FT:HB

cc: Councilmember Mike Bonin  
Eleventh District  
Adjoining Property Owners  
Interested Parties

# **MASTER LAND USE APPLICATION**



APPLICATIONS:

## DEPARTMENT OF CITY PLANNING APPLICATION

THIS BOX FOR CITY PLANNING STAFF USE ONLY

Case Number

Env. Case Number

Application Type

Case Filed With (Print Name)

Date Filed

Application includes letter requesting:

☐ Waived hearing☐ Concurrent hearing☐ Hearing not be scheduled on a specific date (e.g. vacation hold)

Related Case Number

**Provide all information requested. Missing, incomplete or inconsistent information will cause delays.***All terms in this document are applicable to the singular as well as the plural forms of such terms.*

## 1. PROJECT LOCATION

Street Address<sup>1</sup> 6344 W. ARIZONA CIRCLE, L.A. CA 90045 Unit/Space NumberLegal Description<sup>2</sup> (Lot, Block, Tract) TR 22262, LOT 22

Assessor Parcel Number 4110-014-008 Total Lot Area 15,142 SF

## 2. PROJECT DESCRIPTION

Present Use CREATIVE OFFICE

Proposed Use 24-HOUR KENNEL

Project Name (if applicable) SEAVIEW PET HOTEL AND RESORT

Describe in detail the characteristics, scope and/or operation of the proposed project

24-HOUR KENNEL IN THE "M" ZONE WHERE A PORTION OF THE PARCEL IS WITHIN 500-FEET OF A RESIDENTIAL ZONE

(NO OUTSIDE KEEPING OF ANIMALS - NO OPEN RUNS)

Additional information attached ☐ YES ☒ NO

Complete and check all that apply:

**Existing Site Conditions**☐ Site is undeveloped or unimproved (i.e. vacant)☒ Site has existing buildings (provide copies of building permits)☐ Site is/was developed with use that could release hazardous materials on soil and/or groundwater (e.g. dry cleaning, gas station, auto repair, industrial)☐ Site is located within 500 feet of a freeway or railroad☐ Site is located within 500 feet of a sensitive use (e.g. school, park)☐ Site has special designation (e.g. National Historic Register, Survey LA)<sup>1</sup> Street Addresses must include all addresses on the subject/application site (as identified in ZIMAS—<http://zimas.lacity.org>)<sup>2</sup> Legal Description must include all contiguously owned properties (even if they are not a part of the proposed project site)

### **Proposed Project Information**

- ☐ Demolition of existing buildings/structures
- ☐ Relocation of existing buildings/structures
- ☒ Interior tenant improvement
- ☐ Additions to existing buildings
- ☐ Grading
- ☐ Removal of any on-site tree
- ☐ Removal of any street tree

- ☐ New construction: \_\_\_\_\_ square feet
- ☐ Accessory use (fence, sign, wireless, carport, etc.)
- ☐ Exterior renovation or alteration
- ☒ Change of use and/or hours of operation
- ☐ Haul Route
- ☐ Uses or structures in public right-of-way
- ☐ Phased project

### **Housing Component Information**

Number of Residential Units: Existing 0 – Demolish(ed)<sup>3</sup> 0 + Adding 0 = Total 0

Number of Affordable Units<sup>4</sup> Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0

Number of Market Rate Units Existing 0 – Demolish(ed) 0 + Adding 0 = Total 0

Mixed Use Projects, Amount of Non-Residential Floor Area: N/A square feet

### **3. ACTION(S) REQUESTED**

Provide the Los Angeles Municipal Code (LAMC) Section that authorizes the request and (if applicable) the LAMC Section or the Specific Plan/Overlay Section from which relief is sought; follow with a description of the requested action.

Does the project include Multiple Approval Requests per LAMC 12.36? ☐ YES ☒ NO

Authorizing section LAMC 12.24 W 25 Section from which relief is requested (if any): \_\_\_\_\_

Request: REQUEST IS FOR A 24-HOUR KENNEL IN THE "M" ZONE WHERE A PORTION OF THE PARCEL IS WITHIN 500-FEET OF A RESIDENTIAL ZONE (NO OUTSIDE KEEPING OF ANIMALS – NO OPEN RUNS)

Authorizing section \_\_\_\_\_ Section from which relief is requested (if any): \_\_\_\_\_

Request: \_\_\_\_\_

Authorizing section \_\_\_\_\_ Section from which relief is requested (if any): \_\_\_\_\_

Request: \_\_\_\_\_

<sup>3</sup> Number of units to be demolished and/or which have been demolished within the last five (5) years.

<sup>4</sup> As determined by the Housing and Community Investment Department



Additional Requests Attached

☐ YES

☒ NO

**4. RELATED DEPARTMENT OF CITY PLANNING CASES**

Are there previous or pending cases/decisions/environmental clearances on the project site? ☒ YES ☐ NO

If YES, list all case number(s) ORDINANCE 175,981

If the application/project is directly related to one of the above cases, list the pertinent case numbers below and complete/check all that apply (provide copy).

Case No. \_\_\_\_\_

Ordinance No.: 175,981

☐ Condition compliance review

☒ Clarification of Q (Qualified) classification

☐ Modification of conditions

☐ Clarification of D (Development Limitations) classification

☐ Revision of approved plans

☐ Amendment to T (Tentative) classification

☐ Renewal of entitlement

☐ Plan Approval subsequent to Master Conditional Use

For purposes of environmental (CEQA) analysis, is there intent to develop a larger project? ☐ YES ☒ NO

Have you filed, or is there intent to file, a Subdivision with this project? ☐ YES ☒ NO

If YES, to either of the above, describe the other parts of the projects or the larger project below, whether or not currently filed with the City:

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**5. OTHER AGENCY REFERRALS/REFERENCE**

To help assigned staff coordinate with other Departments that may have a role in the proposed project, please check all that apply and provide reference number if known.

Are there any outstanding Orders to Comply/citations at this property? ☐ YES (provide copy) ☒ NO

Are there any recorded Covenants, affidavits or easements on this property? ☐ YES (provide copy) ☒ NO

☐ Development Services Case Management Number \_\_\_\_\_

☐ Building and Safety Plan Check Number \_\_\_\_\_

☐ Bureau of Engineering Planning Referral (PCRF) \_\_\_\_\_

☐ Bureau of Engineering Hillside Referral \_\_\_\_\_

☐ Housing and Community Investment Department Application Number \_\_\_\_\_

☐ Bureau of Engineering Revocable Permit Number \_\_\_\_\_

☐ Other—specify \_\_\_\_\_

**6. PROJECT TEAM INFORMATION** (Complete all applicable fields)

**Applicant<sup>5</sup> name** \_\_\_\_\_  
**Company/Firm** \_\_\_\_\_ SVI 6344 Arizona, LLC  
**Address:** \_\_\_\_\_ 3334 East Coast Highway \_\_\_\_\_ **Unit/Space Number** #410  
**City** \_\_\_\_\_ Corona Del Mar \_\_\_\_\_ **State** \_\_\_\_\_ CA \_\_\_\_\_ **Zip Code:** \_\_\_\_\_ 92625  
**Telephone** \_\_\_\_\_ 310-802-4261 \_\_\_\_\_ **E-mail:** \_\_\_\_\_  
**Are you in escrow to purchase the subject property?** ☐ YES ☒ NO

**Property Owner of Record** ☐ Same as applicant ☒ Different from applicant  
**Name (if different from applicant)** \_\_\_\_\_ Arizona Circle, LLC  
**Address** \_\_\_\_\_ 4110 Baldwin Avenue \_\_\_\_\_ **Unit/Space Number** \_\_\_\_\_  
**City** \_\_\_\_\_ Culver City \_\_\_\_\_ **State** \_\_\_\_\_ CA \_\_\_\_\_ **Zip Code:** \_\_\_\_\_ 90232  
**Telephone** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Agent/Representative name** \_\_\_\_\_ Jonathan Lonner  
**Company/Firm** \_\_\_\_\_ Burns & Bouchard, Inc.  
**Address:** \_\_\_\_\_ 9619 National Blvd. \_\_\_\_\_ **Unit/Space Number** \_\_\_\_\_  
**City** \_\_\_\_\_ Los Angeles \_\_\_\_\_ **State** \_\_\_\_\_ CA \_\_\_\_\_ **Zip:** \_\_\_\_\_ 90034  
**Telephone** \_\_\_\_\_ (310) 802-4261 \_\_\_\_\_ **E-mail:** \_\_\_\_\_ jlonner@burnsbouchard.com

**Other** (Specify Architect, Engineer, CEQA Consultant etc.) \_\_\_\_\_  
**Name** \_\_\_\_\_  
**Company/Firm** \_\_\_\_\_  
**Address:** \_\_\_\_\_ **Unit/Space Number** \_\_\_\_\_  
**City** \_\_\_\_\_ **State** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_  
**Telephone** \_\_\_\_\_ **E-mail:** \_\_\_\_\_

**Primary Contact for Project Information** (select only one) ☐ Owner ☐ Applicant  
☒ Agent/Representative ☐ Other \_\_\_\_\_

To ensure notification of any public hearing as well as decisions on the project, make sure to include an individual mailing label for each member of the project team in both the Property Owners List, and the Abutting Property Owners List.

<sup>5</sup> An applicant is a person with a lasting interest in the completed project such as the property owner or a lessee/user of a project. An applicant is not someone filing the case on behalf of a client (i.e. usually not the agent/representative).



**PROPERTY OWNER**

9. **PROPERTY OWNER AFFIDAVIT.** Before the application can be accepted, the owner of each property involved must provide a notarized signature to verify the application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25% interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the application form may be provided if the property is owned by a partnership, corporation, LLC or trust or in rare circumstances when an individual property owner is unable to sign the application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized the file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items A-D below. In the case of partnerships, corporations, LLCs or trusts the LOA must be signed and notarized by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide a Copy of the Grant Deed If the ownership of the property does not match City Records and/or if the application is for a Coastal Development Permit. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g. John and Jane Doe or Mary Smith and Mark Jones) notarized signatures are required of all owners.

- A. I hereby certify that I am the owner of record of the herein previously described property located in the City of Los Angeles which is involved in this application or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC or trust as evidenced by the documents attached hereto.
- B. I hereby consent to the filing of this application on my property for processing by the Department of City Planning.
- C. I understand if the application is approved, as a part of the process the City will apply conditions of approval which may be my responsibility to satisfy including, but not limited to, recording the decision and all conditions in the County Deed Records for the property.
- D. By my signature below, I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

*Property Owner's signatures must be signed/notarized in the presence of a Notary Public.  
The City requires an original signature from the property owner with the "wet" notary stamp.  
A Notary Acknowledgement is available for your convenience on following page.*

Signature \_\_\_\_\_

Date 8-21-16

Print Name ANTHONY SCOTT BARDIN

Signature \_\_\_\_\_

Date \_\_\_\_\_

Print Name \_\_\_\_\_

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Los Angeles

On April 21, 2016 before me, YVETTE GOMEZ, Notary Public  
(Insert Name of Notary Public and Title)

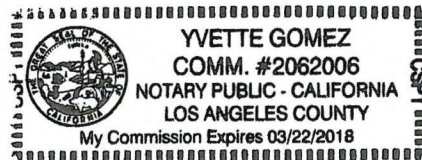
personally appeared ANTHONY SCOTT BARDIN, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]  
Signature

(Seal)





**10. APPLICANT DECLARATION.** A separate signature from the applicant, whether they are the property owner or not, attesting to the following, is required before the application can be accepted.

- A. I hereby certify that the information provided in this application, including plans and other attachments, is accurate and correct to the best of my knowledge. Furthermore, should the stated information be found false or insufficient to fulfill the requirements of the Department of City Planning, I agree to revise the information as appropriate.
- B. I hereby certify that I have fully informed the City of the nature of the project for purposes of the California Environmental Quality Act (CEQA) and have not submitted this application with the intention of segmenting a larger project in violation of CEQA. I understand that should the City determine that the project is part of a larger project for purposes of CEQA, the City may revoke any approvals and/or stay any subsequent entitlements or permits (including certificates of occupancy) until a full and complete CEQA analysis is reviewed and appropriate CEQA clearance is adopted or certified.
- C. I understand that the environmental review associated with this application is preliminary, and that after further evaluation, additional reports, studies, applications and/or fees may be required. Additionally, I understand that this application will not be considered complete until the required environmental review is concluded.
- D. I understand and agree that any report, study, map or other information submitted to the City in furtherance of this application will be treated by the City as public records which may be reviewed by any person and if requested, that a copy will be provided by the City to any person upon the payment of its direct costs of duplication.
- E. I understand that the burden of proof to substantiate the request is the responsibility of the applicant. Additionally, I understand that planning staff are not permitted to assist the applicant or opponents of the project in preparing arguments for or against a request.
- F. I understand that there is no guarantee, expressed or implied, that any permit or application will be granted. I understand that each matter must be carefully evaluated and that the resulting recommendation or decision may be contrary to a position taken or implied in any preliminary discussions.
- G. I understand that if this application is denied, there is no refund of fees paid.
- H. I understand and agree to defend, indemnify, and hold harmless, the City, its officers, agents, employees, and volunteers (collectively "City"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution (collectively "actions"), arising out of any City process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the City for any and all costs incurred in defense of such actions. This includes, but is not limited to, the payment of all court costs and attorneys' fees, all judgments or awards, damages, and settlement costs. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to any other indemnification language agreed to by the applicant.
- I. By my signature below, I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for denial or subsequent revocation of license or permit.

*The City requires an original signature from the applicant. The applicant's signature below does not need to be notarized.*

Signature: \_\_\_\_\_

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

Print Name: \_\_\_\_\_

Space Below For Notary's Use

California All-Purpose Acknowledgement

Civil Code ' 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

On May 5, 2014 before me, Susan W. Manrow, Notary Public  
(Insert Name of Notary Public and Title)

personally appeared Robert Alter, who  
proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that  
by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf on which the person(s) acted,  
executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and  
correct.

WITNESS my hand and official seal.

Susan W. Manrow (Seal)  
Signature





**CONDITIONAL USE PERMIT [LAMC Section 12.24 W.25]**  
**KENNEL WITHIN 500' OF ANY RESIDENTIAL ZONE**

*The applicant is requesting a Conditional Use Permit to allow a 24-hour kennel (aka "Doggie Day Care") in the M-Zone where a portion of the parcel is within 500' of any residential zone. (No outside keeping of animals – no open runs.) as per LAMC 12.24 W. 25.*

**a. General Conditional Use**

- 1. That the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region.**

The request involves the issuance of a conditional use permit for a kennel (aka "doggie day care") in the [Q]M1-1VL. The use is allowed in the M1 Zone (as well as the MR Zone) but requires a conditional use permit when the site is located within 500-feet of any residential zone, and when the operation is proposed for 24-hours, daily. No outside keeping of animals is permitted when the use is within 500-feet of any residential zone.

The proposed establishment is located on an irregular shaped corner parcel at the 6344 Arizona Circle. The project will replace an existing creative office use. The building was constructed in 1977 and is parked per code. It will be retrofitted with new interior tenant improvements for the kennel (aka "doggie day care") but will have minimal exterior façade changes. The converted building will house a maximum of 150 dogs and 20 cats.

The entitlement of this location as a kennel (aka "doggie day care") affords the site an ability to provide a wide array of unique services for its canine and feline users. Core services of the facility will include grooming, indoor recreation and exercise areas, as well as overnight short-term and long-term boarding.

The subject property is conveniently located in a limited industrial neighborhood adjacent to Playa Vista, Culver City, and Westchester. It is in close proximity to the 405, 10 and 90 freeways, and is reasonably close to LAX.

As proposed, the redesigned facility will be retrofitted with numerous upgrades. These upgrades include:

- A) Advanced sewer facilities to accommodate feline and canine users. As proposed the "play area" of the kennel (aka "doggie day care") is utilizing a product identified as *K9Grass*. This indoor grass product consists of a system whereby water and/or cleaning solution moves across the sloped floor beneath the synthetic grass. This liquid dilutes and rinses canine urine to the drain. The system flushes the floor without wetting the grass, allowing for the "play area" to remain clean and in operation throughout the day. Important to this product's superior design (specifically for animal uses) is its netted backing rather than the

outlined in Section 4.2 of the Acoustic Report. The recommendations offer construction thresholds for the roof, exterior façade, gaps between those to elements (inc. fully sealing the glazing of the building), HVAC system, and a maximum number of canine and feline users. Acoustic absorption will also be incorporated into the play yard to reduce reverberation/reflected energy. Given these construction parameters, even in an anticipated worse case (150 dogs barking at the same time) the transmitted sound level to the residential properties on the bluff is still below ambient. It would not be audible to the residential properties. And it would not increase the existing CNEL.

- iii. *Impact on Neighboring Building.* Based on the above physical improvements to the site and data on the sound power level of a dog's bark the transmitted sound level to the adjacent building would be 20 dBA Leq (the average for a time period) and 27 dBA LMAX (peak loudness). This transmitted sound level is 15 dBA below a private office ambient sound level.
- iv. *Operational Sensitivity.* As outlined in the Acoustic Report, canine barking typically happens when dogs are confined during daylight hours in a private room. As such, the operators of this proposed facility has the dogs in the play area (not the boarding area) between 7am – 10pm. This limits the potential primary noise impact from the dogs, and increases the distance between the dogs and the adjacent commercial building.

Beyond the technical improvements to the existing building, the kennel (aka “doggie day care”) will contribute positively to the local economy, providing job opportunities within the community, purchasing goods and services required to operate the business, and maintaining the property in keeping with the local neighborhood. Collectively these contributions improve the aesthetic appeal and livability of the area.

In addition to the simple economic impact of a new business, good animal care is an important service that must be provided by both public and private sector entities. Given the design of this facility and its compliance with both the Conditional Use Permit requirements of the LAMC as well as Kennel requirements of LAMC Section 53.50 (also known as the City of Los Angeles Kennel Permit Standards) this location is desirable to the public convenience and welfare and any incidental impacts that might arise from the approval of this business can be diminished and/or eliminated through Conditions of Approval associated with the operation of the use to ensure that the business is conducted with due consideration of the neighboring businesses and residents.

As such, it can be deemed that the request will enhance the built environment in the surrounding neighborhood and will perform a function/provide a service that is essential and beneficial to the community, city, and region.



remain clean and in operation throughout the day. Important to this product's superior design (specifically for animal uses) is its netted backing rather than the urethane backing normally associated with artificial grass. This design feature adds longevity and allows liquid to flow through rather than pool on the top. (Technical data on the *K9Grass* is included within the case file.)

Additionally, fecal matter associated with the facility will be disposed of using a floor mounted siphon jet service sink (Zurn Product Z5420). In older kennel facilities built in and around the City of Los Angeles, canine and feline fecal matter was typically an after-thought and disposed of in interior and/or exterior trash cans. This historic disposal method is no longer utilized in high-end establishments such as this. The proposed facility at 6344 Arizona Cir. will utilize the Zurn Floor Mounted Siphon Jet Service Sink. The product is a vitreous china, antimicrobial ceramic sink that functions akin to a standard commercial grade human toilet. In this manner, fecal matter from the canine and feline users of this facility will be identified, cleaned and disposed of all within the interior confines of the proposed facility. No noise, smell or alternate potential impact will be identified outside of the facility. (Technical data on the *K9Grass* is included within the case file.)

- B) Acoustic analysis and recommendations. Based on an acoustic study, performed by Mei Wu Acoustics, the facility will require minimal acoustic upgrades to ensure that no potentially offensive noise (barking, etc.) that occurs within the interior of the facility will be heard outside the facility by the residents within 500-feet of the site nor that any potential noise will violate the City of L.A. Municipal Code (as referenced under Chapter 11 (commonly referred to as the "Noise Ordinance") and Chapter 5 (which specifically deals with barking dogs).

Existing neighborhood measurements were conducted by Mei Wu during site visits on April 12, 13 and 14, 2016. The loudest measurements during the average daytime and nighttime period were 58.3 dBA and 59.2 dBA respectively. In addition, Mei Wu also measured the CNEL for the existing ambient environment for the residential properties on the bluff. This CNEL measurement was approximately 66 dBA CNEL – 16dBA above the normal thresholds identified in the General Plan Noise Element.

Given the above existing ambient noise conditions, the acoustic analysis reviewed multiple scenarios to protect the residents on the bluff as well as adjacent commercial neighbors. For example:

- i. *Ingres/Egress:* Both front and rear ingress/egress points are identified as having no measureable impact to the existing ambient levels at the residential properties. However, the rear entry provides slightly greater protection to the residents and neighbors and was chosen for night-time drop-off and pick-up because of its ability to further reduce noise transmission.

- M) Cigarette manufacturing
- N) Bottling plant (except fish and sauerkraut)
- O) Produce Market
- P) Public Market
- Q) Fish Market
- R) Poultry Broker
- S) Nut Roasting

For these reasons, the proposed use is compatible with adjacent commercial, industrial and residential uses within 500-feet and an approval for a kennel (aka “doggie day care”) at this location will not result in a use that is materially detrimental to the character of development. Its potential and/or perceived impacts have been identified and proven, via technical analysis and report, to not rise to the level of having an impact on the surrounding businesses or the local residential properties within 500-feet. As such, it can be deemed that this request is desirable to the public convenience and is proper in relation to adjacent uses and the development of the community.

**3. That the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.**

The project, as designed, is compliant with the underlying zone, density, floor area, parking ratios, etc. of the General Plan as well as the Community Plan. This site, given its location, its layout and the applicant’s design will be a quality project for this neighborhood.

The Community Plan text does not specifically address the requested conditional use to permit an animal care and boarding facility in the [Q]M1-1VL Zone within 500 feet of a residential zone. However, the Los Angeles Municipal Code authorizes the Zoning Administrator to grant the requested conditional use. The Community Plan promotes the orderly distribution and location of services throughout the Plan area, and the subject facility provides a convenient boarding and day care facility for dog owners in the surrounding residential neighborhoods. As such, the location is in harmony with the various elements and objectives of the General Plan.



**ENVIRONMENTAL  
REPORT  
ND, MND, CE**

OFFICE OF THE CITY CLERK  
200 NORTH SPRING STREET, ROOM 360  
LOS ANGELES, CALIFORNIA 90012

## CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY <b>City of Los Angeles Department of City Planning</b>	COUNCIL DISTRICT 11
--	------------------------

PROJECT TITLE <input type="checkbox"/> ENV-2016-1587-CU	LOG REFERENCE ENV-2016-1588-CE
--	-----------------------------------

PROJECT LOCATION  
☐ 6344 ARIZONA CIRCLE

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:  
☐ USE OF AN EXISTING INDUSTRIAL BUILDING BY A 24-HOUR KENNEL/DOG/CAT DAYCARE FOR UP TO 150 DOGS AND 30 CATS.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:  
Ω

CONTACT PERSON <input type="checkbox"/> HEATHER BLEEMERS	AREA CODE Ω 213	TELEPHONE NUMBER Ω 978-0092	EXT.
---	--------------------	--------------------------------	------

EXEMPT STATUS: (Check One)



	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
9 MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
9 DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
9 EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
Y CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1

Class 1 Category 1 (City CEQA Guidelines)

9 OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

JUSTIFICATION FOR PROJECT EXEMPTION: Interior or exterior alterations, remodeling, or minor construction where there will be negligible or no expansion of use.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE 	TITLE CITY PLANNER	DATE JUNE 24, 2016
FEE:	RECEIPT NO.	REC'D BY 
		DATE JUNE 24, 2016

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record  
Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

Ω  
NAME (PRINTED)

Ω  
SIGNATURE

Ω  
DATE



LINN K. WYATT  
CHIEF ZONING ADMINISTRATOR

**ASSOCIATE ZONING ADMINISTRATORS**

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
THEODORE L. IRVING  
ALETA D. JAMES  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

**CITY OF LOS ANGELES**  
CALIFORNIA



ERIC GARCETTI  
MAYOR

**DEPARTMENT OF  
CITY PLANNING**

VINCENT P. BERTONI, AICP  
DIRECTOR

**OFFICE OF  
ZONING ADMINISTRATION**

200 N. SPRING STREET, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90012

(213) 978-1318  
FAX: (213) 978-1334

[www.planning.lacity.org](http://www.planning.lacity.org)

November 21, 2016

**Case No. ENV-2016-1588-CE**

The proposed interior improvements to an existing manufacturing building in conjunction with the operation of a dog kennel will not have a specific adverse impact. A "specific adverse impact" is defined as "a significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete" (LAMC Section 12.22.A.25(b)). The proposed Project and potential impacts were analyzed in accordance with the California Environmental Quality Act (CEQA) Guidelines and the City's L.A. CEQA Thresholds Guide. These two documents establish guidelines and thresholds of significant impact, and provide the data for determining whether or not the impacts of a proposed Project reach or exceed those thresholds. Analysis of the proposed Project determined that it is Categorically Exempt from environmental review pursuant to Article III, Section I, and Class 1, Category 1 of the CEQA Guidelines.

On June 24, 2016, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2016-1588-CE, for a Categorical Exemption, Class 1, Category 1. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). The Class 1, Category 1 Exemption is intended to allow interior or exterior alterations involving remodeling or minor construction where there will be negligible or no expansion of use. The proposed project qualifies for a Categorical Exemption because it conforms to the definition of the aforementioned Class and Category for minor alterations to existing buildings.

Project Description

The project involves the use of an existing 9,800 square-foot industrial building by a proposed 24-hour, kennel/dog day care business for a maximum of 150 dogs and 20 cats. The project will include interior tenant improvements only and no additional floor area will be added. A review of the plans shows that the entire facility and all activities will be fully enclosed within the building.

Noise

Section 53.63 of the L.A.M.C. regulates excessive noise from barking dogs and defines the term "excessive noise" as *"....noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. The noise must be continuously audible for ten (10)*



*minutes or intermittently audible for thirty (30) minutes within a three (3) hour period.”* However, the provisions of this section do not apply to any commercial animal establishment permitted by zoning law where located.

### Supplemental Studies

The applicant submitted a Noise Impact Study dated April 18, 2016 and addendum dated September 23, 2016, prepared by Mei Wu Acoustics, to assess potential noise impacts from barking dogs on the adjacent residential uses west of the site and on the creative office use immediately adjoining the site. According to the noise study, existing ambient noise levels were measured at the intersection of Riggs Place and Kentwood Avenue (which is an undeveloped section at the edge of the bluff with approximate sight lines toward the project site). The measured CNEL based upon 24-hour measurements was approximately 66 dBA CNEL which exceeds the General Plan Noise Element's conditionally acceptable level for residential use.

The study estimated the sound transmission levels generated from the exterior of the subject site by barking dogs being dropped off and from the interior of the project site, and within the play areas, assuming all 150 dogs were barking simultaneously. Based on existing average ambient noise levels, both during the day and at night, the noise generated by barking dogs being dropped off from within the play areas would remain below ambient levels and would have no measurable impacts. The study assumes specific sound attenuation measures are incorporated into the facility which have been incorporated as conditions of the grant to ensure that noise levels remain consistent with the noise study's analysis.

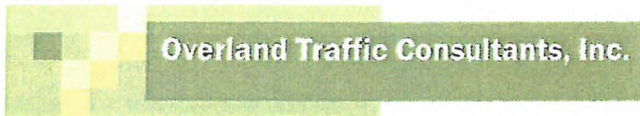
In addition, the study estimated barking noise from dogs placed within their private suites between 10:00 p.m. and 7:00 a.m. A row of suites is located along the south elevation, directly adjoining the creative office use to the south. According to the noise study, the demising assembly between the project site and the neighboring building consists of two rows of solid brick with a four-inch air gap. Assuming dog barking pressure level at the southerly wall is 95 dBA, the transmitted sound level to the adjoining property is estimated to be a maximum of 27 dBA, which according to the study, is 15 dBA below a private office ambient sound level which is typically 35 dBA or 45 dBA to 49 dBA for a typical open office environment.

With respect to traffic, the Department of Transportation (DOT) reviewed the trip generation associated with the proposed change of use and determined that the project's trip generation does not exceed a threshold which warrants a technical memorandum or a traffic study. To ensure an accurate estimate, the DOT did not rely on empirical evidence submitted by the applicant but instead drew from prior existing similar projects within West Los Angeles. According to the DOT, the project is estimated to generate a net increase of 186 daily trips, a net increase of 20 a.m. peak hour trips and a net increase of 18 p.m. peak hour trips (based on trip rate requirements of the Coastal Transportation Corridor Specific Plan and formulas published by the Institute of Transportation Engineers).

As such, the project was analyzed per CEQA Guidelines and the City's L.A. CEQA Thresholds Guide and the associated Categorical Exemption is sufficient for the proposed project.



# **MISCELLANEOUS REPORTS**



Overland Traffic Consultants, Inc.  
952 Manhattan Beach Boulevard #100  
Manhattan Beach, CA 90266  
Phone (310) 930 - 3303  
E-mail: otc@overlandtraffic.com

March 29, 2016

Mr. Solomon Alter  
Director of Development  
Seaview Investors  
3334 East Coast Hwy, Ste 410  
Corona Del Mar Ca 92625

RE: Technical Traffic Evaluation for the Dog Hotel Project at 6344 Arizona Circle

Dear Mr. Alter,

Overland Traffic Consultants has conducted a technical traffic evaluation for the proposed dog hotel, a dog and cat boarding service for up to 150 dogs and 20 cats in a building located at 6344 Arizona Circle in the City of Los Angeles.

A determination of the new traffic generated by the proposed project has been conducted based on operating characteristics provided by the applicant. Based on the following net traffic estimate, the proposed use will not have an adverse effect on the transportation network with the immediate local area.

Project Description - The proposed dog hotel business will operate in an existing building of approximately 9,500 square feet. The building is currently occupied by LNA Clothing which consists of creative office space (1,500 sq. ft.) and warehouse/storage space (8,155 sq. ft.) with 9 parking spaces. The project location and site is shown in Figures 1 and 2, respectively.

Traffic Generation - Based on our analysis of the proposed operations, summarized below, we estimate that a conservative maximum of 196 daily trips could be generated by the dog hotel with 20 trips during either the am or pm peak hour. After adjusting for the pickup and delivery service and the existing traffic generated by LNA Clothing, the net traffic generated by the dog hotel is estimated to be 9 additional am and pm peak hour trips.

Given this low level of peak hour trips, the proposed dog hotel project is not expected to create a significant traffic impact with respect of traffic operations.





FIGURE 2

3/2016

PROJECT SITE



Overland Traffic Consultants, Inc.

24325 Main Street #202, Santa Clarita, CA 91321  
(661)799-8423, OTC@overlandtraffic.com



pick up and drop off animals to lessen the peak hour traffic demands and provide a quality service for their customers. In general, dogs will be picked up between 7:00 am and 10:00 pm and dropped off between 4:00 pm and 7:00 pm (i.e., an over a period of 3 hours in the morning and afternoon).

- The dog hotel is a local serving use which is defined as a use which serves the local community, generates trip lengths of 3 miles or less and which does not substantially affect the regional or sub regional transportation infrastructure.
- Prior use peak hour trips have been calculated per the Coastal Transportation Corridor Specific Plan trip rates in Appendix A for office (2.8 per 1,000 sq. ft.) and storage (0.3 per 1,000 sq. ft.). Using these rates for an office and storage use, it has been determine that the existing LNA Clothing use generates 6 peak hour trips (4 for the office and 2 for the storage).

The table below summarizes the estimate peak hour traffic described above.

Animals	Day Care	Overnight*	Daily Trips 4 day trips/dog	AM and PM Peak Hour Trips		Credit	Net
				Peak Hour	Pick up Service		
170	5%	95%	196	10%	-25%	-6	9
	9	40		20	-5		

\* Assume overnight duraton 4 days

### Summary

Since the proposed dog hotel use is estimated to generate fewer peak hour trips than the City of Los Angeles Department of Transportation's threshold that requires traffic analysis (25 peak hour trips for a technical letter and 43 trips for a traffic study), the subject use does not need any additional traffic analysis.

No significant traffic operational impacts are anticipated with this dog hotel project.

Please contact me if you have any questions.

Sincerely,

  
Jerry T. Overland





---

**To:** Solomon Alter, Seaview Investors salter@seaviewinvestors.com  
**From:** Tyler Adams, Mei Wu Acoustics tyler.adams@mei-wu.com  
Mei Wu, Mei Wu Acoustics meiwu@mei-wu.com  
**Date:** September 23, 2016  
**Subject:** Seaview Pet Resort Noise Impact Study - Addendum  
MWA Project – 16036

---

As we understand it, since our original report was issued on April 18, 2016, additional concerns have emerged regarding the potential for sound transmission due to dogs barking from the proposed Seaview Pet Resort to the adjacent neighboring building. The following addendum is intended to provide clarification regarding these concerns.

As discussed in our original report, the demising wall between SeaView and the neighboring building is a double row of bricks with an un-bridged air gap that is estimated to be rated STC-65. There are no windows or large penetrations in the SeaView side of the wall. We assume the same is true for the neighboring property.

In our report, in order to estimate sound transmission between the two buildings, we stated an assumed worst-case scenario of a sound pressure level of 95 dBA at the wall for two scenarios 1) the sound level of a dog barking in an enclosed suite 1-foot away from the demising wall and 2) the collective sound of 150 dogs barking simultaneously in the play area runs. Our calculations used a sound power level for each dog based upon measurements averaged for many types of dogs barking.

Sound levels decrease with distance. The sound pressure of 1 dog barking at a distance of 1-foot in a small room is equivalent to 150 dogs barking at an average distance of 50 –feet distributed throughout a 2,655–square foot play area. Our calculations anticipate that the suites and play areas are constructed in keeping with the Acoustic Recommendations identified in Section 4.2 of our report. Under these conservative and unlikely conditions, the sound pressure level at the wall was no more than 95 dBA, resulting in transmitted sound levels of 20 dBA Leq / 27 dBA.

The following figure provides the results of a modified calculation, which considers the sound level of 150 dogs barking in the play area combined with 2 dogs located in each suite at an average distance of 4-feet from the demising wall, all barking in unison. Since each suite is 4'x8', a 4-foot average distance to the demising wall is a reasonable estimation. The calculation considers the average sound pressure level at the wall transmitted through the double layer brick assembly. As shown, the loudest peak frequencies of a dog bark occur between 500-1000 Hz. The transmission loss of the brick wall is very high in this frequency range, which results in a transmitted sound pressure level of 23 dBA. For reference, this transmitted level has been plotted with noise-criterion curves, which are commonly used to establish acceptable background noise levels for occupied spaces. Open plan offices are generally rated NC-40, whereas private offices are rated NC-30 to NC-35. As shown, the transmitted sound, under a very unlikely worst-case scenario, is well below these noise criterion curves. If the number of dogs in this exercise was doubled (e.g. 300 dogs in the play area and 4 dogs per suite), the transmitted sound level would only increase by 3 dB.





## Mei Wu Acoustics

Experts in acoustics, noise and vibration

**To:** Solomon Alter, Seaview Investors  
**From:** Tyler Adams, Mei Wu Acoustics  
Mei Wu, Mei Wu Acoustics  
**Date:** April 18, 2016  
**Subject:** Seaview Pet Resort Noise Impact Study  
MWA Project – 16036

salter@seaviewinvestors.com  
tyler.adams@mei-wu.com  
meiwu@mei-wu.com

### Executive Summary

- **Existing ambient sound levels at adjacent residential properties**  
The existing ambient sound environment measured at the residential properties along Riggs Place ranged from 53-65 dBA 1-hour Leq resulting in CNEL 66. This level is elevated above the City's General Plan Noise Element for conditionally acceptable residential uses. Elevated ambient sound levels may be due to the nearby 405 freeway and adjacent industrial zoned uses.
- **Building Entrance Pick-Up / Drop-Off Barking Noise Impacts**  
In either case of using the front or rear entrance, dogs barking while entering/leaving the building are not anticipated to have a measurable impact to the existing ambient levels at the residential properties and should not increase the existing measured CNEL. The rear entrance provides additional barrier effects from surrounding buildings and may be used after-hours to avoid any potential nighttime noise impacts.
- **Play Area Barking Noise Impacts to Residential**  
The garage door on the south façade should be enclosed to mitigate sound leaks. The HVAC system will be studied further to mitigate potential sound leaks. All openings in the roof and façade should be fully sealed to avoid sound leaks. With the preceding implemented, the transmitted noise impacts to residential properties under the unlikely worst-case scenario of 150 dogs barking simultaneously are shown to be below the quietest daytime measured ambient L90 percentile. It is not anticipated that there would be any measurable impacts to the residence's existing ambient sound environment.
- **Barking Noise Impacts to Neighboring Building (6368 S Arizona Circle)**  
The demising assembly between the project site and neighboring building consists of 2 rows of solid brick with a 4-inch air gap. Transmitted sound levels are estimated to be 20 dBA Leq / 27 dBA LMAX or lower. For reference, this level is 15dBA below what a typical private office or conference room would measure.

### 1. Project Overview

The project site is a proposed Tenant Improvement of an existing warehouse type building located at 6344 Arizona Circle in Los Angeles, California. The project site is located within a light industrial zoned area, however, there are residential properties located on the top of a bluff which overlooks the project site (>400 ft. away). The TI build-out will comprise 3 large play areas (senior dogs, large dogs, and small dogs); 46 guest suites; 7 deluxe suites; a self-service grooming salon; a professional grooming salon; and a cat suite with play area.

In this study, the following noise impacts are evaluated:

- Noise impacts to residential areas from the building entrance during pick-up/drop-off
- Noise impacts to residential areas as transmitted through the building façade/roof
- Noise impacts to the adjacent neighboring building as transmitted through the demising wall



### **Sec. 111.01 Minimum Ambient Noise Level**

Where the ambient noise level is less than the presumed ambient noise level designated in this section, the presumed ambient noise level in this section shall be deemed to be the minimum ambient noise level for purposes of this chapter.

Table II

Sound Level "A" Decibels (In this chart, daytime levels are to be used from 7:00 a.m. to 10:00 p.m. and nighttime levels from 10:00 p.m. to 7:00 a.m.)

Zone	Presumed Ambient Noise Level (dB(A))	
	Day	Night
A1, A2, RA, RE, RS, RD, RW1, RW2, R1, R2, R3, R4, and R5	50	40
P, PB, CR, C1, C1.5, C2, C4, C5, and CM	60	55
M1, MR1, and MR2	60	55
M2 and M3	65	65

At the boundary line between two zones, the presumed ambient noise level of the quieter zone shall be used.

### **Chapter V: Public Safety and Protection**

#### **Article 3: Animals and Fowls**

##### **53.63 Barking Dog Noise**

It shall be unlawful for any person to permit any dog or dogs under his or her charge, care, custody or control to emit any excessive noise after the Department has issued a written notice advising the owner or custodian of the alleged noise and the procedures as set forth below have been followed. For purposes of this section, the term "excessive noise" shall mean noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. The noise must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period. However, the provisions of this section shall not apply to any commercial animal establishment permitted by zoning law where located. The Department is responsible for enforcement of the provisions of this Section as follows: (Amended by Ord. No. 181,930, Eff. 12/11/11.)

### 3. Environmental Ambient Sound Level Measurements

#### 3.1. Site visit details

MWA personnel: Tyler Adams  
Date and time: 4/12/2016 11:20 – 4/14/2016 09:00  
Equipment used: Rion NL-20, Type II sound level meter

#### 3.2. Measurement procedure

In order to characterize the existing ambient environmental sound levels of the residential properties adjacent to the project site, a sound level meter was installed near the intersection of Riggs Place and Kentwood Avenue at a height of approximately 12-feet. This location was selected because it is an undeveloped section at the edge of the bluff with approximate sightlines toward the project site.

Ambient sounds were comprised of traffic on the local roads and distant traffic from the 405-freeway, as well as neighborhood activities such as lawn mowers, door slams, etc. Occasional aircraft flyovers were also observed.

The sound level meter recorded A-weighted  $L_{eq}$ ,  $L_1$ ,  $L_5$ ,  $L_{10}$ ,  $L_{50}$ ,  $L_{90}$ ,  $L_{95}$ , and  $L_{99}$  levels every one (1) minute for the time period described above. The meter was equipped with a windscreen.

A 30-minute measurement was also taken to obtain a 1/3-octave band spectrum on 4/12/2016 from 10:45-11:15.

#### 3.3. Measurement Period Weather Conditions

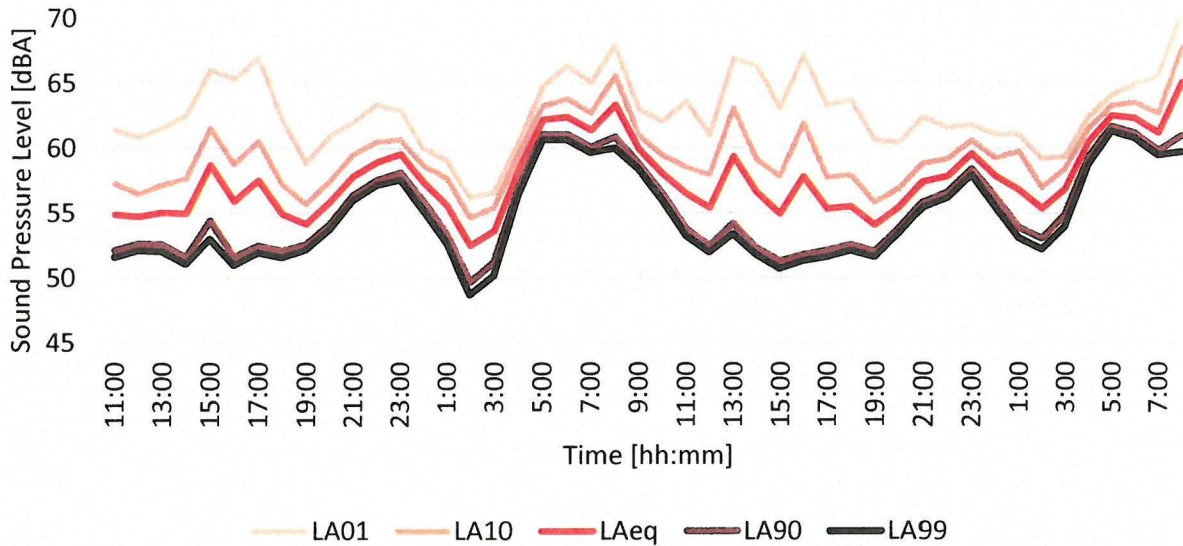
The following table provides the weather conditions during the measurement period.

Date	4/12/2016	4/13/2016	4/14/2016
Mean Temp.	62° F	60° F	60° F
Max Temp.	69° F	76° F	68° F
Min Temp.	55° F	57° F	55° F
Avg. Humidity	76%	78%	69%
Avg. Wind Speed	3 mph [SSW]	4 mph [SW]	4 mph [SSW]
Precipitation	0.00 in	0.00 in	0.00 in

Table 1: Measurement weather conditions



The following figure graphically plots the hourly measured data from the table on the prior page. We suspect that the increase in noise level during the early morning hours may be due to traffic on the 405-freeway. During rush-hour, the traffic jams and the sound levels go down because vehicles are traveling slowly. However, at non-rush-hour times, when vehicles travel at high speeds, the sound levels may increase substantially.



**Figure 2:** Hourly environmental sound level measurements (dBA) – measured 4/12 – 4/14/2016 (dBA)

### 3.5. CNEL

The measured CNEL based upon 24-hour measures was approximately 66 dBA CNEL. This means the existing ambient environment at the residential presently exceeds the General Plan Noise Element's conditionally acceptable level for residential use. The elevated sound levels may be due to the bluff's exposure to the 405 freeway the existing industrial uses below.

#### 4.1. Building Entrance Pick-Up / Drop-Off Barking Noise Impacts

This section provides calculations of noise impacts to residential properties due to dogs barking while entering the building. The calculations assume the following:

- Sound power level of a dog's bark, based upon MWA measured data in 1/3-octave bands.
- Two dogs are barking simultaneously outdoors at either the front or rear entrance.
- Distance propagation to residential properties.
- Barrier effects from buildings where line-of-sight is blocked.
- Pick-up and drop-off occurs primarily during daytime hours (7am-10pm).

The following table provides the results of our calculations.

Receiver Property		Case 1: Predicted Sound Pressure Level (dBA) from 2 dogs barking at the proposed FRONT entrance	Case 2: Predicted Sound Pressure Level (dBA) from 2 dogs barking at the proposed REAR entrance/parking lot	Existing Measured 1- Hour Ambient at Residential Properties
1	6930 W Kentwood Ct	43 Leq / 50 L <sub>MAX</sub>	34 Leq / 41 L <sub>MAX</sub>	Average Leq: 58 Average L90: 55
2	6936 W Kentwood Ct	43 Leq / 50 L <sub>MAX</sub>	32 Leq / 39 L <sub>MAX</sub>	
3	6523 W Riggs Pl	42 Leq / 49 L <sub>MAX</sub>	30 Leq / 37 L <sub>MAX</sub>	
4	6509 W Riggs Pl	42 Leq / 49 L <sub>MAX</sub>	30 Leq / 37 L <sub>MAX</sub>	Quietest Leq: 54 Quietest L90: 51
5	6457 W Riggs Pl	43 Leq / 50 L <sub>MAX</sub>	31 Leq / 38 L <sub>MAX</sub>	
6	6443 W Riggs Pl	42 Leq / 49 L <sub>MAX</sub>	31 Leq / 38 L <sub>MAX</sub>	

**Table 4:** Predicted sound level (dBA) from 2 dogs barking at the front and rear entrance of the project site.

Due to the site layout and the way in which the residential properties are situated on the bluff, the sound level impacts are relatively consistent at all nearby residential receivers. When the front entrance is used, barking may be faintly audible at the exterior of residential properties at the quietest daytime hours. During average daytime hours, the transmitted sound level will be well below the measured ambient and is not likely to be audible.

In either case of using the front or rear entrance, dogs barking while entering/leaving the building are not anticipated to have a measurable impact to the existing ambient levels at the residential properties and should not increase the existing measured CNEL. The rear entrance results in lower transmitted sound levels due to surrounding buildings providing additional barrier effects. Therefore, the rear entrance may be used after-hours to further limit risk of noise impacts to residential properties during nighttime hours.

The following figure plots the L<sub>MAX</sub>, or peak loudness of the transmitted sound of two dogs barking at the Front entrance compared with the average measured 1-hour daytime L90 at the residential properties. L90 is representative of the steady ambient background noise level. As shown, the L<sub>MAX</sub> is well below the average L90.



#### 4.2. Play Area Barking Noise Impacts to Residential

This section provides calculations of noise impacts to residential properties due to dogs barking in the play areas, which may be transmitted through the building façade or roof.

In order to estimate the noise impacts from the play area to the adjacent residential properties, our calculation assumes the following:

- Roof is composed of 1-layer of plywood minimum ( $\approx$ STC-28).
- Exterior Façade is composed of a single row of brick ( $\approx$ STC-45) with 1/8-inch glass windows ( $\approx$ STC-27).
- All gaps in the roof, façade, and glazing will be fully sealed. We have assumed some minor air gaps in our calculations. However, existing roof vents and ventilators should be closed and sealed to avoid leaks.
- A new HVAC system will be installed and appropriate attenuation measures will be provided to mitigate sound transmission paths that may compromise the building's sound isolation. This will be evaluated by MWA at a later date.
- MWA assumes the proposed build-out floor plan shown in this report.
- A maximum of 150 dogs would be distributed throughout the 4 play yards simultaneously.
- The play yard barking activity would only occur during daytime hours (7am-10pm).
- The existing metal garage door next to the play yard must be enclosed and sealed.
- The primary noise impact in this study is barking noise in the play area. Unlike kennels, dogs are not anticipated to bark continuously or frequently within their private rooms. As well, the private rooms will be fully enclosed with a drop ceiling and glass door, which would provide additional sound attenuation paths at the interior of the building.
- Acoustical treatments will be incorporated within the play yard to address reverberant noise.

The following figure provides an interior view of the future play yard area:



**Figure 5:** View of the Interior of the future Play Yard Area

Due to the site layout and the way in which the residential properties are situated on the bluff, the sound level impacts are relatively consistent at all nearby residential properties.

The calculation shown above is a worst-case and unlikely scenario with all 150 dogs barking or howling simultaneously. The following table provides an estimation of how the sound level at the residences would vary depending upon the number of dogs barking.

# of dogs barking simultaneously	Play Yard Sound Pressure Levels (dBA)
1	19 Leq / 26 L <sub>MAX</sub>
10	29 Leq / 36 L <sub>MAX</sub>
20	32 Leq / 39 L <sub>MAX</sub>
40	35 Leq / 42 L <sub>MAX</sub>
80	37 Leq / 44 L <sub>MAX</sub>
100	38 Leq / 45 L <sub>MAX</sub>
150	39 Leq / 46 L <sub>MAX</sub>

**Table 6:** Predicted sound level at nearest residential property according to the number of dogs barking within the play yards (dBA)

In order to evaluate the degree of audibility at the residences, the L<sub>MAX</sub>, or peak loudness, of the barking transmitted from the Play Yard has been plotted with the average measured daytime 1-hour L<sub>90</sub>, which is representative of the steady ambient background noise level.

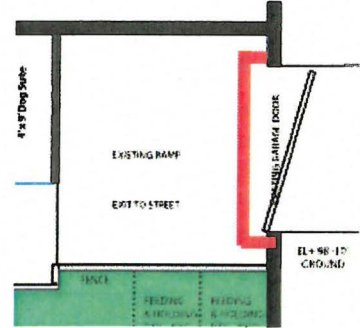
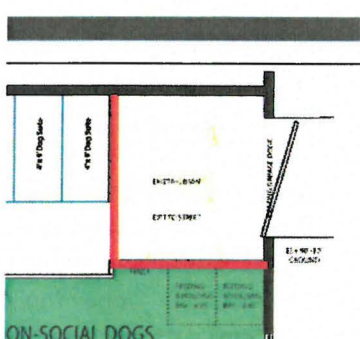
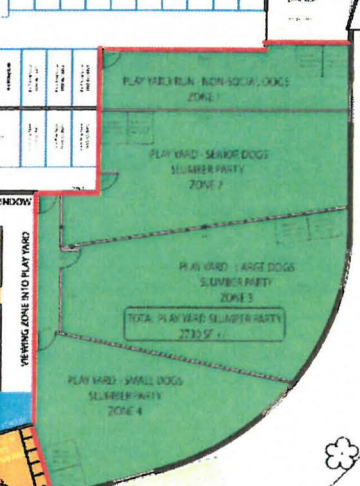
As shown in the figure below, under the worst-case scenario of all 150 dogs barking simultaneously (and the use of acoustical treatments in the play yard), the transmitted L<sub>MAX</sub> sound level through the building façade to the residential properties is shown to be below the ambient L<sub>90</sub>. Under this condition, it is not anticipated that the barking would be audible to the residential properties.

Under the worst case condition, there would be no significantly measurable impact to the existing ambient levels at the residential properties. There would be no increases to the existing measured CNEL.



#### 4.2.1. Recommendation: Enclosing Garage Door

As mentioned in the prior section, the existing garage door at the southern façade of the building is a weak sound transmission path that should be fully enclosed/sealed. MWA will provide further coordination efforts as the project progresses. The following are 3 proposed enclosure options.

<p><b>Option 1:</b> Build a drywall enclosure entirely around the door and seal all gaps. This option would render the door unusable, which may not be desirable.</p>	
<p><b>Option 2:</b> Make the walls shown around the ramp full-height extending all the way to the roof, sealing all gaps. As a cost-saving option, only 1 layer of drywall needs to be used.</p> <p>If a door is needed to connect the ramp area to the corridor, then a solid wood or 18 ga steel door should be used and provided with seals around the entire perimeter.</p>	
<p><b>Option 3:</b> Enclose the play area with full-height walls. This would also control sound transmission to other parts of the building.</p>	

#### 4.3. Barking Noise Impacts to Neighboring Building

The project site is directly adjacent to another building at 6368 S Arizona Circle. Due to the close proximity of the two buildings, MWA has evaluated barking noise transmission to the neighboring building.

The project site building is solid brick for the entire extent of the adjacency with 6368. From examination of the exterior of the building, it appears there is a 3-4 inch air gap between the project site and neighboring 6368, which has been sealed at the edges with metal flashing. The adjacent building's wall also appears to be solid brick.

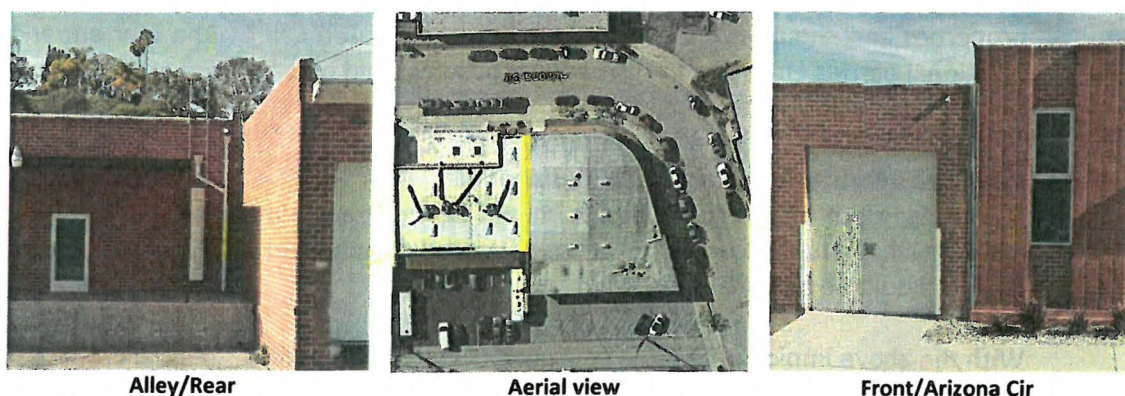


Figure 8: Views of project site adjacency with 6368

Based upon laboratory test data, a single row of brick wall is rated  $\approx$ STC-45. A double row of bricks with an un-bridged air gap of 4-inches is estimated to be rated  $\approx$ STC-65.

In order to calculate barking noise impacts to the adjacent building, our calculation assumes the following:

- Sound power level of a dog's bark, based upon MWA measured data in 1/3-octave bands.
- Dog barking sound pressure level at the wall is 95 dBA, which may be due either to a single dog in a private room against the demising wall or due to combined noise levels transmitted from the adjacent play areas. In the latter case, we are assuming the use of acoustical treatments described in the prior section of this report.
- The demising assembly is a row of solid bricks on each side separated by a 4-inch unbridged air gap.

Based upon the above assumptions, we estimate the transmitted sound level to the adjacent building would be 20 dBA Leq / 27 dBA LMAX.

For reference, a typical private office may measure as low as 35 dBA, open office environments may measure between 45-49 dBA. The transmitted sound would be 15 dBA below a private office ambient sound level.





## City of Los Angeles Kennel Permit Standards

It is the intent of LA Animal Services to enforce the standards of care for animals in Kennel Facilities in order to ensure the humane treatment of animals and safeguard the public interest. The provisions of **Los Angeles Municipal Code Section 53.50** and these Standards do NOT apply to an animal kennel operated by a veterinarian in or upon the same hospital facility, establishment or premise which is operated as a veterinary hospital and is in possession of a valid premises permit issued pursuant to Business and Professions Code Section 4853 (41 Ops. Ca. Atty. Gen. 125). Following are the standards of care:

Std #	Standard and Requirement for Proof Revised February 2011
1	Prominently display a copy of LA Animal Services' official permit to operate a kennel, a copy of these standards, and a copy of a valid business license in a location easily accessible and visible to customers.
2	All dogs must have current rabies vaccinations. Maintain copy of current rabies vaccination for each dog.
3	Maintain copies of all medical records for any permanent pet resident that has ongoing medical issues or is under medical treatment.
4	Restrict the entry of pests from outside and implement pest control measures to effectively control infestation of vermin, insects, or other pests.
5	Report any animal escapes to LA Animal Services and make reasonable efforts to capture escaped animals.
6	Provide natural or artificial light, in a manner that permits routine inspection and cleaning, and the proper care and maintenance of the animals.
7	Maintain the entire facility in good repair and in clean and sanitary condition.
8	Separate grooming work areas from the kennel's primary animal enclosures and animal food storage areas. Use a separate room or provide a wall to separate areas.
9	Clean grooming work areas at least once daily and maintain such areas in good condition.
10	Provide structurally sound and well maintained cages/kennels to protect animals from injury, to keep other animals out, to provide shelter from rain, hot weather, and cold weather, provide shade from sun exposure, provide sufficient heat and air conditioning appropriate for the breed and size of the animals kenneled indoors, all of which supports and promote the health and well-being of the animals. Portable kennels/carriers can only be used for transporting a dog; they cannot be used as a kennel.



Std #	<b>Standard and Requirement for Proof</b> Revised February 2011
11	Ensure kennels/cages are constructed so they can be routinely maintained to allow animals to stay clean, i.e., are impervious to moisture and can be sanitized (wood may not be used).
12	Ensure all cages/kennels provide adequate space for the animal or animals housed in the cage/kennel. "Adequate space" means sufficient height and sufficient floor space for the animals to stand up, sit down and turn about freely using normal body movements without the head touching the top of the cage/kennel; lie down with limbs outstretched and exercise normal postural movement, and move about freely as appropriate for the species, age, size, and condition of the animal, and when appropriate, to experience socialization with other animals, if any, in the cage/kennel. However, when freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal in a humane manner is permitted.
13	Ensure cages for cats provide an elevated platform as appropriate for the size of the cat.
14	House only compatible animals in the same enclosure.
15	Separate kenneled animals by sex, breed, and size to avoid any possibility of fighting or injury to the animals. It is strongly encouraged to kennel each animal separately. Kenneled animals may not "free roam". (Dogs may be together during exercise periods or training periods.) When moved outside the kennel, dogs must be under direct control of a competent person and on a leash (LAMC 53.06.2).
16	No animal may be tethered as a means of kenneling (Health and Safety Code 122335).
17	House intact animals that have reached sexual maturity in a separate kennels unless the female is not in season and they are from the same family.
18	Provide at least twice daily food, water, care and maintenance of the animals regardless of whether the kennel is open to the public.
19	Remove animal and food wastes, used bedding, debris, and any other organic wastes from primary enclosures at least twice daily to prevent contamination of the animals and to reduce disease hazards and odors.
20	A waste disposal plan, as approved by the Department, is required for the facility. The plan shall provide for regular and frequent collection, removal, and disposal of excreta and food wastes, soiled bedding, debris, garbage, water, other fluids and wastes in a manner that minimizes environmental contamination and disease risks. Stock piling of waste is strictly prohibited on the premises.
21	All food must be maintained in such a manner as to prevent access from pests or rodents. Food storage containers must have fitted lids, be water tight and closed at all times, except when preparing food for distribution. Food must not be spoiled or beyond the expiration date stated by the manufacturer.
22	All food and water bowls must be maintained in a clean and sanitary condition.



Std #	<b>Standard and Requirement for Proof</b> <b>Revised February 2011</b>
	Clean and sanitize all food and water bowls at least once per day.
23	Observe each animal at regular intervals, at least three times a day, to recognize and evaluate general symptoms of sickness, injury, or abnormal behavior. Provide veterinary treatment for each diseased, ill, or injured animal immediately. Documentation of the visit (order from the veterinarian, receipts for treatment) must be maintained at the Kennel for inspection purposes by LAAS staff.
24	Immediately isolate (place animal in a separate room) animals that have or are suspected of having a contagious condition. Such animals shall be removed from the kennel and transferred to a veterinarian without delay.
25	Kennels shall provide 24-hour onsite supervision when kenneling 20 cats/dogs or more. If less than 20 cats/dogs, the period without supervision can be no longer than 8 hours. In lieu of 24-hour supervision, a video surveillance system shall be installed whereby a responsible party can monitor the facility remotely with immediate response on any emergency.
26	An emergency evacuation plan, approved by the Department of Animal Services, shall be developed, published, and made known to all employees. A copy of the plan shall be posted upon the premises for viewing by the public. In addition, a copy of the evacuation plan shall be submitted to the submitted to the Department of Animal Services and maintained on file with the permittee's application.
27	Provide a notice, framed and enclosed under glass, visible at the entrance to the property, containing the names, addresses and telephone numbers of persons to be notified during any hour of the day or night who will proceed immediately to the location (within 1 hour of the call) so as to permit entry to the premises by representatives of the Department.
28	Whenever it is necessary to make an inspection to enforce any of these provisions or other applicable law, or whenever the General Manager or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any violation of LAMC Article 3 or other applicable law, the General Manager or his authorized representative is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the General Manager by this Code or other applicable law.
29	The Department shall establish the maximum number of animals to be kept on or maintained on the premises. Permittee shall maintain no more than the permitted number of animals at any time. (This includes animals boarded for a fee as well as animals owned by the permittee or otherwise located on the property.)
30	Kennels and exercise areas must be within the distance restrictions for property and buildings in the applicable zoned area. Kennels are permitted only on property zoned M1, M2, M3, MR1, MR2.

**In the event of a violation of these Standards, a single notice to comply shall be issued containing all of the following information:**

1. As specified in LAMC 53.50, a Kennel Permit may be revoked or suspended for the following reasons:
  - a. That the permittee, his agent, or employee, has been convicted of any offense involving the violation of Section 597 of the Penal Code of the State of California, or any provision of this article; or
  - b. That the permittee, his agent, or employee, has, at the place for which the permit was issued, failed to provide any animal or fowl, in his possession, care or control, with proper and sufficient food, drink, shelter, or protection, or subjected any such animal, fowl or reptile to needless suffering, unnecessary cruelty, or abuse; or
  - c. That the permittee, his agent, or employee, has failed to maintain the premises in a clean and sanitary condition; or
  - d. That the permittee, his agent, or employee, has violated any rule or regulation of the Department.
2. Each violation of these Standards shall be specified in the Notice to Comply.
3. A specific period of time and the corrective action will be specified during which the listed violation or violations must be corrected.
4. A subsequent inspection shall be conducted within a reasonable period of time to verify compliance.
5. The kennel operator shall receive an exact, legible copy of the Notice to Comply at the time he or she signs the notice or within 48 hours of its issuance. The signing of the notice is an acknowledgment of receipt, and does not constitute an admission of guilt.
6. Failure to comply with the Notice to Comply in the specified time period, or any extension thereof, will be cause for revocation of the permit.
7. A violation of any provision of these Standards that causes or allows harm or injury to an animal, or allows an animal to be subject to an unreasonable risk of harm or injury, or potentially endangers staff, customers or neighbors of the Kennel, may result in an immediate revocation of the permit rather than a Notice to Comply.

These Standards shall be known, and may be cited, as the **City of Los Angeles Kennel Permit Standards** (revised February 2011).



# **PLOT PLANS**

## 6344 Arizona Circle - Site Photos



1. North side of subject site.



2. North side and portion of northwest corner of subject site.





**3. Northwest corner and west side of subject site.**



**4. West side of subject site.**





**5. Adjacent properties south of subject site.**



**6. Adjacent property south of subject site.**





**7. East side of subject site fronting alley.**



**8. Additional view of east side of subject site fronting alley.**





**9. East side of adjacent property south of subject site, fronting alley.**



**10. Additional view of east side of subject site fronting alley, including portion of alley.**





**11. Alley separating subject site from neighboring properties east of subject site.**



**12. West side of adjacent property east of subject site, across alley.**





**13. Adjacent property east of subject site, across alley.**



**14. Additional view of adjacent property east of subject site, across alley.**





**15. Additional view of adjacent property east of subject site, across alley.**



**16. Additional view of adjacent property east of subject site, across alley.**



# SEAVIEW PET HOTEL AND RESORT

DESIGN DEVELOPMENT

APRIL 22, 2016

6344 ARIZONA CIRCLE,  
LOS ANGELES, CA 90045

APN:411-001-40-00-8

PROJECT:  
SEAVIEW PET HOTEL  
AND RESORT  
6344 ARIZONA CIRCLE,  
LOS ANGELES, CA 90045

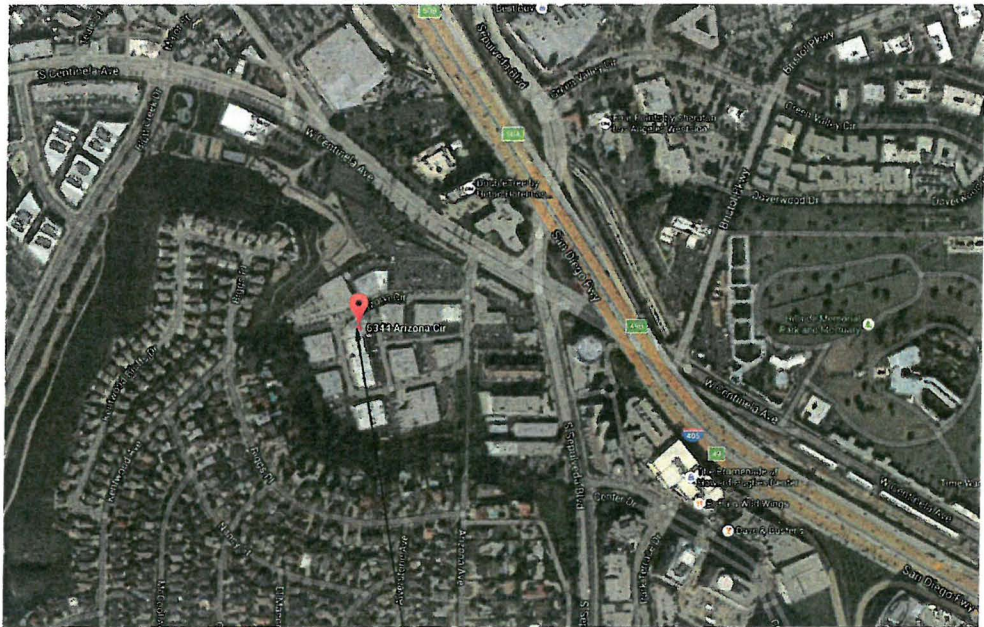


T7 ARCHITECTURE, INC. - ANDREW E. CROCKER, AIA  
646 VALLEY AVE., SUITE A, SOLANA BEACH, CA 92075  
T. 858.345.1255

INTERIOR DESIGNER:



## VICINITY MAP



PROJECT LOCATION

## GENERAL NOTES

1. THE FOLLOWING GENERAL NOTES APPLY TO ALL DRAWINGS UNLESS OTHERWISE NOTED OR SPECIFIED.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH ALL CURRENT FEDERAL, STATE, COUNTY, AND CITY ORDINANCES HAVING JURISDICTION, AND IN ACCORDANCE WITH THE DRAWINGS AND SPECIFICATIONS ISSUED HERewith. THE CONTRACTOR SHALL OBTAIN AND COORDINATE AND THE OWNER SHALL PAY FOR ALL REQUIRED PERMITS.
3. WORK SHALL BE PERFORMED IN AN ORDERLY AND CAREFUL MANNER WITH DUE CONSIDERATION FOR THE SAFETY AND PROTECTION OF ALL PERSONNEL, EXISTING SURFACES, MATERIALS, AND EQUIPMENT. PROTECTIVE DEVICES SHALL BE INSTALLED AND MAINTAINED AS NECESSARY, AND AS REQUIRED BY THE OWNER OR AUTHORITIES.
4. THE CONTRACTOR SHALL REVIEW DOCUMENTS, FIELD VERIFY DIMENSIONS AND FIELD CONDITIONS AND CONFIRM THAT WORK IS BUILDABLE AS SHOWN. THE CONTRACTOR SHALL REPORT ANY CONFLICTS OR DISCREPANCIES WITHIN TWO (2) BUSINESS DAYS TO THE ARCHITECT FOR CLARIFICATION PRIOR TO PERFORMING ANY WORK IN QUESTION.
5. UNLESS OTHERWISE SHOWN OR NOTED, ALL TYPICAL DETAILS SHALL BE USED WHERE APPLICABLE.
6. SAFETY MEASURES: AT ALL TIMES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS OF THE JOB SITE, INCLUDING THE SAFETY OF PERSONS AND PROPERTY, AND FOR ALL NECESSARY INDEPENDENT ARCHITECTURAL OR ENGINEERING REVIEWS OF THESE CONDITIONS. THE ARCHITECT'S, ENGINEER'S, OR OWNER'S JOB SITE REVIEW IS NOT INTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY MEASURES.
7. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE AND LARGE SCALE DETAILS SHALL TAKE PRECEDENCE OVER SMALLER DETAILS.
8. SHOULD THE CONTRACTOR ENCOUNTER THE PRESENCE, OR POSSIBLE PRESENCE, OF POTENTIALLY HAZARDOUS MATERIALS, THE CONTRACTOR SHALL NOTIFY THE CLIENT FOR INSTRUCTIONS PRIOR TO CONTINUING WORK.
9. NO PRODUCTS CONTAINING ASBESTOS SHALL BE USED ON THIS PROJECT. THE GENERAL CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY ASBESTOS FOUND IN ANY ITEM CALLED FOR IN THE DRAWINGS AND SPECIFICATIONS.
10. GENERALLY, ALL DIMENSIONS ON FLOOR PLANS ARE TO FACE OF FINISH, UNLESS OTHERWISE NOTED.
11. ALL CONDUITS AND PIPING SHALL BE CONCEALED.
12. SUBSTITUTIONS WILL NOT BE ALLOWED WITHOUT THE PRIOR ACCEPTANCE OF THE ARCHITECT. ALL REQUESTS FOR SUBSTITUTIONS, REVISIONS, OR CHANGES SHALL BE SUBMITTED TO THE ARCHITECT PRIOR TO PURCHASE, FABRICATION OR INSTALLATION.
13. THE CONTRACTOR SHALL MAINTAIN THE JOBSITE IN A CLEAN CONDITION AT ALL TIMES AND SHALL NOT LEAVE CONSTRUCTION DEBRIS ON THE PROPERTY.
14. THE CONTRACTOR SHALL NOTIFY THE OWNER IN ADVANCE OF INTERRUPTING UTILITIES SUCH AS WATER, POWER OR HEATING, AND MUST SCHEDULE SUCH WORK WITH THE OWNER.
15. THE CONTRACTOR SHALL REPLACE ANY EXISTING LANDSCAPING OR SITEWORK THAT IS DAMAGED DURING CONSTRUCTION.
16. THE CONTRACTOR SHALL PROVIDE HIS OWN RESTROOM FACILITIES. THE CONTRACTOR IS ALLOWED TO USE OWNERS' ELECTRICITY. THE CONTRACTOR IS NOT TO USE THE OWNERS' TELEPHONE.
17. CONTRACTOR WORK HOURS SHALL BE FROM 7:00 AM TO 7:00 PM MONDAY THROUGH FRIDAY AND 8:00 AM TO 8:00 PM SATURDAY, SUNDAY AND HOLIDAYS.
18. THE CONTRACTOR SHALL BE INSURED AND HAVE WORKMANS COMPENSATION.

## APPLICABLE CODES

- 2013 CALIFORNIA BUILDING CODE (CBC) ADOPTS THE 2012 INTERNATIONAL BUILDING CODE (IBC)  
2013 CALIFORNIA ELECTRICAL CODE (CEC) ADOPTS THE 2011 NATIONAL ELECTRICAL CODE (NEC)  
2013 CALIFORNIA MECHANICAL CODE (CMC) ADOPTS THE 2012 INTERNATIONAL MECHANICAL CODE (IMC)  
2013 CALIFORNIA PLUMBING CODE (CPC) ADOPTS THE 2012 INTERNATIONAL PLUMBING CODE (IPC)  
2013 CALIFORNIA FIRE CODE (CFC) ADOPTS THE 2012 INTERNATIONAL FIRE CODE (IFC)  
2013 CALIFORNIA GREEN BUILDING CODE  
2013 CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS  
THE CITY OF LOS ANGELES MUNICIPAL CODE

## ALTERNATES

1. SEE ELEVATION SHEETS FOR "POP-OUT" ALTERNATES
2. CMU VS STEEL FRAME/TECH TRASH ENCLOSURE
3. BUILDING #3 PAINT AND NEW SUITE ENTRY DOORS AND TRANSOMS
4. CONFIRM FINAL ALTERNATE LIST WITH OWNER

## DEFERRED APPROVALS

1. ALL SIGNAGE UNDER SEPARATE PERMIT

## REVISIONS LOG:

## SHEET INDEX

GENERAL NOTES, PROJECT INFORMATION
G000
G001
G002
G003
SITE PLAN
A100
DEMOLITION PLAN
A101
FRAMING PLAN
A102
ELEVATION
A300
ELEVATION
A301
SECTIONS
A400
DETAILS
A700
DETAILS
A701

## PROJECT DESCRIPTION:

TENANT IMPROVEMENT OF AN EXISTING BUILDING TO BE DESIGNED AND BUILT OUT IN TO A PET HOTEL AND RESORT

## BUILDING CODE DATA:

CONSTRUCTION TYPE: VB  
OCCUPANCY TYPE: B  
NUMBER OF STORIES: 1  
BUILDING HEIGHT: 29'-3" NOT TO EXCEED 3-STORIES OR 40'-0"  
FIRE SPRINKLERS: NA

## PROJECT DATA:

APN: 212-120-59-00  
LEGAL: MAP REF: M 8 832-28/00, LOT: 20 Map Sheet 1008185  
DESCRIPTION: 1969  
YEAR BUILT: [D] M1-1VL  
ZONING: 14,244 SF  
LOT SIZE: COMMERCIAL  
EXISTING USE: COMMERCIAL  
PROPOSED USE: COMMERCIAL  
SET BACK: FRONT: 0'  
REAR: 0'  
SIDE YARD: 0'  
10'-0" SETBACKS FOR INDUSTRIAL AND COMMERCIAL USES.  
FLOOR AREA: 8,800 SF

## PROJECT TEAM:

CLIENT: SEAVIEW INVESTORS  
3354 EAST COAST HWY, STE 410  
CORONA DEL MAR, CA 92625  
OFFICE: 949-566-0000  
CELLULAR: 949-212-3105  
CONTACT: SALTER@SEAVIEWSTORE.COM

ARCHITECT: T7 ARCHITECTURE, INC.  
646 VALLEY AVE., SUITE A  
SOLANA BEACH, CA 92075  
PHONE: 858.345.1255  
CONTACT: ANDREW CROCKER,  
ANDY@T7ARCHITECTURE.COM

DESIGNER: MCCULLEY DESIGN LAB  
224 S. CEDROS AVE, STUDIO A  
SOLANA BEACH, CA 92075  
CONTACT: JOHN MCCULLEY  
PHONE: 858.756.1807

OWNER:

NO.	REVISION	DATE

THESE DRAWINGS, SPECIFICATIONS AND THE CONCEPTS EMBODIED IN THEM ARE THE ORIGINAL UNPUBLISHED WORK OF THE ARCHITECT, AND MAY NOT BE USED, DISCLOSED, OR DUPLICATED WITHOUT WRITTEN CONSENT. WHETHER THE PROJECT FOR WHICH THEY WERE MADE IS COMPLETED OR NOT, UNLESS OTHERWISE AGREED BY CONTRACT.

STAMP:

PROJECT NAME: SEAVIEW PET HOTEL AND RESORT  
JOB NO.: -  
DRAWN BY: ACR/VR  
CHECKED BY: AC  
ISSUE DATE: 04.21.16  
DRAWING FILE: -  
PHASE:

DESIGN DEVELOPMENT

SHEET TITLE:

GENERAL INFO

SHEET NO:

G000

## LEGEND

DRAWING TITLE	1	TITLE	ELEVATION LEVEL
DETAIL	1	DETAIL NUMBER	EXISTING WALL TO REMAIN
SECTION	1	SECTION NUMBER	NEW WALL
ELEVATION	1	ELEVATION NUMBER	REVISION NUMBER
COLUMN LINE DESIGNATION	2	COLUMN LINE DESIGNATION	NORTH ARROW
WALL DESIGNATION	3	WALL DESIGNATION	SAFETY GLASS WHENEVER REQUIRED
INTERIOR ELEVATION	4	INTERIOR ELEVATION	DOOR / WINDOW DESIGNATION
DOOR TAG	5	DOOR TAG	CEILING HEIGHT ABOVE F.F.
DOOR TYPE	6	DOOR TYPE	ROOM NUMBER
HARDWARE GRP	7	HARDWARE GRP	FINISH TAG

## ABBREVIATIONS

ANCHOR BOLT	A.B.	DIAGONAL	DIAG.	GAUGE	GA.	MANUFACTURER	MFR.	SPECIFICATION	SPG.
ASPHALTIC CONCRETE	A.C.	DIAPHRAM	DIA.	GALVANIZED	GALV.	MINIMUM	MIN.	SQUARE	SQ.
AIR CONDITIONING	A.C.	DOUGLAS FIR	D.F.	GLASS	GL.	MISCELLANEOUS	MISC.	STAINLESS STEEL	S.S.
AACOUSTIC	AACOUSTIC	DIMENSION	DM.	GLUE LAMINATED BEAM	GLB.	NORTH	N.	STAGGERED	STAGG.
ACCESS DOOR	A.D.	DEAD LOAD	D.L.	GROSS FLOOR AREA	G.F.A.	NOT IN CONTRACT	N.I.C.	STANDARD	STD.
ACCESSION	A.C.	DOWN	DN.	CYPRESS BOARD	CYP.BD.	NUMBER	NO.	STIFFENED	STIFF.
ADJUSTABLE	ADJ.	DRAINAGE	D.S.	H.O.S.E.	H.O.S.	NOT TO SCALE	N.T.S.	STRUCTURAL	STR.
ADJUSTABLE FLOOR	A.F.F.	DRAWING	DWG.	HOLLOW CORE	H.C.	ON CENTER	O.C.	STEEL	STL.
ALUMINUM	AL.	DOWELS	DWL.	HEADER	HDR.	OUTSIDE DIAMETER	O.D.	TREAD	T.
ALTERNATIVE	ALT.	DRAWER	DWR.	HANGER	HGR.	OVERFLOW OR OUTSIDE	O.F.	TO BE DETERMINED	T.B.D.
ANCOZZED	ANCO.	EAST	E.	HOLLOW METAL	H.M.	FACE	F.	TONGUE AND GROOVE	T.&G.
ARCHITECTURAL	ARCH.	EACH	EA.	HORIZONTAL	HOR.	OPPOSITE HAND	O.P.H.	TEMPERATURE	TEMP.
ASPHALT	ASPH.	EXPANSION BOLT	E.B.	HOT WATER	H.W.	OPENING	OPP.	THRESHOLD	THR.
AT	@	ELEVATOR	ELEV.	INSIDE DIAMETER	I.D.	OPPOSITE	OPP.	TOOLED JOINT	T.O.J.
BOARD	BD.	ELEVATION	ELEV.	INCH	IN.	OVERHEAD LINE	O.H.L.	TOE NAIL	T.O.N.
BETWEEN	BET.	ELECTRICAL	ELEC.	INCLUDED	INC.	PROPERTY LINE OR PLATE	P.L.	TOP OF ITEM	T.O.I.
BOTTOM OF FOOTING	B.O.F.	EDGE NAIL	ENC.	INSULATED	INS.	POWER POLE	P.W.	TOP OF CURB	T.O.C.
BUILDING	BLDG.	ENCLOSURE	ENC.	INSULATION	INSUL.	PLYWOOD	P.WD.	TOP OF FOOTING	T.O.F.
BLOCKING	BLKG.	EQUAL	EQ.	INTERIOR	INT.	POUNDS PER SQUARE FOOT	P.S.F.	TOP OF SLAB	T.O.S.
BEAM	BM.	EACH WAY	E.W.	JANITOR	JAN.	PERIMETER	PERM.	TO OF WALL	T.O.W.
BOUNDARY NAIL	BN.	EXTERIOR	EXT.	JOIST	JST.	PERPENDICULAR	PERP.	TRANSVERSE	TRANS.
BOTTOM	BTM.	EXISTING	EX.	JOINT	JT.	PLASTIC	PLAST.	TYPICAL	TYP.
BEARING	BRG.	FLAT BAR	F.B.	JOIST	JST.	ROOF DRAIN	R.D.	UNLESS OTHERWISE NOTED U.O.N.	U.B.C.
BASEMENT	BSMT.	FLOOR DRAIN	F.D.	JOIST	JST.	REFERENCE	REF.	VINYL ASBESTOS TILE	V.A.T.
BUILT UP	B.U.	FOUNDATION	FDN.	JOIST	JST.	REFLECTED CEILING PLAN	RCP.	VAPOR BARRIER	V.B.
CABINET	CAB.	FIRE EXTINGUISHER	F.E.	JOIST	JST.	REINFORCING	REIN.	VENTILATION	VENT.
CENTERLINE	C.L.	FIRE EXTINGUISHER CABINET	F.E.C.	JOIST	JST.	ESSENT	ESL.	VERTICAL	VERT.
CERAMIC	CER.	FINISH	FIN.	JOIST	JST.	REINFORCING	REIN.	WEST	W.
CONTROL JOINT	C.J.	FINISH FLOOR ELEVATION	F.F.E.	JOIST	JST.	REQUIRE OR REQUIRED	REQD.	WITH	W.
CEILING	CLG.	FINISH SURFACE ELEVATION	F.S.E.	JOIST	JST.	REQUIREMENTS	REQMTS.	WOOD	WD.
CONCRETE MASONRY UNIT	CMU	FLOOR	FLR.	JOIST	JST.	ROOM	ROOM	WIRE GLASS	W.G.L.
COLUMN	COL.	FLOOR AREA PATIO	F.A.P.	JOIST	JST.	ROUGH OPENING	RO.	WATER HEATER	W.H.
CONCRETE	CONC.	FIELD NAILING	F.N.	JOIST	JST.	RADIUS POINT	RP.	WITHOUT	W/O.
CONSTRUCTION	CONSTR.	FACE OF ITEM	F.O.I.	JOIST	JST.	SOUTH	S.	WATERPROOF	WP.
CONTINUOUS	CONT.	FACE OF BRICK	F.O.B.	JOIST	JST.	SOLID CORE	S.C.	WEAKEND PLANE JOINT	W.P.J.
COORDINATE	COORD.	FACE OF CONCRETE	F.O.C.	JOIST	JST.	SEWER CLEAN OUT	S.C.O.	WATER RESISTANT	W.R.
CORNER	COR.	FACE OF MASONRY	F.O.M.	JOIST	JST.	SCHEDULE	SCHED.	WEIGHT	WT.
COUNTERSINK	CSK.	FACE OF PANEL	F.O.P.	JOIST	JST.	SHEET	SHT.	WELDED WIRE FABRIC	W.W.F.
CENTER	CTR.	FACE OF STUD	F.O.S.	JOIST	JST.	SHEET METAL SCREW	S.M.S.	YARD	YD.
CHANNEL	CH.	FACE OF FEET	F.F.	JOIST	JST.	SQUARE FEET	S.Q.F.		
PENNY (NAIL)	P.	FIELD VARIETY	F.V.	JOIST	JST.	SIMILAR	SIM.		
DOUBLE	DBL.			JOIST	JST.				
DETAIL	DET.			JOIST	JST.				
DIAMETER	DIA.			JOIST	JST.				



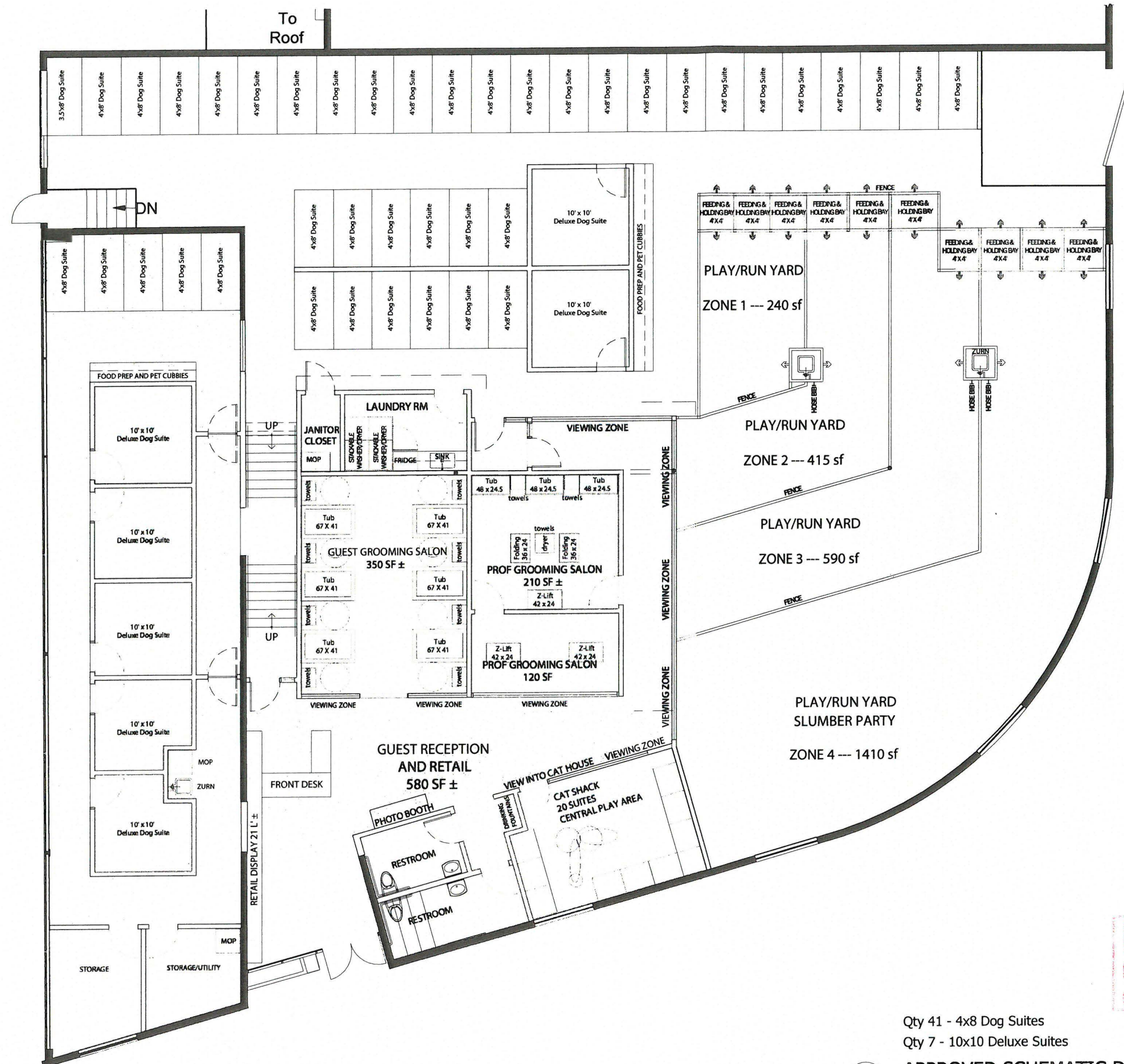
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DESIGN FLOOR PLAN

Project No. \_\_\_\_\_  
Scale 1/4" = 1'-0"  
Date 4-22-2016

Sheet Issue

Sheet Title  
FLOOR PLAN

Sheet No.  
ID1.0



**APPROVED SCHEMATIC DESIGN FLOOR PLAN**

Scale: 1/4" = 1'-0"



NO.	REVISION:	DATE:

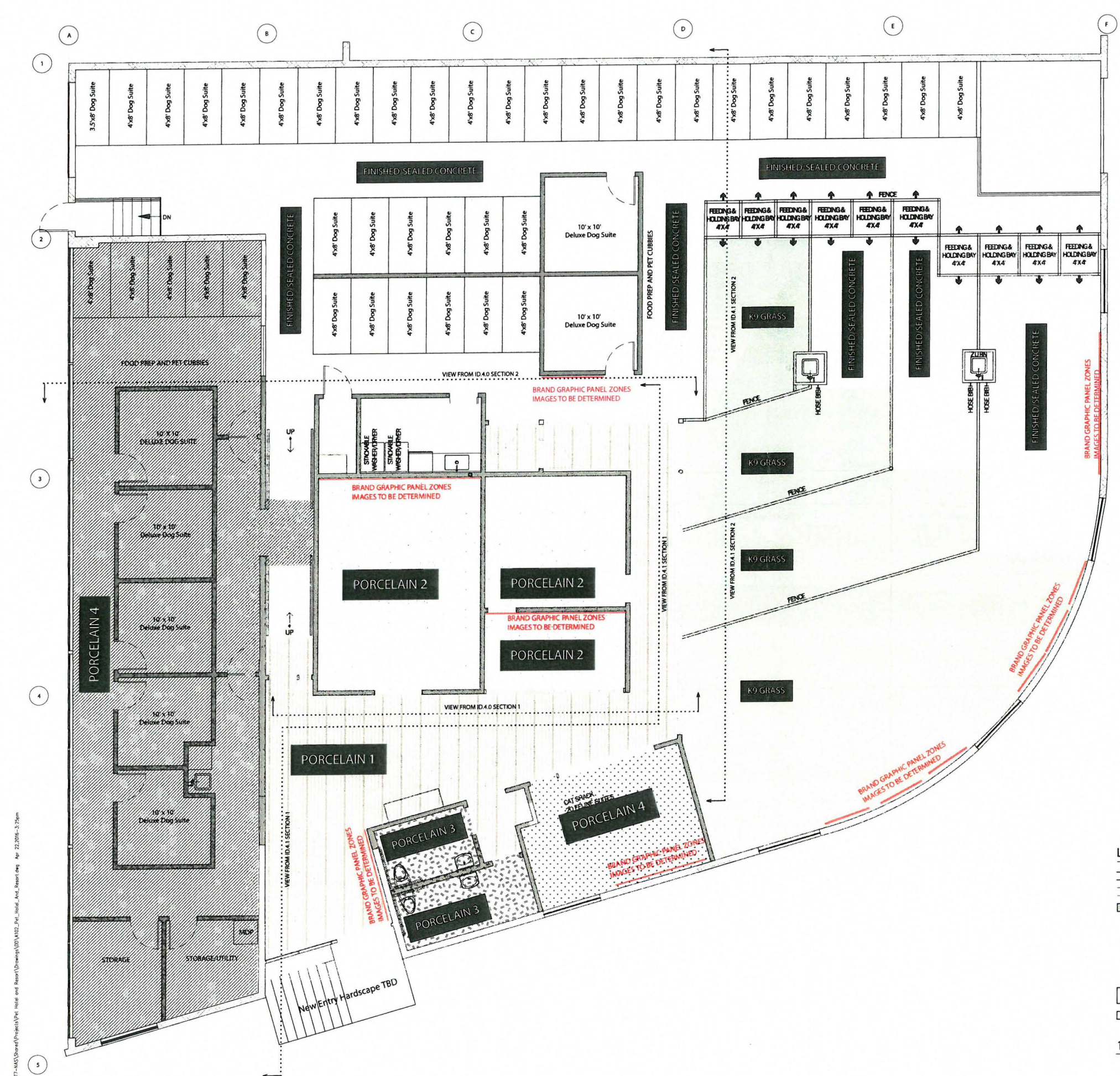
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STAMP:

PROJECT NAME:	SEAVIEW PET HOTEL AND RESORT
JOB NO:	
DRAWN BY:	AC/RV/FR
CHECKED BY:	AC
ISSUE DATE:	04.21.16
DRAWING FILE:	
PHASE:	

DESIGN DEVELOPMENT  
SHEET TITLE:

SHEET NO:  
**ID2.0**



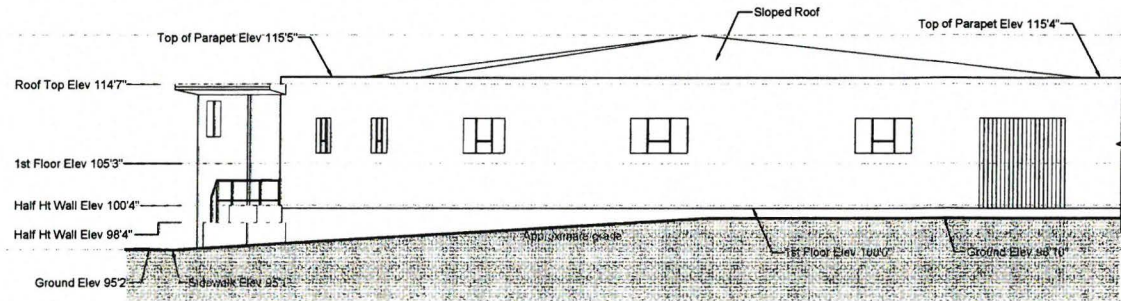
LEGEND

- EXISTING WALL
- DEMO WALL
- NEW WALL - 2 X 4 @ 16" O.C. 7' ON BOTH SIDES
- EXISTING DOOR
- NEW DOOR
- NOT IN CONTRACT
- EXISTING CMU WALL

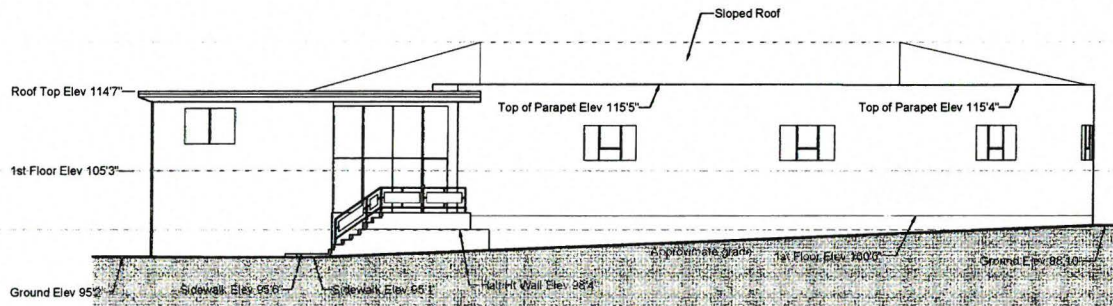
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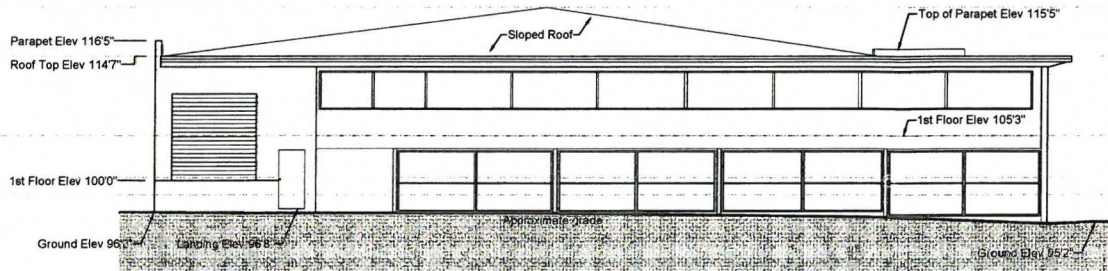
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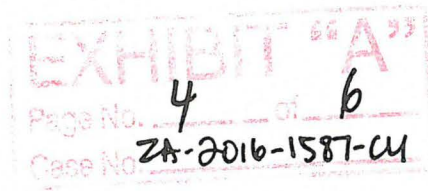
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SCALE: 1/8" = 1'-0"



2. SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"



3. WEST ELEVATION  
SCALE: 1/2" = 1'-0"



PROJECT:  
SEAVIEW PET HOTEL  
AND RESORT  
6344 ARIZONA CIRCLE  
LOS ANGELES, CA 90045



T7 ARCHITECTURE, INC. - ANDREW E. CROCKER, AIA  
646 VALLEY AVE, SUITE A, SOLANA BEACH, CA 92075  
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INTERIOR DESIGNER:



McCurley Design LLC  
A California Limited Liability Company  
Studio:  
224-A South Cedros Avenue  
Solana Beach, CA 92075  
858.756.1807  
mccurleydesign.com

NO.	REVISION:	DATE:

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STAMP:

PROJECT NAME:	SEAVIEW PET HOTEL AND RESORT
JOB NO:	-
DRAWN BY:	AC/RV/FR
CHECKED BY:	AC
ISSUE DATE:	04.21.16
DRAWING FILE:	-
PHASE:	-

DESIGN DEVELOPMENT

SHEET TITLE:

EXISTING ELEVATIONS

SHEET NO:

A300

**PET RESORT**  
6344 Arizona Circle  
Los Angeles, CA

**Scope Document**  
This drawing indicates general Project Scope and design intent. Drawings do not necessarily indicate all work required for full development and completion of Project Documents. Contractor and Vendor shall submit all items required for the project's execution and completion of the Project. Work, decisions of McCulley Design LLC included within the scope of this document shall be final and binding on the Contractor and Vendor.

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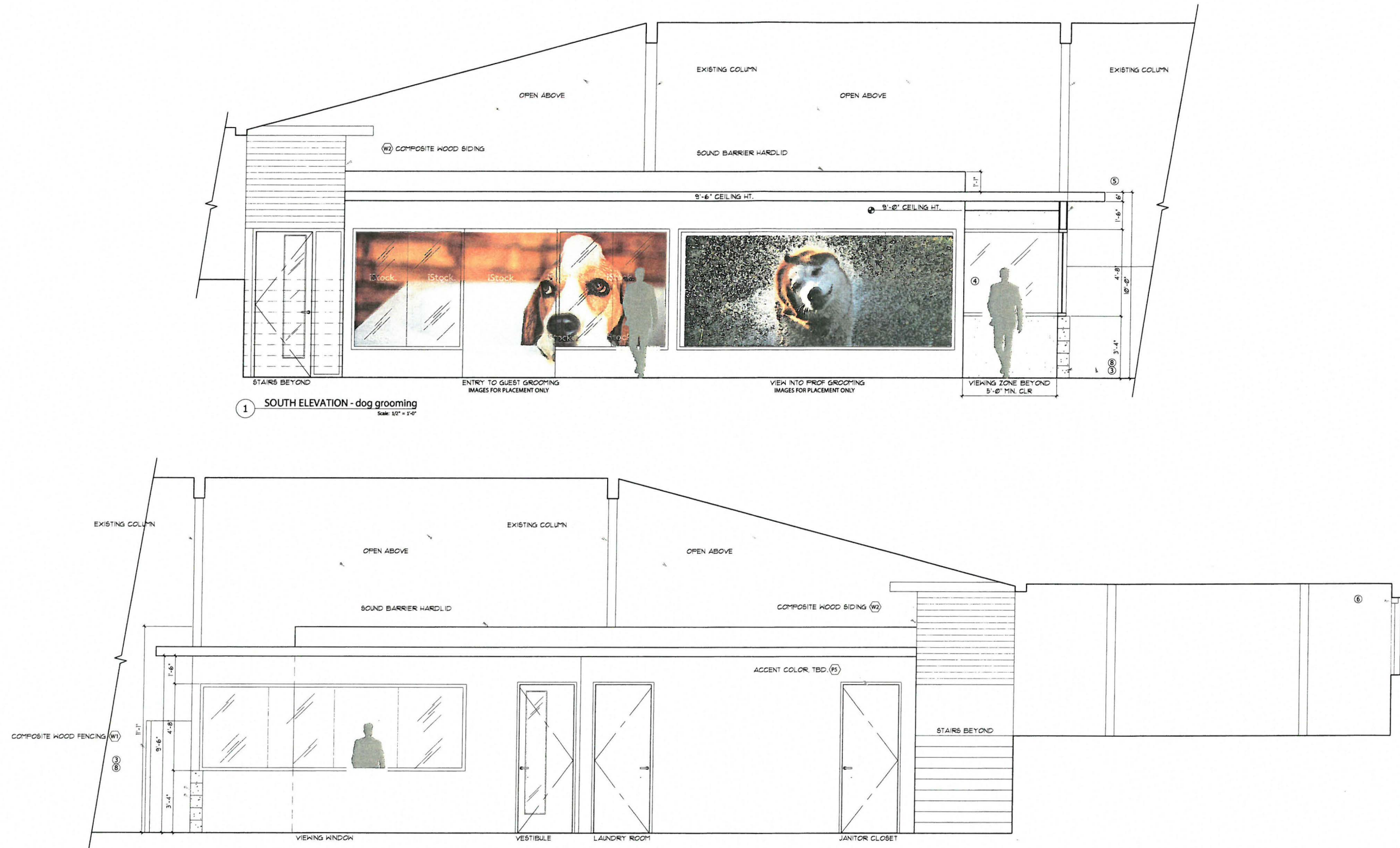
Project No.  
Scale  
Date

Sheet Issue

Description	Date	No.

Sheet Title  
INTERIOR ELEVATIONS

Sheet No.  
**ID.4.0**



**ELEVATION NOTES**

1. WATERFALL EDGE, 1" TOP WITH 1/2" REVEAL
2. 6' H FENCE - COMPOSITE WOOD
3. MATERIAL IMPERVIOUS TO URINE 36" A.F.F.
4. ALUMINUM STORE FRONT - TEMPERED EDGE BUTT GLASS
5. USE SOUND BOARD IN ALL INTERIOR WALLS
6. PROVIDE SOLAR ROLLER SHADES ON ALL EXISTING WINDOWS
7. RECESSED LED LIGHT WITH CHANNEL
8. CMU WALL SEALED WITH CLEAR EPOXY PAINT
9. PORCELAIN TILE FLOORS

M

EXHIBIT "A"  
Page No. 5  
Case No. 2A-2016-1587-CM



**PET RESORT**  
6344 Arizona Circle  
Los Angeles, CA

**Scope Document**  
This drawing indicates general Project Scope and design intent. Drawings do not necessarily indicate or describe all work required for full performance and completion of Project Documents. Contractors and vendors shall furnish all items required for proper execution and completion of the Project work. Decisions of McCulley Design LLC recorded within the scope of this document shall be final and binding on the Contractor and Vendor.

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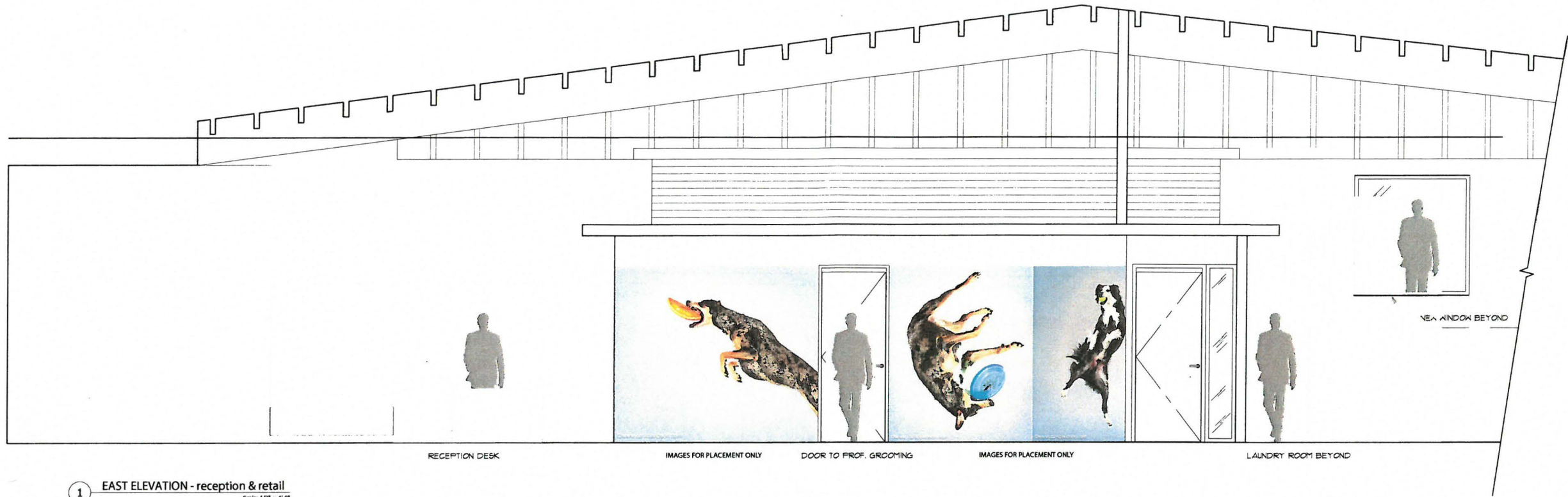
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Date 4-22-2016

Sheet Issue

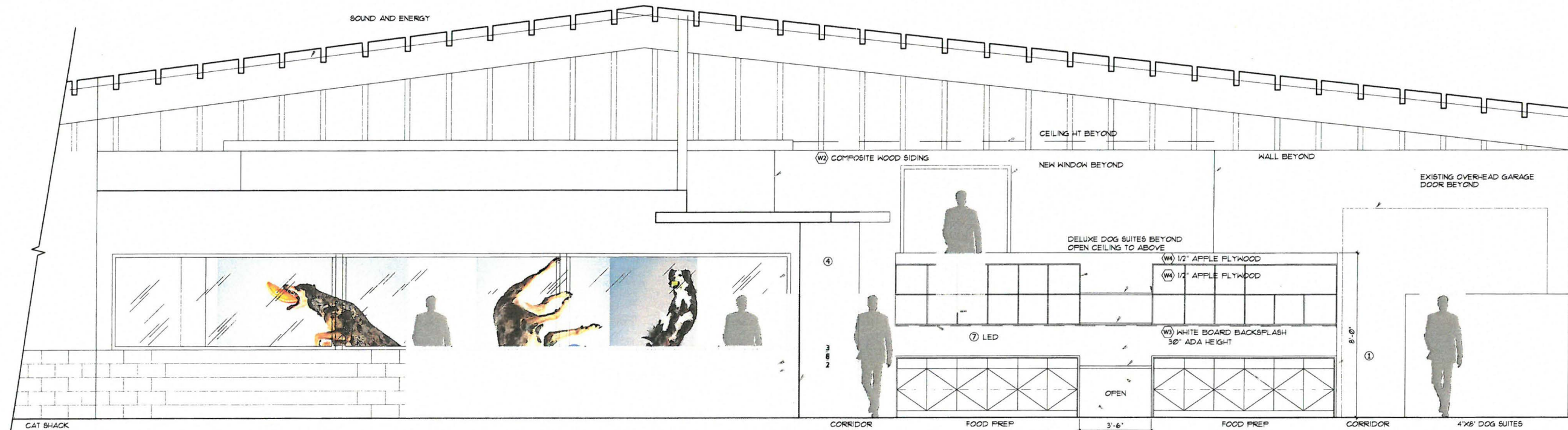
No.	Date	Description
1	4.22.2016	PROGRESSIVE/REVISIONS

Sheet Title  
INTERIOR ELEVATIONS

Sheet No.  
**ID.4.1**



**1 EAST ELEVATION - reception & retail**  
Scale: 1/2" = 1'-0"



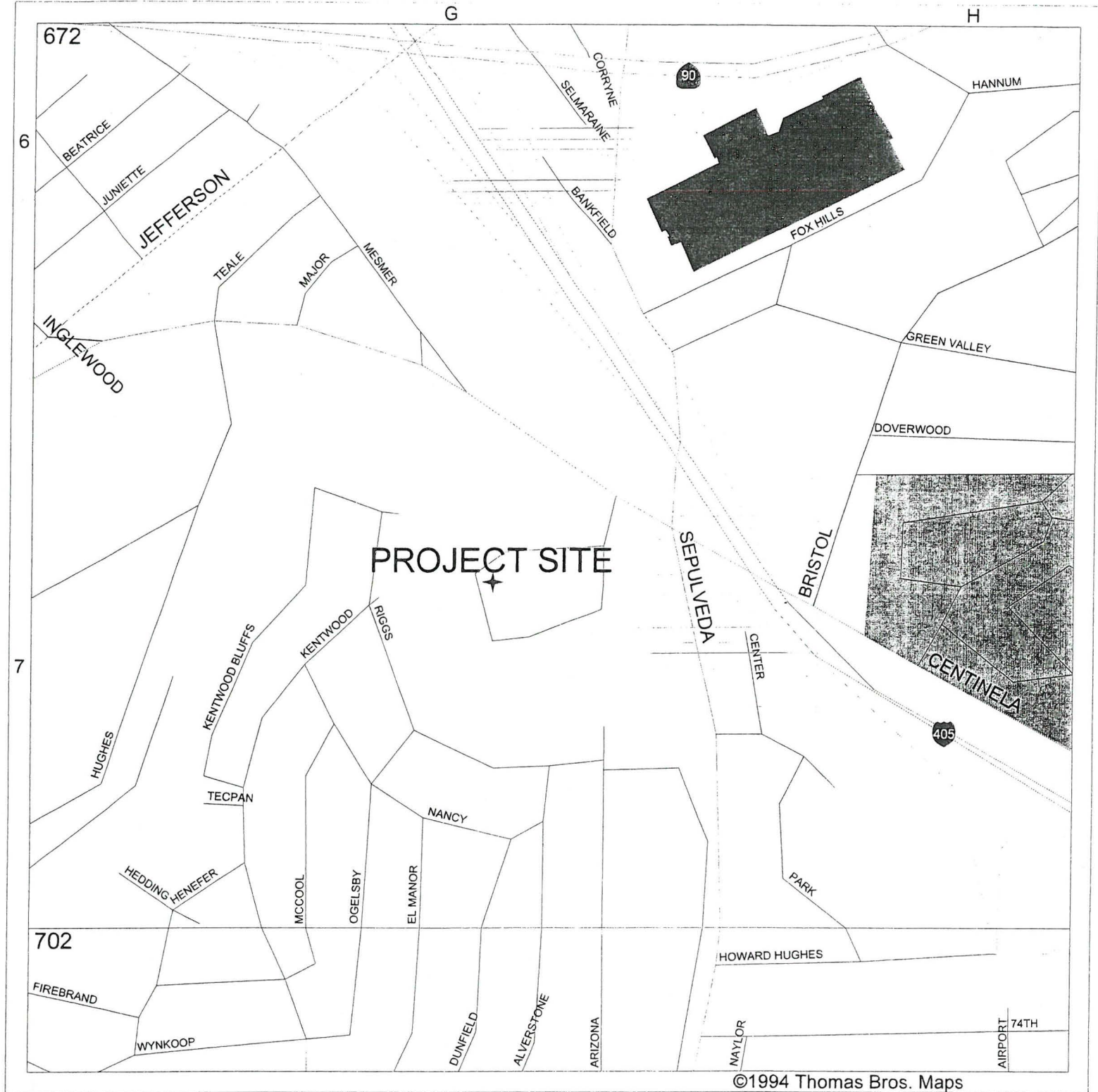
**2 EAST ELEVATION - play/run yard**  
Scale: 1/2" = 1'-0"

**ELEVATION NOTES**

1. WATERFALL EDGE, 1" TOP WITH 1/2" REVEAL
2. 6' H FENCE - COMPOSITE WOOD
3. MATERIAL IMPERVIOUS TO URINE 36" A.F.F.
4. ALUMINUM STORE FRONT - TEMPERED EDGE BUTT GLASS
5. USE SOUND BOARD IN ALL INTERIOR WALLS
6. PROVIDE SOLAR ROLLER SHADES ON ALL EXISTING WINDOWS
7. RECESSED LED LIGHT WITH CHANNEL
8. CMU WALL SEALED WITH CLEAR EPOXY PAINT
9. PORCELAIN TILE FLOORS

# **RADIUS MAP**





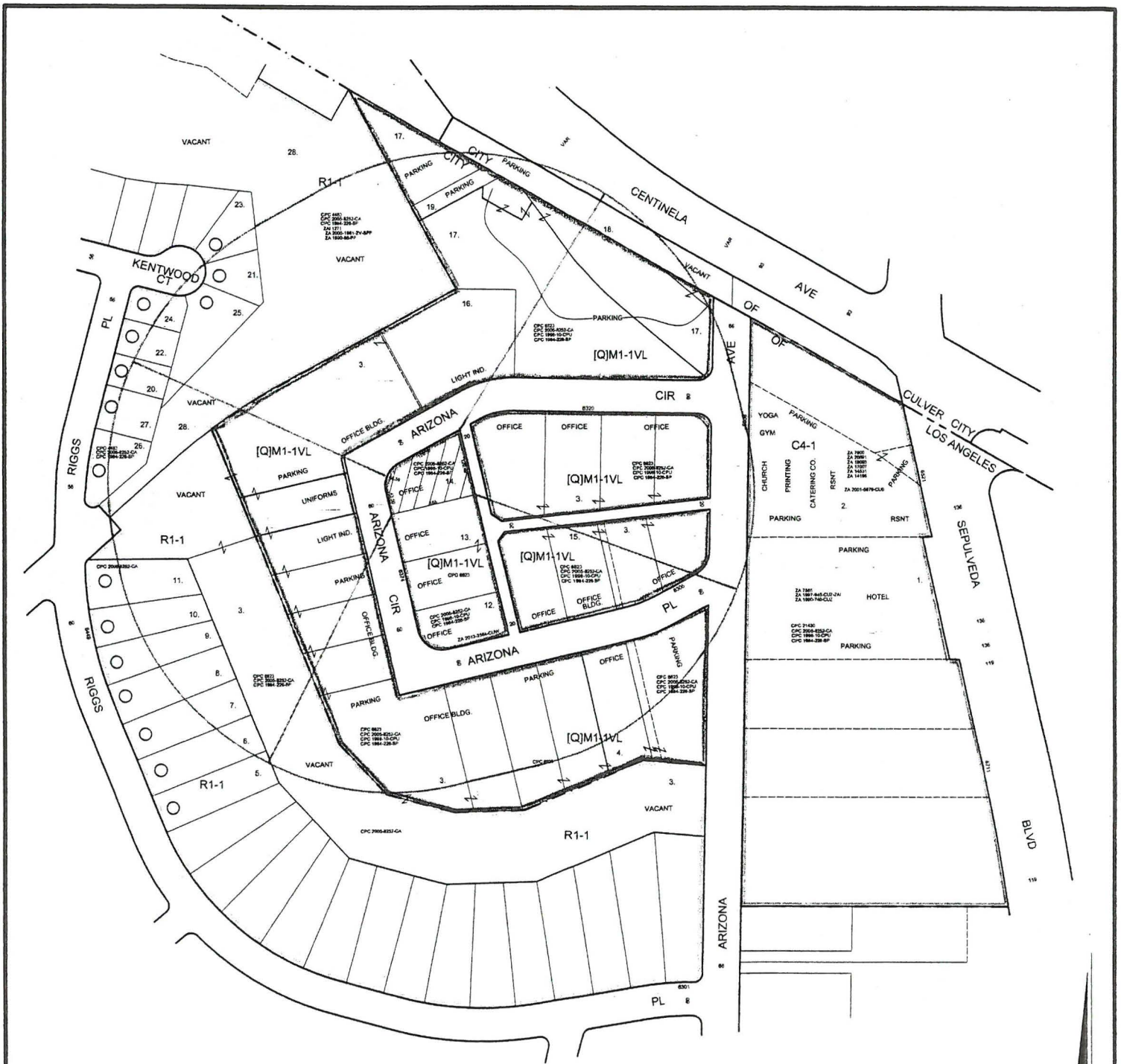
### VICINITY MAP

SITE : 6344 W. ARIZONA CIRCLE

## **GC MAPPING SERVICE, INC.**

3055 WEST VALLEY BOULEVARD  
ALHAMBRA CA 91803

(626) 441-1080, FAX (626) 441-8850  
[GCMAPPING@RADIUSMAPS.COM](mailto:GCMAPPING@RADIUSMAPS.COM)



LEGAL: LOT 22, TRACT NO. 22262.

C.D. 11  
C.T. 2770.00  
P.A. WESTCHESTER-PLAYA DEL REY

**GC MAPPING SERVICE, INC.**  
3055 WEST VALLEY BOULEVARD  
ALHAMBRA CA 91803  
(626) 441-1080 FAX (626) 441-8850

## CONDITIONAL USE PERMIT

CASE NO.  
DATE: 05-02-2016  
SCALE: 1" = 100'  
USES FIELD  
D.M. 102 B 165,  
105 B 165  
T.B. PAGE: 672 GRID: G-7

0.34 NET AC.



# **CORRESPONDENCE**

February 14, 2017

Esther Margulies, President  
Marion Merritt, Vice President  
Joseph W. Halper, Commissioner  
Michael Newhouse, Commissioner  
Lisa Waltzmorocco, Commissioner  
City of Los Angeles  
West Los Angeles Area Planning Commission  
200 North Spring Street, Room 532  
Los Angeles, California 90012

RE: **Supplement to Appeal of ZA-2016-1587-CU/6344 Arizona Circle Regarding Noise Impacts**

Dear President Margulies and Honorable Commissioners:

Liner LLP ("Liner") represents appellant Charles V. Salice whose company CTK Ventures, LLC owns 6368 and 6374 Arizona Circle ("Noise Sensitive Uses"), located approximately four inches south of the proposed kennel at 6344 Arizona Circle. This supplemental letter further details specific errors and abuses of discretion with respect to the approval of the Conditional Use Permit/ZA-2016-1587-CU ("CUP") for the proposed kennel, as well as within the noise analysis prepared by Mei Wu Acoustics ("Noise Study") and submitted by SVI 6344 ARIZONA, LLC ("Applicant"). As such, the West Los Angeles Area Planning Commission should grant the appeal and deny the proposed CUP.

## I. BACKGROUND

Here, the two buildings located at 6368 Arizona Circle and 6374 Arizona Circle buildings are respectively occupied by production companies CVLT LA and Supply & Demand, Inc. Creative directors, producers, photographers, set designers, stylists, editors, digital asset managers and post-production technical experts work at the buildings. The production and creative uses at 6368 and 6374 Arizona Circle are part of a creative, cutting-edge, high-technology community within the so-called Arizona Circle campus ("Campus"). Such uses are manifestations of the growth and evolution of the Campus and the unique character embodied by its occupants. No kennel currently exists in or near the Campus.

Further compounding the unusual set of circumstances, are the facts that the kennel is proposed to be located in a building four inches away from a production studio; has notably thin windows; and has a ceiling with gaps which may leak noise. The proposed kennel represents the Applicant's first ever attempt



to run a dog and cat kennel. The Applicant lacks any experience whatsoever in operating a dog and cat kennel and has never demonstrated compliance with conditions of approval for such a use.

## **II. BOTH THE NOISE STUDY AND THE ZONING ADMINISTRATOR'S DETERMINATION HINGE ON AN ERROR IN INTERPRETING THE LOS ANGELES MUNICIPAL CODE ("LAMC")**

The Noise Study incorrectly interprets a provision in the LAMC to arrive at the flawed conclusion that "there are no clearly definable measurable metrics or limits in the municipal code pertaining to barking noise at the project site" and that "[c]ode regulations pertaining to dog barking noise specifically exempt permitted commercial uses." (Noise Study, p. 4.)

The LAMC contains multiple regulations applicable to noise generated from barking dogs. Under the LAMC, dog barking is considered an "Impulsive Sound," defined as a "sound of short duration, usually less than one second, with an abrupt onset and rapid decay." (LAMC Section 111.01 (e).) For Impulsive Sounds which are repetitive, LAMC Section 111.02 (b) requires five decibels to be added to the sound level measurement of the offending noise for purposes of calculating noise violations. Additionally, LAMC Section 53.63 prohibits any person to permit any dog under their care from emitting excessive noise, including noise which is "unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more person occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept."

The Noise Study completely dismisses the applicability of LAMC Section 111.01 and LAMC Section 53.63, and does not adjust the noise measurements for the project as "Impulsive Sound" or consider dog barking as excessive noise on surrounding properties. The Applicant and Zoning Administrator's mistaken conclusion appears to result from a misreading of the following portion of LAMC Section 53.63: ". . . the provisions of this section shall not apply to any commercial animal establishment permitted by zoning law where located." Due to its location, the proposed kennel is not permitted by-right. Rather, the very need to seek a CUP in this instance is clear evidence that the kennel is not permitted due to its location within 500 feet of the surrounding residences. As such, due to the fact that the kennel is not permitted by zoning law where located, the LAMC exception does not apply. Therefore, both the City and the Noise Study should have taken the LAMC requirements into account in calculating noise that would be generated from the proposed kennel. Due to the addition of five decibels to the noise calculations in the Noise Study, and in view of barking noise which would undoubtedly "unreasonably interfere" with the noise-sensitive production studios next door and in the surrounding neighborhood, the kennel would result in a significant impact due to noise generated by barking dogs. The Zoning Administrator's erroneous interpretation exceeded his authority and is thus an abuse of discretion.

**III. THE NOISE STUDY IS INADEQUATE AS IT DOES NOT CONSIDER OR ANALYZE POTENTIAL SIGNIFICANT IMPACTS ON THE SENSITIVE USE LOCATED AT 6368 S. ARIZONA CIRCLE GENERATED FROM PICK-UP/DROP-OFF OR NOISE THROUGH THE KENNEL WINDOWS AND ROOF**

**A. THE ZONING ADMINISTRATOR'S DETERMINATION IS INCONSISTENT WITH THE PATTERN AND PRACTICE OF THE CITY TO CONSIDER COMMERCIAL STUDIO USES AS SENSITIVE RECEPTORS FOR PURPOSES OF CEQA**

The Noise Study also fails to consider the fact that the use of the directly adjacent building is a production studio, with an extremely high sensitivity to noise. Instead, Mei Wu Acoustics simply references "typical office" and "conference room" sound sensitivities for the analysis (Noise Study, p. 17). This is inconsistent with the pattern and practice of the City in analyzing potentially significant impacts to production/film studios from noise generated by adjacent projects. The clear precedent in the City is to analyze such creative uses as sensitive receptors for purposes of CEQA.

For the Yucca Street Condos project located at 6230 West Yucca Street, the noise analysis in the Draft Environmental Impact Report ("DEIR"), attached in pertinent part hereto as Exhibit A, specifically addresses this issue where the project is in proximity to an existing creative studio:

[T]he adjacent Capitol Records Tower, located approximately 75 feet to the southwest, contains recording studios and equipment which may be sensitive to noise and/or vibration. Even though office buildings and other commercial facilities are generally not considered sensitive receptors, and even though the rooms in which the equipment is located are likely insulated against noise . . . *this use is conservatively assumed to be a sensitive receptor.* (Case No. ENV-2006-6941-EIR, DEIR p. IV.I-11, italics added.)

The noise study in the Final Environmental Impact Report ("FEIR") prepared for the Emerson College Los Angeles Center Project, attached in pertinent part hereto as Exhibit B, similarly identified nearby commercial studio uses as sensitive noise receptors, including the EastWest Studios. (Case No. ENV-2009-0469-EIR, FEIR p. IV.I-11.) The noise study for that project specifically recognizes the unique sensitivity of commercial studios and the entertainment community as a whole in the City:

Unlike residential or other uses where significant noise impacts most commonly result in temporary disturbance or annoyance, *an impact to the recording studios will result in them not being able to operate and potentially going out of business if the impact extends for more than a few days.* If the



studio were to close for more than a few days . . . word would quickly spread among the entertainment community, and alternative recording locations would quickly be found by this tight-knit community. Once lost, this type of business is very difficult, if not impossible, to regain. (*Id.* p. III-11, italics added.)

Identical sentiments have already been echoed in this case by CVLT LA's Managing Director, Steven Henry who stated the following after learning of the Zoning Administrator's action in approving the CUP:

I realize that my business will not have a leg to stand on with regard to filing noise complaints even though the degree of disruption to our business could be devastating. Any noise from dogs barking will render the entire side of my studio worthless for any kind of post production. It is unimaginable that a director or client will put up with barking dogs in the middle of an edit or sound design. (Steven Henry, November 28, 2016.)

The Noise Study does not consider the adjacent production space as a sensitive receptor. As such, the Noise Study and City analysis deviates from the well-established rule in the City that such uses are to be treated as sensitive receptors. It is arbitrary and unreasonable to give the Westside less legal protection than to production uses in Hollywood. Just as the production studio uses are considered sensitive uses in Hollywood, the production studio use should similarly be considered a sensitive receptor here.

**B. THE NOISE STUDY DOES NOT ADEQUATELY ANALYZE POTENTIALLY SIGNIFICANT IMPACTS FROM THE PROPOSED KENNEL**

The Noise Study does not analyze the full range of significant noise impacts from the proposed kennel use, including:

- Dogs barking while entering/leaving the building from the front or rear entrance to the facility;
- Leaks from the roof (assumed to be composed of 1-layer of plywood);
- Leaks from the exterior façade (single row of brick) and windows (1/8-inch glass);
- Leaks from the garage door on the south façade of the facility; and

- Leaks from the HVAC system.

The Noise Study identifies these areas as potential sources of noise leaks with residential uses, but not for sensitive production uses. For example, on page 12 of the Noise Study it is stated that “Based upon our calculations, the weakest path for sound transmission is the roof” and that the “windows are relatively thin.” Neither potential noise leakage from the roof nor from the windows was studied for potential impacts on the adjacent Noise Sensitive Use. Additionally, despite the fact that the Noise Study acknowledges that “surrounding buildings” provide “barrier effects” for residential uses by absorbing noise generated at the rear entrance of the facility during pick-up and drop-off (Noise Study, p. 9), the Noise Study does not analyze noise impacts on the surrounding commercial uses due to pick-up and drop-offs at the location. A clear example of the complete disregard for the production studio next door, the Noise Study seeks to mitigate the “risk of noise impacts to residential properties during nighttime hours” by placing the pick-up and drop-off location at the rear entrance without considering the proximity to that location to the production trailer located feet away or the fact that production studios often operate late into the night. (Noise Study, p. 9.)

The Noise Study cannot acknowledge weak points in the proposed kennel facility for noise leakage for the residential uses on one hand, and completely disregard them for noise leakage for the immediately adjacent commercial use on the other hand. Rather, due to the Noise Sensitive Uses’ proximity to the proposed kennel there is an increased need to properly study these factors.

Assuming the only noise transmitted to the Noise Sensitive Uses is through the brick walls, Mei Wu Acoustics estimates that the transmitted sound level to the adjacent building would be 20 dBA Leq / 27 dBA LMAX. If sound is also being transmitted through gaps in the roof and thin windows, there would be a greater impact on the adjacent Noise Sensitive Uses, likely resulting in a significant impact even under the assumption that the commercial building is a “typical private office,” rather than a production studio. As the Conditions of Approval in the Determination Letter will not mitigate the significant noise impacts to the adjacent highly sensitive production use, the Zoning Administrator erred and abused its discretion in approving the CUP based on a Categorical Exemption.

**C. HAD THE PRODUCTION STUDIO PROPERLY BEEN CONSIDERED A SENSITIVE USE, IT WOULD BE READILY APPARENT THAT THIS WOULD BE AN UNUSUAL CIRCUMSTANCE AND THERE WOULD BE SIGNIFICANT IMPACTS BECAUSE OF THE NOISE GENERATED BY THE PROPOSED KENNEL**

CEQA and interpretive case law make clear that if there is a “reasonable possibility” that an activity will have a significant effect on the environment due to “unusual circumstances,” an agency may not find the activity to be categorically exempt from CEQA. (14 Cal Code Regs Section 15300.2(c).) To deny a categorical exemption on these grounds, it only needs to be determine that the project presents unusual circumstances and that there is a reasonable possibility that significant environmental impact will result



from those unusual circumstances. *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1104. Unusual circumstances may be found on the basis of a feature or condition that distinguishes the project, such as its location. *Id.* An agency may not ignore evidence of an unusual circumstance creating a reasonable possibility of a significant environmental impact when making an exemption determination. *Committee to Save the Hollywoodland Specific Plan v. City of Los Angeles* (2008) 161 Cal.4th 1168, 1187.

As more fully explained in the Section I of this Letter, the circumstances surrounding the proposed kennel are entirely unusual, including the fact that the kennel is separated by only four inches from the adjoining use and the adjoining use happens to be a production studio. Had the Zoning Administrator or Mei Wu Acoustics properly considered the production studio as a sensitive use, it would have been readily apparent this is an unusual circumstance and that there would be significant impacts due to a kennel being located next door. As an agency is precluded from ignoring such evidence in making a CEQA exemption determination, it was an error to grant the Categorical Exemption in this case without fully considering the production studio as a sensitive receptor.

#### **IV. THE NOISE STUDY DID NOT PROPERLY MEASURE NOISE FOR DOG BARKING AND MEI WU ACOUSTICS DID NOT CONDUCT AN ON SITE MEASUREMENT RELATIVE TO NOISE SENSITIVE USES**

The LAMC considers dog barking an “Impulsive Sound,” defined as a “sound of short duration, usually less than one second, with an abrupt onset and rapid decay.” (LAMC Section 111.01 (e).) Because of the unique loud, sudden and compulsive effect of barking dogs, Leq and CNEL are not the appropriate standards by which noise impacts should be studied for dog kennels, yet the Noise Study applies them throughout its analysis. Dog barks are sharp and instantaneous noises unlike human activity which is usually well represented by median noise levels over a period of time.

The Noise Study does not properly analyze the  $L_{max}$  of a sufficient number of dogs barking outside and inside the proposed kennel on the adjacent Noise Sensitive Uses. A legally adequate noise study must focus on the maximum number of barking dogs all at once (in this case 150 dogs) and during periods of high traffic. The Noise Study acknowledges that, counterintuitively, “[d]uring rush-hour, the traffic jams and the sound levels go down because vehicles are traveling slowly.” (Noise Study, page 7.) The Noise Study should have included an analysis of the instantaneous dark barking noises during the high traffic periods during which sound levels drop to study the effect on surrounding commercial businesses. This would demonstrate the actual maximum impact of the kennel operations on surrounding noise sensitive uses. Similar sound analyses in California have specifically noted the unique ability of dog barking to be perceived over traffic noises (See Sonoma County Report 2987, UPE 11-0020, p.5, attached as Exhibit C - during periods of low traffic “[i]t should be noted that, if barking were to occur to the degree considered, dog barks may be occasionally perceptible over the ambient traffic sounds” – Meadows Kennel, p. 5.)

Further, an on-site measurement including site visit details, such as traffic levels, was not done for the Noise Sensitive Uses. Instead, the one page analysis relating to the Noise Sensitive Uses simply relies on a variety of assumptions and unidentified laboratory test data concerning brick walls to generate a rough estimate for the noise impacts of the adjoining production/film studio use. Based on the fact that the adjacent use is a sensitive receptor and that the kennel will generate Impulsive Sounds requiring an addition of five decibels added to noise calculations, the kennel would cause significant impacts to the sensitive receptor next door.

**A. THE CONDITIONS OF APPROVAL AND MITIGATION MEASURES ARE UNENFORCEABLE AND DO NOT MITIGATE THE SIGNIFICANT IMPACTS TO THE SENSITIVE USE WHICH WILL OCCUR AS A RESULT OF NOISE GENERATED BY THE ADJOINING KENNEL**

Even with the measures assumed, the Noise Study indicates that the transmitted noise of the barking dogs on the adjacent property would be 20 dBA Leq/27 LMAX. See page 17 of the Noise Study. Typically, a five dBA increase would be considered a significant impact under the L.A. CEQA Thresholds Guide, so it is not clear how in this instance a 20 dBA increase in noise levels as a result of the kennel would not be considered a significant impact under the City's noise thresholds.<sup>1</sup> Because of the sensitivity of the production uses to single event noise from barking dogs, the temporary loud and unpredictable noise of barking dogs presents a unique impediment to conducting film production uses.

The Noise Study assumes that "the use of acoustical treatments described in the prior section of this report" would be followed, but that assumption is unwarranted because not all of the noise attenuation features and mitigation measures are legally required. See Noise Study, p. 17. For instance, the Noise Study states that the garage door on the south façade shall be enclosed to reduce impacts to less than significant. The City has imposed no such requirement. The City has also allowed the kennel's noise consultant the ability to determine the type and extent of roof insulation without requiring any particular standard. The City states that the implementation "should" reduce noise impacts to less than significant, but does not have any enforceable requirement that the noise impacts shall be reduced to less than significant.

---

<sup>1</sup> The Noise Study did not assume any barking or howling dogs in the LMAX or Leq analysis for those dogs coming into or going out of the kennel. Once the noise levels of these potentially barking dogs arriving and leaving the kennel are taken into account, the LMAX noise levels would be even greater since there would be no noise attenuation features from the walls of the kennel.



President Margulies and Honorable Commissioners  
February 14, 2017  
Page 8

**B. THE APPELLANT'S PROPOSED ADDITIONAL MITIGATION MEASURES AND  
CONDITIONS OF APPROVAL REVEALS THE INADEQUACY OF THE CONDITIONS  
OF APPROVAL APPROVED BY THE ZONING ADMINISTRATOR**

In addition to the Conditions of Approval approved by the Zoning Administrator, the inadequacy of the Conditions of Approval to reduce noise impacts to less than significant levels is revealed by the Applicant's two page list of proposed additional conditions of approval/mitigation measures. The Applicant's January 25, 2017 list would not reduce the impacts to a less-than-significant level, as evidenced by the responses to these proposed Conditions of Approval/Mitigation Measures (attached hereto as Exhibit D.)

For the reasons set forth herein, it was an abuse to of discretion on the part of the Zoning Administrator to grant the CUP based on the flawed environmental analysis and misinterpretation of the LAMC.

Very truly yours,

**LINER LLP**



Ryan M. Leaderman

cc: Oscar Medellin, Esq.  
Ken Klausner  
Matt Nichols, Esq.

Attachments: Exhibit A - Yucca Street Condos DEIR; Exhibit B – Emerson College FEIR; Exhibit C – Sonomo Noise Analysis; Exhibit D - Appellants Responses to Applicant' s Proposed Additional Conditions of Approval

## **Exhibit A**



## IV. ENVIRONMENTAL IMPACT ANALYSIS

### I. NOISE

#### ENVIRONMENTAL SETTING

##### Fundamentals of Sound and Environmental Noise

Sound is technically described in terms of amplitude (loudness) and frequency (pitch). The standard unit of sound amplitude measurement is the decibel (dB). The decibel scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Since the human ear is not equally sensitive to a given sound level at all frequencies, a special frequency-dependent rating scale has been devised to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against frequencies in a manner approximating the sensitivity of the human ear.

Noise, on the other hand, is typically defined as unwanted sound. A typical noise environment consists of a base of steady ambient noise that is the sum of many distant and indistinguishable noise sources. Superimposed on this background noise is the sound from individual local sources. These can vary from an occasional aircraft or train passing by to virtually continuous noise from, for example, traffic on a major highway. Table IV.I-1, Representative Environmental Noise Levels, illustrates representative noise levels for the environment.

**Table IV.I-1  
Representative Environmental Noise Levels**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	—110—	Rock Band
Jet Fly-over at 100 feet		
	—100—	
Gas Lawnmower at 3 feet		
	—90—	
		Food Blender at 3 feet
Diesel Truck going 50 mph at 50 feet	—80—	Garbage Disposal at 3 feet
Noisy Urban Area during Daytime		
Gas Lawnmower at 100 feet	—70—	Vacuum Cleaner at 10 feet
Commercial Area		Normal Speech at 3 feet
Heavy Traffic at 300 feet	—60—	
		Large Business Office
Quiet Urban Area during Daytime	—50—	Dishwasher in Next Room
Quiet Urban Area during Nighttime	—40—	Theater, Large Conference Room (background)
Quiet Suburban Area during Nighttime		
	—30—	Library
Quiet Rural Area during Nighttime		Bedroom at Night, Concert Hall (background)
	—20—	
		Broadcast/Recording Studio

**Table IV.I-6  
Typical Outdoor Construction Noise Levels**

<b>Construction Phase</b>	<b>Noise Levels at 50 Feet (dBA L<sub>eq</sub>)</b>	<b>Noise Levels at 50 Feet with Mufflers (dBA L<sub>eq</sub>)</b>
Ground Clearing	84	82
Excavation, Grading	89	86
Foundations	78	77
Structural	85	83
Finishing	89	86

Source: U.S. EPA 1971.

The nearest and most notable sensitive receptors to the project site are the multi-family residential development located to the east of the project site at the southeast corner of Yucca Street and Argyle Avenue. In addition, the adjacent Capitol Records Tower, located approximately 75 feet to the southwest, contains recording studios and equipment which may be sensitive to noise and/or vibration. Even though office buildings and other commercial facilities are generally not considered sensitive receptors, and even though the rooms in which the equipment is located are likely insulated against noise, due to presence of recording equipment which could be affected during the demolition and excavation phases of the proposed project, this use is conservatively assumed to be a sensitive receptor. Project construction-related noise levels at these residences may exceed 86 dBA L<sub>eq</sub> during site grading, excavation, and finishing. Based on criteria established in the Draft CEQA Threshold Guide, construction activities lasting more than one day, which would increase ambient exterior noise levels by 10 dBA or more at a noise sensitive use, may result in a potentially significant impact.

However, Section 41.40 of the LAMC regulates noise from demolition and construction activities. Exterior demolition and construction activities that generate noise are prohibited between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, and between 6:00 P.M. and 8:00 A.M. on Saturday. Demolition and construction are prohibited on Sundays and all federal holidays. Therefore, even though demolition and construction activities would last more than one day and may have the potential to increase the ambient noise levels at the multi-family residential units, compliance with Section 41.40 of the LAMC would reduce this impact to a less-than-significant-level. Nevertheless, even though the construction of the proposed project would be limited to the hours outlined above, activities at the Capitol Records Tower may be impacted during various phases of the development of the proposed project, thus resulting in a significant and unavoidable impact.

#### **Construction Vibration**

Vibration sensitive land uses generally include residential units, hospitals, schools, and religious institutions. Construction activities that would occur under the proposed project have the potential to generate low levels of groundborne vibration at the multi-family residential units located approximately 75 feet to the east of the project site as well as the adjacent Capitol Records Tower, located approximately 75 feet to the southwest. The Capitol Records Tower contains active recording studios, which are located



## **Exhibit B**

## NOISE

### Construction Noise

Construction activities are expected to generate intermittent noise levels in excess of 10 dBA over ambient conditions on any one day or more than 5 dBA lasting more than 10 days during the construction process, which would be considered a significant, but temporary impact upon nearby noise sensitive properties. Project development would require the use of heavy equipment for site clearing, site grading and excavation, and building construction. Development activities would also involve the use of smaller power tools, generators, and other sources of noise. During each stage of development, there would be a different mix of equipment operating and noise levels would vary based on the amount of equipment in operation and the location of the activity.

Construction activities would primarily affect the existing adjacent residences located to the south and east of the Project Site, and the commercial studio uses located to the west and north. The nearest sensitive receptor to the Project Site is the residential use at 1469 Tamarind Avenue, bordering the south side of the Project Site. Construction noise levels could periodically reach approximately 92 dBA Leq at Sensitive Receptor No. 2 (the closest noise sensitive use to the Project Site). Sensitive Receptor Nos. 1 and 3 through 5 could experience noise levels ranging from approximately 77 dBA to 89 dBA. The measured existing noise daytime level at monitoring location number one (southeast corner of the Project Site adjacent to residences at 1453-1407 N. Tamarind Avenue [Sensitive Receptor No. 2]) was 62 dBA Leq, about 30 dBA less than the estimated noise levels associated with on site construction activity. Construction noise would also be about 27 dBA higher than ambient noise at Sensitive Receptor No. 1 and 15-22 dBA higher at Sensitive Receptor Nos. 3-5. Therefore, construction noise could exceed existing ambient exterior noise levels by more than 10 dBA for more than one day and more than 5 dBA for more than 10 days in a three-month period. It should be noted that these noise disturbances would be temporary in nature and the peak activities would likely occur over the first four months of construction during the site clearing and grading phases. The use of mufflers on construction equipment could reduce their noise levels by an average of 3 dBA. Nevertheless, the resulting noise levels would still exceed the thresholds of significance for construction noise. As such, even with the implementation of the mitigation measures provided, impacts with respect to construction noise on Sensitive Receptor Nos. 1 through 6 would still be considered significant.

Exterior site clearing and construction activities that generate noise would be prohibited between the hours of 9:00 PM and 7:00 AM Monday through Friday, and before 8:00 AM and after 6:00 PM on Saturday in accordance with Section 41.40 of the Los Angeles Municipal Code. Site clearing and construction would not occur on Sundays and all federal holidays. Therefore, they would not occur during recognized sleep hours for nearby residences.



### ***Construction Groundborne Vibration***

Construction activities could generate intermittent levels of groundborne vibration exceeding the 80 VdB threshold for residences and buildings where people normally sleep, which would be considered a significant but temporary impact upon nearby sensitive properties. Construction activities that would occur at the Project Site have the potential to generate low levels of groundborne vibration.

Vibration levels could exceed 87 VdB at the existing residences located along the south and southeast side boundary of the Project Site (Sensitive Receptor Nos. 1, 2 and 4). This would exceed the 80 VdB threshold for residences and buildings where people normally sleep. This would also exceed the existing groundborne vibration velocity levels of around 63 vibration decibels (VdB) generated by heavy trucks traveling along Sunset Boulevard. Construction activities and their associated vibration levels would be limited to daytime hours between 7:00 AM to 9:00 PM Monday through Friday and 8:00 AM to 6:00 PM on Saturday in accordance with Section 41.40 of the Los Angeles Municipal Code. Therefore, they would not occur during recognized sleep hours for residences. They could, however, disturb local residents when they are trying to relax in the early morning or evening. As such, even with implementation of the mitigation measures provided below, impacts would be significant.

The proposed construction activities have the potential to generate levels of groundborne vibration at sound and recording studios located approximately 60 feet west of the Project Site and 100 feet north of the Project Site. These recording studios and facilities contain equipment that may be sensitive to vibration. Accordingly, this use is considered a sensitive receptor due to the presence of sensitive recording equipment, which could be affected during the site clearing and excavation phases of the Proposed Project. Vibration velocity levels of more than 75 VdB could occur at a distance of 60 feet (Sensitive Receptor No. 3) and vibration velocity levels of 75 VdB could occur at 100 feet from the source (Sensitive Receptor No. 5). Such levels would be considered potentially significant for the operation of the recording studios.

### ***Operational Noise – Locations On Site***

Operational noise impacts would be significant as the Proposed Project would expose future student residents of the Project to exterior noise levels that are in the “normally unacceptable” CNEL exposure range. Future noise levels at the Project Site would continue to be dominated by vehicular traffic on Sunset Boulevard and Gordon Street. Ambient noise levels in the immediate Project Vicinity were recorded between 60 and 70 dBA  $L_{eq}$ .  $L_{max}$  noise levels of 72-84 dBA were also recorded. Based on the City’s Land Use Noise Compatibility Guidelines, noise levels above 70 dBA CNEL are clearly unacceptable for multi-family residential land uses and noise levels between 70-80 dBA CNEL are normally unacceptable for school uses.

The Proposed Project would include features and amenities such as outdoor terraces at the second and fifth floor levels. An outdoor grand stair beginning at the third floor level and terminating at the fifth floor outdoor terrace area would provide areas for sitting and standing as well as circulation between floors. Implementation of the Proposed Project would expose student housing and school uses facing

**COMMENT 7.7**

The noise section indicates that the second floor outdoor plaza could be used for indoor-outdoor gatherings. The types (and number of activities) that are anticipated for this space should be described and fully characterized, including whether amplified sound would be used.

**RESPONSE 7.7**

Beginning on page IV.F-18 of the Draft EIR, a thorough discussion of the exterior features and outdoor terraces has been provided. An assessment of these and other project uses has been included in the Draft EIR. Specifically, the type, number of events, and impacts related to amplified sound have all been provided therein. The discussions of future events as presented in the Draft EIR have been modified to reflect comments received by the Fire Department with regard to occupancy capacity limits. Sensitive noise receptors have been identified—including EastWest Studios. The Draft EIR identifies potential noise impacts resulting from events on the terraces that may include amplified sound. The Draft EIR also identifies a number of factors that would attenuate such noise generation, such as the residential towers on the east and west sides of the terraces. The towers will act as noise barriers. Furthermore, the Proposed Project will be required to comply with all noise ordinances—which specifically regulate the volume of noise from amplified sound. Compliance with existing regulations intended to reduce project impacts may be assumed in a CEQA impact analysis. Also, the maximum attendance at special events has been reduced from 800 persons to 500 persons. See Section II., Additions and Corrections, regarding changes to page IV.F-19 of the Draft EIR.

**COMMENT 7.8**

In addition, the noise section describes the fifth floor terrace as being used for outdoor movie screenings with a capacity for up to 800 people and “permanent outdoor speakers.” This major feature of the project must be fully described and characterized in the Project Description. The decibel level of the speakers must be identified and the potential types of noise characterized (crowds, music, level, duration, frequency, etc.).

This is especially true given the special use and history of EastWest in terms of acoustical, vibration and sound issues.

Floor plans must be provided so the reader can understand the location of these outdoor spaces with respect to adjacent uses (Figure II-3 is not adequate for this purpose; the labels are too small and it is not clear where each space is located on what level).

**RESPONSE 7.8**

Beginning on page IV.F-18 of the Draft EIR, a thorough discussion of the exterior features and outdoor terraces has been provided. An assessment of these and other Proposed Project uses has been included in the Draft EIR. Specifically, the type, number of events, and impacts related to amplified sound have all



**RESPONSE 7.51**

As acknowledged in this comment and cited in the EIR, the City of Los Angeles CEQA Thresholds Guide does not provide a threshold of significance to address vibration impacts. The Applicant has approached EastWest studios several times during the preparation of the EIR and has requested and offered to conduct baseline noise and vibration measurements within the interior of EastWest Studios to accurately assess the Proposed Project's potential impacts during construction. Multiple requests for access and for suggestions on how best to mitigate any potential noise and vibration impacts have been rejected. The best scientific method for determining actual noise and vibration impacts is to establish the ambient detectible noise and vibration within the studio during daytime hours when construction impacts may occur. Comparative readings could be taken during nighttime hours to separate out the noise and vibration caused by existing daytime activities surrounding the studio compared nighttime—thereby establishing both a daytime and nighttime ambient level and providing important data as to the sensitivity of the studio to changes in surrounding conditions. Highly-sensitive devices exist for measuring ambient noise and vibration to establish this important baseline. But without permission to record ambient noise and vibration, the baseline cannot be established.

As such, in the absence of an adopted threshold from the Lead Agency, and without any productive input from representatives from EastWest Studios, with respect to understanding the unique noise environment within their structure, the EIR addressed the Proposed Project's potential groundborne vibration impacts using the Federal Railway Administration's vibration impact thresholds.

Furthermore, the commenter relates potential future noise and vibration impacts to the historical value of the EastWest Studios. The historical value of the studio arises from its past association with people and events of importance to the music industry. It is not reasonably foreseeable that temporary disruption of a fraction of the time available for recording at the studio could somehow impact or destroy the historic value of the studio as a place where important past events took place. See Responses 7.35 and 7.40 and the Historic Report set forth in Appendix C to this Final EIR.

**COMMENT 7.52****Noise**

Unlike residential or other uses where significant noise impacts most commonly result in temporary disturbance or annoyance, an impact to the recording studios will result in them not being able to operate and potentially going out of business if the impact extends for more than a few days. If the studio were to close for more than a few days (especially in this economy) word would quickly spread among the entertainment community, and alternative recording locations would quickly be found by this tight-knit community. Once lost, this type of business is very difficult, if not impossible, to regain. If noise or vibration impacts were to result in the closure of this historic recording studio for more than a few days, Los Angeles could lose an iconic (significant) part of Hollywood history (see discussion of Cultural Resources above).

## Exhibit C

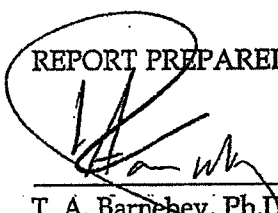


REPORT 2987

**NOISE IMPACTS AND MITIGATION IN CONNECTION WITH  
THE PROPOSED MEADOWS KENNEL, 6445 HIGHWAY 12  
SONOMA COUNTY, CALIFORNIA  
(UPE 11-0020)**

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REPORT PREPARED BY:

  
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T. A. Barnebey, Ph.D., Principal Consultant  
**Sound Solutions** acoustical consulting services

SUBMITTED TO:

Heidi Neimann  
The Meadows Kennel  
6445 Highway 12  
Santa Rosa, CA 95409

24 August 2011



**SOUND SOLUTIONS** acoustical consulting services  
P. O. Box 2830 / Santa Rosa, CA 95405 / 707.523.0131 (tel) / 707.246.2263 (cel) / tbarn@ssacs.com

During nighttime hours the worst case scenario assumes that 50 barking dogs are inside kennel buildings. To actually board 50 dogs, additional kennel space would be needed. It has been assumed in the analysis that any additional kennel buildings would be no closer to Highway 12 (and the dwellings to the south) than the existing kennel building, and would be similar in structure to the existing building.

#### B. Noise Impact Assessment of Intermittent Sound

Comparisons of the existing ambient sound levels in Table 1 with the levels associated with barking dogs show that, even in the worst case, little change in sound level is expected to result from the proposed kennel. However, it should be noted that, if barking were to occur to the degree considered, dog barks may be occasionally perceptible over the ambient traffic sounds.

Noise impacts are determined by comparing expected sound levels with the limits given in the Sonoma County Noise Exposure Standards. Noise impacts are considered possible if expected sound levels exceed the General Plan limits.

An inspection of Table 1 shows that some of the existing ambient sound levels already exceed the nominal county limits. In such an instance, the General Plan provides that the ambient levels become the limits, within a tolerance of  $\pm 1.5$  dBA. In the present case, this condition is applied by limiting sound levels to no higher than one dBA above the existing ambient levels whenever the existing levels exceed the nominal limits.

The General Plan also provides that the nominal limits are to be adjusted downward if the sound source is impulsive in nature. Dog barks are considered to be in this category.

The "Adjusted County Limits" given in Table 1 result when ambient conditions and the impulsive nature of the sounds of concern are both taken into account.

All of the sound levels in Table 1 associated with dogs comply with the adjusted county limits, with a single exception. The  $L_{50}$  value due to 20 dogs barking outdoors exceeds the adjusted limit by one dBA. This is not considered significant because, (1) the estimation method is conservative, and likely to overestimate sound levels due to dogs, (2) a one decibel variation in one metric value is not perceptible. The sound levels tabulated are considered to be compliant with the intent of the General Plan standards.

However, it should be noted that all of the sound levels associated with dogs barking are close to or at the adjusted limits. This implies that if the numbers of dogs were increased, levels exceeding the limits could arise.

Measures to insure that compliance with the county limits is maintained are given in Section IV.

#### C. Long Term Average Sound Levels ( $L_{dn}$ )

The Sonoma County General Plan contains an additional noise exposure standard



SOUND SOLUTIONS acoustical consulting services

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## Exhibit D

6344 ARIZONA – APPELLANT’S RESPONSES TO  
APPLICANT’S PROPOSED CONDITIONS / MITIGATION MEASURES

<b>No.</b>	<b>Applicant’s Proposed Conditions</b>	<b>Appellant’s Responses</b>
1.	<i>Coordinated construction hours.</i>	Production/film studios work around the clock with unpredictable hours. It is unlikely that any proposed construction schedule would sufficiently reduce interference with operation of the existing surrounding uses.
2.	<i>Sound recording acoustics engineer referral – study – to be done in conjunction with our acoustics engineer.</i>	This constitutes deferred analysis, impermissible under CEQA. While Appellant agrees additional studying is warranted due to errors in the existing Noise Study (see Appellant’s supplemental letter re noise impacts submitted to West LA APC), this should be done prior to the issuance of the CUP under CEQA, not afterward.
3.	<i>Inclusion of PA requirements for any new operator into entitlements.</i>	Appellant is concerned with the lack of information regarding the <u>current</u> operator and what, if any, demonstrated experience they have in operating kennels in close proximity to noise-sensitive business uses such as production/film studios.
4.	<i>Personnel attendant to be on hand to pick up dogs from car drop off.</i>	This potentially could help, but would not assure no impulsive barking from dogs, dogs walking in the area, and the noise generated from the interaction from multiple dogs being dropped off or picked up at the same time.
5.	<i>Car drop off to be located on Arizona street – farthest away from adjacent recording studio.</i>	The Noise Study did not analyze this scenario and it is unlikely this would mitigate the potentially significant impact of noise generated from drop offs and pick ups. Additionally, this drop off location could result in increased impacts to other commercial uses which are also sensitive to noise.
6.	<i>Architect/ GC details for sound absorption/ opening closure to be shared with surrounding businesses.</i>	Sharing this information will not prevent significant noise from being transferred from the facility to



		adjacent sensitive commercial uses. This information should be studied and incorporated into a comprehensive noise analysis under CEQA.
7.	<i>Profile of operator/ GM – or info on high caliber of search firm to be provided to businesses.</i>	<p>While some transparency would be appreciated, this condition will not remedy Appellant's concerns relating to impulsive noise generated from dogs.</p> <p>Further, Applicant's prior experience in managing <u>human</u> hotels does not necessarily carry over to animal hotels.</p>
8.	<i>Phone or reservation arrangement for drop off and pick up.</i>	With up to 170 animals coming and going at any given time it is unlikely this condition of approval would prevent noise, smell and other concerns of Appellant relative to the proposed kennel.
9.	<i>Exterior cameras to be place with nighttime illumination to ensure clients are not walking their dogs around the neighborhood.</i>	As cameras will not be present on non-kennel property, this would not prevent dogs from being walked or dogs from barking.
10.	<i>Notices in agreement form to be bolded and clear on prohibition of walking dogs around the area of said site, arranged drop off/ pick ups, usage of attendant to drop off/ pick up pets, right of refusal to provide service to any clients who violate rules/ regulations.</i>	It will be impossible to enforce this condition of approval in practice.
11.	<i>Digital camera feed of exterior area be reviewed before 30 day purge cycle to determine any violators.</i>	Especially as the security cameras would not record sound, it would be unlikely that this would remediate adverse impacts. Further, it will be impossible to enforce this condition of approval in practice.
12.	<i>Limited # of dogs allowed for drop off time frame hours ( similar to appointment slots- required people to pick a time slot open for pick up or drop off- to allow you to control/ manage flow).</i>	<p>Even a single animal being dropped off could generate enough noise to render the adjacent production/film studio inoperable.</p> <p>Further, it is likely dog owners will be encouraged by this condition to wait for an appropriate time for drop off by</p>

		walking their dogs in the industrial park filled with sensitive creative uses.
<b>13.</b>	<i>Potential creation of drop off porta cache [sic] on side of the building for easy drop off and immediate capture of dog into building versus loitering in parking lot or outside area.</i>	A single loud or vicious dog being dropped off could generate enough noise to render the adjacent production/film studio inoperable. It is unlikely this would sufficiently mitigate noise generated from drop offs and pickups of animals.
<b>14.</b>	<i>At least one (1) attendant shall be on duty from 7a.m. to 9a.m. and again at 5:30 p.m. to 7:30 p.m. Attendant shall visually monitor the surface parking lot via camera or line of sight. The attendant's duties shall include managing drop-off and pick-up of dogs and cats, managing clients, overall queuing and potential noise impacts from the queue. (Attendant shall supplement electronic check-in programs currently proposed for the subject site.)</i>	This will not prevent impulsive barking from dogs, dogs walking in the area and the noise generated from the interaction from multiple dogs being dropped off or picked up at the same time.
<b>15.</b>	<i>Cameras shall be installed to monitor drop-off and pick-up operations for compliance with the Conditions of Approval. Cameras shall be located at the parking lot/drop-off areas as well as the front and rear doors. 30-days of recordings will be available for review by the LAPD, Planning Department, etc.</i>	It will be impossible to enforce this condition of approval in practice, even with the implementation of surveillance.
<b>16.</b>	<i>A 24-hour "hotline" shall be required to receive and forward information relayed by adjacent homeowners and stakeholders to site representatives and ownership.</i>	A hotline would not reduce the impact of barking dogs.
<b>17.</b>	<i>A third party acoustic firm shall peer review the current acoustic recommendations on-file with the Planning Department and referenced</i>	This constitutes deferred analysis, impermissible under CEQA. While Appellant agrees additional studying is warranted due to errors in the Noise



	<i>in the project approvals.</i>	Study (see Appellant's supplemental letter re noise impacts submitted to West LA APC), this should be done prior to the issuance of the CUP under CEQA, not after.
<b>18.</b>	<i>An approval of plans is required to be submitted 30-days after any change in operator, or lessee to allow the Planning Department to review the new operator or lessees plans for the approved site.</i>	Appellant is concerned with the lack of information regarding the <u>current</u> operator and what, if any, demonstrated experience they have in operating kennels in close proximity to noise-sensitive business uses such as production/film studios.

February 6, 2017

Esther Margulies, President  
Marion Merritt, Vice President  
Joseph W. Halper, Commissioner  
Michael Newhouse, Commissioner  
Lisa Waltz Morocco, Commissioner  
City of Los Angeles  
West Los Angeles Area Planning Commission  
200 North Spring Street, Room 532  
Los Angeles, California 90012

2017 FEB -6 PM 4:03

RE: **Appeal of ZA-2016-1587-CU/6344 Arizona Circle**

Dear President Margulies and Honorable Commissioners:

Liner LLP ("Liner") represents appellant Charles V. Salice whose company CTK Ventures, LLC owns 6368 and 6374 Arizona Circle ("Noise Sensitive Uses"), located approximately four inches south of the proposed kennel at 6344 Arizona Circle. Mr. Salice and CTK Ventures, LLC appealed the proposed kennel located at 6344 Arizona Circle, approved by the Associate Zoning Administrator in ZA-2016-1587-CU (the "Determination Letter"), because the proposed kennel and its high noise levels would result in a direct loss of the active production uses at the Noise Sensitive Uses and their high paying skilled jobs.<sup>1</sup> The Noise Sensitive Uses contain active production studio uses leased by CVLT LA which are highly sensitive to loud piercing noise that would likely occur as a result of up to 150 barking dogs located in the proposed kennel, as well as from dogs that would enter and exit the kennel. Not only has the City of Los Angeles (the "City") failed to make legally adequate findings, as outlined in Liner's December 6, 2016 letter to this Commission, the City has further failed to comply with the legal requirements of the California Environmental Quality Act ("CEQA") by erroneously adopting a Categorical Exemption. As there is inadequate environmental review and analysis for the proposed kennel and all of its environmental impacts,

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<sup>1</sup> The neighborhood is replete with several other film and production studios that are highly sensitive to noise, including Supply & Demand, Inc. located at 6374 Arizona Circle, and Fullscreen located at 6336 Arizona Circle.



this Commission must grant the appeal and not approve the proposed Conditional Use Permit ("CUP") for the kennel.<sup>2</sup>

I. **A CATEGORICAL EXEMPTION IS THE IMPROPER ENVIRONMENTAL REVIEW DOCUMENT FOR THE KENNEL**

A. **CITY CEQA GUIDELINES DO NOT ALLOW A CATEGORICAL EXEMPTION WHERE IT CAN BE READILY PERCEIVED THAT A PROJECT MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT**

Pursuant to the City's CEQA Guidelines the City is precluded from adopting a Categorical Exemption for a project where it can be readily perceived that such project may have a significant effect on the environment. Here, it can be readily perceived that the kennel may have a significant impact on the environment.

1. **Noise Impacts**

The Determination Letter, and Mei Wu Acoustics technical noise study ("Technical Noise Study") on which it relies, are replete with evidence that there would be significant environmental impacts as a result of the kennel but for the imposition of mitigation measures. As a matter of law, it is legally improper to adopt a Categorical Exemption when a project, such as the proposed kennel, when it may have significant impacts requiring mitigation. See *Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal.App.4<sup>th</sup> 1098, 1102 and *Azusa Land Reclamation Co. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal.App.4<sup>th</sup> 1165, 1200.

Here, mitigation is necessary to reduce the noise impacts to less than significant, as evidenced by the following:

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<sup>2</sup> Because the Categorical Exemption was adopted through the CUP (Additional Mandatory Findings, No. 5), the appeal of the CUP constitutes an appeal of the Categorical Exemption.

- "A new HVAC system shall be installed and appropriate attenuation measures shall be provided to mitigate sound transmission as determined and recommended by Mei Wu Associates." (Emphasis Added.) See Condition 11d of the Determination Letter. Not only is this impermissible mitigation when there is a Categorical Exemption, even as mitigation, it fails since there is no performance standard by which to reduce noise levels from the proposed kennel. Additionally, there is impermissible deferral to some future study by Mei Wu Associates with no City discretion to be retained by the City on the recommendations contained in the future deferred study.
- "The roof shall be insulated as recommended under Section 4.4.4 of the Noise Impact Study with fiberglass insulation with an all-service-jacket (ASH) or comparable material as determined by Mei Wu Acoustics." See Condition 11b of the Determination Letter. First, there is no Section 4.4.4 of the Noise Impact Study, so it is unclear as to the meaning of this condition and thus also fails as a mitigation measure. Second, delegating authority for the decision making of a mitigating condition to a third party without any standards to be used by Mei Wu Acoustics and also without any control by the City, is impermissible.
- "The scope of the work also includes acoustical improvements to mitigate noise impacts on surrounding properties." (Emphasis Added.) See page 10 of the Determination Letter. Clearly, acoustical improvements to reduce noise impacts are mitigation. When there is mitigation for a potentially significant impact, a Categorical Exemption is legally improper because it demonstrates on its face that there may be a significant noise impact but for the imposed mitigation.
- "The Zoning Administrator ... has reviewed the Noise Study submitted with the application and finds that as conditioned, the facility's operations should not have a significant adverse impact on surrounding properties or uses." (Emphasis Added.) Clearly, the Zoning Administrator has relied on conditions of approval that "should" reduce the noise impact to less than significant. Stating that the mitigation measures "should" reduce the impact to less than significant as opposed to confirming that they "shall" reduce the impact to less than significant indicates that they may not be sufficient to actually reduce the noise impact below the level of significance. Thus, this demonstrates that there may be a significant impact as a result of the unusual circumstance of a kennel in the middle of a studio and production use area.
- "The garage door on the south façade should be enclosed to mitigate sound leaks." (Emphasis Added.) See page 1 of the Noise Technical Study. Without this mitigation, there would be a significant impact. While condition 11a requires



doors on the "**east and west facades**" to be "sealed/ encapsulated," there is no requirement for such treatment on the **south façade**. Thus, according to the very words of the Noise Technical Study, since there is no mitigation measure that requires enclosure of the south garage façade, this would result in a significant impact.

While mitigation measures are welcome to reduce the environmental impact to less than significant, case law does not authorize the consideration of mitigation measures in connection with a Categorical Exemption. If mitigation measures are necessary to avoid a potentially significant impact, then at a minimum a Mitigated Negative Declaration ("MND") must be prepared. See *Azusa* at 1200. Even if there were legally adequate mitigation measures, there are other legal inadequacies with respect to the Noise Impact Study that demonstrate that there would be a noise significant impact.

The Noise Technical Study assumes that "the use of acoustical treatments described in the prior section of this report" would be followed, but that assumption is unwarranted because not all of the noise attenuation features and mitigation measures are legally required. See Noise Technical Study, p. 17. For instance, the Noise Technical Study states that the garage door on the south façade shall be enclosed to reduce impacts to less than significant. The City has imposed no such requirement. The City has also allowed the kennel's noise consultant the ability to determine the type and extent of roof insulation without requiring any particular standard. The City states that the implementation "should" reduce noise impacts to less than significant, but does not have any enforceable requirement that the noise impacts shall be reduced to less than significant.

Once the lack of enforceability of the various proposed noise mitigation measures has been taken into account, there has been no analysis with respect to the impact of maximum single event noise at the adjacent commercial uses. Even with the measures assumed, the Noise Technical Study indicates that the transmitted noise of the barking dogs on the adjacent property would be 20 dBA Leq/27 LMAX. See page 17 of the Noise Technical Study. Typically, a 5 dBA increase would be considered a significant impact, so it is not clear how in this instance a 20 dBA increase in noise levels as a result of the kennel would not be

considered a significant impact under the City's noise thresholds.<sup>3</sup> Because of the sensitivity of the production uses to single event noise from barking dogs, the temporary loud and unpredictable noise of barking dogs presents a unique impediment to conducting film production uses.

The sensitivity of the adjacent uses to high noise levels, as well as the City's own thresholds of significance have not been taken into account when measuring the impact at the Noise Sensitive Uses. Therefore, there is more than a fair argument of a significant noise impact due to the unusual circumstances of a lot of barking dogs immediately adjacent to very sensitive film and TV production uses.

## 2. **Biological and Solid Waste Impacts**

A potentially significant impact would occur on biological resources as a result of the waste disposal system. According to the Determination Letter's Condition 10, "All animal waste shall be collected in the interior of the building daily and shall be disposed into the sewer." This condition would be in direct contravention of the Fish and Game Code Sections 4500-4501 which strongly discourages the disposal of cat feces into the sewer due to the harm to marine life, including to sea otters.

"Still, there are alternatives to the routines most pet owners follow. There are several flushable cat litters, but a 2007 provision to California's Fish and Game code prevents cat litter flushing in the state because the *T. gondii* parasite in cat feces is not eradicated through sewage treatment and kills sea otters. There are also water-soluble, biodegradable dog-poop bags that are billed as toilet friendly."

See Los Angeles Times, "*On the Tail End of Animal Waste*," February 26, 2011, by Susan Carpenter.

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<sup>3</sup> The Noise Technical Study did not assume any barking or howling dogs in the LMAX or Leq analysis for those dogs coming into or going out of the kennel. Once the noise levels of these potentially barking dogs are taken into account, the LMAX noise levels would be even greater since there would be no noise attenuation features from the walls of the kennel.



As the only permitted animal waste disposal system for all of the kennel's animal waste would be to the sewer, the City's approval would directly conflict with state law due to the harm that would occur to marine life as a result of the kennel's proposed waste disposal system. Because of state law with respect to cat feces disposal in the sewer, as well as the highly unlikely probability that every ounce of animal excreta and urine would be disposed of in the sewer, it is only reasonable to assume that a substantial amount of solid animal waste would be disposed of in solid waste disposal bins, and not in the sewer; however, this would directly conflict with condition of approval, number 10. As the "K9 Grass" approved by the City only addresses liquid animal waste, there would be large piles of solid animal waste that would need to be disposed. As the K9 Grass system proposed for the kennel only addresses liquid animal waste, that could be flushed into the sewer, there is zero information as to how solid animal excreta will be handled and disposed of at the kennel. There is also zero information as to how the kennel would avoid significant impacts to biological resources as a result of cat waste. To this end, there would be a significant and unavoidable biological impact as a result of all of the solid animal waste that would go into the sewer, i.e., the cat waste, and there would potentially be significant and unavoidable impacts as a result of animal waste going to landfills. There has been no analysis of the water quality impacts that would occur when rain water would come into contact with this solid waste. Further, there has been no analysis of the strong and pungent odor that would occur as a result of the collection of animal waste.

### 3. **Hazardous Impacts**

According to CEQA Guidelines Section 15300.2, a "Categorical Exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code." Pursuant to Envirostor ID 19650010 and LARWQCB Case No. 0198 the property immediately to the north/northeast of the proposed kennel is contaminated with a number of pollutants, including VOC, PCE, TCE, DCE, and Freon II. With shallow groundwater, and with the flow of groundwater flowing towards the kennel site, a Categorical Exemption should never have been used in the first instance. While the kennel does not appear to involve any excavation that may cause additional soil vapor intrusion or movement of contaminated soil, because it is likely that there will be solid animal waste stored on site

and outdoors due to the fact that cat waste should not be flushed into the sewer so as to protect marine life, the pathogens and harmful bacteria from the animal excrement would likely make its way into the shallow groundwater and exacerbate the existing and known contamination issues in the area. As such, a Categorical Exemption is inappropriate here.

**B. CITY'S USE OF A CLASS 1 CATEGORICAL EXEMPTION FOR A "NEGLIGIBLE OR NO EXPANSION OF USE" IMPROPER FOR THE COMPLETELY NEW USE PROPOSED**

The City has utilized a Class 1, Category 1 Categorical Exemption for the kennel. This exemption is only for projects where there is negligible or no expansion of use. Here, there is a substantial change of use from light manufacturing/machine shops/printing to kennel uses. While it is abundantly clear that a Categorical Exemption is inappropriate for the substantial intensification of use, if a Categorical Exemption were proper, a Section 22 Categorical Exemption for a CUP for a non-significant change of use in an existing facility may be appropriate. Here it is a significant change of use to convert a printing facility to a kennel and as demonstrated above, it can be readily perceived that the kennel may have a significant impact on the environment, especially as it relates to noise, biological resources, and solid waste. As such, it is improper to utilize a Class 1 Category 1 Categorical Exemption for the kennel.

**II. THE ZONING ADMINISTRATOR FAILED TO PROPERLY INTERPRET AND APPLY PROVISIONS OF LOS ANGELES MUNICIPAL CODE ("LAMC") SECTION 12.24-W.25**

Certain developments are subject to the conditional use process under LAMC Section 12.24 because the City has determined that such uses of property should not be permitted by right in certain zones. In the M Zone, one such use is "Kennels or facilities for breeding and boarding of animals (no outside keeping of animals - no open runs) . . . . where any portion of the parcel is located within 500 feet of any residential zone." (LAMC Section 12.24-W.25.)

Under the LAMC, the Zoning Administrator is strictly prohibited from granting a CUP for a kennel without first making the following findings:



1. that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
2. *that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety;* and
3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

(LAMC Section 12.24-E, emphasis added.)

The plain meaning of the LAMC is that before a kennel use can be approved in the M Zone, a decision-maker must determine that the proposed "location . . . operations and other significant features will be compatible with and not adversely affect or further degrade adjacent properties [or] the surrounding neighborhood." (LAMC Section 12.24-E.) The clear language of the LAMC does not limit the compatibility analysis to residential concerns. Findings in support of a CUP are necessary whether or not there are abutting residential uses.

In error, the Zoning Administrator has taken the stance that because the kennel would be by-right if it were located outside of a 500 foot radius of residences, that the purpose of LAMC Section 12.24-E is confined to "protecting residential uses." (Determination Letter, p. 13.) This is a misinterpretation and misapplication of the law because 12.24-D does not limit the findings to only abutting residential uses. Based on this misinterpretation, the Zoning Administrator has not given proper weight to the long list of concerns expressed at the hearing and submitted via Petition submitted to the Zoning Administrator on August 30, 2016, attached hereto as an exhibit to the enclosed December 6, 2016 Appeal Letter.

III. THE CONDITIONS OF APPROVAL ESTABLISHED BY THE ZONING ADMINISTRATOR TO ADDRESS CONCERNS RAISED AT THE PUBLIC HEARING BY THE COMMUNITY ARE IMPRACTICAL AND WILL NOT ENSURE THE PROJECT IS COMPATIBLE WITH THE SURROUNDING AREA

In its November 21, 2016 Letter of Determination, the Zoning Administrator approved the kennel subject to various conditions, some of which are wholly impractical and not realistically enforceable in practice. These include:

Condition 6.f: *"All dogs shall be on a leash when being dropped-off or picked up."*

With up to 170 animals or more coming and going at any given time of the day, it is doubtful the kennel operator will be able to enforce this provision for every dog.

Condition 9: *"No outdoor dog or cat runs or kennels are permitted and no animals shall be kept outdoors. Animals shall not be walked or exercised on adjacent streets."*

It will be impossible to enforce this condition with owners walking their dogs around the premises either before dropping their animals off or after pickup. Similarly, it is easily foreseeable that some dogs will be walked outside by kennel operators as a reward or for sunlight.

Condition 10: *"No animal waste shall be disposed of on the exterior of the premises such as outdoor containers and no animal or food waste shall be stockpiled anywhere on the premises. All animal waste shall be collected in the interior of the building daily and shall be disposed into the sewer."*

Despite the proposed internal waste management system that apparently only addresses liquid animal waste from inside the kennel, there is nothing to indicate that the kennel would comply with disposal of animal solid waste in the sewer. Additionally, it will be impossible to prevent animal urine and feces from occurring outside due to owners of dogs and cats making drop-offs or picking up their animals from the facility. If dogs do defecate outside the kennel, while it is likely that responsible owners will dispose of the



President Margulies and Honorable Commissioners  
February 6, 2017  
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poop in bags in a receptacle, it is unreasonable to assume it will be flushed into the sewer as assumed in the Determination Letter. The City will not be able to enforce the condition as drafted.

Very truly yours,

LINER LLP

A handwritten signature in black ink, appearing to read "Ryan M. Leaderman", with a long horizontal flourish extending to the right.

Ryan M. Leaderman

Enclosure: December 6, 2016 Appeal Ltr and Corresponding Exhibits



APPLICATIONS:

APPEAL APPLICATION

This application is to be used for any appeals authorized by the Los Angeles Municipal Code (LAMC) for discretionary actions administered by the Department of City Planning.

1. APPELLANT BODY/CASE INFORMATION

Appellant Body:

☒ Area Planning Commission ☐ City Planning Commission ☐ City Council ☐ Director of Planning

Regarding Case Number: ZA-2016-1587-CU

Project Address: 6344 Arizona Circle

Final Date to Appeal: 12/06/2016

Type of Appeal: ☐ Appeal by Applicant/Owner  
☒ Appeal by a person, other than the Applicant/Owner, claiming to be aggrieved  
☐ Appeal from a determination made by the Department of Building and Safety

2. APPELLANT INFORMATION

Appellant's name (print): Charles V. Salice

Company: CTK Ventures, LLC

Mailing Address: 6374 Arizona Circle

City: Los Angeles

State: CA

Zip: 90045

Telephone: (310) 956-3500

E-mail: nfps@me.com

- Is the appeal being filed on your behalf or on behalf of another party, organization or company?

☒ Self

☐ Other: \_\_\_\_\_

- Is the appeal being filed to support the original applicant's position?

☐ Yes

☒ No

3. REPRESENTATIVE/AGENT INFORMATION

Representative/Agent name (if applicable): Jerold Neuman, Esq.

Company: Liner LLP

Mailing Address: 633 W. 5th St., Suite 3200

City: Los Angeles

State: CA

Zip: 90071

Telephone: (213) 694-3131

E-mail: jneuman@linerlaw.com



4. JUSTIFICATION/REASON FOR APPEAL

Is the entire decision, or only parts of it being appealed? ☒ Entire ☐ Part

Are specific conditions of approval being appealed? ☐ Yes ☒ No

If Yes, list the condition number(s) here: \_\_\_\_\_

Attach a separate sheet providing your reasons for the appeal. Your reason must state:

- The reason for the appeal
- How you are aggrieved by the decision
- Specifically the points at issue
- Why you believe the decision-maker erred or abused their discretion

5. APPLICANT'S AFFIDAVIT

I certify that the statements contained in this application are complete and true:

Appellant Signature: \_\_\_\_\_

Date: 12/06/16.

6. FILING REQUIREMENTS/ADDITIONAL INFORMATION

- Eight (8) sets of the following documents are required for each appeal filed (1 original and 7 duplicates):
  - o Appeal Application (form CP-7769)
  - o Justification/Reason for Appeal
  - o Copies of Original Determination Letter
- A Filing Fee must be paid at the time of filing the appeal per LAMC Section 19.01 B.
  - o Original applicants must provide a copy of the original application receipt(s) (required to calculate their 85% appeal filing fee).
- All appeals require noticing per the applicable LAMC section(s). Original Applicants must provide noticing per the LAMC, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of the receipt.
- Appellants filing an appeal from a determination made by the Department of Building and Safety per LAMC 12.26 K are considered Original Applicants and must provide noticing per LAMC 12.26 K.7, pay mailing fees to City Planning's mailing contractor (BTC) and submit a copy of receipt.
- A Certified Neighborhood Council (CNC) or a person identified as a member of a CNC or as representing the CNC may not file an appeal on behalf of the Neighborhood Council; persons affiliated with a CNC may only file as an individual on behalf of self.
- Appeals of Density Bonus cases can only be filed by adjacent owners or tenants (must have documentation).
- Appeals to the City Council from a determination on a Tentative Tract (TT or VTT) by the Area or City Planning Commission must be filed within 10 days of the date of the written determination of said Commission.
- A CEQA document can only be appealed if a non-elected decision-making body (ZA, APC, CPC, etc.) makes a determination for a project that is not further appealable. [CA Public Resources Code ' 21151 (c)].

This Section for City Planning Staff Use Only		
Base Fee:	Reviewed & Accepted by (DSC Planner):	Date:
Receipt No:	Deemed Complete by (Project Planner):	Date:
<input type="checkbox"/> Determination authority notified		<input type="checkbox"/> Original receipt and BTC receipt (if original applicant)

December 6, 2016

**VIA HAND DELIVERY**

Esther Margulies, President  
West Los Angeles Area Planning Commission  
City of Los Angeles, Department of City Planning  
200 N. Spring Street  
City Hall, Room 532  
Los Angeles, CA 90012

RE: **6344 Arizona Circle/Appeal of ZA-2016-1587-CU**

Dear President Margulies and Members of the West Los Angeles Area Planning Commission:

On behalf of Charles Salice, the owner of the 6368 Arizona Circle and 6374 Arizona Circle buildings, directly south of and abutting the proposed 24-hour dog and cat boarding facility ("Proposed Kennel"), Liner LLP ("Liner") appeals in full the Zoning Administrator's ("ZA") Determination dated November 21, 2016 in relation to the conditional use permit ("CUP") requested pursuant to ZA-2016-1587-CU and ENV-2016-1588-EAF (the "Entitlements").

We anticipate the submission of supplemental documentation, from both residential and commercial parties, in support of this appeal prior to the date of the West Los Angeles Area Planning Commission's ("Commission") scheduled hearing on this matter for the Commission's review.

**I. RELEVANT BACKGROUND**

**A. APPLICANT'S PROPOSED KENNEL**

SVI 6344 ARIZONA, LLC ("Applicant") is attempting to change the use of the building at 6344 Arizona Circle from creative office and warehouse/storage space into a 24-7 Kennel. The building directly abuts Mr. Salice's building occupied by the production studio CVLT LA, as described below.



The proposed Kennel is located in the center of the Campus and will house as many as 150 dogs and 20 cats at any given time. The Applicant plans to operate the kennel 24/7 permitting animal owners to come at all hours of the day and night for check-in/check-out services.

The proposed Kennel represents Applicant's first ever attempt to run a dog and cat hotel. Applicant lacks any experience whatsoever in operating a dog and cat hotel and has never demonstrated compliance with conditions of approval for such a use. Rather, Applicant is an investor in the following *human* hotels: Embassy Suites Los Angeles International Airport/North, Residence Inn by Marriott Los Angeles, LAX/Century Boulevard, Residence Inn by Marriott Beverly Hills, and Courtyard by Marriott Pueblo Downtown. With no experience in dealing with or mitigating impacts from the boarding of dogs and cats, Applicant is now attempting its first experiment by placing up to 170 animals in the center of the creative cluster of businesses at the Campus.

**B. MR. SALICE'S PROPERTY, AND THE ARIZONA CIRCLE CAMPUS AS A WHOLE, CONSTITUTE A UNIQUE COMMUNITY OF CREATIVE USES ENTIRELY INCOMPATIBLE WITH A KENNEL USE**

Mr. Salice owns two buildings located at 6368 Arizona Circle and 6374 Arizona Circle buildings, respectively occupied by production companies CVLT LA and Supply & Demand, Inc. His buildings are filled with creative directors, producers, photographers, set designers, stylists, editors, DAM managers and post-production technical experts, all of which engage in production and creative work. Mr. Salice is one of several commercial occupants and property owners at the Arizona Circle campus ("Campus") who collectively comprise a creative, cutting-edge, high-technology community. In what has become the essence of a start-up pocket in "Silicon Beach" nestled in West Los Angeles, a series of creative businesses have flocked to the location with their shared sensitivities to certain impacts (including noise) and an interest in maintaining an area suitable for their uses.

Mr. Salice's and other creative uses show the growth and evolution of the Campus and the unique character embodied by its occupants. No kennel currently exists in or near the Campus, and many of the

occupants and property owners were drawn to the location for that precise reason. A dog hotel would completely disrupt the existing businesses and cause many to relocate.

**II. THE ZONING ADMINISTRATOR HAS ERRED AND ABUSED ITS DISCRETION**

**A. THE ZA HAS FAILED TO PROVIDE A LEGALLY ADEQUATE WRITTEN JUSTIFICATION AND FINDINGS**

Certain developments are subject to the conditional use process under Los Angeles Municipal Code ("LAMC") Section 12.24 because the City of Los Angeles has determined that such uses of property should not be permitted by right in certain zones. In the M Zone, one such use is "Kennels or facilities for breeding and boarding of animals (no outside keeping of animals - no open runs) . . . where any portion of the parcel is located within 500 feet of any residential zone." (LAMC Section 12.24-W.25.)

Under the LAMC, a decision-maker, in this instance the Zoning Administrator, is strictly prohibited from granting a conditional use permit for a Kennel without first making the following findings:

1. that the project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city, or region;
2. *that the project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare, and safety; and*
3. that the project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any applicable specific plan.

(LAMC Section 12.24-E, emphasis added.)

The plain meaning of the LAMC is that before a Kennel use can be approved in the M Zone, a decision-maker must determine that the proposed "location, . . . operations and other significant features will be compatible with and not adversely affect or further degrade adjacent properties [or] the surrounding



neighborhood." (LAMC Section 12.24-E.) The clear language of the LAMC does not limit the compatibility analysis to residential concerns. Rather, such includes properties, commercial and residential alike, regardless of their use, based on their location and proximity to the proposed conditional use permit.

In error, the ZA has taken the stance that because the Kennel would be by-right if it were located outside of a 500 foot radius of residences, that the purpose of LAMC Section 12.24-E is confined to "protecting residential uses." (ZA Determination, P. 13.) Based on this misinterpretation, the ZA has not given proper weight to the long list of concerns expressed at the hearing and submitted via Petition submitted to the ZA on August 30, 2016 (attached hereto as Exhibit A.)

As explained above, the proposed Kennel directly abuts a building owned by Mr. Salice at 6368 Arizona Circle. The building is occupied by CVLT LA which engages in production and creative business. Among other concerns, CVLT LA is extremely concerned with the impact the Kennel would have on their business. Attached as Exhibit B are photographs depicting the Kennel with respect to CVLT LA as well as correspondence from CVLT LA's Managing Director, Steven Henry, which reads in part: "A dog kennel would render our space unusable and drive CVLT out of business." Since learning of the ZA Determination, Mr. Henry has conveyed following:

I realize that my business will not have a leg to stand on with regard to filing noise complaints even though the degree of disruption to our business could be devastating. Any noise from dogs barking will render the entire side of my studio worthless for any kind of post production. It is unimaginable that a director or client will put up with barking dogs in the middle of an edit or sound design.

- Steven Henry, November 28, 2016

These concerns are shared by fellow surrounding business owners and occupants as described in the Petition included as Exhibit A. Adjacent businesses are similarly concerned with noise, as well as the certainty that prior to being dropped off or picked up animals will litter the area with feces causing obnoxious odors and creating health issues as well as traffic, parking and storm water concerns. The

Kennel would completely disrupt the existing businesses and degrade adjacent properties. While Mr. Salice has experience himself in having an interest in a kennel in Long Island, New York, the proposed location of the Kennel in this instance is entirely inappropriate and is incompatible with the adjacent properties and surrounding neighborhood.

Moreover, even if the ZA were to maintain that only residential concerns were to be considered for purposes of LAMC Section 12.24-E, three separate petitions were submitted by residential opponents to the proposed Kennel. (attached as Exhibit C.) These concerns were voiced at the Hearing.

In view of the foregoing, the ZA abused its discretion by making the finding that the Kennel's location, size and operations will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**B. THE CONDITIONS OF APPROVAL IMPOSED BY THE ZA DO NOT MITIGATE THE HARM WHICH WILL OCCUR DUE TO THE OPERATION OF THE KENNEL**

Under LAMC Section 12.24-W, in approving the Kennel, the ZA may impose conditions related to the findings which must be made and are referenced above in this Appeal. Here, while certain conditions were imposed, based on the information provided by Applicant relating to the proposed Kennel and given the surrounding businesses it will not be possible for Applicant to properly manage noise and other impacts from incoming and outgoing dogs, nor can Applicant guarantee sound or sewage runoff escaping from the facility. Mitigation provided offers inadequate protection of means of monitoring impactful behavior by Applicant's proposed use. Excessive dog barking at all hours will be intolerable and will significantly affect the Campus' businesses, and will likely cause businesses to relocate.

**C. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA") REQUIREMENTS FOR PUBLIC DISCLOSURE AND PROTECTION OF THE ENVIRONMENT HAVE BEEN SUBVERTED BY THE CITY'S APPROVAL DESPITE A LACK OF A VALID NOISE ANALYSIS OR MITIGATED NEGATIVE DECLARATION**

CEQA requires lead agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those significant environmental impacts. Through the CEQA



process, projects are required to incorporate feasible mitigation measures to ensure that the project does not impact the environment any more than necessary to achieve stated project objectives. Further, the California Supreme Court in *Friends of Mammoth v. Board of Supervisors* (1971) 8 Cal.3d 247, 259 and again in *Bozung v. Local Agency Formation Commission* (1975) 13 Cal.3d 263, 274 emphasized that CEQA is "to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." Thus, this deference toward environmental protection applies to the environmental analysis and disclosure requirements of CEQA, and to the government at all levels, which is compelled to make decisions with the environmental consequences in mind.

Here, on June 24, 2016, the subject Kennel was issued a Notice of Exemption under ENV-2016-1588-CE based on a Noise Impact Study dated April 18, 2016 and an Addendum dated September 23, 2016 prepared by Mei Wu Acoustics to assess potential noise impacts from the Kennel.

This informal environmental information provided by Applicant was insufficient to obtain a Categorical Exemption from CEQA is inadequate and did not properly analyze many of the impacts this new "doggy hotel" concept might have on the Kennel's commercial neighbors, including Mr. Salice's adjoining building. Some impacts of particular concern include noise, animal waste, runoff, smells, increased traffic and parking. These and other impacts should be formally addressed through the Mitigated Negative Declaration process as has been required for other dog and cat boarding facilities. The fact that this Kennel utilizes new technology and offers unique services for pets not commonly observed elsewhere only further increases the need to properly study its potential impacts.

### III. CONCLUSION

For the reasons stated above, we respectfully request the Commission find that the ZA has erred in approving the proposed Kennel and deny Applicant's request to place a 24/7 Kennel at the center of a small community of businesses and residences that has become a quiet sanctuary for creative and productive uses.

West Los Angeles Area Planning Commission  
December 6, 2016  
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Respectfully,

LINER LLP

A handwritten signature in blue ink, appearing to read 'MA' followed by a stylized 'Nichols'.

Matt Nichols

Attachments

cc: Charles Salice

## **EXHIBIT A**



## Petition to Deny Conditional Use Permit at 6344 Arizona Circle

<b>Petition summary and background</b>	<p>We, the undersigned commercial occupants and property owners at Arizona Circle, urge you to deny the Conditional Use Permit ("CUP") requested in Case No. ZA-2016-1587-CU. As members of an established business community which fosters multiple creative and sensitive uses, we strongly believe the proposed kennel would be an inappropriate use of the land.</p> <p>Applicant, SVI 6344 ARIZONA, LLC, is requesting the CUP to operate a 24-hour kennel in the center of the business campus at Arizona Circle, which will house as many as 120 dogs and 20 cats at any given time. The Applicant plans to operate the kennel 24/7 permitting animal owners to come at all hours of the day and night for check-in/check-out services.</p> <p>As voiced at the Public Hearing, we are extremely concerned that the proposed kennel would disrupt or completely frustrate the existing uses and the creative dynamic within Arizona Circle for a variety of reasons.</p> <p>We believe the informal environmental information provided by the Applicant to obtain a Categorical Exemption from CEQA is inadequate and does not properly analyze many of the impacts this new "doggy hotel" concept might have on the project's commercial neighbors, one of which directly abuts the walls of the proposed kennel. Some impacts of particular concern include noise, animal waste, runoff, smells, increased traffic and parking. These and other impacts should be formally addressed through the Mitigated Negative Declaration process.</p> <p>We do not believe the developer will be able to properly manage noise and other impacts from incoming and outgoing dogs, nor can they guarantee sound or sewage runoff escaping from the facility. Excessive dog barking at all hours will be intolerable and will significantly affect our businesses, and may cause some businesses to relocate. No other business in Arizona Circle operates with a use even remotely similar to the proposed kennel, and in fact, many of us located here specifically for that reason.</p> <p>Additionally, proper notice was not provided to Applicant's commercial neighbors at Arizona Circle, leaving many of us unaware of the proposed kennel use and with little to no time to participate in the process leading up to the Public Hearing.</p> <p>For these reasons, and others expressed orally at the hearing and through written submission, we encourage you to deny the CUP requested in Case No. ZA-2016-1587-CU. Thank you for your consideration.</p>
<b>Action petitioned for</b>	<p>We, the undersigned, are commercial occupants and property owners at Arizona Circle and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.</p>

[illegible]

## **EXHIBIT B**



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045

Dear Matthew,

Included are images from CVLT Production located at 6368 Arizona Circle, Los Angeles CA 90045, directly south of the proposed kennel located at 6344 Arizona Circle.

As a Production Studio, our business is affected greatly by any sound, even below 5DB at all times of day and night.

A dog kennel would render our space unusable and drive CVLT out of business.

Sincerely,

Steven Henry  
CVLT LA  
Managing Director

CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045

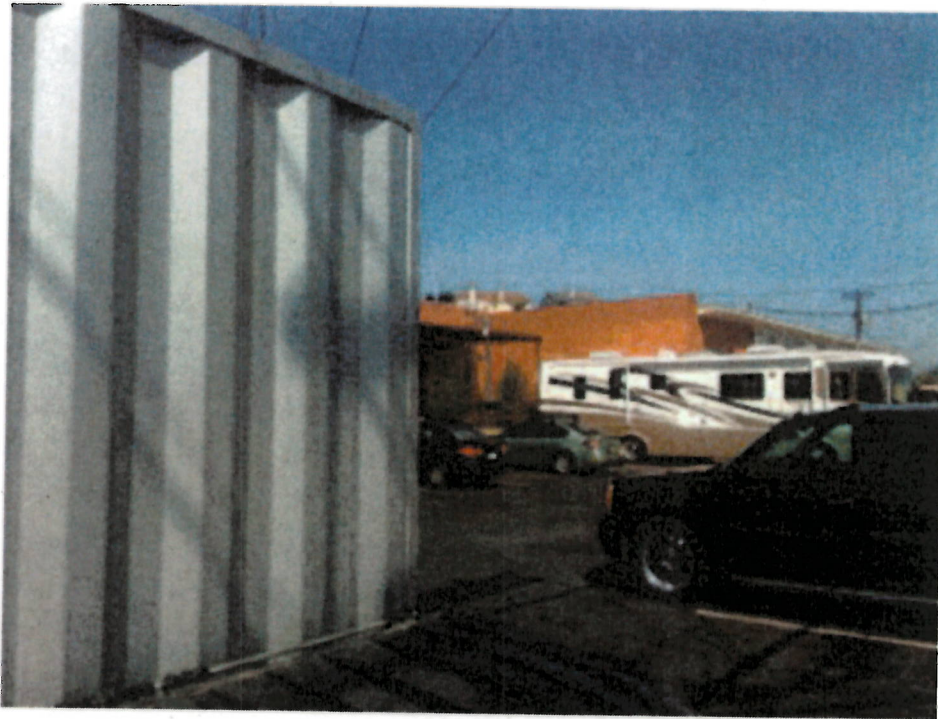


1. View of CVLT patio looking West

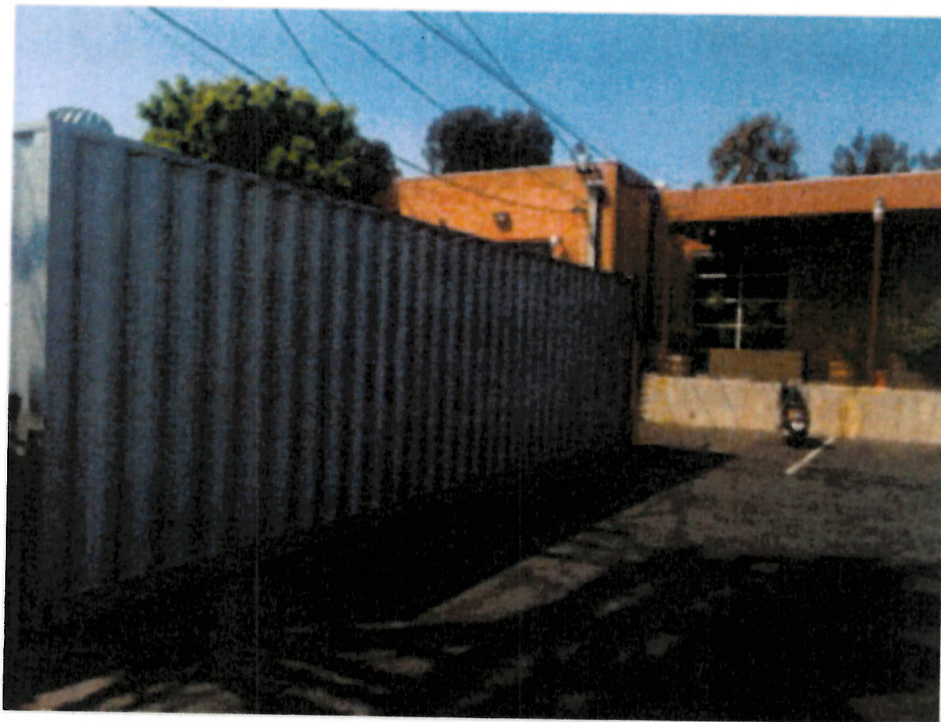


2. Star wagon/meeting room

CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



3. Star wagon viewed from South. Note production container on immediate left



4. Production container South end of parking lot with overhead loading door looking West



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



5. Rear of proposed Boarding Kennel. Note that the entire second floor is glass. Also note the loading dock door.



6. Star wagons proximity to Kennel. Please note how close the meeting room push-out is to the Kennel. There isn't any double brick wall here or any air space. Any barking dogs will render this useless. No ability to accommodate talent and clients will severely damage our business.

CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



6.1 Note proximity of Kennel to Star Wagon



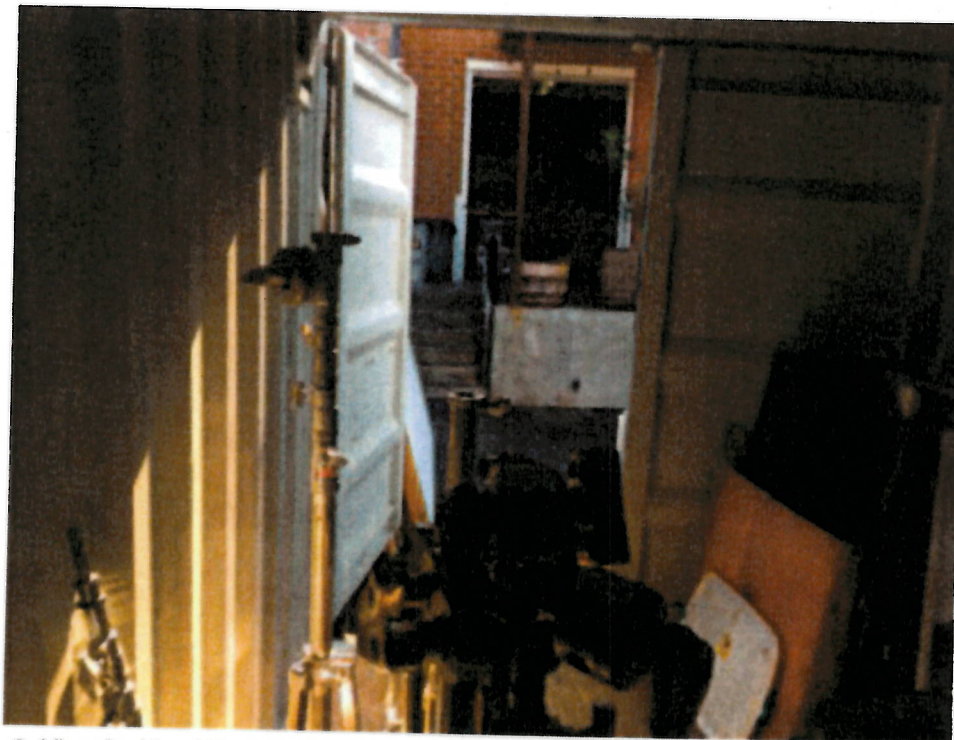
7. Space between Star Wagon and Single Brick Wall



CVLT LA  
6368 Arizona Circle, Los Angeles CA 90045



8. Employee-Client Patio. This area is where we eat breakfast, lunch and dinner. Both employees and clients also work out here when we are shooting inside. This is one of the main features that caused us to lease this property. This is the view looking North and the wall at the end would be a single brick wall, not double and no air space. Barking dogs at any decibel would render this area useless.



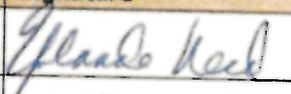




9. View looking West from inside the Production Container



## **EXHIBIT C**

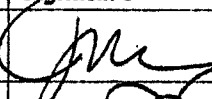
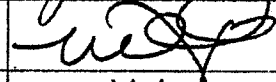
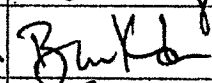
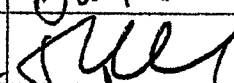
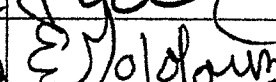
## Petition to Deny Conditional Use Permit at 6344 Arizona Circle

<b>Petition summary and background</b>	<p>We believe the developer of 6344 Arizona Circle has not acted in good faith, presented false facts about neighborhood outreach, presented biased sound studies, and used paid lobbyists to try to garner approval from the local city council.</p> <p>We believe the proposed kennel will have a negative psychological and physical impact on residents. Please see study at <a href="http://barkingdogs.net/exposure.shtml">http://barkingdogs.net/exposure.shtml</a> Excessive dog barking at all hours of the night will be intolerable.</p> <p>We do not believe the developer will be able to properly manage noise from incoming and outgoing dogs, nor can they guarantee sound escaping from the facility.</p> <p>We do not believe the developers sound study presents the facts about the way sound travels in and up the hillside. The fact is, this is a virtual amphitheater with a gradual slope where sound is corralled and funneled. The hill is not a "sound barrier". Residents can currently hear noises, including car horns from much farther away than the kennel that is only 500' away.</p> <p>No other business in Arizona Circle operates with any noticeable sound during the day (with the exception of the Time Warner truck's "backup horns" when they leave the property in the AM). There is currently no noise generated from Arizona Circle at night. The sound of dogs barking will dramatically change that.</p> <p>We believe the existence of "nuisance sound" will have a negative effect on property values.</p>
<b>Action petitioned for</b>	<p>We, the undersigned, are residents of Riggs Place and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.</p>

Printed Name	Signature	Address	Comment	Date
YOLANDA ROED		6523 RIGGS PLACE	NO KENNEL	8/20/16
Mark Kitching		6930 Kentwood Ct	No kennel	8-20-16
Nancy Catullo		6921 Kentwood Ct	No Kennel	8-20-16
Bruce Saw Hay		6517 RIGGS PL.	No kennel	8/21/16
Hiyoko Fujimori		6509 Riggs Pl.		8/21/16

## Petition to Deny Conditional Use Permit at 6344 Arizona Circle


Petition summary and background	<p>We believe the developer of 6344 Riggs place has not acted in good faith, presented false facts about neighborhood outreach, presented biased sound studies, and used paid lobbyists to try to garner approval from the local city council.</p> <p>We believe the proposed kennel will have a negative psychological and physical impact on residents. Please see study at <a href="http://barkingdogs.net/exposure.shtml">http://barkingdogs.net/exposure.shtml</a> Excessive dog barking at all hours of the night will be intolerable.</p> <p>We do not believe the developer will be able to properly manage noise from incoming and outgoing dogs, nor can they guarantee sound escaping from the facility.</p> <p>We do not believe the developers sound study presents the facts about the way sound travels in and up the hillside. The fact is, this is a virtual amphitheater with a gradual slope where sound is corralled and funneled. The hill is not a "sound barrier". Residents can currently hear noises, including car horns from much farther away than the kennel that is only 500' away.</p> <p>No other business in Arizona Circle operates with any noticeable sound during the day (with the exception of the Time Warner truck's "backup horns" when they leave the property in the AM). There is currently no noise generated from Arizona Circle at night. The sound of dogs barking will dramatically change that.</p> <p>We believe the existence of "nuisance sound" will have a negative effect on property values.</p>
Action petitioned for	We, the undersigned, are residents of Riggs Place and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.

Printed Name	Signature	Address	Comment	Date
John H. McDANIEL		6457 RIGGS PL.		8/19/16
Rick Greenwood		6443 RIGGS PL.		8/19/16
Bruce Teraoka		6435 RIGGS PL.		8/19/16
Tom KREUER		6423 RIGGS PLACE		8/19/16
Olen Goldfarb		6415 Riggs Place		8/19/16



## Petition to Deny Conditional Use Permit at 6344 Arizona Circle

<b>Petition summary and background</b>	<p>We believe the developer of 6344 Arizona Circle has not acted in good faith, presented false facts about neighborhood outreach, presented biased sound studies, and used paid lobbyists to try to garner approval from the local city council.</p> <p>We believe the proposed kennel will have a negative psychological and physical impact on residents. Please see study at <a href="http://barkingdogs.net/exposure.shtml">http://barkingdogs.net/exposure.shtml</a> Excessive dog barking at all hours of the night will be intolerable.</p> <p>We do not believe the developer will be able to properly manage noise from incoming and outgoing dogs, nor can they guarantee sound escaping from the facility.</p> <p>We do not believe the developers sound study presents the facts about the way sound travels in and up the hillside. The fact is, this is a virtual amphitheater with a gradual slope where sound is corralled and funneled. The hill is not a "sound barrier". Residents can currently hear noises, including car horns from much farther away than the kennel that is only 500' away.</p> <p>No other business in Arizona Circle operates with any noticeable sound during the day (with the exception of the Time Warner truck's "backup horns" when they leave the property in the AM). There is currently no noise generated from Arizona Circle at night. The sound of dogs barking will dramatically change that.</p> <p>We believe the existence of "nuisance sound" will have a negative effect on property values.</p>
<b>Action petitioned for</b>	<p>We, the undersigned, are residents of Riggs Place and oppose the approval of the CONDITIONAL USE PERMIT for the dog kennel/hotel proposed at 6344 Arizona Circle.</p>

Printed Name	Signature	Address	Comment	Date
Royer Featherston		6444 Riggs Pl		8/22/16

LYNN K. WYATT  
CHIEF ZONING ADMINISTRATOR

ASSOCIATE ZONING ADMINISTRATORS

JACK CHIANG  
HENRY CHU  
LOURDES GREEN  
THEODORE L. IRVING  
ALETA D. JAMES  
CHARLES J. RAUSCH, JR.  
FERNANDO TOVAR  
DAVID S. WEINTRAUB  
MAYA E. ZAITZEVSKY

CITY OF LOS ANGELES  
CALIFORNIA



ERIC GARCETTI  
MAYOR

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CITY PLANNING

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(213) 978-1271

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DEPUTY DIRECTOR  
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LISA M. WEBBER, AICP  
DEPUTY DIRECTOR  
(213) 978-1274

JAN ZATORSKI  
DEPUTY DIRECTOR  
(213) 978-1273

<http://planning.lacity.org>

November 21, 2016

SVI 6344 Arizona, LLC (A)  
3334 East Coast Highway  
Corona del Mar, CA 92625

Arizona Circle, LLC(O)  
4110 Baldwin Avenue  
Culver City, CA 90232

Jonathan Lonner(R)  
Burns & Bouchard, Inc.  
9619 National Boulevard  
Los Angeles, CA 90034

CASE NO. ZA 2016-1587(CU)  
CONDITIONAL USE  
6344 Arizona Circle  
Westchester-Playa del Rey Los Angeles  
Planning Area  
Zone : [Q]M1-1VL  
D. M. : 105B165  
C. D. : 11  
CEQA : ENV-2016-1588-CE  
Class 1, Category 1  
Legal Description : Lot 22, TR 22262

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

a conditional use to allow dog and cat boarding in the [Q]M1-1VL Zone within 500 feet of a residential zone,

upon the following additional terms and conditions:

1. All other use, height and area regulations of the Municipal Code and all other applicable government/regulatory agencies shall be strictly complied with in the development and use of the property, except as such regulations are herein specifically varied or required.
2. The use and development of the property shall be in substantial conformance with the plot plan submitted with the application and marked Exhibit "A", except as may be revised as a result of this action.
3. The authorized use shall be conducted at all times with due regard for the character of the surrounding district, and the right is reserved to the Zoning Administrator to impose additional corrective conditions, if, in the Administrator's opinion, such conditions are proven necessary for the protection of persons in the neighborhood or occupants of adjacent property.
4. All graffiti on the site shall be removed or painted over to match the color of the surface to which it is applied within 24 hours of its occurrence.

5. A copy of the first page of this grant and all conditions and/or any subsequent appeal of this grant and its resultant conditions and/or letters of clarification shall be printed on the building plans submitted to the Zoning Administrator and the Department of Building and Safety for purposes of having a building permit issued.
6. The boarding facility shall be subject to the following limitations:
  - a. Hours of operation are permitted 24-hours daily.
  - b. A maximum of 150 dogs and 20 cats shall be maintained on the premises (unless further restricted by the Department of Animal Services).
  - c. Activities in the play yard areas shall be limited from 7 a.m. to 10 p.m. No use of the play yards shall be permitted between 10 p.m. and 7 a.m.
  - d. Pick-up and drop-off of animals between 10 p.m. and 7 a.m. shall be limited to the rear entry of the facility. The front entrance shall not be used between 10 p.m. and 7 a.m.
  - e. All doors and windows shall remain closed during all hours of operation.
  - f. All dogs shall be on a leash when being dropped-off or picked up.
7. The facility shall obtain the required permit from the Los Angeles Department of Animal Services and shall comply with the City of Los Angeles Kennel Permit Standards and shall comply with all other applicable State and local health and safety standards and regulations for the operation of an animal boarding facility including licensing requirements.
8. The facility shall comply with applicable noise regulations.
9. No outdoor dog or cat runs or kennels are permitted and no animals shall be kept outdoors. Animals shall not be walked or exercised on adjacent streets.
10. No animal waste shall be disposed of on the exterior of the premises such as outdoor containers and no animal or food waste shall be stockpiled anywhere on the premises. All animal waste shall be collected in the interior of the building daily and shall be disposed into the sewer.
11. Plans submitted for plan check shall incorporate the acoustical mitigation measures (and shall be included as notes on the plans recommended by the Noise Impact Study dated April 18, 2016 prepared by Mei Wu Acoustics) which address the following:
  - a. The garage/roll up doors on the east and west façades shall be sealed/encapsulated in accordance with the alternative options recommended under Section 4.2.1 of the Noise Impact Study.



- b. All gaps/openings in the roof, building façade and glazing shall be fully sealed to avoid sound leaks. The roof shall be insulated as recommended under Section 4.4.4 of the Noise Impact Study with fiberglass insulation with an all-service-jacket (ASH) or comparable material as determined by Mei Wu Acoustics.
  - c. Existing roof vents and ventilators shall be closed and sealed to avoid leaks.
  - d. A new HVAC system shall be installed and appropriate attenuation measures shall be provided to mitigate sound transmission as determined and recommended by Mei Wu Associates.
  - e. Acoustical absorption shall be incorporated into the play yard areas to control reverberant noise in accordance with the recommendations contained in Section 4.2.2 of the Noise Impact Study.
  - f. The private dog rooms/suites shall be fully enclosed with a drop ceiling and glass door to provide additional sound attenuation.
- 12. At least one qualified staff person shall be on-site and responsible at all times, 24 hours per day, for supervising the behavior, health, and safety of dogs at the facility.
  - 13. Parking shall be provided in accordance with the Los Angeles Municipal Code.
  - 14. The operator shall encourage all patrons to use the off-street parking area for loading and unloading of animals.
  - 15. Prior to the issuance of any permits relative to this matter, a covenant acknowledging and agreeing to comply with all the terms and conditions established herein shall be recorded in the County Recorder's Office. The agreement (standard master covenant and agreement form CP-6770) shall run with the land and shall be binding on any subsequent owners, heirs or assigns. The agreement with the conditions attached must be submitted to the Development Services Center for approval before being recorded. After recordation, a certified copy bearing the Recorder's number and date shall be provided to the Zoning Administrator for attachment to the subject case file.
  - 16. Prior to the clearance of any conditions, the applicant shall show that all fees have been paid to the Department of City Planning Expedited Processing Section.
  - 17. INDEMNIFICATION AND REIMBURSEMENT OF LITIGATION COSTS.

Applicant shall do all of the following:

- a. Defend, indemnify and hold harmless the City from any and all actions against the City relating to or arising out of, in whole or in part, the City's processing and approval of this entitlement, including but not limited to, an action to attack, challenge, set aside, void or otherwise modify or annul the

approval of the entitlement, the environmental review of the entitlement, or the approval of subsequent permit decisions or to claim personal property damage, including from inverse condemnation or any other constitutional claim.

- b. Reimburse the City for any and all costs incurred in defense of an action related to or arising out of, in whole or in part, the City's processing and approval of the entitlement, including but not limited to payment of all court costs and attorney's fees, costs of any judgments or awards against the City (including an award of attorney's fees), damages and/or settlement costs.
- c. Submit an initial deposit for the City's litigation costs to the City within 10 days' notice of the City tendering defense to the Applicant and requesting a deposit. The initial deposit shall be in an amount set by the City Attorney's Office, in its sole discretion, based on the nature and scope of action, but in no event shall the initial deposit be less than \$25,000. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement in paragraph (b).
- d. Submit supplemental deposits upon notice by the City. Supplemental deposits may be required in an increased amount from the initial deposit if found necessary by the City to protect the City's interests. The City's failure to notice or collect the deposit does not relieve the Applicant from responsibility to reimburse the City pursuant to the requirement (b).
- e. If the City determines it necessary to protect the City's interests, execute an indemnity and reimbursement agreement with the City under terms consistent with the requirements of this condition.

The City shall notify the applicant within a reasonable period of time of its receipt of any action and the City shall cooperate in the defense. If the City fails to notify the applicant of any claim, action or proceeding in a reasonable time, or if the City fails to reasonably cooperate in the defense, the applicant shall not thereafter be responsible to defend, indemnify or hold harmless the City.

The City shall have the sole right to choose its counsel, including the City Attorney's office or outside counsel. At its sole discretion, the City may participate at its own expense in the defense of any action, but such participation shall not relieve the applicant of any obligation imposed by this condition. In the event the Applicant fails to comply with this condition, in whole or in part, the City may withdraw its defense of the action, void its approval of the entitlement, or take any other action. The City retains the right to make all decisions with respect to its representations in any legal proceeding, including its inherent right to abandon or settle litigation.

For purposes of this condition, the following definitions apply:

"City" shall be defined to include the City, its agents, officers, boards, commission, committees, employees and volunteers.

"Action" shall be defined to include suits, proceedings (including those held under alternative dispute resolution procedures), claims or lawsuits. Actions includes actions, as defined herein, alleging failure to comply with any federal, state or local law.

Nothing in the definitions included in this paragraph are intended to limit the rights of the City or the obligations of the Applicant otherwise created by this condition.

#### **OBSERVANCE OF CONDITIONS - TIME LIMIT - LAPSE OF PRIVILEGES**

All terms and conditions of the approval shall be fulfilled before the use may be established. The instant authorization is further conditional upon the privileges being utilized within three years after the effective date of approval and, if such privileges are not utilized or substantial physical construction work is not begun within said time and carried on diligently to completion, the authorization shall terminate and become void.

#### **TRANSFERABILITY**

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

#### **VIOLATIONS OF THESE CONDITIONS, A MISDEMEANOR**

Section 12.29 of the Los Angeles Municipal Code provides:

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

Every violation of this determination is punishable as a misdemeanor and shall be punishable by a fine of not more than \$2,500 or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.



**APPEAL PERIOD - EFFECTIVE DATE**

The applicant's attention is called to the fact that this grant is not a permit or license and that any permits and licenses required by law must be obtained from the proper public agency. Furthermore, if any Condition of this grant is violated or if the same be not complied with, then the applicant or his successor in interest may be prosecuted for violating these Conditions the same as for any violation of the requirements contained in the Municipal Code. The Zoning Administrator's determination in this matter will become effective after **December 6, 2016**, unless an appeal therefrom is filed with the City Planning Department. It is strongly advised that appeals be filed early during the appeal period and in person so that imperfections/incompleteness may be corrected before the appeal period expires. Any appeal must be filed on the prescribed forms, accompanied by the required fee, a copy of the Zoning Administrator's action, and received and receipted at a public office of the Department of City Planning on or before the above date or the appeal will not be accepted. **Forms are available on-line at <http://planning.lacity.org>**. Public offices are located at:

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

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

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

**NOTICE**

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

**FINDINGS OF FACT**

After thorough consideration of the statements contained in the application, the plans submitted therewith, and the statements made at the public hearing on August 17, 2016, all of which are by reference made a part hereof, as well as knowledge of the property and surrounding district, I find that the requirements for authorizing a conditional use permit under the provisions of Section 12.24-W have been established by the following facts:

**BACKGROUND**

The property is a level corner lot totaling 15,142 square feet in area, with an approximate 127-foot frontage along the north side of Arizona Circle, a 45-foot frontage along the westerly side of Arizona Circle, and depth of 155 feet. The property is currently developed with a vacant one-story industrial building that is located within an industrial business complex.

Surrounding properties are within an industrial business complex and are zoned [Q]M1-1VL and are developed with one- to two-story industrial buildings. Properties to the north and northwest, 225 feet from the subject site, are zoned R1-1 and are improved with single-family homes. Between the residential uses and the project site, there is a large industrial building with a 190-foot deep lot and the 60-foot wide Arizona Circle.

Arizona Circle is a Local Street-Standard dedicated to a width of 60 feet, and is fully improved.

Arizona Avenue is a Local Street-Standard dedicated to a width of 60 feet, and is fully improved.

**Public Hearing**

The Zoning Administrator conducted a public hearing on August 17, 2016 in downtown Los Angeles City Hall. The hearing was attended by the applicant, by the applicant's representatives, Mr. Jonathan Lonner and Ms. Tina Choi, by a representative of the Westchester-Play del Rey Neighborhood Council, Ms. Cyndi Hensch, by several adjacent business owners and adjacent homeowners.

Mr. Lonner described the proposed project and the requested entitlement. Mr. Lonner stated that the applicant proposed to operate a 24-hour dog and cat boarding facility on the site. He noted that the property is zoned [Q]M1-1VL and that the Q condition on the site limits land uses to those permitted in the MR1 Zone. He stated that while the proposed use is generally allowed by-right within the MR1 Zone, because the property is located less than 500 feet from an R Zone, the proposed dog and cat boarding requires a Conditional Use. Mr. Lonner noted that properties west of the site and upslope on a bluff are zoned R1 and contain single-family residences.

Mr. Lonner stated that the boarding facility would be fully contained within the interior of the building and no activities would take place on the exterior of the building. He noted that an acoustical engineer was retained by the applicant to evaluate acoustic transmission from the proposed facility and he noted that based on the proximity between the building on the site and the adjoining building and based on the buildings' construction types, which consist of two rows of solid brick with a 4-inch air gap, the transmitted sound levels are expected to be approximately 15 dBA less than a typical office use.

Mr. Lonner indicated that the proposed change of use would only generate 8 net new trips and the trip generation associated with the proposed facility was below the threshold to require a traffic study.

Mr. Lonner noted that the facility would be a high end pet hotel with high standards and would be well maintained and would remain compatible with its neighbors. He noted that the facility is subject the issuance of permits by the Los Angeles Department of Animal Services and that the facility will comply with applicable standards and regulations of all state and local regulations that address health and safety requirements to ensure a sanitary environment.

He noted that the facility was designed to minimize any noise impacts on surrounding properties, specifically, the adjoining property to the south. He noted that the facility incorporates several interior exercise areas for various sizes of dogs and that no dogs would be walked or exercised outside the building. He also noted that the Dog Suites where dogs would be housed over-night and would not generate noise were located along the southerly wall adjacent to the neighboring property to the south by design to minimize potential noise impacts on the adjoining building.

Ms. Cyndi Hench testified in support of the request. She stated that the Neighborhood Council reviewed the applicant's request that the Council voted unanimously to support the request. She stated that the area surrounding the site is a community of pets and that this type of operator would be a huge asset to the community. She noted that the site's location in proximity to LAX was a good location and convenient to cater to travelers. She stated that the density surrounding the site merits the use.

Several adjacent commercial business tenants testified in opposition to the request including the adjoining business operator south of the subject site and other surrounding businesses. The surrounding businesses include high tech and production studios, including the taping of video shoots and various T.V. programs that are very sensitive to noise. The business owners expressed the following concerns at the hearing and in communications submitted subsequent to the hearing:

- Noise from dogs barking consistently would interfere with the operations of their business, especially production studios that are sensitive to noise.
- There is not adequate soundproofing proposed to muffle the sounds of barking dogs.
- Artists participating in TV and video productions need a quiet place to get centered before performing and the adjoining studio use south of the subject site has a patio used by artists for quiet time and for meals by staff that is located directly adjacent to the rear wall of the building on the subject site and the quiet enjoyment of the patio will be disrupted by the barking noise from dogs.
- A trailer/mobile home for use by talent/artists is located in the parking area of the adjoining property to the south directly adjacent to the south wall of the subject site and noise from barking dogs will disrupt artists preparing to work.
- There will be noise generated by barking dogs on the exterior of the building when dogs are dropped-off and picked up.



- The windows of the adjacent buildings need be open to allow ventilation which will allow noise from barking dogs to leak into the adjoining buildings and interrupt taping and recording activities in the adjoining studio.
- Even with windows closed, the production and taping is hyper-sensitive to noise and typical ambient noise activities on the street interrupt taping and production.
- The proposed use would therefore have a substantial impact on surrounding businesses.
- Concerns were also expressed about the exterior of the building being littered with dog waste creating obnoxious odors and health issues.
- The surrounding businesses have invested substantial sums of money on tenant improvements and equipment and the investment will be undermined by the proposed use and businesses will be forced to relocate.
- Due to the potential noise that will be generated by the proposed use, a Categorical Exemption is not the appropriate environmental clearance and additional noise and traffic analysis is required.

### CORRESPONDENCE

A letter dated May 17, 2016 was submitted by the Neighborhood Council of Westchester Playa indicating that the Council's Board of Directors voted unanimously to support the request. The letter noted that the proposed pet hotel would be an asset to the community and that the operator has a strong track record operating hotels in the area including the Residence Inn Los Angeles/LAX and the Embassy Suites.

A letter dated June 16, 2016 was submitted by the LAX Coastal Chamber of Commerce in support of the request. The letter indicated that the Chamber is familiar with the operator and that the operators are outstanding owners who maintain high-quality properties.

A letter dated August 30, 2016 was submitted by the Hollywood Media District BID. The letter noted that there are at least three doggie day care centers/pet hotels located in the Hollywood Media area in close proximity to noise-sensitive production facilities and studios and the letter notes that both industries have co-existed well and that the BID has not received any complaints regarding noise from the pet hotels.

Two petitions and several e-mail communications were submitted in opposition to the request. One petition was submitted by residents west of the site and another petition was submitted by some of the adjacent business owners. The issues and concerns highlighted by these e-mails and petitions have been summarized above.

### BASIS FOR CONDITIONAL USE PERMITS

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

**FINDINGS**

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

- 1. The project will enhance the built environment in the surrounding neighborhood or will perform a function or provide a service that is essential or beneficial to the community, city or region.**

The subject site is an irregular shaped corner parcel containing 15,142 square feet with an approximate 127-foot frontage along the north side of Arizona Circle and a 45-foot frontage along the westerly side of Arizona Circle with a depth of 155 feet. The property is zoned [Q]M1-1VL and is improved with a one-story building constructed in 1977 that contains approximately 9,800 square feet. The building was originally occupied by a printing business and was most recently occupied by a creative office use. Surrounding properties along Arizona Circle and Arizona Place are zoned [Q]M1-1VL and consist of light industrial and creative office uses including production studios.

The applicant is requesting a Conditional Use to allow a kennel within 500 feet of a residential zone. The proposed kennel will board up to 20 cats and 150 dogs and will operate 24 hours daily. The [Q] condition on the subject site limits uses to those permitted in the MR1 Zone. A kennel is permitted by right in the MR1 Zone, provided the site is located more than 500 feet from a residential zone. The subject site is located approximately 420 feet from R1 zoned lots to the west and is therefore subject to a Conditional Use.

The proposed boarding facility will be a state of the art, "high-end" facility. The project consists primarily of interior tenant improvements that will upgrade the existing building and retrofit the building for the proposed use. The facility is designed so that all activities will be fully enclosed within the building. No outdoor runs for animals are proposed or permitted. The facility is intended to provide an array of unique services for its canine and feline users. Core services of the facility will include grooming, indoor recreation and exercise areas as well as overnight short-term boarding.

Planned upgrades to the building include advanced sewer facilities to accommodate waste disposal by feline and canine users directly into the sewer. In accordance with the applicant's lease agreement, the floor of the facility will be sloped and sealed to allow proper draining and to prevent waste water from permeating or damaging the floor. The proposed play areas will utilize the latest indoor synthetic grass that allows water and cleaning solutions to flow beneath the synthetic grass to clean and rinse canine urine directly into the drain. The scope of the work also includes acoustical improvements to mitigate noise impacts on surrounding properties. No alterations are proposed to the exterior building façade other than new signage. Thus, the scope of improvements will have no effect on the built environment.

In addition to day care and overnight short-term boarding services, the facility will offer grooming services and accessory retail services. The site's proximity to adjacent residential neighborhoods and to LAX is convenient to local residents, business workers, and travelers desiring day-care or overnight short-term care for their dogs and cats. As such, the proposed canine and feline boarding facility will provide a service that is beneficial to the community and region given the facility's proximity to residential uses, businesses and LAX.

2. **The project's location, size, height, operations and other significant features will be compatible with and will not adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.**

As stated, the subject site is an irregular shaped corner parcel containing 15,142 square feet with approximately 127 feet of frontage along the south side of Arizona Circle and approximately 45 feet of frontage along the east side of Arizona Circle with approximately 120 feet of frontage along a 20-foot alley on the east side of the site. The applicant requests a Conditional Use to allow a kennel within 500 feet of a residential zone. The proposed kennel will board up to 20 cats and 150 dogs and will operate 24 hours daily. The property is zoned [Q]M1-1VL and the [Q] condition on the subject site limits uses to those permitted in the MR1 Zone. A kennel is permitted by right in the MR1 Zone, provided the site is located more than 500 feet from a residential zone. The subject site is located approximately 420 feet from R1 zoned lots to the west and is therefore subject to a Conditional Use

The subject site is improved with a one-story building constructed in 1977 that contains approximately 9,800 square feet. The building was originally occupied by a printing business and was most recently occupied by a creative office use.

Surrounding properties along Arizona Circle and Arizona Place are zoned [Q]M1-1VL and consist of creative office and high tech uses and light industrial uses such as a uniform and equipment service, an aerospace/medical support use and Time Warner Cable. The adjoining property to the south is improved with a one-story building occupied by a creative office use (production and editing studio) that is constructed to the northerly property line and is separated from the building on the subject site by approximately 4-inches. Properties across the alley, east of the site, appear to be general office uses and properties to the west and northwest across Arizona Circle are improved with light industrial uses. Additional high tech/creative office uses are located northeast of the site and south west of the site across Arizona Circle between 70 and 120 feet from the subject site. Properties further west are on a bluff located upslope from Arizona Circle and are zoned R1 and contain single-family uses that have their frontage on Riggs Place and Kentwood Court to the west.



Concerns were raised at the public hearing and in communications received prior to and subsequent to the hearing concerning potential noise and traffic impacts generated by the proposed boarding facility. Prior to the hearing, a petition opposing the request was submitted by surrounding commercial business owners and a separate petition opposing the request signed by residents along Riggs Place and Kentwood Court was also submitted. The business owners' petition expressed concerns regarding noise, animal waste, run-off, odors and increased traffic and parking problems. It was noted that the surrounding businesses are creative uses that are very sensitive to noise and that excessive noise from dogs barking 24-hours a day from inside the facility and outside the facility while dogs are being picked-up and dropped-off or while dogs are being walked would severely impact and interfere with the surrounding businesses' ability to operate.

At the hearing, it was stated that recording or production activity is frequently interrupted by typical ambient noises such as noise from beeping trucks and that a kennel would constantly expose these sensitive businesses to noise from barking dogs around the clock which would have a significant adverse impact on these businesses. It was noted that unlike traditional offices, the creative office uses operate beyond typical 9 to 5 office schedules and have late night and early morning hours. It was noted that inevitably, patrons and/or staff of the boarding facility would walk their dogs in the area, which would generate noise outside the facility from dogs barking and that dogs would relieve themselves and leave their waste on the sidewalks creating health and sanitation issues. Concerns were raised that washing of animal waste inside the facility would also cause health and odor problems from potential runoff which would jeopardize public health.

Concerns were also raised that there is inadequate on-site parking to serve the facility and that traffic on Arizona Circle is already excessive. For all of the above reasons, it was stated that the proposed facility is not well suited to the neighborhood which consists of creative and high tech businesses that have invested substantial resources into their businesses and may be forced to relocate.

The petition submitted by the residents stated that the proposed kennel would have a psychological and physical impact on residents from excessive dog barking at all hours of the night which would be intolerable. The petition questioned whether the operator would be able to manage noise from incoming and outgoing dogs and guarantee that sound would not escape from the facility. The petition also questioned whether the noise study considered how noise travels up the hill and noted that the topography creates an amphitheater affect and that noises can currently be heard from further distances than the kennel including car horns. The neighborhood is quiet at night and the sound from dogs barking will change this dramatically.

The Zoning Administrator has considered the site's location, its proximity to surrounding residential uses, the land use pattern surrounding the site and the scope of operations within the proposed kennel, and has reviewed the Noise Study submitted with the application and finds that as conditioned, the facility's operations should not have a significant adverse impact on surrounding properties

or uses. Based on a review of the noise study, the surrounding residential uses and adjacent commercial uses are not expected to be negatively affected by the proposed facility. The Zoning Administrator recognizes the sensitivity of some of the adjacent creative office uses, particularly the adjoining commercial use south of the site.

However, but for the site's location approximately 400 feet from R1 Zoned lots to the west, the facility could otherwise be established by-right without consideration for surrounding businesses in the M1 Zone and without the benefit of any operational conditions or mitigation measures. Specifically, Section 12.17.5-B,4,0 of the L.A.M.C. allows veterinary, dog and cat hospitals, and kennels by-right in the MR1 Zone. However, outside keeping of animals or open runs on the exterior of the premises in connection with these facilities is expressly prohibited. In order to protect residential uses from the potential impacts associated with this type of facility, a conditional use is required when any portion of the parcel where a kennel is located is within 500 feet of a residential zone. For reference, the MR1 Zone permits a range of manufacturing, assembly, packaging, printing and similar uses by-right that have the potential to generate operational noise from equipment or processes that may be audible beyond the project site.

A review of the plans shows that the entire facility and all activities will be fully enclosed. The building's main entrance is on the north elevation facing Arizona Circle and a second entrance is provided on the building's east elevation facing the adjoining alley. Section 53.63 of the L.A.M.C. regulates excessive noise from barking dogs and defines the term **"excessive noise"** as *"....noise which is unreasonably annoying, disturbing, offensive, or which unreasonably interferes with the comfortable enjoyment of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the property where the dog or dogs are kept. The noise must be continuously audible for ten (10) minutes or intermittently audible for thirty (30) minutes within a three (3) hour period."* However, the provisions of this section do not apply to any commercial animal establishment permitted by zoning law where located.

Under the City's Noise Element and the City's adopted CEQA Guidelines, a project would normally have a significant impact on noise levels from project operations if the project causes the ambient noise level measured at the property line of affected uses to increase by 3 dBA in CNEL (Community Noise Equivalent Level) or within the "normally unacceptable" or "clearly unacceptable" category, or any 5 dBA or greater noise increase.

The applicant submitted a Noise Impact Study dated April 18, 2016 and an Addendum dated September 23, 2016 prepared by Mei Wu Acoustics to assess potential noise impacts from barking dogs on the adjacent residential uses west of the site and on the adjoining creative office use immediately adjoining the site. The Noise Study measured existing average ambient noise levels at the residential neighborhood located approximately 100 feet above and over 400 feet west of the subject site and calculated noise impacts to residential properties due to dogs barking while entering/exiting the building and due to dogs barking in the play

areas, which may be transmitted through the building façade or roof. According to the noise study, existing ambient noise levels were measured at the intersection of Riggs Place and Kentwood Avenue (which is an undeveloped section at the edge of the bluff with approximate sight lines toward the project site). The measured CNEL based upon 24-hour measurements was approximately 66 dBA CNEL which exceeds the General Plan Noise Element's conditionally acceptable level for residential use. According to the noise study, contributing noise sources include traffic on the local roads and distant traffic from the 405-freeway and other neighborhood activities such as lawnmowers, occasional aircraft flyovers etc. and the elevated sound levels are likely attributable to the bluff's exposure to the 405 Freeway and the existing industrial uses below the bluff.

During average daytime hours, the transmitted sound level from two barking dogs at the front entrance of the building would be below the 66 dBA ambient noise level measured at the adjacent residential neighborhood and is not anticipated to be audible at the residential neighborhood. Barking noise would be faintly audible at the exterior of residential properties at most when using the front entrance and not at all when using the entrance from the alley.

The study also estimated the sound levels generated from the interior of the subject building to be approximately 95dBA within the play areas, assuming all 150 dogs were barking simultaneously. Based on existing average ambient noise levels within the residential neighborhood, both during the day and at night, the noise generated by barking dogs would remain below ambient levels and would have no measurable impacts on the adjacent residential neighborhood. The study assumes specific sound attenuation measures are incorporated into the facility which have been incorporated as conditions of the grant to ensure that noise levels remain consistent with the noise study's analysis.

According to the noise study, the loudest barking noise is anticipated to take place within the play areas during the hours between 7 a.m. and 10 p.m. Dogs will be placed in their private suites between 10 p.m. and 7 a.m. and less barking is expected to occur when dogs are in their suites. A row of suites will be located along the south elevation directly adjoining the creative office use to the south. According to the noise study, the demising assembly between the project site and neighboring building consists of two rows of solid brick with a four-inch air gap. Assuming dog barking pressure level at the southerly wall is 95dBA, the transmitted sound level to the adjoining property is estimated to be a maximum of 27 dBA, which according to the study, is 15 dBA below a private office ambient sound level which is typically 35 dBA or 45 to 49 dBA for a typical open office environment.

Condition No. 11 of the grant requires that the facility incorporate the sound attenuation measures recommended by the noise study that include sealing all gaps/openings in the roof, building façade and glazing to avoid sound leaks, installation of a new HVAC system with sound attenuation measures, acoustical absorption must be incorporated into the play yard areas to control reverberant noise and the private dog rooms/suites must be fully enclosed with a drop ceiling



and glass door to provide additional sound attenuation. Condition No. 6 prohibits any exterior use of the facility (which is prohibited by the zoning ordinance), limits capacity as proposed to a maximum of 150 dogs and 20 cats, limits activity in the play yard areas from 7 a.m. to 10 p.m., requires that pick-up and drop-off of animals between 10 p.m. and 7 a.m. be limited to the rear entry of the facility and requires that all doors and windows remain closed during all hours of operation. Finally, dogs are required to be on a leash when being dropped-off or picked up to prevent dogs from getting loose in the exterior of the premises. In the event barking noise results in a violation of the City's Noise Ordinance, surrounding residents or business owners would have a remedy available via City enforcement protocols.

With respect to traffic, the Department of Transportation reviewed the trip generation associated with the proposed change of use and determined that the project's trip generation does not exceed a threshold which warrants a technical memorandum or a traffic study. To ensure an accurate estimate, the Department of Transportation did not rely on empirical evidence submitted by the applicant but instead drew from prior existing similar projects within West Los Angeles. According to the Department of Transportation, the project is estimated to generate a net increase of 186 daily trips, a net increase of 20 a.m. peak hour trips and a net increase of 18 p.m. peak hour trips (based on trip rate requirements of the Coastal Transportation Corridor Specific Plan and formulas published by the Institute of Transportation Engineers).

Arizona Circle and Arizona Place function as one continuous circular street that forms a horseshoe at its intersections with Arizona Avenue to the east. The residential streets to the west would not be impacted by traffic to and from the project site as there is no access between the residential streets to the west and the subject site and Arizona Circle or Arizona Place. Pick-up and drop-off of dogs and cats will be limited from 7 a.m. to 10 p.m. and is anticipated to be staggered throughout these hours.

With respect to concerns regarding health and sanitation issues, the boarding facility is regulated by the Department of Animal Services and Condition No. 7 of the grant requires the facility to obtain the required permit/license from the Department of Animal Services and the facility is subject to the Kennel requirements of LAMC Section 53.50 (also known as the City of Los Angeles Kennel Permit Standards which sets forth 30 standards applicable to the operation of a kennel). These standards are enforced by the Department of Animal Service and address health, safety, sanitation and maintenance issues. For example, Standard Number 19 requires the removal of animal and food wastes, used bedding, debris, and other organic wastes from primary enclosures at least twice daily to prevent contamination of animals and to reduce disease hazards and odors. Standard Number 20 requires a waste disposal plan to be approved by the Department of Animal Services that provides for regular and frequent collection, removal and disposal of excreta and food wastes, soiled bedding, debris, garbage, water, other fluids and wastes in a manner that minimizes environmental contamination and disease risks and prohibits the stockpiling of waste on the premises.

In this case, proposed upgrades to the building include advanced sewer facilities to accommodate waste disposal by feline and canine users directly into the sewer. In accordance with the applicant's lease agreement, the floor of the facility will be sloped and sealed to allow proper draining and to prevent waste water from permeating or damaging the floor. The proposed play areas will utilize the latest indoor synthetic grass that allows water and cleaning solutions to flow beneath the synthetic grass to clean and rinse canine urine directly into the drain.

Thus, the conditions of approval assure the compatible use of the site with the proximal residential area. Condition No. 2 requires project use, development and site configuration to be consistent with the approved project plans reviewed by the Zoning Administrator and included in the case file. Other conditions limit the number of animals allowed overnight and length of stay. Potential interaction between dogs and the public environs is anticipated to be minimal. The dogs will be housed and exercised indoors and there will be no outdoor kennels or dog runs. In view of all of the foregoing, as conditioned, the facility's location, size and operations are not anticipated to adversely affect or further degrade adjacent properties, the surrounding neighborhood, or the public health, welfare and safety.

**3. The project substantially conforms with the purpose, intent and provisions of the General Plan, the applicable community plan, and any specific plan.**

The Westchester-Playa del Rey Community Plan Map designates the property for Limited Industrial land uses with corresponding zones CM, M1, and MR1 and Height District No. 1. The property is not currently within the area of any specific plans or interim control ordinances. The Q Conditions restrict uses at the site to those allowed in the MR1 Zone and the conditions prohibit pole signs, roof signs, billboards, and unscreened rooftop equipment. The proposed project complies with the Q Conditions of the underlying zoning.

The Community Plan goals and objectives seek to encourage appropriate uses within the existing environs and to preserve and protect the existing residential uses in the area. The use of the building as an indoor dog and cat kennel has been determined to be compatible with the neighborhood. As conditioned, the facility will be operated with consideration of the adjacent residents, fulfills a desired service, and is compatible with the neighborhood in both appearance and use. As such, the facility is consistent with the goals and objectives of the Community Plan and thereby consistent with the General Plan and its elements.

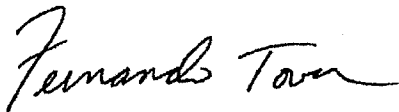
**ADDITIONAL MANDATORY FINDINGS**

4. The National Flood Insurance Program rate maps, which are a part of the Flood Hazard Management Specific Plan adopted by the City Council by Ordinance No. 172,081, have been reviewed and it has been determined that this project is located in Zone C, areas of minimal flooding.

5. On June 24, 2016, the subject project was issued a Notice of Exemption (Subsection c, Section 2, Article II, City CEQA Guidelines), log reference ENV-2016-1588-CE, for a Categorical Exemption, Class 1, Category 1. Article III, Section 1, City CEQA Guidelines (Sections 15300-15333, State CEQA Guidelines). I hereby adopt that action.

Inquiries regarding this matter should be directed to Heather Bleemers, Planning Staff for the Office of Zoning Administration.

Heather Bleemers  
City Planner  
(213) 978-0092



FERNANDO TOVAR  
Associate Zoning Administrator

FT:HB

cc: Councilmember Mike Bonin  
Eleventh District  
Adjoining Property Owners  
Interested Parties