

From: [doug.sutton](#)
To: [Sam Becker](#)
Subject: Dog Boarding permit application number PLN2026-00209- Please Decline
Date: Monday, August 3, 2026 1:39:20 PM

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Mr. Becker:

My name is Douglas Sutton, and I reside at 1595 Adobe Dr. in Pacifica. I am writing to you to express my concern regarding a Dog Boarding facility that is operating at 1620 Higgins Way, within 100' of my property. I was informed that their permit application number is : pln2026-00209 and that it is still in review.

For me, and my close neighbors, this facility is a public nuisance; there is an excess of plaintive barking by several dogs at once, and as a dog owner myself, I see this as evidence that the dogs are not being well attended to. Also, they never advised the surrounding neighbors of their intent to open this facility, as I believe is required.

I would add that this business known as Custom K9 already has a facility in a more industrial region of South San Francisco, and they seem to be using their home as an overflow solution. I gather that the review of this is subject to a public hearing; If you could advise of the time and location for this, I would be most appreciative.

Also, if testimony from any of my neighbors would help with your decision, please let me know, and I will ask them to write to you.

Many Thanks,
Douglas Sutton
650 283 9569

From: [Nick Lusson](#)
To: [Sam Becker](#)
Subject: Dog Boarding permit application number PLN2026-00209
Date: Thursday, August 6, 2026 2:34:17 PM

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I'm a neighbor of the unlicensed dog kennel currently operating at 1620 Higgins Way, Pacifica. I've emailed previously on this matter.

I was forwarded a communication from a neighbor that there's a hearing for their retroactive application in September, but to this date as a neighbor well within the 300' range, I have received no information regarding their application. Can you please clarify when to expect that?

I'd also like to point out that they've removed their business sign on the street but are continuing to operate and promote operations. So if their sign being removed was somehow associated with their lack of a permit and an order to cease operations, then they have clearly not stopped operating.

Thank you,

Nick Lusson
1623 Higgins Way
510-589-1302

From: [amber waters](#)
To: [Sam Becker](#)
Subject: Dog kennel on Higgins way
Date: Monday, August 10, 2026 8:10:22 PM

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Hi,

I'd like to voice my concern and objection to a dog kennel/boarding that opened a couple of houses away from me. I own 1584 Adobe Dr, Pacifica, CA 94044. This operation popped up without any notification several months ago and I do not want to live near this business. It's loud. It's a nuisance. Dogs are constantly barking and whining which leads me to be concerned that the animals are being cared for properly.

Furthermore, the house the business operates out of is falling onto the street . A mini landslide that has been sitting uncared for , for years.

I do not want this business here and I don't understand how they have been permitted to do so. Did the city give the business permission to operate out of a residential home?

Thank you,
Amber Waters

From: [Elyse Wolland](#)
To: [PLANNING_ZHO](#)
Subject: Agenda item 1, Sept 3, 2026, File Number PLN2026-00209
Date: Sunday, August 23, 2026 3:30:53 PM

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

This letter is for agenda item 1 for Sept 3, 2026:

Owner: Sue Valteras (Property Manager), on behalf of Ali Nilchipour
Applicant: Jeffrey Aguilera
File No.: PLN2026-00209
Location: 1620 Higgins Way, Pacifica
APN: 023-340-330

To Whom It May Concern:

We are writing to express our full support for Custom K-9 to be granted permit status in Pacifica, CA. There is no doubt in our minds that they run a professional, dedicated, and caring dog care/training business. In addition, they are an invaluable asset to the community of Pacifica (where we reside) and beyond. Pacifica is extremely fortunate to have Custom K-9 be a part of the community, and it is essential that they be allowed to continue.

We have been working with Jeff and Beckie from Custom K-9 for the past 2.5 years. They have helped train our dog and taught us how to be better humans for our animals. They work with the utmost professionalism, care, and dedication to the animals they serve, always with a commitment toward every dog's safety and well-being.

Initially, we brought one of our rescue dogs, Zoey, for a board and train for 5 weeks, and Jeff and Beckie took the best care of her during that time, communicating regularly about her progress. They even provided a week of free board and train because our family had a serious medical issue we needed to deal with. Not only do Jeff and Beckie care about the dogs in their ward; they also care deeply about serving their community, and go above and beyond.

When Zoey came home, we saw a huge transformation in her behavior. After the board, Jeff and Beckie made sure we knew how to best support our dog and help us maintain consistency, even offering free weekly group training in a park. Since then, we have had several private training sessions, with Jeff and Beckie coming wherever we needed them to. Our dog Zoey loves them so much (and so do we), that she now goes to their daycare once a

week. We know Zoey is so well loved and cared for- she runs to the door when Beckie comes to pick her up, and is happy and exhausted when she gets home (maybe even a bit sad that she's no longer there!) When we have to drop off or pick up, they have clear guidelines for how that goes, so that all dogs are safe and looked after. The daycare service they provide is a clean, well-monitored, safe environment, where the dogs are loved, trained, and well cared for.

Jeff and Beckie at Custom K-9 care deeply about their community- they are dedicated professionals who are amazing with dogs and humans alike! They do an incredible job looking out for the dogs in their care, as well as looking out for the community around them.

Sincerely,

Elyse Wolland and Chandra Birenbaum

Residents of Pacifica, CA

ewolland@hotmail.com or ewolland@sfschool.org

FORMAL OPPOSITION TO KENNEL PERMIT

PLN2026-00209 – 1620 Higgins Way, Pacifica

Dear Zoning Hearing Officer and Mr. Becker:

I am writing to formally object to the proposed Kennel Permit at 1620 Higgins Way authorizing dog training, daycare, and boarding activities for up to 15 dogs.

I have substantial firsthand experience with the existing conditions at this location. Most importantly, **dog barking from this property is already frequent, clearly audible across Higgins Way, and disruptive.** This is not a hypothetical concern about what might occur following approval of a kennel permit. The noise impact already exists.

After reviewing Chapter 6.20 of the San Mateo County Ordinance Code, I have significant concerns regarding whether the County can make the findings required to approve this application.

Section 6.20.060 provides that an application for a kennel/cattery permit may be approved only if the Zoning Hearing Officer makes **all of the required findings**. Based upon the existing nuisance, surrounding residential development, apparent inability to comply with the 300-foot residential separation requirement, constrained physical characteristics of the property, and an existing apparent slope stability issue, I do not believe the record presently supports those findings.

1. Section 6.20.060(a)(1) – Required Finding That the Animals Will Not Create a Nuisance

The first required finding under Section 6.20.060(a)(1) is:

“That the keeping and maintenance of the animals will not create a nuisance or endanger the public health, safety or welfare.”

The existing conditions and **prior operating history of this property directly contradict this required finding.** My understanding is that the applicant previously operated dog training, daycare, and/or boarding activities at this property **without the required kennel permit**, and that the prior operation generated **numerous complaints from neighboring residents regarding barking and other impacts.** I have also personally experienced frequent and disruptive dog barking from the property that is clearly audible from across Higgins Way.

Accordingly, the nuisance concern is neither hypothetical nor based merely upon speculation about how a future kennel might operate. **The proposed use has effectively already been tested at this location, and its prior operation resulted in neighborhood complaints and observable noise impacts.** Before approving the permit, the County should review its own complaint, code-enforcement, Animal Control, and other records concerning the prior

unpermitted operation and include those records in the administrative record. Increasing or formalizing the use as a commercial dog training, daycare, and boarding operation accommodating as many as 15 dogs creates an obvious potential to perpetuate or intensify an existing problem.

The County should not make a prospective finding that the keeping and maintenance of these animals **“will not create a nuisance” without first addressing evidence that dogs currently kept at the property are already generating significant noise impacts on neighboring property.**

The description of the site as an “existing rural parcel” also does not accurately convey its relationship to the surrounding neighborhood.

The property fronts directly on Higgins Way and is surrounded by substantial residential development. Based upon a review of the immediate area, there appear to be **at least 15 residential buildings or residences within approximately 300 feet of the property, including multifamily residential buildings.**

This is therefore not an isolated rural kennel location separated from neighboring residential uses. It is part of the existing neighborhood fabric.

2. Section 6.20.060(b)(1) – Mandatory 300-Foot Separation From Neighboring Residences

Section 6.20.060(b)(1) imposes an additional requirement specifically applicable to kennels. The Zoning Hearing Officer must find:

“That any building, pen, run or other enclosure housing dogs is at least 300 feet from any residence on a neighboring property, unless an exception is granted pursuant to Section 6.20.130.”

This appears to present a fundamental issue with the proposed kennel.

There appear to be **at least 15 residential buildings or residences within approximately 300 feet of the subject property, including multifamily residential buildings.** The subject parcel itself is only approximately **0.6 acre**, is substantially sloped, and fronts directly on Higgins Way and Adobe Drive.

Given the size and configuration of the property and the extent of surrounding residential development, it appears highly questionable whether the proposed dog-housing facilities can satisfy the ordinance's 300-foot separation requirement.

Importantly, the ordinance does not merely require separation from one particular residence. It requires that **any building, pen, run, or other enclosure housing dogs** be at least 300 feet from **any residence on a neighboring property.**

Before the County takes action on this application, I request that the applicant be required to provide a dimensioned site plan clearly depicting:

1. Every building, pen, run, and other enclosure in which dogs will be housed;
2. A 300-foot radius measured from each such facility;
3. All residences on neighboring properties falling within those areas;
4. The measured distance from each proposed dog-housing area to the nearest neighboring residences; and
5. Any exception being requested pursuant to Section 6.20.130.

If the proposed facilities are within 300 feet of neighboring residences, then the application does not satisfy Section 6.20.060(b)(1) as written, and the required finding cannot be made absent an exception under Section 6.20.130.

3. Any Exception Under Section 6.20.130 Requires Specific Findings

Section 6.20.130 does not provide a general authorization to disregard the requirements of the kennel ordinance.

It allows modification of the strict application of the ordinance only where there are **“extraordinary conditions affecting the property”** and where strict application would impose **“unreasonable restrictions, unnecessary and extraordinary hardships or damage”** upon the applicant.

Any modification must also remain in harmony with the general purposes and objectives of the ordinance so that public health, safety, and welfare are guaranteed.

If the applicant is requesting an exception from the 300-foot residential separation requirement, I request that the County specifically identify:

- The precise requirement being modified;
- The extraordinary condition affecting the property;
- The unnecessary and extraordinary hardship that would result from compliance;
- The evidence supporting those findings;
- The extent of the proposed modification; and
- How granting the exception protects public health, safety, and welfare in light of the numerous surrounding residences and existing barking impacts.

The fact that a particular property may simply be too small, too constrained, or too close to neighboring residences to accommodate a commercial kennel while satisfying the ordinance's residential separation requirement should not, standing alone, constitute an extraordinary hardship justifying an exception.

Rather, those circumstances may demonstrate that this particular property is **not an appropriate location for the proposed kennel use.**

That conclusion is particularly compelling here because the impact the 300-foot separation requirement appears intended to address is already occurring. Dogs at the property presently generate frequent and disruptive barking audible from neighboring property across Higgins Way and Adobe Drive.

Granting an exception would therefore require the County to reconcile two difficult conclusions: first, that the ordinance's express 300-foot residential separation requirement should be waived despite the large number of nearby residences; and second, that the County can nevertheless make the mandatory finding that keeping and maintaining the animals **"will not create a nuisance," despite evidence of existing disruptive barking.**

4. RM Zoning, Open Space General Plan Designation, and Authorization of the Use

The subject property is approximately 0.6 acre, is substantially sloped, is designated **Open Space under the General Plan**, and is zoned **RM**.

Section 6.20.040 provides that kennels and catteries may locate only in those zoning districts prescribed by the County Zoning Regulations and upon securing the required kennel/cattery permit.

I therefore request that the County identify the specific RM zoning provisions authorizing the proposed commercial dog training, daycare, and boarding operation at this location, including any applicable use permit, development, intensity, or compatibility requirements.

The County should also address the consistency of the proposed commercial kennel operation with the property's **Open Space General Plan designation.**

I recognize that the one-acre minimum contained in Section 6.20.060(b)(4)(a) expressly applies to kennels in the R-E, R-1, and RH zoning districts and therefore does not appear, by its terms, to establish a one-acre minimum for this RM-zoned property.

Nevertheless, the actual size, topography, usable area, and configuration of this parcel remain highly relevant to the other mandatory kennel findings.

5. Small, Substantially Sloped Site and Adequacy of Facilities

Section 6.20.060(a)(2) requires the Zoning Hearing Officer to find:

"That facilities exist at the proposed location to safely and adequately secure, feed, house, exercise and maintain the animals."

The subject property contains only approximately **0.6 acre**, and a substantial portion of the parcel is steeply sloped.

The County should evaluate the **actual usable area of the property**, rather than relying upon its approximately 0.6-acre gross parcel area or simply characterizing the property as "rural." A substantial portion of the site consists of **very steep slopes**, which significantly reduces the area practically available for safely housing, exercising, and maintaining as many as 15 dogs. **It is unclear whether the applicant has provided a current topographic survey or other sufficiently detailed topographic information demonstrating the existing slopes and usable areas of the property.** Before making the findings required by Section 6.20.060(a)(2), the County should require and review a topographic map identifying existing contours, slope gradients, the apparent slope-failure area, and the portions of the property actually suitable for kennel activities. The County should then identify where the proposed dog housing, pens, runs, exercise areas, access, parking, and other kennel activities can safely occur when the site's steep slopes, apparent slope instability, and required 300-foot separation from neighboring residences are taken into account. **Gross parcel acreage substantially overstates the functional area available for this proposed use.**

The applicant proposes a commercial operation involving training, daycare, and boarding for as many as 15 dogs. The County should therefore identify where those dogs will be housed and exercised, the maximum number outdoors simultaneously, and how those facilities can be accommodated while complying with the 300-foot residential separation requirement and avoiding additional impacts on surrounding residences.

6. Existing Apparent Slope Failure and Geotechnical Safety

There is an additional significant physical condition on the property that I believe must be investigated before the County considers authorizing an intensified commercial kennel use.

A substantial area of the slope on the eastern portion of the property, adjacent to Adobe Drive, is presently covered by a large black tarp. Based upon my observations and understanding of the condition, this area is associated with a **significant slope failure that has remained unaddressed for an extended period of time.** I am providing an aerial photograph identifying the location of this condition.

This is particularly concerning given the steeply sloping character of the approximately 0.6-acre property and the proposal to authorize commercial dog daycare, training, and boarding activities for as many as 15 dogs.

Section 6.20.060(a)(1) requires the Zoning Hearing Officer to affirmatively find that the proposed use will not “**endanger the public health, safety or welfare.**” Section 6.20.060(a)(2) further requires a finding that adequate facilities exist at the proposed location to safely house, exercise, and maintain the animals.

I do not believe those findings should be made without first determining the nature, extent, and stability of this apparent slope failure.

Before acting on this application, I request that the County:

1. Inspect the existing tarp-covered slope condition;
2. Review County records to determine whether the condition has previously been reported, investigated, permitted, cited, or otherwise documented;
3. Determine whether grading, drainage improvements, stabilization, or other corrective work is required;
4. Require the applicant/property owner to provide an appropriate **geotechnical investigation prepared by a qualified geotechnical professional** addressing the existing slope condition and stability of the portions of the property proposed for kennel use;
5. Require the geotechnical evaluation to address the safety of existing and proposed structures, dog exercise areas, pens, runs, access areas, drainage facilities, and other areas associated with the proposed operation;
6. Determine whether increased use of the property, drainage, irrigation, animal activity, or improvements associated with the kennel could adversely affect slope stability; and
7. Require any necessary stabilization or corrective work to be completed before commencement of the kennel use.

The County should not approve an intensified commercial use of this substantially sloped property while an apparent significant and longstanding slope stability condition remains unresolved.

If the County determines that no geotechnical investigation or corrective work is necessary, I request that the basis for that determination be stated in writing and supported by appropriate technical evidence in the administrative record.

The slope condition is also relevant to any requested Section 6.20.130 exception. The County should not rely upon the property's constrained topography or physical conditions as an **"extraordinary condition"** supporting relaxation of the kennel ordinance while declining to investigate whether those same conditions present a public safety or geotechnical concern.

If the site's limited usable area results from steep slopes and an existing slope failure, that may further demonstrate that this property is simply unsuitable for a commercial kennel of the proposed intensity rather than provide a justification for relaxing standards intended to protect surrounding residences.



7. Outdoor Dog Areas, Pens, Runs, and Noise

Section 6.20.060(b)(3) imposes specific requirements upon outdoor dog pens and runs, including drainage and adequate fencing.

The site plan should clearly identify every proposed outdoor dog area, pen, run, exercise area, and enclosure.

The applicant should also disclose:

- How many dogs may be outdoors simultaneously;
- Where outdoor training and exercise will occur;
- The hours during which dogs may be outdoors;
- Whether dogs will be left outdoors unattended;
- Whether dogs will be boarded overnight;
- Where overnight dogs will be housed;
- What measures will be used to prevent barking from affecting surrounding residences; and
- How noise complaints will be addressed.

These are particularly important questions because barking associated with dogs currently kept at this property is **already disruptive**.

8. Commercial Daycare, Training, and Boarding Activity

The proposed use is not merely the private keeping of dogs. The application proposes a commercial operation involving **dog training, daycare, and boarding for up to 15 dogs**.

Those activities raise additional neighborhood compatibility issues, including customer arrivals and departures, drop-off and pickup activity, employees, deliveries, outdoor activity, and potentially early-morning, evening, and weekend operations.

The County should require disclosure and evaluation of:

- Proposed days and hours of operation;
- Maximum number of dogs present;
- Maximum number of customers present;
- Expected daily customer trips;
- Drop-off and pickup periods;
- Number of employees;
- Employee and customer parking;
- Weekend operations;
- Overnight boarding; and

- Outdoor operating hours.

These impacts should be evaluated in the context of the **actual surrounding residential neighborhood**, rather than based upon a generalized characterization of the site as rural.

9. Existing Nuisance and Sections 6.20.110 and 6.20.150

Chapter 6.20 separately addresses nuisance conditions associated with kennel/cattery facilities.

The existing barking conditions should therefore be investigated and documented before the County authorizes the proposed kennel.

It would be difficult to reconcile approval of this permit based upon a finding that the operation will not create a nuisance while disregarding credible evidence that dogs currently kept at the same property are already generating significant noise impacts on neighboring property.

I request that County staff visit the surrounding neighborhood and evaluate existing barking conditions before recommending approval.

10. Environmental Review

The public notice indicates that the County considers the project exempt from environmental review.

Given the proposed commercial dog daycare, training, and boarding operation, the substantial number of nearby residences, evidence of existing noise impacts, and the apparent longstanding slope stability condition, I request that the County identify the factual and legal basis for its environmental determination and address the project's potential noise, neighborhood compatibility, and geotechnical impacts as appropriate.

Any environmental determination and supporting documentation should be included in the administrative record.

11. Requested Action

Based upon the foregoing, I request that the Zoning Hearing Officer **deny PLN2026-00209** because the present record does not demonstrate that all findings required by Section 6.20.060 can be made.

At minimum, the matter should be **continued** until the County:

1. Investigates the existing barking and noise conditions;
2. Requires documentation of residences located within 300 feet of the proposed dog-housing facilities;

3. Requires a dimensioned site plan demonstrating compliance with Section 6.20.060(b)(1);
4. Identifies and evaluates any requested Section 6.20.130 exception;
5. Evaluates the actual usable area of this approximately 0.6-acre, substantially sloped parcel;
6. Investigates the existing tarp-covered slope condition and determines whether a geotechnical investigation and corrective stabilization work are required;
7. Evaluates the proposed location and operation of all outdoor dog areas;
8. Evaluates hours, customer activity, parking, drop-off/pickup, and other operational impacts associated with the commercial daycare, training, and boarding use;
9. Identifies the RM zoning provisions authorizing the proposed use;
10. Addresses consistency with the Open Space General Plan designation;
11. Addresses the existing nuisance evidence in connection with the mandatory Section 6.20.060(a)(1) finding; and
12. Provides neighboring property owners an opportunity to review and respond to this information before a decision is made.

If the County nevertheless considers approval, I request stringent, objective, and enforceable conditions addressing hours of operation, outdoor activity, the maximum number of dogs outdoors simultaneously, overnight boarding, barking and noise, customer drop-off and pickup, and an effective mechanism for permit review or revocation in response to substantiated nuisance complaints.

Reservation of Rights

I respectfully request that the County address these concerns before taking final action on the application. The existing nuisance conditions, apparent conflict with the 300-foot residential separation requirement, substantial surrounding residential development, physical limitations of the property, and apparent unresolved slope stability condition raise serious questions regarding the County's ability to make the findings required for approval.

If the County approves the permit notwithstanding these concerns, **I intend to pursue all available administrative remedies, including appeal of the decision to the Planning Commission, and I expressly reserve all rights and remedies available under applicable law, including the right to seek judicial review of any final County action.**

This correspondence and subsequent written submissions, is intended to be included in the administrative record for PLN2026-00209.

Please include this correspondence **in its entirety in the administrative record** and provide it to the Zoning Hearing Officer prior to consideration of PLN2026-00209.

Sincerely,

Mike O'Connell

Maria Gonzalez

From: chuck waters <chuckywaters@yahoo.com>
Sent: Wednesday, August 26, 2026 9:10 PM
To: Sam Becker
Cc: PLANNING_ZHO
Subject: Public Comment on 1620 Higgins Way for 9/3/26

CAUTION: This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

Please reject the proposal for a 15 dog Kennel Permit at 1620 Higgins Way for the following reasons:

1. This is a residential neighborhood not a commercial area
2. This is not a rural area. We are all in Pacifica city limits close to Linda Mar Shopping Center and the beach.
3. I am against the increase in traffic and impact on street parking on Adobe Drive and Higgins Road which are dead end streets
4. The dogs currently boarded there are constantly yelping, crying and making noises not consistent with a well run kennel.
5. The rental property does not appear to have facilities to house the dogs, which is why they are distressed and whining.
6. The landlord has not addressed her 60' land slide onto Adobe Drive for several years. The retaining wall has failed and is unsafe with broken cinder blocks falling and mud and debris running down the street rendering several parking spots unusable and unsafe. Adding a business to a property that has significant structural issues that have not been addressed is unsafe, unwise and I would imagine uninsurable.
7. There are many vacant commercial real estate locations in Pacifica that could be a good fit for this business. Please leave residential areas residential and have businesses in the commercial zones of Pacifica.

With Great Concern,
Chuck Waters

REVIEW OF STAFF REPORT FOR KENNEL PERMIT

PLN2026-00209 – 1620 Higgins Way, Pacifica

Dear Zoning Hearing Officer and Mr. Becker:

I previously submitted comments opposing the proposed kennel at 1620 Higgins Way and identifying a number of significant concerns regarding the proposed use, the site's physical constraints, its proximity to surrounding residences, the applicant's prior operation without the required permit, existing complaints, and the condition of the property.

After reviewing the staff report, I remain strongly opposed to approval.

More importantly, the staff report does not meaningfully address several of the issues raised in my prior comments. Instead, it largely accepts the applicant's representations and recommends both approval of the kennel and an exception from one of the ordinance's most important protections for neighboring residents—the 300-foot separation requirement.

I respectfully request that the Zoning Hearing Officer **deny the application or, at minimum, continue the hearing until the significant factual and technical deficiencies described below have been addressed.**

1. The 300-Foot Separation Requirement Is the Rule, Not the Exception

County Code expressly requires that any building, pen, run, or other enclosure housing dogs be located **at least 300 feet from a residence on neighboring property**, unless an exception is affirmatively granted.

The County's own Site Distance Map demonstrates just how dramatically this proposal fails that standard. The map identifies surrounding distances of approximately **117, 128, 135, 137, 144 and 192 feet**—in several cases less than half of the required separation.

This is not a minor deviation.

The staff report acknowledges that multiple residences are located within 300 feet, but recommends an exception because of:

- steep topography;
- dense vegetation;
- the location of the outdoor dog areas; and
- an adjacent undeveloped parcel under common ownership.

None of these facts changes the actual distance between the kennel and neighboring residences.

In fact, the existence of numerous residences substantially inside the 300-foot buffer is precisely the circumstance the separation requirement appears intended to address.

Staff's reasoning effectively converts the exception into the rule: if vegetation and a hillside are enough to eliminate a 300-foot separation requirement, it is difficult to understand when that requirement would meaningfully apply in a wooded hillside area.

2. Staff Has Not Demonstrated the Claimed "Unnecessary Hardship"

The staff report states that strict application of the 300-foot requirement would impose an "unnecessary hardship."

But **what is the hardship?**

The property currently contains a lawful single-family residential use. The kennel business began operating without the required kennel permit. The alleged hardship therefore appears to arise from the applicant's desire to continue a commercial kennel operation at a location that does not meet the ordinance's separation requirement.

That is materially different from a physical hardship preventing reasonable use of the property.

The property can continue to be used residentially. The applicant simply wishes to operate a kennel business there.

Before granting an exception from a 300-foot protection intended to benefit surrounding properties, the County should identify specifically:

1. what hardship exists;
2. why it is unique to this property;
3. why it was not self-created by commencing the kennel operation at a nonconforming location; and
4. why neighboring property owners should bear the consequences of that hardship.

The staff report does not provide that analysis.

3. The Applicant's Own Materials Contradict the Proposed 15-Dog Limit

There is also a significant unresolved inconsistency in the application materials.

The staff report repeatedly describes the proposal as having:

- approximately 10 dogs on an average day; and
- a maximum capacity of **15 dogs**.

Recommended Condition No. 2 similarly limits the facility to 15 dogs.

Yet Attachment F—the applicant's own **Daily Operations Overview**—states:

"Maximum capacity: Up to 25 dogs."

That is not an insignificant discrepancy. Twenty-five dogs represents a **67 percent increase** over the 15-dog operation being presented to the public and evaluated by staff.

The County should not approve a discretionary permit while the applicant's own operational document describes a materially larger facility.

At minimum, the applicant should be required to submit a revised, internally consistent operational plan before any decision is made, and staff should evaluate the actual historical and intended capacity of this business.

4. Prior Unpermitted Operation and Complaints Are Relevant to the Required Nuisance Finding

The staff report confirms that the permit application was submitted only after the County received a complaint regarding operation of a dog training and boarding business **without the required kennel/cattery permit** and opened violation case VIO2026-00121.

That history deserves substantially greater consideration than it receives in the staff report.

Staff instead emphasizes that responding agencies did not observe a nuisance during particular inspections and that complaints were closed without action.

But an inspection represents conditions observed at one particular moment. It does not establish that barking, animal distress, traffic, or other nuisance conditions did not occur at other times.

This distinction is particularly important because the County must make a prospective finding that:

"the keeping and maintenance of the animals will not create a nuisance or endanger the public health, safety, or welfare."

The County already has actual experience with this operation. It operated before obtaining the required permit, and neighbors complained about it.

Those complaints are evidence that should be evaluated—not dismissed simply because an enforcement officer did not personally witness the complained-of condition during a later inspection.

5. Visibility Is Not a Meaningful Measure of Noise Compatibility

A substantial portion of staff's compatibility analysis concerns screening and visibility.

Staff repeatedly notes that dog activities cannot readily be seen from Higgins Way, Adobe Drive, or neighboring properties.

But the primary nuisance concern associated with a kennel in a residential neighborhood is plainly **noise**, not whether neighboring residents can see the dogs.

Vegetation may provide visual screening. It does not necessarily provide meaningful acoustic isolation from barking.

No acoustical study appears in the staff report.

No measured existing or projected kennel noise levels are provided.

No analysis is provided of barking from as many as 15 dogs—or potentially 25 dogs under the applicant's own operational document—at the surrounding residences.

And there are residences within 300 feet; and the immediate neighbors are much closer than that.

The County therefore appears to be relying on **visual screening as a substitute for actual analysis of the principal potential nuisance**.

That is not a sufficient basis for the required nuisance finding.

6. The Actual Residential Character of the Surrounding Area Is Minimized

The staff report repeatedly characterizes this as a "rural" location and relies on that characterization in finding compatibility.

That description is incomplete.

The County's own report acknowledges residences within 300 feet to the north, northeast and northwest. Its Site Distance Map depicts numerous nearby residential structures.

As stated in my prior comments, there appear to be **at least approximately 15 residential dwellings within 300 feet, including multifamily residential buildings**.

The appropriate question is therefore not whether the parcel technically lies within an area classified as rural.

The question is whether a commercial kennel involving daycare, training and overnight boarding of up to 15 dogs—and according to the applicant's own materials potentially 25 dogs—is compatible with the **actual surrounding development pattern and nearby residences**.

The staff report does not adequately analyze that question.

7. No Topographic Survey or Meaningful Analysis of Usable Site Area Is Provided

The staff report repeatedly relies upon the property's **steep topography** as justification for approval and for the 300-foot exception.

That makes the absence of meaningful topographic information particularly troubling.

The parcel contains approximately 0.60 gross acre, but much of the site is steep hillside. Gross acreage therefore substantially overstates the portion of the property realistically available to accommodate a kennel operation.

The applicant's submitted site plan is a schematic diagram. It does not appear to constitute a surveyed topographic map demonstrating:

- property boundaries;
- contours;
- slope percentages;
- retaining structures;
- existing improvements;
- kennel/run dimensions;
- setbacks;
- drainage;
- usable level areas; or
- precise distances from kennel facilities to neighboring residences.

If **topography is going to be the County's justification for granting an exception**, the County should know what that topography actually is.

The applicant should be required to provide a complete topographic survey before the County determines that this constrained hillside parcel is suitable for the proposed commercial kennel operation.

8. The Existing Slope Failure Is Not Addressed

My prior comments also identified the significant apparent **slope failure on the property**, including the area presently covered by black plastic/tarp.

Remarkably, the staff report itself includes a photograph showing the tarped hillside area near the corner of Higgins Way and Adobe Drive, yet the report contains no substantive geotechnical discussion of that condition.

At the same time, staff repeatedly describes the parcel as a **"steep" hillside** and relies upon that steepness as an affirmative justification for the kennel exception.

Those positions are difficult to reconcile.

Before approving an intensified commercial use involving employees, customers, animals, parking, wash-down activities and regular daily occupancy, the County should determine whether the existing slope condition is stable and whether drainage or wastewater associated with the kennel could adversely affect it.

At minimum, the applicant should provide a **geotechnical evaluation by a licensed geotechnical engineer addressing the existing slope failure, site stability, drainage, and suitability of the developed portions of the property for the proposed use.**

9. Drainage and Wash Water Require Additional Evaluation

The operation includes artificial turf, outdoor kennels, a concrete wash area and daily sanitation.

The applicant states that a WYSIWASH system is used daily on turf, concrete, kennels, walls, equipment and toys.

Staff nevertheless states that the sloped outdoor areas "drain naturally."

That raises an obvious question:

Where does kennel wash water go?

On a steep hillside property, the County should know whether water containing disinfectant, animal waste residue and other kennel-related material is discharged to soil, a drainage system, the sanitary sewer, or elsewhere.

The fact that Environmental Health reported having no comments does not answer that basic site drainage question.

10. The CEQA Determination Should Be Reconsidered in Light of the Actual Use and Site Conditions

The staff report characterizes the project as essentially the legalization of a kennel use appurtenant to an existing single-family residence and concludes that it is categorically exempt because no new construction, grading or vegetation removal is proposed.

But this is not simply continued residential occupancy of an existing house.

The application would legalize an ongoing commercial operation involving:

- four employees;
- customer drop-offs and pickups;
- dog daycare;
- dog training;
- outdoor kennels;
- outdoor exercise areas;
- overnight boarding;
- sanitation and wash-down activities; and
- up to 15 dogs under the proposed permit, while the applicant's own operational document states capacity for as many as 25.

The County should ensure that its environmental determination evaluates the **actual use being authorized**, including noise, traffic, drainage and hillside conditions, rather than merely the absence of a proposed new building.

11. The Proposed Conditions Do Not Adequately Protect Neighboring Residents

The proposed conditions primarily restate general kennel requirements.

There are no meaningful performance standards addressing:

- maximum exterior noise levels;
- continuous barking;
- limits on the number of dogs outdoors simultaneously;
- duration of outdoor activity;
- weekend activity associated with boarded dogs;
- overnight outdoor activity;

- complaint response procedures;
- drainage or wash-water disposal;
- slope stability;
- employee/customer trip limits; or
- consequences for repeated verified nuisance complaints.

Condition No. 9 merely limits "noise sources associated with activities" to 7:00 a.m. through 6:00 p.m. weekdays.

But the applicant proposes **overnight boarding**. Dogs boarding overnight obviously remain on the property outside those hours and will bark overnight.

The County should explain how the weekday operating-hour restriction addresses barking or other kennel activity associated with dogs that remain at the facility overnight and potentially over weekends.

12. Staff Has Not Established That the Required Findings Can Be Made

This is a discretionary kennel permit, and the ordinance requires affirmative findings before it may be approved.

The burden should not be placed on neighboring residents to prove that future nuisance conditions are certain to occur.

The County must have substantial evidence supporting the affirmative finding that the operation **will not create a nuisance or endanger public health, safety or welfare**, as well as sufficient grounds to grant an exception from the 300-foot separation requirement.

Here, the record instead shows:

- an existing commercial kennel that began operating without the required permit;
- complaints concerning the operation;
- numerous residences substantially within the required 300-foot separation;
- a constrained approximately 0.60-acre hillside parcel;
- an unresolved apparent slope failure;
- no topographic survey establishing actual usable site area;
- no geotechnical evaluation addressing the slope condition;

- no acoustical analysis;
- unresolved drainage and wash-water questions; and
- a material contradiction between the proposed 15-dog permit and the applicant's own statement that the facility has capacity for **up to 25 dogs**.

Against those facts, staff largely relies upon vegetation, visual screening, a neighboring vacant parcel, and the fact that inspectors did not personally observe nuisance conditions during individual site visits.

That is not sufficient evidence to support the findings required for this permit and exception.

Requested Action

For these reasons, I respectfully request that the Zoning Hearing Officer **deny PLN2026-00209 and the requested exception from the 300-foot separation requirement.**

At an absolute minimum, the matter should be **continued** and the applicant required to provide:

1. A surveyed topographic site plan showing slopes, kennel facilities, property lines and distances to all residences within 300 feet;
2. A geotechnical report addressing the existing slope failure and overall site stability;
3. An acoustical evaluation addressing kennel noise at surrounding residences;
4. A drainage and sanitation plan identifying the disposal location for kennel wash water prepared by a licensed professional experienced in this type of project;
5. A corrected operational plan resolving the discrepancy between the proposed 15-dog limit and the applicant's stated 25-dog capacity;
6. A complete evaluation of the prior complaints and unpermitted operation; and
7. A specific factual analysis demonstrating how the standards for the 300-foot exception are actually satisfied.

This is precisely the type of discretionary land-use decision where the County should resolve material questions **before** approving the use—not approve it first and wait to determine through future complaints whether the concerns of surrounding residents were justified.

The County adopted a 300-foot separation requirement for a reason. On this site, multiple residences fall substantially inside that distance. Granting an exception should require compelling evidence that the protection is unnecessary here.

The current record does not provide it.

Respectfully submitted,

Mike O'Connell