

RESOLUTION NO. PC-2024-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PCUP-24-0003 FOR A CONDITIONAL USE PERMIT FOR A NEW EMERGENCY VETERINARY CLINIC (“VETERINARY EMERGENCY GROUP”) AT 2800 HARBOR BOULEVARD

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application PCUP-24-0003 was filed by Amarveer Brar, authorized agent for the property owner, Harbor Lites LLC, requesting approval of a Conditional Use Permit for new emergency veterinary clinic to operate at 2800 Harbor Boulevard. The project proposes to merge the existing three-suite commercial building that has a combined area of 4,821 square feet into a 24-hour emergency veterinary clinic.

WHEREAS, a duly-noticed public hearing was held by the Planning Commission on August 26, 2024 with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1), for Existing Facilities.

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PCUP-24-0003 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PCUP-24-0003 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change

that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 26th day of August, 2024.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2024- was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on August 26, 2024, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2024-

EXHIBIT A

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(g)(2) because:

Finding: The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Finding: The subject property is located at the intersection of one of the City's primary corridors and is surrounded by multi-tenant commercial centers across each corner of the intersection with an existing auto dealership and service immediately adjacent to the property. The existing commercial building was previously occupied by retail and food establishment tenants and will be converted into a veterinary clinic use. Although the veterinary clinic will operate 24 hours, the proposal would not generate adverse noise, traffic or parking impacts that are unusual for commercially-zoned properties. Potential noise from the operations will be mitigated through the use of insulation and soundproofing. The veterinary clinic would garner lower traffic volume in nature than previous retail and food establishment uses. Furthermore, the existing surface parking lot would provide sufficient parking spaces for the proposed standalone use for the site with a surplus of one additional parking stall so as to not cause a spillover of parking to the nearby multi-tenant commercial centers.

Finding: Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding: Granting the approval of the veterinary clinic use would not be detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood as all business activities would be conducted within the building. Potential noise from the operations will be mitigated through use of insulation and soundproofing. Further, the applicant will adhere to standard veterinary cleaning practices, including mopping floors and cleaning, disinfecting and sterilizing all used equipment and apparatuses on a frequent basis. The proposed veterinarian clinic is regulated by the California department of Consumer Affairs Veterinary Medical Board (Board). Pursuant to Business and Professions Code Section 4809.7; and 4854, the Board is mandated to establish a regular hospital inspection program, and, to ensure that all premises where veterinary medicine is being conducted are sanitary and conform to the minimum standards of practice, which encompass sanitation, practice management, practice techniques and record keeping. Lastly, prior to operations, the proposed tenant improvements will be reviewed by the City's Building and Fire Departments to

ensure safety, suitable occupancy and the necessary occupant ingress and egress.

Finding: Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Facts in Support of Finding: The use would be compatible with the existing uses in the commercial complex and meets the intent of the Local Business District in that the district encourages “a wide range of goods and services in a variety of locations throughout the City.” Allowed uses include retail, restaurants, automobile sales and service, and neighborhood-serving uses. Based on this, the proposed use is consistent with the General Plan’s General Commercial land use designation intended land uses and complies with the applicable development standards of the Zoning Code as the proposal is a commercial use that serves both neighborhood and regional needs and will bring a new community amenity to the area. The proposed veterinary use will not increase the size of the existing commercial building and would not increase traffic volume to the site beyond that typical for a commercial use. Furthermore, the proposed project is consistent with General Plan Land Use Policies LU-1.1, LU-6.1 and LU-6.2 as indicated above.

- B. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Permitting and/or Minor Alteration of Existing Facilities. The site is located in an urbanized area that is fully developed and does not contain any sensitive species or habitat including nearby water bodies. This project site contains an existing building, and the application does not include any new construction that would adversely affect native plants or species. The project would result in limited interior improvements to adequately address operation and safety concerns. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 applies. Specifically, the project would not result in a cumulative environmental impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location; and would not impact any historic resources.
- C. The project is not subject to a traffic impact fee, pursuant to Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT B

CONDITIONS OF APPROVAL

- PIng. 1. Approval of Planning Application PCUP-24-0003 is valid for two (2) years from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by one of the following actions: 1) a building permit has been issued and construction has commenced, and a valid building permit has been maintained by making satisfactory progress as determined by the Building Official; 2) a certificate of occupancy has been issued. A time extension can be requested no less than thirty (30) days or more than sixty (60) days before the expiration date of the permit and submitted with the appropriate fee for review to the Planning Division. The Director of Development Services may extend the time for an approved permit or approval to be exercised up to 180 days subject to specific findings listed in Title 13, Section 13-29 (k) (6). Only one request for an extension of 180 days may be approved by the Director. Any subsequent extension requests shall be considered by the original approval authority.
2. The conditions of approval for PCUP-24-0003 shall be blueprinted on the face of the site plan as part of the plan check submittal package. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
 3. Animal care services shall be limited to domesticated non-farm animals only.
 4. All uses shall be conducted underroof. All waste will be immediately and properly disposed of, and the area shall be maintained to prevent nuisance odors and negative impacts to adjacent properties and pedestrians.
 5. Waste generated by the veterinary clinic, not including post-operative organic waste or deceased animals, shall be disposed of in the on-site trash enclosure.
 6. The facility shall maintain an active contract with a qualified collection service company to collect deceased animals and post-operative organic waste with a frequency of no less than once per week.
 7. Freezers storing deceased animals and post-operative organic waste shall at all times be maintained in a fully functioning and operational manner. In the event that a freezer fails, the business manager shall make arrangements to have any matter stored in that freezer removed and hauled off-site within two-hours.
 8. The operator shall maintain free of litter all areas of the premises under which the applicant has control.
 9. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.

10. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to the final review authority determined by the Economic and Development Services Director.
11. The project shall be limited to the type of operation/building as described in this staff report and in the attached plans. Any change in the use, size, or design shall require review by the Planning Division and may require an amendment to the Conditional Use Permit.
12. A copy of the conditions of approval for the conditional use permit shall be kept on the premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
13. If parking shortages or other parking-related problems arise, the business operator shall institute appropriate operational measures in the sole and absolute discretion of the Economic and Development Services Director or his/her designee necessary to minimize or eliminate the shortage and/or problem, including, but not limited to, limiting the hours of operation, limiting customer visits to scheduled appointments only, or establishing an employee carpool program.
14. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approval granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
15. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
16. Prior to operation, the City's Building and Fire Departments shall review the proposed tenant improvement floor plans to determine compliance with all building and safety and fire codes, and to ensure safety, suitable occupancy and the necessary occupant ingress and egress.
17. No signage shall be installed until a sign permit is issued by the City's Development Services Department.

18. No overnight boarding or kenneling of pets will be permitted other than for those animals that must be observed or cared for on a limited basis immediately following their care at the facility under the direction of a licensed veterinarian.
19. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
20. Landscape areas shall not be used for customer pet waste facilities. The applicant shall monitor, keep clean and sanitary the exterior of the site parking lot, including landscaping areas and adjacent public sidewalk to remove any animal waste resulting from customer pets. Any proposed on-site animal waste area shall be approved by the Economic and Development Services Director, or his/her designee.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

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| Plng. | <ol style="list-style-type: none"> 1. Once the use is legally established, the planning application herein approved shall be valid until revoked. The Development Services Director or his/her designee may refer the planning application to the Planning Commission for modification or revocation at any time if, in his/her opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable. 2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance. 3. Outside security lighting shall be provided under the direction and upon the recommendation of the development services department and/or the police department. |
| Bldg. | <ol style="list-style-type: none"> 4. Comply with the requirements of the adopted California Building Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Green Building Standards, California Energy Code, and California Code of Regulations also known as the California Building Standards Code, as amended by the City of Costa Mesa at the time of plan submittal or permit issuance. Requirements for accessibility to sites, facilities, buildings and elements by individuals with disability shall comply with chapter 11B of the California Building Code. A change of occupancy shall require compliance with the Disabled access requirements of chapter 11B of the California Building Code. |

- 5. Plans shall be prepared under the supervision of a registered California Architect or Engineer. Plan shall be stamped and signed by the registered California Architect or Engineer.
- 6. Medical gas shall comply to California Building Code Section 427.
- 7. Veterinary medical office shall comply with the requirements of the California Building Code Section 1251.
- 8. Provide a plan to the County of Orange Health Dept. for review and approval.
- 9. Maximum area of exterior wall openings shall be determined in accordance with the applicable provisions of California Building Code 705.8.
- Fire 10. Comply with the requirements of the 2022 California Fire Code, including the reference standards, as adopted and amended by Costa Mesa Fire & Rescue.
- Bus. 11. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections, final occupancy and utility releases will not be granted until all such licenses have been obtained.
- Lic. 12. Business license shall be obtained prior to the initiation of the business.

SPECIAL DISTRICT REQUIREMENTS

- AQMD 1. Prior to the Building Division (AQMD) issuing a demolition permit, contact South Coast Air Quality Management District located at:
21865 Copley Dr.
Diamond Bar, CA 91765-4178
Tel: 909-396-2000
OR
Visit their web site:
<http://www.costamesaca.gov/modules/showdocument.aspx?documentid=23381>
The Building Division will not issue a demolition permit until an identification number is provided by AQMD.
- Health Dept. 2. Provide a plan to the County of Orange Health Dept. for review and approval.