



# **PLANNING COMMISSION AGENDA REPORT**

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MEETING DATE: NOVEMBER 12, 2024      ITEM NUMBER: PH-1

**SUBJECT:   CONDITIONAL USE PERMIT PCUP-24-0012 TO OPERATE AN ANIMAL HOSPITAL/VETERINARY SERVICE USE WITH ANCILLARY NON-COMMERCIAL ANIMAL KENNELING (“PRICELESS PETS”) AT 1520 PONDEROSA STREET**

**FROM:       ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/  
              PLANNING DIVISION**

**PRESENTATION BY:   JEFFREY RIMANDO, ASSISTANT PLANNER**

**FOR FURTHER               JEFFREY RIMANDO  
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## **RECOMMENDATION**

Staff recommends the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1) Existing Facilities; and
2. Approve Conditional Use Permit PCUP-24-0012 based on findings of fact and subject to conditions of approval.

## **APPLICANT OR AUTHORIZED AGENT**

The authorized agent is Ryan Oldham, representing the property owner, Kirkor Gunbilir.

**PLANNING APPLICATION SUMMARY**

|           |   |                     |              |
|-----------|---|---------------------|--------------|
| Location: | 1520 Ponderosa Street   | Application Number: | PCUP-24-0012 |
| Request:  | To operate an animal hospital/veterinary service use with ancillary non-commercial animal kenneling from an existing 6,248-square-foot commercial building. |                     |              |

**SUBJECT PROPERTY:**

**SURROUNDING PROPERTY:**

|                       |  |        |   |
|-----------------------|--|--------|---|
| Zone:                 | C1 (Local Business District)   | North: | C1 (Auto dealership w/ vehicle repair)    |
| General Plan:         | General Commercial   | South: | C1 (Dispensary, across Ponderosa)         |
| Lot Dimensions:       | 95 FT x 317 FT   | East:  | C1 (Auto rental w/ vehicle repair)        |
| Lot Area:             | 30, 202 SF   | West:  | R3 (Multi-family residential development) |
| Existing Development: | Existing one-story 6,248-square-foot commercial building with surface parking. |        |   |

**DEVELOPMENT STANDARDS COMPARISON**

| Development Standard   | Required   | Existing/Proposed                                     |
|------------------------|--|---|
| Building Height        | Two-stories / 30 feet Max                                      | One-story / 18 FT 2 IN (no change)                    |
| Setbacks:              |  |   |
| Front                  | 20 FT  | 48 FT 6 IN (no change)                                |
| Side (left/right)      | 15 feet on east/west side<br>0 feet on east/west side          | 19 FT 10 IN west (no change)<br>2 IN east (no change) |
| Rear                   | 0 FT   | 184 FT 6 IN (no change)                               |
| Parking                | 23   | 27  |
| Floor Area Ratio (FAR) | 0.30   | 0.21  |
| CEQA Status            | Exempt per CEQA Guidelines Section 15301 (Existing Facilities) |   |
| Final Action           | Planning Commission  |   |

## EXECUTIVE SUMMARY

Priceless Pets is requesting Planning Commission approval to operate a veterinary clinic with ancillary non-commercial animal kenneling services from a currently vacant, 6,248-square-foot commercial building.

Staff supports the request in that the proposed use is consistent with applicable goals, objectives, and policies of the General Plan, complies with applicable provisions of the Zoning Ordinance and respective findings, and is not proposed to operate in a way that would be incompatible with nearby uses. The use also provides a necessary community service. Therefore, staff recommends that the Planning Commission find that the project is exempt from the California Environmental Quality Act (CEQA), and approve the application based on findings of fact and subject to conditions of approval.

## SETTING

The subject 30,115-square-foot property is located at 1520 Ponderosa Street. It is located on the north side of Ponderosa Street between Harbor Boulevard and Lemon Street (see Exhibit 1).

### **Exhibit 1 Vicinity Map**



The site is designated General Commercial by the City's Land Use Element of the General Plan, and is zoned C1 (Local Business District). The General Commercial designation is intended for a wide range of commercial uses that serve both local and regional needs such as retail stores, theaters, restaurants and service establishments. The C1 zone allows for a wide range of goods and services with a focus on reducing impacts on surrounding properties especially in those areas where residential uses are in the vicinity.

The subject property is located adjacent to other C1-zoned properties to the east, north and south. A wide variety of land uses operate on Harbor Boulevard, and in this immediate area there are several auto-related businesses including dealerships, vehicle rental, and auto repair businesses. To the south, across Ponderosa Street, is a cannabis dispensary known as "Mr. Nice Guy." Properties to the west are zoned R3 (Multiple-Family Residential) and are improved with two-story triplex and fourplex units.

## **HISTORY**

On April 25, 1977, the Planning Commission granted approval of a Conditional Use Permit (CUP) for a commercial building to accommodate a vehicle finishing and detailing business. On August 19, 1977, the Building Division issued Permit No. 44123 to construct the commercial building, a surface parking lot and landscaping.

On October 7, 1996, the Planning Commission granted approval of a CUP to allow for an automobile dealership with ancillary car wash, auto detailing and minor repair services. Business license records show that auto sales and detailing uses occupied the building until about 2023. The site has been vacant since December 2023.

## **BACKGROUND**

Priceless Pets is a non-profit, no-kill pet rescue. They have adoption centers in Chino Hills, Claremont, City of Industry and in Costa Mesa (located at 1536 Newport Boulevard). The business rehabilitates and rehomes unwanted animals. Priceless Pets main mission is to rescue dogs and cats from open access county facilities and to find them "forever homes" within the community. Priceless Pets has overseen animal adoptions for the City since 2018. Earlier this year, the City Council awarded another contract to Priceless Pets to provide animal sheltering, adoption, and medical care services in Costa Mesa.

The City's contract with Priceless Pets requires that they secure a stand-alone facility in Costa Mesa, establish a lease and obtain required permits. The contract requires that Priceless Pets make necessary upgrades to the location in order to provide an intake area, isolation area, quarantine area, and to maintain a fully-staffed veterinary suite that is open to the public. Additionally, Priceless Pets is required to provide hours of operation that allow for general intake from the City's Animal Control Officers, and provide extended hours for the public to allow for return-to-owner activity, owner surrender, and be staffed 24/7 with trained personnel with access at any time to the City of Costa Mesa's Animal Services personnel. Priceless Pets will provide standard veterinary care for all animals based on their needs, including spay/neuter procedures, microchips, emergency medical care, vaccines, health assessment, daily treatment, monitoring, and etc.

In fulfillment of these contractual requirements, Priceless Pets has identified the subject property as an ideal candidate location. If approved, Priceless Pets would operate a veterinary clinic from this location as well as provide temporary non-commercial kenneling of animals for the City of Costa Mesa's Animal Control Officers. This location will not offer animal adoptions, nor commercial or retail boarding/kenneling of animals to the general public.

## **REQUEST**

The applicant is requesting Conditional Use Permit (CUP) approval pursuant to Costa Mesa Municipal Code (CMMC) Section 13-30 to operate an animal hospital/veterinary clinic with ancillary non-commercial kenneling in the C1 (Local Business District).

## **STANDARD OF REVIEW**

### ***Conditional Use Permit (CUP)***

Pursuant to the City's Zoning Ordinance Chapter IV (Citywide Land Use Matrix), an animal hospital or veterinary services in the C1 Zone requires Planning Commission approval of a conditional use permit. Pursuant to the CMMC, to approve the CUP application, the Planning Commission must make findings that the use:

- *Is compatible with developments in the nearby area;*
- *Would not be detrimental to other nearby properties;*
- *Will not be detrimental to the public health, safety and general welfare;*
- *Will not injure nearby property or improvements; or*
- *Will not allow a use, density or intensity not in accord with the General Plan.*

As necessary, proposed conditional uses may have conditions of approval applied to the development or their operations to ensure that the required findings can be met. An assessment of the project's relationship to the findings and General Plan is provided later in this report.

### ***Review Criteria***

In addition to the CUP findings, the CMMC, requires that all planning applications comply with the following planning application Review Criteria:

- *Neighborhood compatibility;*
- *Safety and compatibility of design;*

- *Compliance with performance standards;*
- *Consistency with the general plan and any applicable specific plan; and*
- *Application is for a project-specific case.*

## **DESCRIPTION**

### ***Use and Operations***

Priceless Pets primary use of the space will be as a public veterinary clinic. Ancillary to this will be an area set aside at the back right corner of the floor plan for animal kenneling. This space will be divided into kennels that support the veterinary clinic functions and that which is available for use by the City of Costa Mesa's Animal Control Officers. Animals that are placed in the kennels will remain there until they are picked up by their owner or, after a period of time, relocated to an adoption center.

Priceless Pets will be open to the public seven days a week from 10 a.m. to 6 p.m. The business will employ three to four employees during the public operating hours. Pursuant to the contract with the City of Costa Mesa, there will be at least one staff person on-site 24 hours a day and the facility will also be available to receive animals from the City's Animal Control Officers at any time.

Overnight boarding is only available for animals provided by the City's Animal Control Officers and for those animals that need observation post any veterinary care. Boarding service is not available to the general public.

### ***Site Plan***

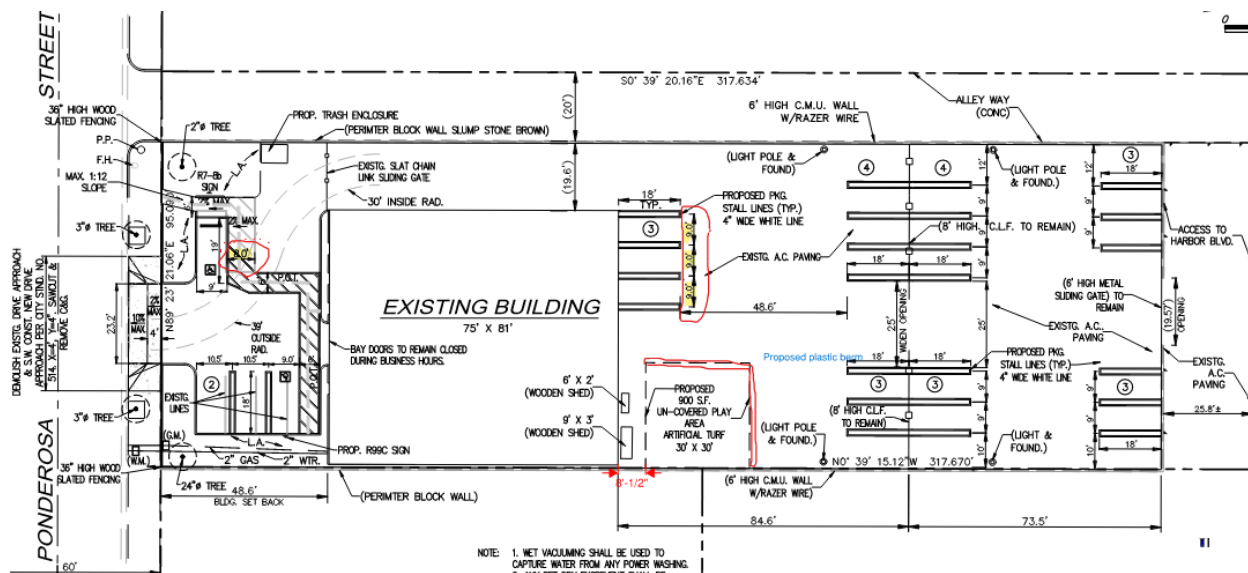
The project site is an approximate 0.75-acre rectangularly-shaped interior lot that borders a 20-foot wide public alley to the west. The site's perimeter is enclosed by a combination of block wall and chain link fence with barbed wire on top. Although the barbed wire has remained on the site for an extensive period of time and since the development of the site, staff has included a condition of approval pursuant to CMMC Section 13-75(h) requiring the barbed wire shall be removed from the top of the fencing pursuant to the Costa Mesa Municipal Code applicable provisions.

The existing 6,248 square-foot building is positioned toward the front third of the lot. Primary access to the site is provided by a two-way driveway centrally positioned along Ponderosa Street. This access leads to a surface parking lot containing four parking spaces, two of which will be dedicated for accessible parking. Existing landscaping buffers this parking area from the public sidewalk. Secondary access is provided via the side alley, which leads to the property's rear gate and a surface parking lot of 23 spaces. Four light poles are proposed to illuminate the rear area and a trash enclosure is proposed at the northwest portion of the lot.

A 900-square-foot uncovered play area consisting of artificial turf will be located in the rear parking lot area, approximately eight feet from the northeast corner of the building. The

play area will be utilized throughout the day but only by a maximum of two animals at a time during normal business hours. When used, facility staff will escort the animals to the play area and monitor them for the time they are outdoors. Though the larger area is enclosed by a wall and fence, animals will not be allowed to freely roam the rear portion of the site. The applicant will maintain the outdoor play area by disposing animal waste utilizing wet vacuuming and using a chemical cleaner.

## Exhibit 2 Site Plan

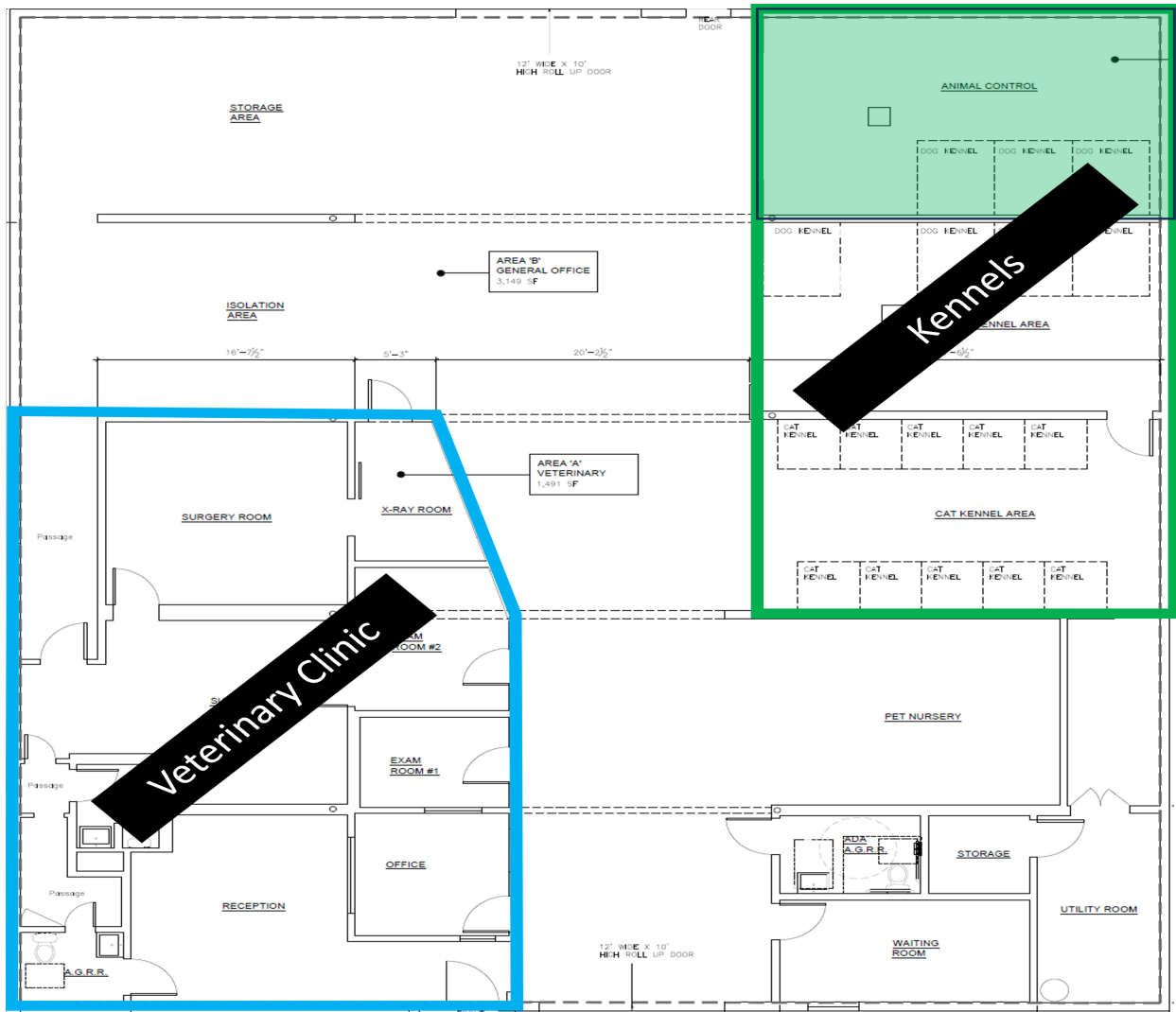


Based on the CMMC, six parking spaces are required per 1,000 square feet for medical use and four parking spaces are required for each 1,000 square feet of general office use. Since the kenneling area is ancillary, staff has excluded this area from parking calculations. Based on the floor plan areas shown to be designated to veterinary use and office use, the overall parking demand results in a need for 23 spaces for this use; the applicant is proposing 27 parking spaces.

## Floor Plan

The proposed floor plan includes three primary areas. The first area is a 1,491 square foot veterinary area consisting of a surgery room, x-ray room, two exam rooms, an office and a reception area. The second area consists of 1,267 square feet for animal kenneling. This space is further divided into spaces specifically for housing animals brought in by Costa Mesa's Animal Control Officers. This area is also separated from canine and feline kennels that will be used to temporarily house animals treated at the veterinary clinic before they are transferred to a Priceless Pets off-site adoption center. And finally, the third area consists of 3,149 square feet of open areas designated for a pet nursery, isolation area, storage area, waiting room, and utility room. Collectively, the overall animal capacity is anticipated to be a maximum of 50 animals.

### Exhibit 3 Floor Plan



### Elevations

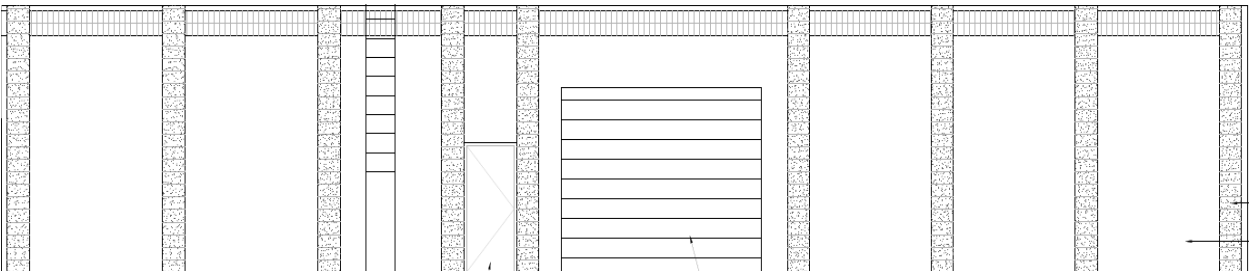
The entry of the building is oriented towards Ponderosa Street and primarily consists of three windows, an entry door and a 10-foot-high roll up door. The opposite end of the building contains a metal door for ingress/egress and also a 10-foot-high roll up door. No changes are proposed to the elevations of building as the design will remain the same. Staff also notes that there are existing lighting fixtures affixed to the building that will remain and that these provide adequate illumination levels for safety and security without creating off-site glare.



## Exhibit 4 Front Elevation



## Exhibit 5 Rear Elevation



## **ANALYSIS**

Staff supports the proposed veterinary clinic with ancillary kenneling use. The clinic operates inside an existing structure, which will minimize potential noise impacts to nearby residential uses. The outdoor play area is relatively small, located away from residential uses, and will be used by no more than two animals at a time. Animals will not be allowed to roam freely in the rear lot and facility staff will monitor the animals while they are outdoors. Staff finds that the nature of the proposed use will not be inconsistent with the existing automotive uses located to the north, east, and south. Staff also believes that the use will be compatible with the nearest residential uses because much of the use will

occur indoors and that outdoor activities will be limited in scope and monitored by facility staff. Its also important to note that the adjacent residential uses are designed in such a way that they take garage access from the 20-foot wide alley and that indoor living areas on the ground floor are buffered by the garages and the second floor living areas are stepped farther away from the project site. And outdoor living areas are mostly positioned on the far opposite side of the property away from the subject property. Collectively, these considerations help to mitigate potential noise impacts from the proposed use. Several other similar uses operate in the City and include veterinary clinics, doggie daycare uses, and boarding facilities located in a variety of different settings. To staff's knowledge, none of these operations create noise or other incompatibility complaints.

## **GENERAL PLAN CONFORMANCE**

The following analysis evaluates the proposed use's consistency with specific goals, objectives, or policies of Costa Mesa's 2015-2035 General Plan:

1. **Policy LU-1.1:** *Provide for the development of a mix and balance of housing opportunities, commercial goods and services and employment opportunities in consideration of the need of the business and residential segments of the community.*

**Consistency:** Approval of the proposed veterinary clinic use would provide a new business in Costa Mesa that would meet the health care needs of the Community's pets seven days a week. This veterinary clinic use would provide new employment opportunities within the City in a professional based field. The addition of a veterinarian clinic would benefit the community and add to the City's animal care facility options.

2. **Policy LU-6.1:** *Encourage a mix of land uses that maintain and improve the City's long-term fiscal health.*

**Consistency:** Costa Mesa has a diverse mix of land uses and, more specifically, uses of a retail and service oriented commercial nature. With approximately 14 veterinary clinics operating in the City, this proposed facility will contribute to not only providing options for our residents but further diversifying our land use mix in an area that is appropriate for such activity.

3. **Policy LU-6.2:** *Continue to promote and support the vitality of commercial uses to meet the needs of local residents and that support regional-serving commercial centers.*

**Consistency:** The proposed use will provide a specialty commercial tenant in a vacant commercial building. The veterinary clinic will also serve both local residents and a regional serving customer base, and therefore will add to the vitality of the City's fiscal health. The establishment of a veterinary clinic to occupy the entire building will help the growth of the

Harbor Boulevard commercial corridor by diversifying and activating an underutilized corner property.

## **FINDINGS**

Pursuant to Title 13, Section 13-29(g), Findings, of the CMMC, in order to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Conditional Use Permit findings:

- *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.*

The subject property is located approximately 250 feet away from one of the City's primary corridors and is surrounded by commercial centers, with an existing auto dealership and repair services immediately adjacent to the property. The existing commercial building was previously occupied by an auto dealership with repair services and as proposed will be converted into a veterinary clinic use with ancillary animal boarding. Although the veterinary clinic is adjacent to residential development, the proposal would not generate adverse noise, traffic or parking impacts that are unusual for commercially-zoned properties. Potential noise from the outdoor operations will be mitigated by limiting the number of animals outside to two maximum and these animals will always be under facility staff supervision. Furthermore, the existing surface parking lot would provide sufficient parking spaces for the proposed standalone use for the site with a surplus of four additional parking stalls so as to not cause a spillover of parking to the nearby commercial properties.

- *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.*

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 outdoor operations will be mitigated by limiting the number of animals outside to two maximum at any time. Further, the applicant will maintain the outdoor play area by disposing animal waste utilizing wet vacuuming and using a chemical cleaner. 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.

- *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.*

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 service 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 is 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.

## **ENVIRONMENTAL DETERMINATION**

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.

## **ALTERNATIVES**

As an alternative to the recommended action to approve the project, the Planning Commission may consider one of the following:

1. Approve the project with modifications. In consideration of any required findings or project use operations, the Planning Commission may suggest specific project changes. If any of the additional requested changes are substantial, the hearing could be continued to a future meeting to allow a redesign or additional analysis. In the event of significant modifications to the proposal, staff may return with a revised Resolution incorporating new findings and/or conditions.
2. Deny the project. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission must deny the application, provide facts in support of denial, and direct staff to incorporate the

findings into a Resolution for denial. If the project is denied, the applicant could not submit substantially the same type of application for six months.

## **LEGAL REVIEW**

The draft Resolution and this report have been approved as to form by the City Attorney's Office.

## **PUBLIC NOTICE**

Pursuant to Title 13, Section 13-29(d) of the Costa Mesa Municipal Code, three types of public notification have been completed no less than 10 days prior to the date of the public hearing:

1. **Mailed notice.** A public notice was mailed to all property owners and occupants within a 500-foot radius of the project site on Thursday, October 31, 2024. The required notice radius is measured from the external boundaries of the property.
2. **On-site posting.** A public notice was posted on each street frontage of the project site on Friday, November 1, 2024.
3. **Newspaper publication.** A public notice was published once at least 10 days before the Planning Commission meeting in the Daily Pilot newspaper on Saturday, November 2, 2024.

As of the date that the Planning Commission agenda for the November 12, 2024, meeting was published, staff has not received any written public comments in support or opposition to the application. Any public comments received after the Planning Commission agenda is published but before the November 12, 2024, Planning Commission meeting will be provided to the Commission at the meeting.

## **CONCLUSION**

Approval of the project would allow for the use of a veterinary clinic within an existing building. The proposed use is in conformance with the General Plan, Zoning Code, Planning Application Review Criteria, and the CUP findings can be made. The clinic with ancillary non-commercial kenneling, as conditioned, will be compatible with the surrounding residents and commercial businesses and would not be materially detrimental to other properties within the area. Existing site improvements are adequate to address the business's parking demand and comply with City codes relative to landscaping and site lighting levels. Therefore, staff recommends approval of the proposed project, subject to the conditions of approval contained in the attached resolution.