



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

May 6, 2021
Agenda Item No. 4

SUBJECT: OC Veterinary Center (PA2020-325)
▪ Conditional Use Permit No. UP2020-191

SITE LOCATION: 1220 Bison Avenue, Suite A7

APPLICANT: Architectural Werks, Inc.

OWNER: Irvine Company

PLANNER: Patrick Achis, Assistant Planner
949-644-3237, pachis@newportbeachca.gov

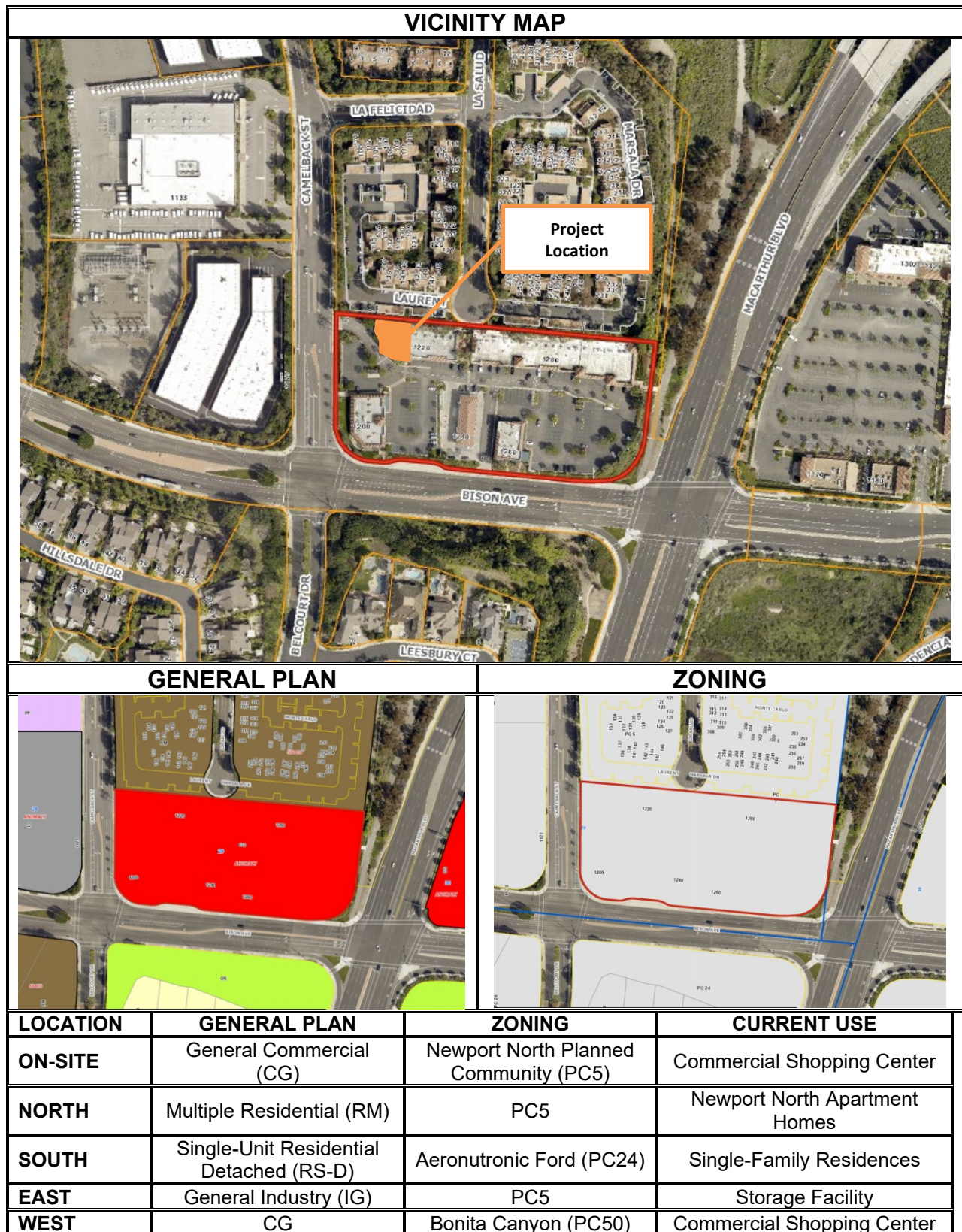
PROJECT SUMMARY

The Applicant proposes a full-service animal clinic for domestic pets (i.e., veterinary services) within an existing 3,414-square-foot retail tenant space. Services include a range of outpatient offerings such as preventive animal care and pain management, wellness exams, surgeries, and vaccinations. Only animals in critical condition would be kept onsite longer than 24 hours. No boarding of animals is proposed. The hours of operation would be restricted to 8 a.m. to 6 p.m., daily.

RECOMMENDATION

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Resolution No. PC2021-010 approving Use Permit No. UP2020-191 (Attachment No. PC 1).

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INTRODUCTION

Project Setting and Background

The proposed use would be located in the Newport North Shopping Center, at the northwest corner of MacArthur Boulevard and Bison Avenue. The site is 4.8 acres in size and is bounded to the east by MacArthur Boulevard, to the north by multi-family residential apartments, to the south by Bison Avenue and single-family homes within the Aeronautic Ford Planned Community, and to the west by Camelback Street and industrial uses of the North Ford Planned Community.

The project site is located within an existing 44,662-square-foot shopping center, which was constructed in 1987. The subject 3,414-square-foot tenant space is currently occupied by Sole Comfort, a retail shoe store. Other tenants onsite include a mix of retail stores, fitness facilities, restaurants, a retail gasoline station, and other similar retail uses. An existing 269-space surface parking lot serves the shopping center.

The site is not located within the Coastal Zone.

Project Description

The Applicant proposes a small-scale animal clinic within an existing 3,414-square-foot retail tenant space. The clinic would assist approximately 25 clients per day on average and provide preventive animal care and pain management, wellness exams, surgeries, and vaccinations, among other services on an appointment basis. Walk-in visits would be limited and only for emergency cases. No animals larger than a dog would receive medical or surgical treatment. A total of 10 employees are expected on-site and consist of two (2) veterinarians, three (3) front desk staff, one (1) manager, and four (4) veterinary assistants. The hours of operation of the clinic are intended to be from 9 a.m. to 6 p.m. on weekdays, 9 a.m. to 4 p.m. on Saturday, and closed on Sunday. To allow for future flexibility, the hours of operation would be restricted to between 8 a.m. to 6 p.m., daily as provided by Condition of Approval No. 9; however, this condition would not preclude attending to a pet that requires post-surgical overnight care. See the Applicant's project description (Attachment No. PC 3) for a complete overview of the operation. Minor physical alterations to the tenant space would be required for the project, as shown in the attached plans (Attachment PC 4).

DISCUSSION

General Plan

The General Plan Land Use Element categorizes the site for commercial uses under CG (Commercial General). This district intends to allow the location of light general commercial activities engaged in the sale of products or services to the general public. The proposed

project meets these criteria. The following is a summary of the project's compliance with several General Plan policies:

Land Use Policies:

LU 5.6.1 (Compatible Development). The project's design promotes compatibility with the onsite commercial tenants and adjacent residential neighborhood. Among the existing spread of service uses onsite, the project would bring a new service to shopping center that would serve the community. The project's tenant improvements would incorporate soundproofing to contain noise.

LU 1.5 (Economic Health) and LU2.4 (Economic Development). The project would contribute to the local economy and help to provide adequate commercial opportunities to enhance the City's fiscal health and residents' quality of life. It would provide revenue to the City and improve local service amenities by addressing the needs of pets and residents in the community.

LU 2.2 (Sustainable and Complete Community). The project emphasizes a use that enables Newport Beach to continue as a self-sustaining community. The Project reduces the need for residents to travel outside of the community to obtain animal care services.

LU 5.3.6 (Adequate Parking and Location). Adequate on-site parking would be provided for the use as conditioned.

Zoning Code

The project is in Commercial, Area 3 of the PC-5 (North Ford Planned Community) Zoning District. This area permits various retail sales, restaurants, service uses, gas stations, and specific public facilities. Commercial Area 3 of PC-5 does not expressly state the permitting requirements for animal clinics. However, Community Development Director may allow compatible uses. The most similar designation in the Newport Beach Municipal Code (NBMC) to Commercial Area 3 is the CG (Commercial General) Zoning District. Under the CG (Commercial General) District, animal clinics require approval of a conditional use permit. Therefore, within Commercial Area 3 of PC-5, the Community Development Director has determined that approval of a conditional use permit is appropriate for the project and would be consistent with PC-5.

The hours of operation are consistent with other uses within the shopping center, and the project is a small, appointment-based operation. Additionally, the project will not create further noise impacts as the suite is entirely enclosed and soundproofed. There are also no unusual services that can potentially impact the surrounding environment or adjacent uses adversely. Please see the below discussion under Use Permit Findings for an overview of the project's outside walking area.

Parking

The Newport North Shopping Center contains a large, 269-space surface parking lot onsite. A parking tabulation for the existing shopping center is provided in Attachment No. PC3. The current retail use is required to provide 14 parking spaces (or one space per every 250 sq. ft. of gross floor area). Under NBMC Section 20.40.040 (Off-Street Parking Spaces Required), animal clinics typically require a lesser parking rate of one space per every 400 square feet of gross floor area. Staff finds that the one space per 400-square-foot rate in this case does not accurately reflect the number of spaces that the project will use in practice. The parking standards of NBMC Section 20.40.040 are the minimum required and a more extensive parking provision may be required by the review authority in particular circumstances. If this standard parking rate for animal clinics were assessed, the project would require only nine spaces. However, the project expects 10 staff members on-site and would assist multiple customers at a time. To avoid possible parking impacts at the site, Staff has included Condition of Approval No. 19 to establish the commercial rate of one space per 250 square feet of gross floor area as it is most consistent with the actual intensity of the project. Condition of Approval No. 20 is included to require all employees to park onsite within the Newport North Shopping Center lot. With the adjusted parking requirement, there would be no change to the existing parking requirement.

Animal Nuisance

Special requirements apply to animal clinic uses for the purposes of protecting residents and tenants from potentially adverse effects. See Table 1 below exhibiting the project's compliance with NBMC Section 20.48.050 (Animal Sales and Services) and associated conditions of approval. The project is not a kennel and does not provide boarding services; therefore, the requirements of Chapter 7.35 (Regulation of Kennels) do not apply. With the conditions of approval, the project complies with the Zoning Code's applicable development standards and requirements. It is not anticipated that the project will adversely affect the welfare of those in the vicinity.

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Code Requirement	Project Compliance	Condition of Approval
The animal clinic must be enclosed, soundproofed, and airconditioned.	The project is airconditioned and would be entirely contained within the structure. Noise-abating material would be installed on both the interior walls and ceiling of the tenant space abutting neighboring tenant spaces.	Nos. 14 to 16
Outside runs or cages, outside trash containers, and offensive odors shall be prohibited.	No exterior dog runs are proposed. The area outside of the establishment, including the designated walking route, public sidewalks, walkways, and landscape areas, would be maintained in a clean and orderly manner (including but not limited to pet nuisances and odors).	Nos. 5, 6, 14 to 16, 28 to 30
Grooming activities shall be incidental to the clinic use.	Only medically-required grooming would be performed by the project. No grooming services would be available to the public.	No. 7
Animal cremation is not to be allowed.	The project would not cremate any animals.	No. 8
Temporary boarding of animals shall be allowed as an accessory use.	The project would only temporarily board those animals requiring emergency care. General boarding of animals is not proposed.	No. 9

Table 1, Project's Code Compliance with NBMC Section 20.48.050

Use Permit Findings

In accordance with Section 20.52.020.F (Conditional Use Permits and Minor Use Permits), the Planning Commission must make the following findings for approval for a conditional use permit:

- 1. The use is consistent with the General Plan and any applicable specific plan.*
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the Municipal Code.*

3. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*
4. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*
5. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

As previously indicated, the animal clinic is consistent with the General Commercial (CG) General Plan land use category and Commercial Area 3 designation. The project is expected to serve as a supporting service use within the Newport North Shopping Center. Additionally, parking is sufficient for the project, since there is no change to the parking rate.

Physical improvements to establish the animal clinic would only be to the interior space, except for the change of tenant signage. No additional floor area or change to the existing building footprint is proposed. Operationally, the project would be compatible with the hours of operation and the existing service-based uses in the shopping center.

The project's tenant improvements will incorporate soundproof acoustic panels on the walls and acoustical sealant around gaps between doors and door frames to contain noise.

Clinic staff would walk two to three animal patients, three times daily, along an approved onsite pathway located outside at the building's rear. While the walkway is adjacent to the Newport North Apartment Homes, the nearest residence is over 75 feet away and separated by covered carports and a drive aisle. An 8-foot-tall block wall also divides the two sites and screens the staff walkers from the residential side. Figure 1 illustrates the relationship between the tenant space and residential apartments. Figure 2 depicts a street view of the project as seen from the residences. As conditioned, the Applicant would regularly clean the walkway to prevent impacts from nuisance odors as well. The designated area is not an area where shopping center visitors use and only employees of the various tenants utilize. By virtue, the proposed animal clinic expansion is compatible with the allowed uses in the vicinity and would not be detrimental to the surrounding neighborhood.

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Figure 1 showing an aerial of the project in relationship to the residences at the north.

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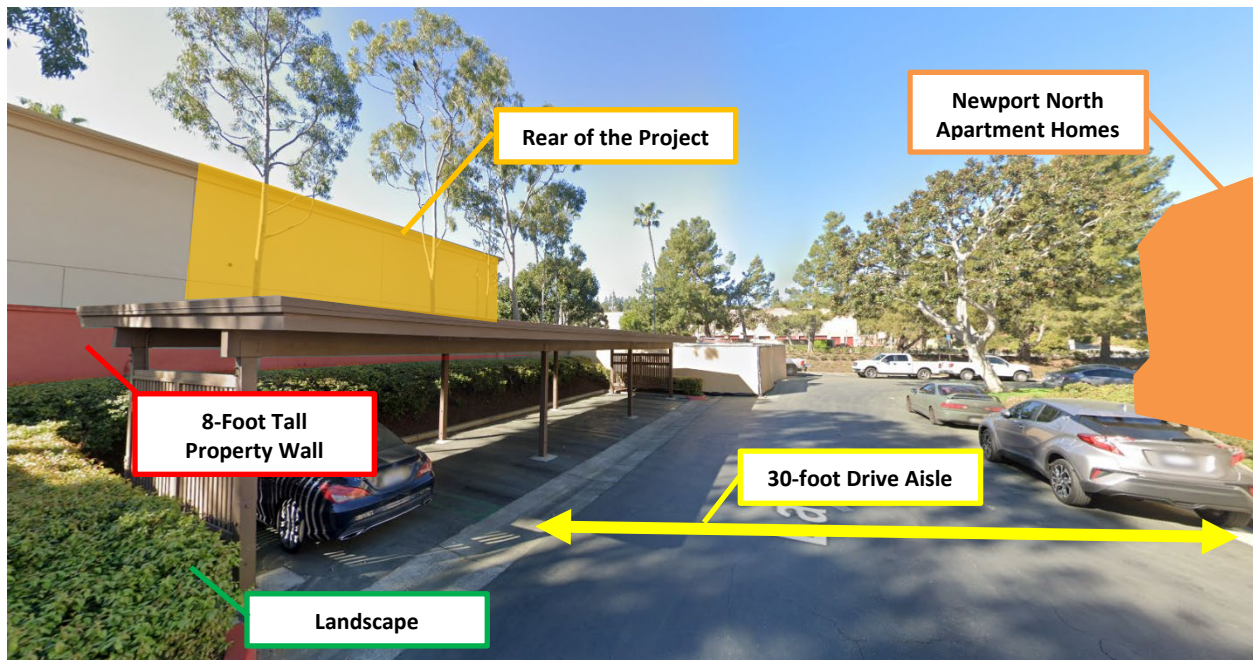


Figure 2. View of the existing buffers between the project and the residences to the north. The point of view (yellow arrow) is from the residences, facing south toward the rear of the project site.

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Summary

The project as conditioned meets the required findings for approval, outlined in the attached draft resolution (Attachment No. PC 1). The project is expected to operate in an effective manner that maintains harmony with the surrounding tenants in the shopping center and adjacent residences.

Alternatives

Staff recommends approval based on the required findings for approval of a conditional use permit; however, the following alternative actions are available for the Commission:

1. Should the Planning Commission determine that there are insufficient facts to support one or more of the findings for approval, the Planning Commission must tentatively deny the application and continue the meeting to allow staff to return with a draft resolution for denial.
2. The Planning Commission may suggest specific changes to the project design that are necessary to alleviate concerns. If any requested changes are substantial, the Planning Commission should continue the item to a future meeting to allow a redesign or additional analysis. Should the Planning Commission choose to do so, staff would return with a revised resolution incorporating new findings and/or conditions.

Environmental Review

This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment. The Project involves tenant improvements to convert an existing retail store into an animal clinic for domestic pets. There will be no resulting changes to the existing floor area of the tenant space or number of parking spaces required.

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:


Patrick Achis
Assistant Planner


Jim Campbell
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Applicant's Project Description
- PC 3 North Newport Shopping Center Tabulation
- PC 4 Project Plans

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Attachment No. PC 1

Draft Resolution with Findings and Conditions

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RESOLUTION NO. PC2021-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. UP2020-191 TO ALLOW AN ANIMAL CLINIC AT 1220 BISON AVENUE (PA2020-325)

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Architectural Werks, Inc. ("Applicant"), with respect to property located at 1220 Bison Avenue, Suite A7, in the City of Newport Beach, and legally described as Lot 6 of Tract 12309 ("Property") requesting approval of a conditional use permit.
2. The Applicant proposes a full-service animal clinic for domestic pets (i.e., veterinary services) within an existing 3,414-square-foot retail tenant space. Clinic services include a range of outpatient offerings such as preventive animal care and pain management, wellness exams, surgeries, and vaccinations. Only animals in critical condition would be kept onsite longer than 24 hours. The hours of operation would be restricted to 8 a.m. to 6 p.m., daily.
3. The Property is categorized CG (General Commercial) by the City of Newport Beach General Plan Land Use Element and is located within the PC-5 (North Ford Planned Community) Zoning District under Commercial, Area 3.
4. The Property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. A public hearing was held by the Planning Commission on May 6, 2021, observing restrictions due to the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19. A notice of time, place and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code ("NBMC"). Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment. Class 1 includes interior or exterior alterations to existing facilities. The Project involves tenant improvements to convert an existing retail store into an animal clinic for domestic pets. There will be no resulting changes to the existing floor area of the tenant space or number of parking spaces required.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

A. The use is consistent with the General Plan and any applicable specific plan.

Fact in Support of Finding:

1. The General Plan Land Use Element categorizes the site for commercial uses under CG (General Commercial). This category is intended to provide a wide variety of commercial activities oriented primarily to serve citywide or regional needs, such as the Project. The Project would bring in a new service to an existing shopping center and help to address the needs of owners and their pets within the surrounding community.
2. Consistent with Land Use Policy 5.6.1 (Compatible Development), the use is designed to ensure compatibility with the adjacent residential neighborhood and other onsite commercial tenants. The Project's tenant improvements will incorporate soundproof acoustic panels on the walls and acoustical sealant around gaps between doors and door frames to contain noise. No outside dog runs or cages would be used by the Project. Clinic staff would walk two to three patients, three times daily, along an approved pathway located behind the building. While the walkway is adjacent to the Newport North Apartment Homes, the nearest residence is over 75 feet away and separated by covered carports and drive aisle. An 8-foot tall block wall also divides the sites and would screen the staff as seen from the residential side. The Applicant would regularly clean the walkway to prevent impacts from nuisance odors as well.
3. Land Use Policies LU 1.5 (Economic Health) and LU 2.4 (Economic Development) encourage a local economy that provides adequate commercial opportunities to enhance the City's fiscal health and residents' quality of life. The Project is consistent with the City's economic development goals. It would provide revenue to the City and improve local service amenities addressing the needs of residents and their pets in the community.
4. Consistent with Land Use Policy LU 2.2 (Sustainable and Complete Community), the Project emphasizes a use that enables Newport Beach to continue as a self-sustaining community. The Project minimizes the need for residents to travel outside of the community for veterinary services.
5. The current retail use is required to provide 14 parking spaces (or one space per every 250 sq. ft. of gross floor area). Under NBMC Section 20.40.040 (Off-Street Parking Spaces Required), animal clinics typically require a lesser parking rate of one space per every 400 square feet of gross floor area. Staff finds that the 1 per 400 square foot rate in this case does not accurately reflect the number of spaces

that the project will use in practice. The parking standards of NBMC 20.40.040 are the minimum required and a more extensive parking provision may be required by the review authority in particular circumstances. If this standard parking rate for animal clinics were assessed, the project would require only 9 spaces. However, the project expects 10 staff members on-site and would assist multiple customers at a time. To avoid possible parking impacts at the site, Staff has included Condition of Approval No. 19 to establish the commercial rate of 1 space per 250 square feet of gross floor area as it is most consistent with the actual intensity of the project. Condition of Approval No. 20 is included to require all employees to park onsite within the Newport North Shopping Center lot. With the adjusted parking requirement, there would be no change of the existing parking requirement.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of Title 20 (Planning and Zoning), and the NBMC.

Facts in Support of Finding:

1. The Project is in Commercial, Area 3 of the PC-5 (North Ford Planned Community) Zoning District. This area allows a variety of retail sales, restaurants, service uses, gas stations, and certain public facilities. Other uses are allowed at the discretion of the Community Development Director if determined to be compatible with these uses. The Project is compatible with the other uses within the 44,662 square foot shopping center which consist of a variety of retail, fitness, restaurant and other uses. The hours of operation are consistent with other uses within the shopping center and the Project is a small, appointment-based operation. Additionally, the Project will not create additional noise impacts as the Project site is entirely enclosed and soundproofed. There are also no unusual services that have the potential to adversely impact the surrounding environment.
2. Commercial Area 3 of PC-5 does not expressly state the permitting requirements for an animal clinic; however, uses which in the opinion of the Community Development Director are compatible, may be permitted. The most similar designation in the NBMC to Commercial Area 3 is the CG (Commercial General) Zoning District. Under the CG (Commercial General) District, animal clinics require approval of a conditional use permit. Therefore, within Commercial Area 3 of PC-5, the Community Development Director has determined that approval of a conditional use permit is appropriate for the project.
3. The Project complies with all applicable requirements of Section 20.48.050 (Animal Sales and Services) of the NBMC. The Project is airconditioned and would be entirely contained within the structure. Noise-abating material would be installed on both the interior walls and ceiling of the tenant space abutting neighboring tenant spaces. The Project does not contain exterior dog runs and would only temporarily board those animals requiring emergency care. Animal cremation onsite is prohibited. The Project is not a kennel; therefore, the requirements of Chapter 7.35 of the Municipal Code

do not apply. Additionally, Condition of Approval Nos. 5, 26, 28, and 30 require trash, noise, and odors to be contained and would help to prevent possible negative impacts to the surrounding tenants and uses.

4. Fact in Support of Finding A.5 is hereby incorporated by reference.
5. Tenant improvements to the existing tenant space are interior and would require a building permit. The Project would comply with Fire and Building codes and accessibility requirements. All facilities for the treatment and confinement of animals shall be designed, installed, or constructed and maintained in a manner meeting the approval of the Director, the Newport Beach Police Department, and Orange County Health Department. No changes to the existing gross floor area or building footprint are proposed.

Finding:

- C. The design, location, size, operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The existing shopping center provides a variety of retail, service, and restaurant uses, which serve the surrounding community. The Project seeks to establish a new animal clinic within an existing retail space. Physical improvements would be exclusive to the interior space and no additional floor area is proposed. Parking is provided on the project site and is adequate to accommodate the Project.
2. The existing shopping center is surrounded by residential neighborhoods to the north and south, a storage facility to the west, and a commercial shopping center to the east across MacArthur Boulevard. The proposed use is compatible with the uses in the vicinity as it will serve residents with pets who need medical attention.
3. Expected staff count is a total of 10 employees consisting of two veterinarians, three front desk staff, one manager, and four vet assistants. All staff would park onsite as stated in Condition of Approval No. 19.
4. Clinic staff would walk two to three patients, three times daily, along an approved onsite pathway located outside at the rear of the building. While the walkway is adjacent to the Newport North Apartment Homes, the nearest residence is over 75 feet away and separated by covered carports and drive aisle. An 8-foot tall block wall also divides the two sites and would screen the staff walkers from the residential side. Per Condition of Approval No. 6, the Applicant would regularly clean the walkway to prevent impacts from nuisance odors as well.
5. The hours of operation of the clinic are restricted from 9 a.m. to 6 p.m., which is compatible with the surrounding retail and food services uses in the existing shopping

center. The earlier closing hour and later starting hour will improve compatibility with the adjoining residential neighborhood.

6. The animal clinic is located within an existing shopping center. Condition of Approval Nos. 5, 26, 28, and 30 require trash, noise, and odors to be contained and would help to prevent possible negative impacts to the surrounding tenants and uses.

Finding:

D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.

Facts in Support of Finding:

1. The proposed tenant improvements would be limited to the inside of the existing tenant space and would not affect pedestrian circulation, parking spaces, or access to existing tenants.
2. Access to the existing shopping center is provided on Bison Avenue and Camelback Street. No changes to emergency access are proposed and onsite circulation would not change.
3. The existing shopping center is adequately served by public services and utilities.
4. The design of the improvements will comply with all Building, Public Works, and Fire Codes, and plans will be reviewed prior to the issuance of building permits.

Finding:

E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.

Facts in Support of Finding:

1. Facts in Support of Finding A.2, A.5, and C.3 are hereby incorporated by reference.
2. The animal clinic is primarily for the treatment of outpatients. Only animals in critical condition would be kept onsite longer than 24 hours. The Project would operate mostly by appointment, wherein the few walk-in cases would be accepted for emergency care. Only domestic pets would be treated and no animals larger than the largest breed of dogs would be given medical or surgical services. Condition of Approval No. 7 restricts grooming activities to be incidental to the animal clinic use.

3. The Project, as conditioned, is not expected to create adverse noise, traffic, or parking impacts to the surrounding neighborhood. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots, during business hours, if directly related to the patrons of the business.
4. Fact in Support of Finding A.5 is hereby incorporated by reference.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby finds this project is categorically exempt from the CEQA pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2020-191 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this resolution was adopted unless within such time an appeal is filed with the City Clerk in accordance with the provisions of Title 20 (Planning and Zoning) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 6TH DAY OF MAY, 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Eric Wiegand, Chairman

BY: _____
Lauren Kleiman, Secretary

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan, floor plans, walking route plan, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
4. *Use Permit No. UP2020-191 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 of the NBMC, unless an extension is otherwise granted.*
5. *The area outside of the establishment, including public sidewalks, walkways, and landscape areas, shall be maintained in a clean and orderly manner (including but not limited to pet nuisances and odors). The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.*
6. *The walking route shall be limited to the exterior on-site pathway at the rear of the tenant space, as shown on the plans of this approval. Staff shall collect any droppings from the animals immediately after production and regularly clean the walk route. Walking of animals off-site or within the residential community is prohibited.*
7. *Grooming activities must be incidental to the animal clinic use.*
8. *Animal cremation on-site is prohibited.*
9. *Only temporary boarding of animals requiring emergency care is allowed as an accessory use. The project shall not operate as an animal boarding facility or kennel.*
10. *This Use Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.*

11. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this Use Permit or the processing of a new Use Permit.
12. *The hours of operation are restricted to between 8 a.m. to 6 p.m., daily. Limited on-site staff needed for care of animals after hours is permitted.*
13. *All proposed signs shall be in conformance with the Newport North Planned Community (PC-5) text and any City approved sign program.*
14. *Prior to building permit final, the Applicant shall install noise-abating material to both the interior walls and ceiling of the tenant space which abuts any neighboring tenant space that may be adversely impacted by operations of the facility. The proposed material shall be reviewed and approved by both the Planning and Building Divisions for installation requirements.*
15. *The facility shall be air-conditioned and sound-attenuated. Air conditioning shall be sound-attenuated so as to minimize noise from within the building.*
16. *Runs shall be in an air-conditioned and sound-attenuated building. Exterior dog runs are prohibited.*
17. *All facilities for the treatment and confinement of animals shall be designed, installed, or constructed and maintained in a manner meeting the approval of the Director, the Newport Beach Police Department, and Orange County Health Department.*
18. *The disposal of medical waste or any bi-products shall be subject to all local regulations governing the disposal of medical waste for the establishment, including the Orange County Health Department.*
19. *The project shall require a parking rate of one space per every 250 square feet of gross floor area.*
20. *All employees shall park on-site within the Newport North Shopping Center.*
21. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
22. Prior to the issuance of a building permit, the Applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Use Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Use Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.

23. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
24. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and all other applicable noise control requirements of the NBMC. The maximum noise shall be limited to no more than depicted below for the specified time periods unless the ambient noise level is higher:

	Between the hours of 7 AM and 10 PM		Between the hours of 10 PM and 7 AM	
Location	Interior	Exterior	Interior	Exterior
Residential Property	45dBA	55dBA	40dBA	50dBA
Residential Property located within 100 feet of a commercial property	45dBA	60dBA	45dBA	50dBA
Mixed Use Property	45dBA	60dBA	45dBA	50dBA
Commercial Property	N/A	65dBA	N/A	60dBA

25. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
26. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
27. No outside paging system shall be utilized in conjunction with this establishment.
28. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes. All medical waste shall be properly disposed of.
29. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
30. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14 (Water and Sewers) of the NBMC, including all future amendments (including Water Quality related requirements).
31. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and

9 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.

32. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
33. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the NBMC.
34. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of OC Veterinary Center including, but not limited to, UP2020-191 (PA2020-325). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

35. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
36. The construction plans must meet all applicable State Disabilities Access requirements.
37. *Prior to the issuance of a building permit, approval from the Orange County Health Department is required.*

Fire Department Conditions

38. The facility must be protected with a fire alarm system or a fire sprinkler system.

Attachment No. PC 2

Applicant's Project Description

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ARCHITECTURE
SPACE PLANNING
INTERIOR DESIGN

March 25, 2021

Community Development Department
Planning Division
City of Newport Beach
100 Civic Center Drive
Newport Beach, CA 92658
949-644-3204

RE Conditional Use Permit request for a Veterinary Clinic Tenant Improvement at 1200 Bison Avenue.

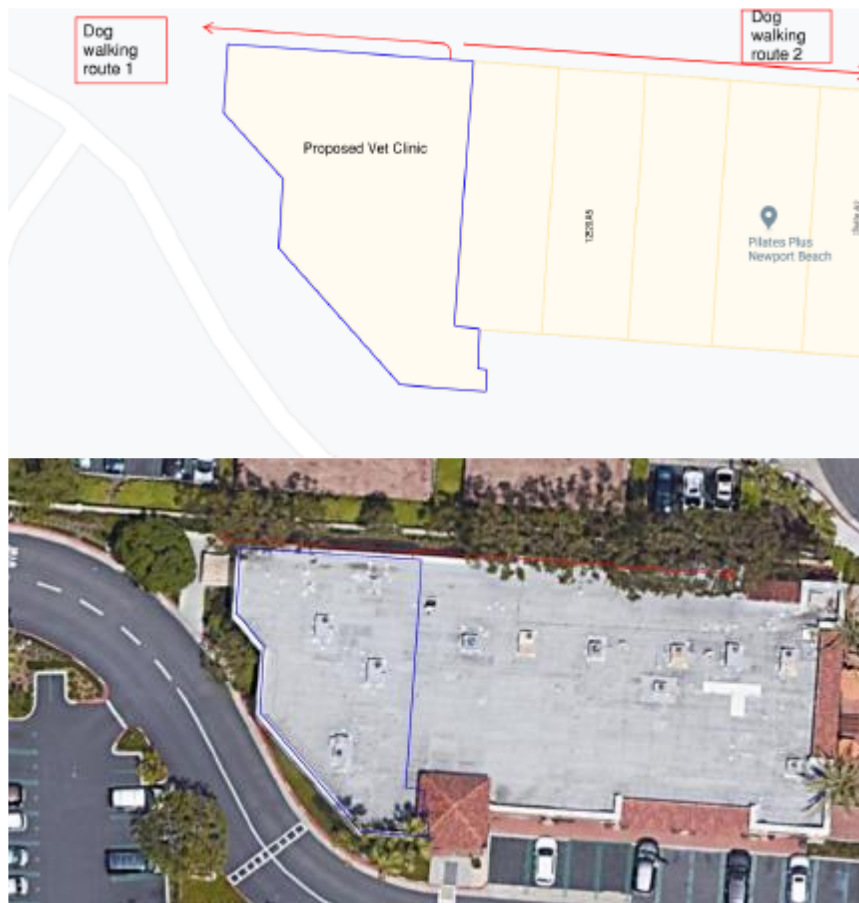
Written Statement:

The proposed Veterinary Clinic Tenant Improvement will utilize a 3,414 square foot space within the existing Newport North Shopping Center, leasing 1 currently vacant 3,414 square end cap in Building A. The shopping center property is comprised of 5 acres of developed land and was built in 1989. The gross leasable area of the center is 13,000 square feet. The transit score for the site is 37 (some transit) and the walk score is 45 (indicating that most clientele arrive by vehicle).

The existing shopping center supports a variety of uses, including retail, services and restaurants which serve the surrounding neighborhoods and the larger city as well. All utilities and public services are extended throughout the center. Existing trash and waste containers will be used. In addition, a service will be hired for the disposal of medical waste.

Exterior changes are not proposed. Expected staff count is two doctors, three front desk staff, one manager and four vet assistants. Up to 25 patients are expected per day. As well as the standard veterinary practice, the veterinary clinic proposes to provide advanced imaging for pets with a CT Scan machine. A hydrotherapy room for rehabilitation is also planned. No animals will be boarded on site, either indoors or outdoors. Majority of the visits will be appointment based except emergencies which would be taken as walk-up. The only overnight patients will be those recovering from a surgical procedure and most will be discharged the same day as the surgery occurs. Any animal that is not needing direct supervision and is far enough along in the recovery process to be awake and making noise will be housed in the Quiet Canine Ward. We have included the detail we use for construction, to ensure that sound does not pass out of the space at the top of the walls, to illustrate how this is constructed. All joints will be sealed with acoustical sealant and the door to the room will have sound gasketing and a door bottom installed. There will be no cremation procedure done at the facility. An animal outdoors will be attended by its owner or a staff member.

Staff would walk in clinic patients (expected two to three patients) three times a day. They will be taken out from the back door and walked south on the back pathway and use the area behind the waste storage area. All droppings will be quickly cleaned, and a bag dispenser and collection container posted near the parking area. Please see the pictures below for the path. As noted above, all animals will be walked by clinic staff. Staff will be strictly trained in cleaning measures for the walk area, and all will carry bags to collect any droppings from the animals immediately after production. Those bags will be returned to the clinic for disposal in waste bags where they will be double bagged before being placed in the covered trash for removal from the property. Regular cleaning of the walk area with a vinegar/water mix (dried with clean towels) will also occur.



The center has residential neighborhoods to the north and south and another shopping center to the west across MacArthur Boulevard. To the east is a storage facility. The proposed use is compatible with the residential and retail center uses, as it will serve the neighborhoods nearby with medical care for the pets in the area and will bring customers to the center, adding potential customers to the nearby shopping centers.

The hours of operation of the clinic are intended to be from 9 am to 6 pm on weekdays, 9 am to 4 pm on Saturday and the clinic will be closed on Sunday.

Access to other tenants would not be affected. The space will be fully accessible for those arriving by car or on foot, as the center has ADA access throughout.

Sincerely,

Janet Monda, AIA
Architectural Werks, Inc.

Attachment No. PC 3

North Newport Shopping Center's Parking Tabulation

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Newport North - Parking Table

Suite	Use	S.F.	Parking Required
1220A01	Specialty Food	1,135	5
1220A02	Medical	1,214	7
1220A03	Health Fitness Studio	1,200	9
1220A04	Personal Service, General	1,200	5
1220A05	Retail	1,200	5
1220A06	Personal Service, General	1,200	5
1220A07	Retail	3,414	14
1280B1	Eating & Drinking Establishment	1,110	5
1280B2	Retail	1,226	5
1280B3	Personal Service, General	1,193	5
1280B4	Personal Service, General	1,500	6
1280B5	Personal Service, General	900	4
1280B6	Retail	922	4
1220B8	Nail Salon	2,134	17
1280B9	Retail	1,500	6
1280B10	Retail	942	4
1280B11	Retail	900	4
1220B15	Retail	10,925	44
1280D1	Eating & Drinking Establishment	1,800	7
1260D3	Eating & Drinking Establishment	2,905	35
1260	Service Station	2,400	8
1200C1	Health Fitness Studio	2,125	11
1200C2	Eating & Drinking Establishment	4,015	50
	Parking Required		265
	Parking Provided		269
	Parking Surplus		4

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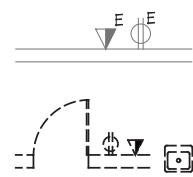
Attachment No. PC 4

Project Plans

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DEMOLITION PLAN LEGEND

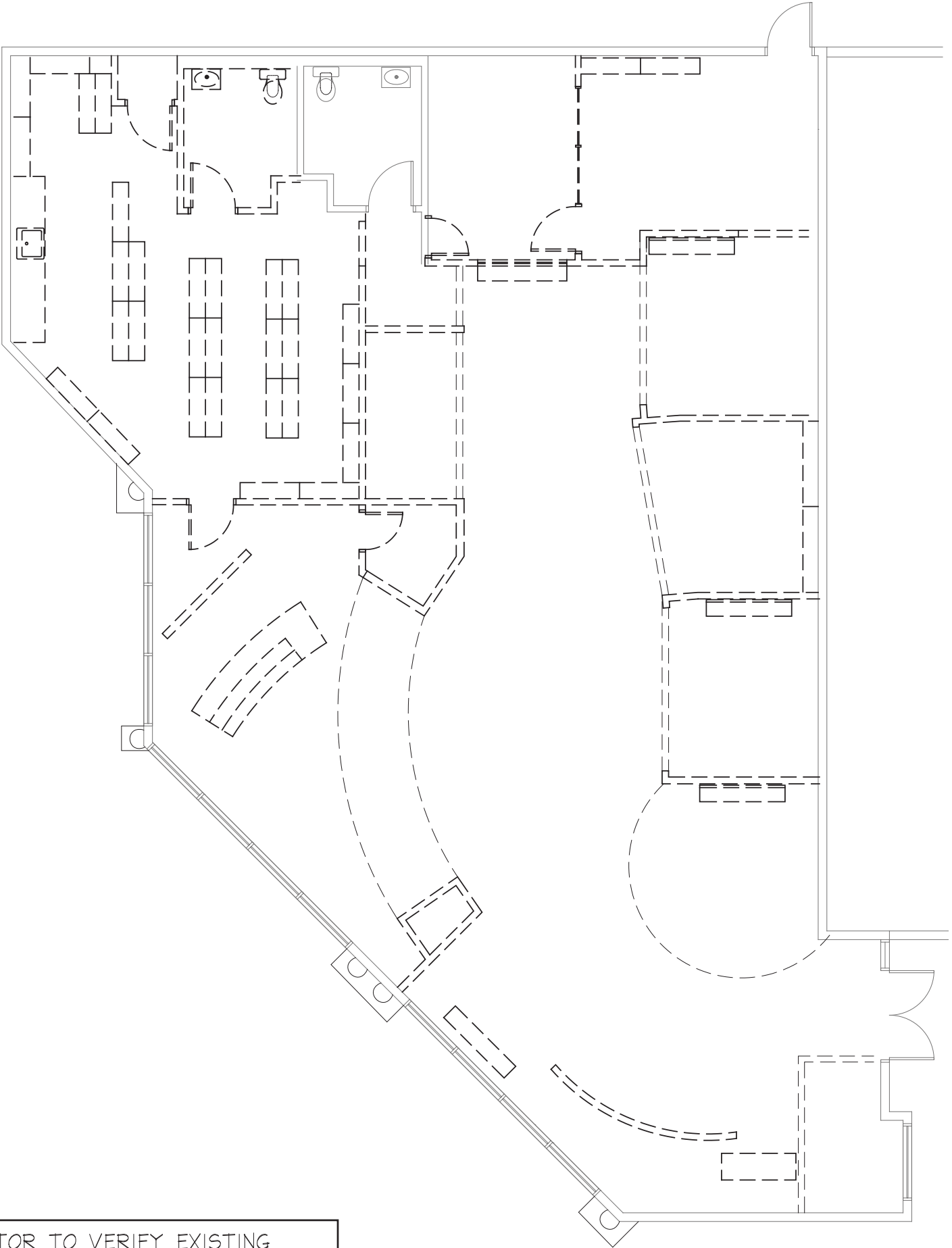


EXISTING CONSTRUCTION TO REMAIN

ITEMS FOR DEMOLITION SHOWN AS DASHED AND/OR BOLD

DEMOLITION GENERAL NOTES

- A. NOTE: ALL INFORMATION SHOWN ON THE DRAWINGS RELATIVE TO EXISTING CONDITIONS IS GIVEN AS THE BEST PRESENT KNOWLEDGE, BUT WITHOUT THE GUARANTEE OF ACCURACY. THE CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS.
- B. COMPLY WITH ALL RULES AND REGULATIONS OF THE GOVERNMENTAL AUTHORITIES HAVING JURISDICTION OVER DEMOLITION WORK.
- C. INCLUDE COMPLETE REMOVAL AND DISPOSAL OF DEMOLISHED ITEMS. SALVAGE ITEMS WHERE APPROPRIATE, COORDINATED PICKUP OR STORAGE WITH OWNER.
- D. COORDINATE WITH OWNER FOR SHUT-OFF, CAPPING, AND CONTINUATION OF UTILITY SERVICE AS REQUIRED.
- E. PROVIDE DEMOLITION TO THE EXTENT REQUIRED TO ACCOMPLISH NEW CONSTRUCTION. REFER TO ARCHITECTURAL (AND CONSULTANT, IF APPLICABLE) DRAWINGS.
- F. REMOVE THE FOLLOWING WITHIN AREA OF MAJOR WORK, U.N.O.: EXISTING FLOORING, SUSPENDED CEILING SYSTEM, RUBBER BASE, LIGHT FIXTURES, EQUIPMENT (SALVAGE FOR OWNER), AND WALL COVERING. SALVAGE CEILING TILES TO USE IN NEW CONSTRUCTION, SEE FINISH SCHEDULE. SALVAGE LIGHT FIXTURES TO USE IN NEW CONSTRUCTION.
- G. PROTECT STRUCTURAL ELEMENTS FROM DAMAGE DURING DEMOLITION AND CONSTRUCTION.
- H. COORDINATE WITH OWNER TO HAVE ALL FURNITURE AND EQUIPMENT REMOVED FROM DEMOLITION AREAS PRIOR TO CONSTRUCTION START, U.N.O.
- I. REMOVE, REPLACE, AND RELOCATE EXISTING ELECTRICAL, MECHANICAL, AND FIRE PROTECTION EQUIPMENT/DEVICES AS REQUIRED FOR NEW CONSTRUCTION. AT LOCATIONS WHERE ELECTRICAL IS TO BE REMOVED, PULL OUT WIRING BACK TO PANEL. REFER TO CONSULTANT DRAWINGS WHEN APPLICABLE. COORDINATE WITH OWNER FOR STORAGE/DISPOSAL OF EXISTING LIGHT FIXTURES NOT TO BE RELOCATED.
- J. REMOVE EXISTING ELECTRICAL CONDUIT, WIRE EQUIPMENT, AND DATA CABLING WHERE INDICATED BY DRAWINGS OR MADE NECESSARY BY NEW WORK.
- K. NOTIFY ARCHITECT IMMEDIATELY OF ANY CONFLICTS BETWEEN EXISTING CONDITIONS AND NEW CONSTRUCTION PRIOR TO PROCEEDING WITH THE WORK.
- L. REMOVE EXISTING FINISHES AS REQUIRED FOR NEW BUILD OUT. PREPARE WALLS AS REQUIRED FOR INSTALLATION OF NEW FINISH TREATMENT. SEE ARCHITECTURAL FINISH SCHEDULE.
- M. REMOVE EXISTING FLOOR FINISHES AND BASE AS REQUIRED FOR THE INSTALLATION OF NEW FINISHES. REFER TO ARCHITECTURAL FINISH SCHEDULE.



CONTRACTOR TO VERIFY EXISTING CONDITIONS IN FIELD AND COORDINATE W/ ARCHITECT.

1

DEMOLITION PLAN

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

0

1

2

5

10



AWI

architectural works, inc.

11416 98th Avenue NE, Suite 200 Kirkland, WA 98033
P: 425 823 2244 W: www.aworks.com

SEAL:

PRELIMINARY
NOT FOR CONSTRUCTION

OC Veterinary Center
Newport North Shopping Center
1220 Bison Ave, Suite A7
Newport Beach, California 92660

JOB NUMBER:	2048
DRAWN:	MC
CHECKED:	
DATE:	12/30/2020
REVISIONS:	
A 02/19/21City Corrections	

SHEET TITLE:

DEMOLITION PLAN

SCHEMATIC DESIGN

SHEET NUMBER:

A

A2.0

38

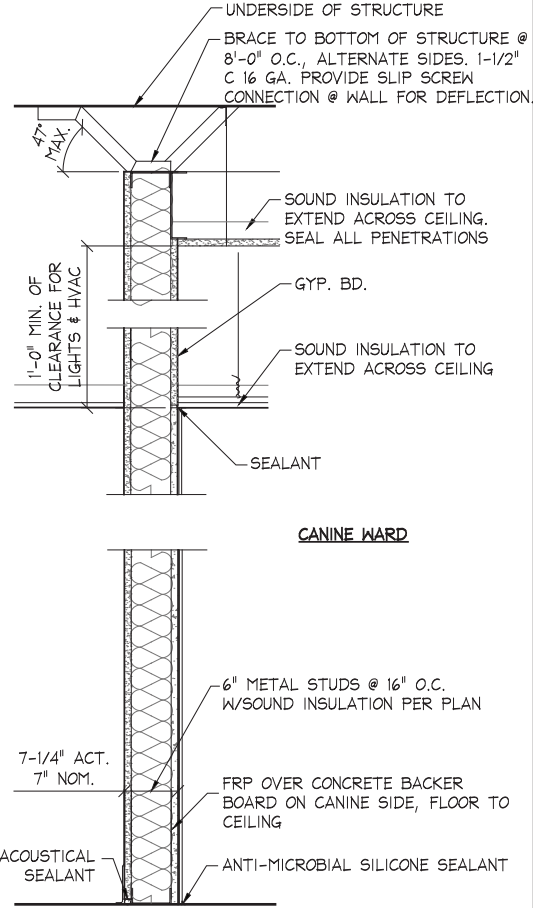
FLOOR PLAN LEGEND

- EXISTING WALL
- NEW FRAMED WALL OR PARTITION, SEE ALSO STRUCTURAL DRAWINGS IF APPLICABLE

FLOOR PLAN GENERAL NOTES

- FILL ALL SCRATCHES, DENTS, CRACKS, HOLES, OPENINGS, IRREGULARITIES, AND/OR DEFECTS IN BOTH EXISTING AND NEW WALL SURFACES WITH PLASTER PATCH, SPACKLING, JOINT COMPOUND, OR OTHER PRESCRIBED MATERIALS IN AN INDUSTRY APPROVED MANNER TO PROVIDE A UNIFORM FINISHED WALL SURFACE TO MATCH EXISTING CONDITIONS. CLEAN AND SAND SMOOTH ALL SURFACES BEFORE APPLYING FINISH MATERIAL.
- REMOVE ALL EXCESS BUILD-UP OF EXISTING AND/OR NEW WALL AND PAINT MATERIALS FROM ALL NEW AND EXISTING WALL SURFACES INCLUDING BUT NOT EXCLUSIVE OF: PLASTER, PATCHING COMPOUND, PUTTY, MASTIC, ETC. CLEAN AND FINISH SAND SMOOTH WALL SURFACE READY FOR THE APPLICATION OF FINISH.
- PROVIDE FOR A UNIFORM FINISHED WALL SURFACE ALL THE WAY DOWN TO THE FINISHED FLOOR TO ALLOW FOR THE PROPER INSTALLATION OF THE SPECIFIED WALL BASE. THAT INCLUDES TAPING AND FINISHING ALL VERTICAL JOINTS AND BEADS DOWN TO THE FINISHED FLOOR ALONG WITH FILLING ALL SCREW HOLES AND FILLING ALL VOIDS.
- LEVEL THE FLOOR SURFACE/SUBSTRATE WITH A LATEX UNDERLAYMENT SMOOTH AND FREE FROM CRACKS, HOLES, RIDGES, COATINGS PREVENTING ADHESIVE BOND AND OTHER DEFECTS IMPAIRING PERFORMANCE OR APPEARANCE. MAXIMUM ALLOWABLE SLOPE IS 1/4" IN 10'-0". FINISH SAND SMOOTH TO PROVIDE AN ADEQUATE SUBSTRATE FOR THE INSTALLATION OF THE SCHEDULED FLOORING MATERIAL.

INTERIOR DETAILS



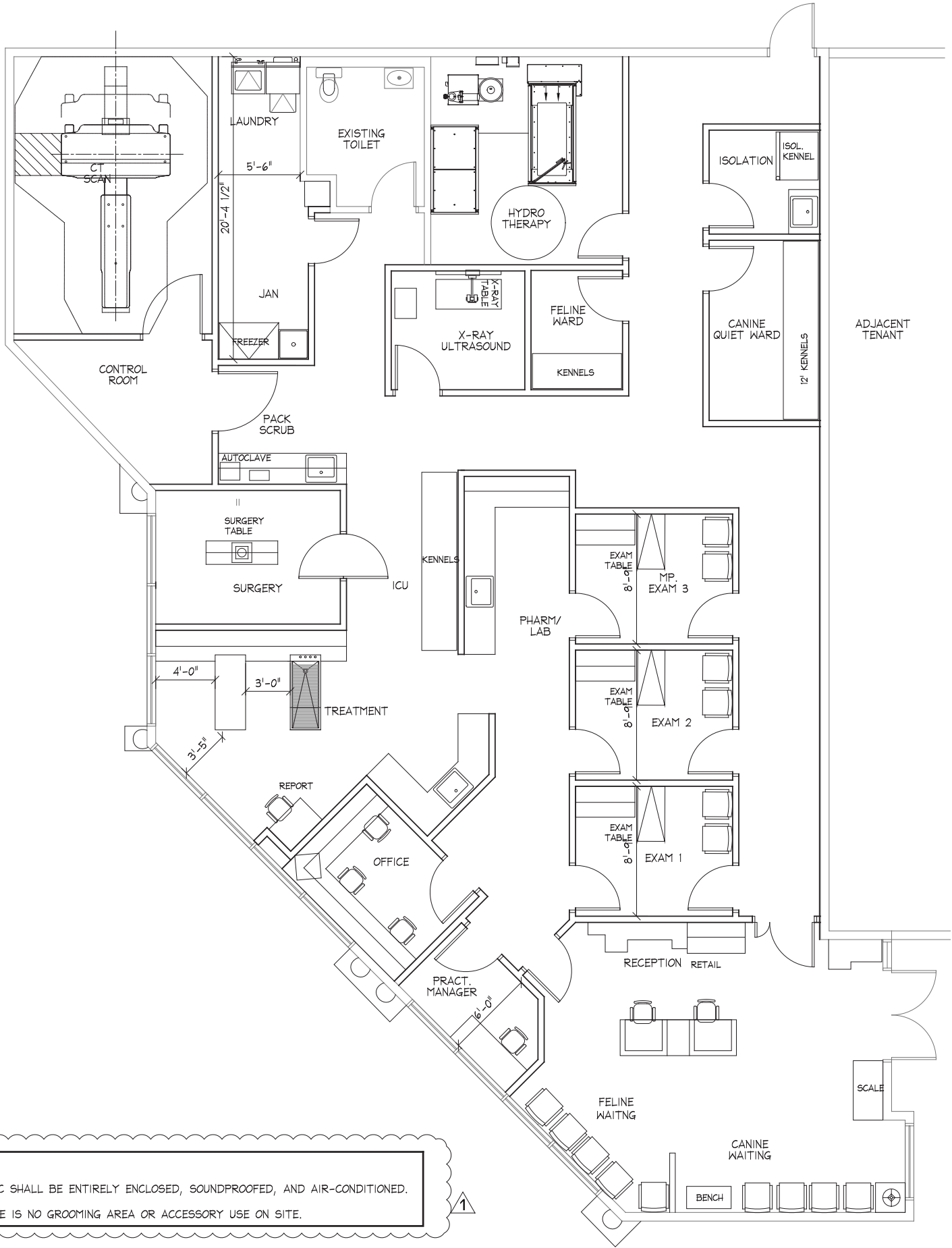
2 SOUND WALL AT CANINE WARD

SCALE: 1-1/2" = 1'-0"

v-wall-sound-ward-1736

NOTES:

- CLINIC SHALL BE ENTIRELY ENCLOSED, SOUNDPROOFED, AND AIR-CONDITIONED.
- THERE IS NO GROOMING AREA OR ACCESSORY USE ON SITE.



1 FLOOR PLAN
SCALE: 1/4" = 1'-0"
0 1 2 5 10



SEAL:

PRELIMINARY
NOT FOR CONSTRUCTION

OC Veterinary Center
Newport North Shopping Center
1220 Bison Ave, Suite A7
Newport Beach, California 92660

JOB NUMBER: 2048
DRAWN: OC
CHECKED:
DATE: 12/30/2020
REVISIONS:
02/19/21City Corrections

SHEET TITLE:

FLOOR PLAN

SCHEMATIC DESIGN
SHEET NUMBER:

A2.1

39

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architectural works, inc.
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**Planning
Commission**

Public Hearing

May 6, 2021

OC Veterinary Center

Conditional Use Permit - 1220 Bison Avenue

Vicinity Map & Surrounding Uses



General Plan: General
Commercial (CG)

Zoning: North Ford
Planned Community (PC5)

Project Characteristics



- Conditional Use Permit request for Animal clinic within (e) 3,414 retail suite
 - Appointment-based
 - Hours:
 - 8:00 a.m. to 6:00 p.m., Weekdays
 - 9:00 a.m. to 4:00 p.m., Saturday
 - Closed on Sunday

Floor Plan

Total: 3,414 sq. ft.

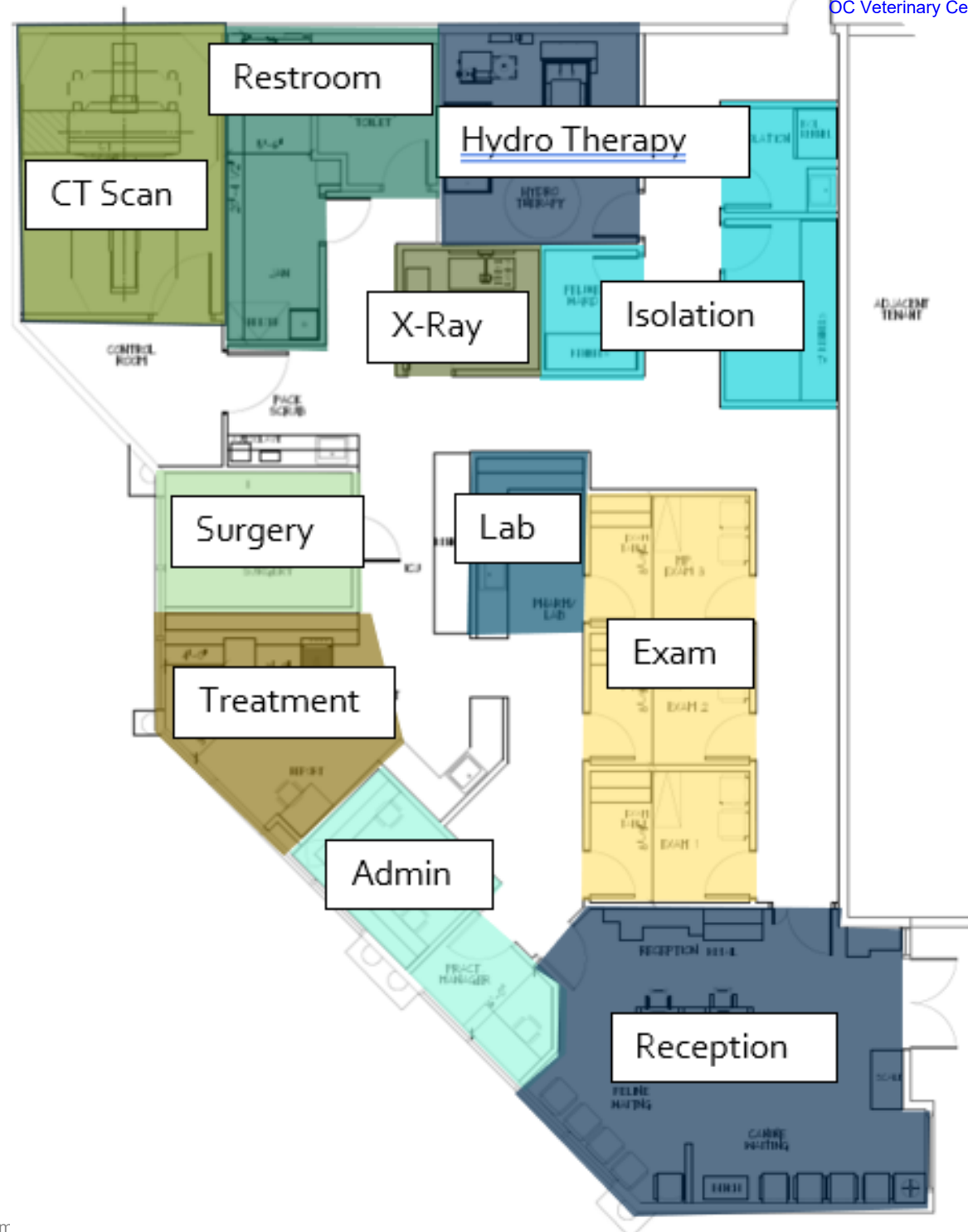
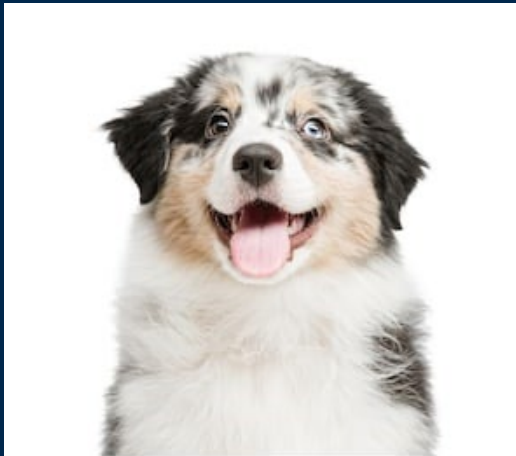




Figure 1 showing an aerial of the project in relationship to the residences at the north.



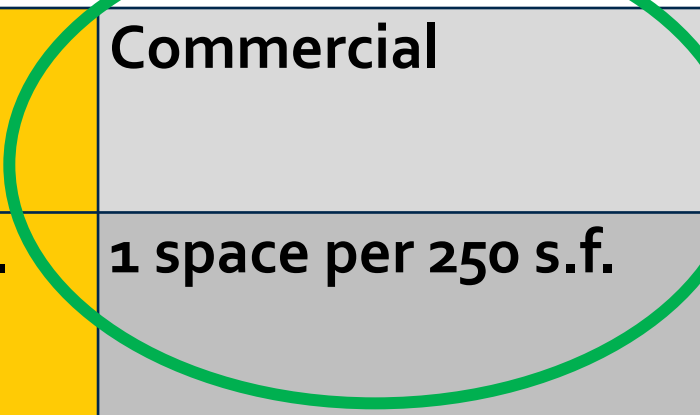
North Newport Shopping Center Parking

Spaces Required	Spaces Provided
265	269

4 Surplus

Parking Ratio

Animal Clinic	Commercial
1 space per 400 s.f.	1 space per 250 s.f.



The Project has 10 staff and assists multiple customers at a time, so the commercial rate is more appropriate to use. (CAO No. 19)

Code Requirement	Project Compliance	Condition Approval
The animal clinic must be enclosed, soundproofed, and airconditioned.	The project is airconditioned and would be entirely contained within the structure. Noise-abating material would be installed on both the interior walls and ceiling of the tenant space abutting neighboring tenant spaces.	Nos. 14 to 16
Outside runs or cages, outside trash containers, and offensive odors shall be prohibited.	No exterior dog runs are proposed. The area outside of the establishment, including the designated walking route, public sidewalks, walkways, and landscape areas, would be maintained in a clean and orderly manner (including but not limited to pet nuisances and odors).	Nos. 5, 6, 14 to 16, 28 to 30
Grooming activities shall be incidental to the clinic use.	Only medically-required grooming would be performed by the project. No grooming services would be available to the public.	No. 7
Animal cremation is not be allowed.	The project would not cremate any animals.	No. 8
Temporary boarding of animals shall be allowed as an accessory use.	The project would only temporarily board those animals requiring emergency care. General boarding of animals is not proposed.	No. 9

Recommended Action

- Conduct a public hearing
- Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines
- Approve Resolution No. PC2021-010, approving Use Permit No. UP2020-191

For more information Contact

Patrick Achis

949-644-3237

pachis@newportbeachca.gov

www.newportbeachca.gov

Questions?