

RESOLUTION NUMBER R- 286867

ADOPTED ON JAN 30 1995

WHEREAS, Lawrence Knechtel, an individual and Owner, and Mark Jacobson, an individual and Permittee, filed an application for a conditional use permit to develop a pet boarding facility on a portion of a 12.21-acre lot located south of Carmel Valley Road and east of Caminito Mundano, described as a portion of Section 21, Township 14 South, Range 3 West, San Bernardino Meridian, in the North City Future Urbanizing Area, in the A-1-10 zone; and

WHEREAS, on December 14, 1995, the Planning Commission of The City of San Diego held a public hearing to consider Conditional Use Permit No. 95-0195 for the Markim Pet Resort, pursuant to San Diego Municipal Code section 101.0510; and

WHEREAS, the Planning Commission of The City of San Diego recommended that the Council of The City of San Diego (the "Council") approve the Markim Pet Resort Conditional Use Permit subject to conditions; and

WHEREAS, the Council held a public hearing to consider the Markim Pet Resort Conditional Use Permit No. 95-0195, pursuant to San Diego Municipal Code section 101.0510; and

WHEREAS, the Council has considered all maps, exhibits and written documents contained in the file for this project on record in the City of San Diego, and has considered the oral presentations given at the public hearing; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the Council adopts the following written findings to support the Conditional Use Permit application:

**a. The proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan and, if conducted in conformity with the conditions provided by the permit, will not be detrimental to the health, safety and general welfare of persons residing or working in the area.**

Development is proposed on the flatter, previously disturbed portion of the site, preserving the more environmentally sensitive portions of the property as open space. Protective easements are proposed over the floodplain and steep hillside portions of the site. Limiting development in this manner is consistent with the intent of the North City Future Urbanizing Area Framework Plan and with the Open Space Element of the General Plan. Conditions proposed for the permit will assure preservation of the health, safety and general welfare of the area.

**b. The proposed use will comply with all relevant regulations in the Municipal Code.**

San Diego Municipal Code section 101.0510 provides for boarding kennels for dogs and cats in any agricultural, commercial or industrial zone, subject to the granting of a conditional use permit. The subject property is zoned A-1-10 Agriculture).

2. That the Council adopts the following written findings to support the Brush Management Program:

**a. The proposed brush management program, to the extent feasible, will not adversely affect floodplains, biologically sensitive lands, hillsides, significant**

prehistoric sites and resources, and wetlands as defined in the Resource Protection Ordinance, San Diego Municipal Code section 101.0462.

Impacts to biologically sensitive lands resulting from implementation of the brush management program will be the least amount practical and necessary to achieve a fire safe situation. Additional impacts to sensitive vegetation will not occur by the proposed brush management program. The impacts which have been considered and will result represent the minimum necessary while still providing the necessary fire protection to persons and property as required by the Uniform Fire Code Appendix IIA. Implementation of the proposed brush management program will be inspected to assure compliance with the approved drawings and to assure additional impacts to sensitive areas do not occur.

**b. The proposed brush management program, to the extent feasible, will minimize the alterations of vegetation and will not result in undue risks from erosional forces.**

The proposed brush management program will alter vegetation for purposes of fire protection, yet will not result in undue risks from erosional forces. The proposed brush management program will utilize an effective fire break by creating a minimum forty to fifty foot zone 1, and fifty-five feet of selective thinning of existing vegetation within zones 2 and 3. Alterations to existing vegetation will be limited and minimized. No disruption to the soil surface will result from the implementation of the brush management program, existing vegetation will not be trimmed

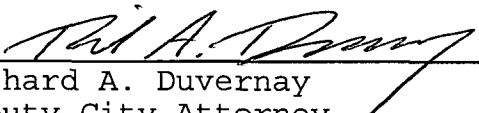
lower than six inches above the ground surface and will not be thinned beyond the required percentages of zones 2 and 3.

That such Findings are supported by maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 95-0195 for the Markim Pet Resort is hereby granted to Lawrence Knechtel, Owner, and Mark Jacobson, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

RAD:lc:pev  
01/31/96  
Or.Dept:Clerk  
R-96-862  
Form=r.permit

RECORDING REQUESTED BY  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT

AND WHEN RECORDED MAIL TO  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 95-0195

MARKIM PET RESORT

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to LAWRENCE KNECHTEL, an Individual and Owner, and MARK JACOBSON, an Individual and Permittee, pursuant to San Diego Municipal Code section 101.0510.

1. Permission is granted to Owner/Permittee to construct, use and maintain a dog and cat boarding facility, located south of Carmel Valley Road and east of Caminito Mundano, described as a Portion of Section 21, Township 14 South, Range 3 West, San Bernardino Meridian, in the A-1-10 zone.
2. The facility shall consist of the following:
  - a. Conversion of an existing house into a caretakers residence and office;
  - b. Construction of two, two-story dog kennel buildings and a one-story office/cat kennel building;
  - c. Off-street parking; and
  - d. Accessory uses as may be determined incidental and approved by the Development Services Director.
3. No fewer than 28 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department. Parking spaces shall be consistent with the Zoning Regulations as set forth in San Diego Municipal Code Chapter X, Article 1, Division 8, and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Development Services Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.

4. No permit for construction of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:
  - a. The Permittee signs and returns the permit to the Development Services Department;
  - b. The conditional use permit is recorded in the office of the County Recorder.
  - c. A State Coastal Permit is approved for the project.
5. Before issuance of any building permits, complete grading and building plans shall be submitted to the Development Services Director for approval. Plans shall be in substantial conformance to Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.
6. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Development Services Department, Land Development Review Division for approval. The plans shall be in substantial conformance to the Landscape and Brush Management Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease, weed and litter free condition at all times.
7. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or, construction, it shall be repaired and/or replaced in kind per the approved plans by the Owner/Permittee.
8. The applicant shall implement a brush management program in accordance with the approved brush management plan for the site as shown on Exhibit "A," dated January 30, 1996, on file in the Development Services Department, including the following measures:
  - a. Prior to the issuance of any grading or building permits, a complete set of brush management working drawings shall be submitted to the Development Services Department, Land Development Review Division and the Fire Marshall for approval. The plans shall be in substantial conformance to Exhibit "A," dated January 30, 1996, on file in the office of the Development Services Department and shall comply with

the applicable provision of the City of San Diego *Landscape Technical Manual*, document number RR-274506. The approved Brush Management Program shall be implemented before issuance of any occupancy permit on any building and shall be inspected by the Development Services Department, Land Development Review Division Landscape Inspector prior to issuance of any occupancy permit. Such brush management shall not be modified or altered unless this permit has been amended and is to be maintained, at all times, in accordance with the guidelines of the City of San Diego's *Landscape Technical Manual*, document number RR-274506, on file in the office of the City Clerk.

- b. No accessory structures shall be permitted within Zone 1, including but not limited to wood decks, trellises, gazebos, etcetera. Non-combustible accessory structures may be approved by the Fire Marshall and the Development Services Department, Land Development Review Division.
  - c. The Fire Department may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exists.
  - d. No new planting shall occur within Zones 2 and 3.
  - e. All requirements for fire-resistive construction and other architectural features shall conform to all applicable City and Regional building code standards.
9. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
10. This conditional use permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in San Diego Municipal Code section 101.0510(H). Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
11. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
12. After establishment of the project, the property shall not be used for any other purposes unless:
- a. Authorized by the Planning Commission; or
  - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or

- c. The permit has been revoked by the City.
13. This conditional use permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.
  14. This conditional use permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
  15. Prior to the issuance of any building permits, the applicant shall:
    - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code ("UFC") § 10.208).
    - b. Show the location of all fire hydrants on the plot plan (UFC § 10.301).
    - c. Provide access in conformance with Fire Department Policy A-89-1 (UFC § 10.207).
    - d. Provide temporary street signs.
  16. Grading and construction of the pet boarding facility may commence before recordation of the final map for Tentative Map No. 95-0195.
  17. Prior to the operation of the pet boarding facility, the project shall comply with the conditions of the final map for Tentative Map No. 95-0195.
  18. Prior to the issuance of grading or building permits, the applicant shall install a five to six foot chain link fence, or equivalent, along the north edge of the non-building area easement at the south end of the site. The location of the fence shall include enough level areas on the eastern one half of the open space lot to allow wildlife movement, and will be subject to approval by the Environmental Analysis Section, and shown on plans marked "Exhibit "A" as Environmental Mitigation.
  19. This permit will expire on January 30, 2016, twenty (20) years from the effective date of approval, unless a new application for a Conditional Use Permit is submitted to the Development Services Department, ninety (90) days in advance of the expiration date as stated in the approved permit.
  20. Hours for checking in or checking out pets from the boarding facility shall be limited to the hours of 7:30 a.m. to 6:30 p.m.



21. The dog and cat kennel structures shall be constructed in a manner that will limit sounds generated from the buildings to not exceed 65 cnel at the outside wall of the buildings. Any evidence of odor discharged from the building will be immediately mitigated.
22. All pets using the outdoor "Pet and Play" area shall be monitored by staff and required to remain within the boundaries of the play area, as shown on Exhibit "A," dated January 30, 1996. Use of the outdoor "Pet and Play" area by pets shall be limited to the hours of 7:30 a.m. to 7:00 p.m. The use of amplified audio equipment shall be prohibited in this area.
23. Hours of operation for the "Pet Training" area shall be limited to 8:00 a.m. to 7:00 p.m. All pets using the "Pet Training" area shall be required to remain within the boundaries of the training area. Small sign(s) at the edge of the parking lot shall inform the public of the requirement to remain within the boundaries. The use of amplified audio equipment shall be prohibited in this area.
24. All animal waste shall be disposed of on a daily basis.
25. Prior to the issuance of any grading or building permits for the pet boarding facility, a conservation easement, flowage and non-building area easements shall be recorded on the property as shown on Exhibit "A," dated January 30, 1996.
26. Sign identification shall consist of a 6-foot-high, 16-square-foot monument sign located in the access easement and miscellaneous interior directional signs as approved by the Development Services Department Director.
27. Prior to the issuance of building permits the Fire Department must be satisfied that the bridge will support fire vehicles.
28. Prior to the issuance of any grading or building permits, the Permittee shall obtain a Coastal Development Permit from the State of California Coastal Commission and file a copy of that permit with the Development Services Department. Should the State Coastal Commission, through its issuance of a coastal development permit, cause any material change to the design of this project or conditions of the permit, the Permittee shall be required to amend this permit.
29. The Permittee shall work on a voluntary basis with area equestrians to develop a workable horse trail arrangement in or around the project site.

The issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies

including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. section 1531 et seq.).

PASSED AND ADOPTED by the Council of The City of San Diego on January 30, 1996, by Resolution No. R-286867.

R-286867

AUTHENTICATED BY:

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SUSAN GOLDING, Mayor  
The City of San Diego

\_\_\_\_\_  
CHARLES G. ABDELNOUR, City Clerk  
The City of San Diego

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The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

Lawrence Knechtel  
Owner

By \_\_\_\_\_

Mark Jacobson  
Permittee

By \_\_\_\_\_

NOTE: Notary acknowledgments  
must be attached per Civil  
Code Section 1180, et seq.  
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