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STATE OF CALIFORNIA—THE RESOURCES AGENCY

PETE WILSON, Governor

CALIFORNIA COASTAL COMMISSION

SOUTH COAST AREA

245 W. BROADWAY, STE. 380

P.O. BOX 1450

LONG BEACH, CA 90802-4416

(310) 590-5071

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Permit Application No. 5-95-290
Date 01-17-96ADMINISTRATIVE PERMIT

APPLICANT: Orange County Humane Society

PROJECT DESCRIPTION:

Interior remodel of an existing vacant 1840 square foot office space for an animal clinic. The clinic will contain a 1,200 square foot reception area, waiting room, two exam rooms, an office, surgery room, and a 640 square foot cage and storage area. No overnight boarding of animals is proposed. The development also includes a 455 square foot storage area adjacent to the existing beauty salon. There will be one veterinarian and three employees during peak hours.

PROJECT LOCATION: 2630 Avon Street, Newport Beach, Orange County

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

NOTE: P.R.C. Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS
Executive DirectorBy: Robin Maloney-RamsTitle: CPA II

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

The Executive Director hereby finds and declares as follows:

A. Project Description

The Orange County Humane Society is proposing to convert existing office space to an animal clinic. The clinic will contain 1,840 sq. ft. of floor area, including

a reception area, waiting room, two exam rooms, an office, a surgery room, a cage area and storage area. Of this 1840 square feet, approximately 640 square feet will be utilized for the storage and cage area, leaving approximately 1200 square feet for the main clinic area. The animal clinic also incorporates a separate 455 square foot storage area adjacent to the beauty salon (see Exhibit 2).

The operation of the clinic will be limited to out-patient services only, primarily spaying and neutering. The proposed hours of operation for the clinic are between 8:00 a.m. and 2:00 p.m. Monday through Friday initially, with the possibility of adding Saturday hours. The clinic will employ one veterinarian three days a week (Monday, Wednesday and Friday) and up to three employees when the veterinarian is in attendance.

The building is currently separated into three parts, a beauty salon, a 455 square foot storage area and the proposed clinic site. The building has 10 public parking spaces and two employee parking spaces adjacent to the beauty salon. The City of Newport Beach determined that the building is non-conforming with respect to parking. The applicant has submitted a lease agreement.

To the northeast is a single family dwelling. To the southeast is a vacant lot. To the southwest and northwest are commercial uses. The proposed project is located just south of Newport Blvd. and east of Pacific Coast Highway. The site is not located between the sea and the first public road and there are no beach parking nor beach access issues involved.

B. Parking

Section 30250 of the Coastal Act states in part:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

The proposed development is the remodel of an existing 1,840 square foot vacant commercial space in a 3,811 gross square foot building. The staff report to the Planning Commission provided by the City of Newport Beach notes that the existing building is non-conforming for the purposes of providing parking. The staff report notes that the building requires 15 spaces but only provides 10 plus two additional spaces for private use. Therefore, the site is deficient 5 spaces (given 1 space per 250 square feet gross floor area).

According to the plans the animal clinic space is 1840 square feet, including the 640 square foot storage and cage area. At one parking space per each 250 square feet, the clinic would require 8 spaces. The parking requirement for animal hospitals according to the Commission parking standard guidelines in the South Coast Guidelines is 5 spaces per each doctor, plus 1 space per each employee. There is one veterinarian in attendance Monday, Wednesday and Friday. On these days there will be three office personnel. On the off days personnel staff will be reduced. According to Commission standards then, a maximum of 8 spaces would be required (5 spaces for the doctor plus 1 space for each office worker). In any event, the parking requirements for the square footage by the City's standards and the parking requirements by the Commission's standards are the same, 8 spaces.

New parking is generally required when there is an existing deficiency and a change in use of the property results in an intensification of use. In this instance the previous use of the site was for a Travel Club. According to the

South Coast Guidelines this use would require 1 space per each 250 square feet, which is the City's requirement. Therefore, there is no intensification of use because the prior use required 8 spaces and the new use also requires 8 spaces. In addition, the animal clinic is proposed to operate for six hours a day Monday through Friday with the possibility of Saturday hours. The veterinarian will only be in attendance on Monday, Wednesday and Friday. There will be less office personnel on the days when the veterinarian is not in attendance. A travel office would normally be open eight hours a day six days a week.

The Manager of the Orange County Humane Society appeared at the meeting of the Newport Beach Planning Commission and stated that she anticipates that only 3 to 4 persons per day are expected at the clinic. The Planning Commission found that: "adequate on-site parking is available for the existing and proposed uses." In addition, the staff report for the Planning Commission stated: "...the subject animal hospital will not adversely impact the amount of available on-site parking and that there is adequate parking to accommodate the proposed use as well as the existing beauty salon use on site."

Finally, the location for the proposed animal clinic is inland of the Pacific Coast Highway and the beach. Therefore, the issue of parking at this site will not pose any adverse impacts to beach parking, access and recreation.

Section 30250 of the Coastal Act states that new development be located in areas able to accommodate it and that no adverse impacts to coastal resources result from the new development. The existing building is non-conforming with regard to the City of Newport Beach parking requirements. The proposed installation of an animal clinic would require the same number of parking spaces (8) as the previous use, and therefore the change in use does not result in an intensification of use. Therefore, placement of an animal clinic at this location conforms with Section 30250 in that it will not adversely impact coastal resources, in this case parking. Therefore, the Executive Director finds that the proposed development of an animal clinic conforms with Section 30250 of the Coastal Act.

C. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a Coastal Development Permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was certified on May 19, 1982. The proposed development is consistent with the policies contained in the certified Land Use Plan. Therefore, approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program [Implementation Plan] for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

D. California Environmental Quality Act

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures

available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been found consistent with the resource protection policies of the Coastal Act. There are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Executive Director finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

SPECIAL CONDITIONS:

None

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

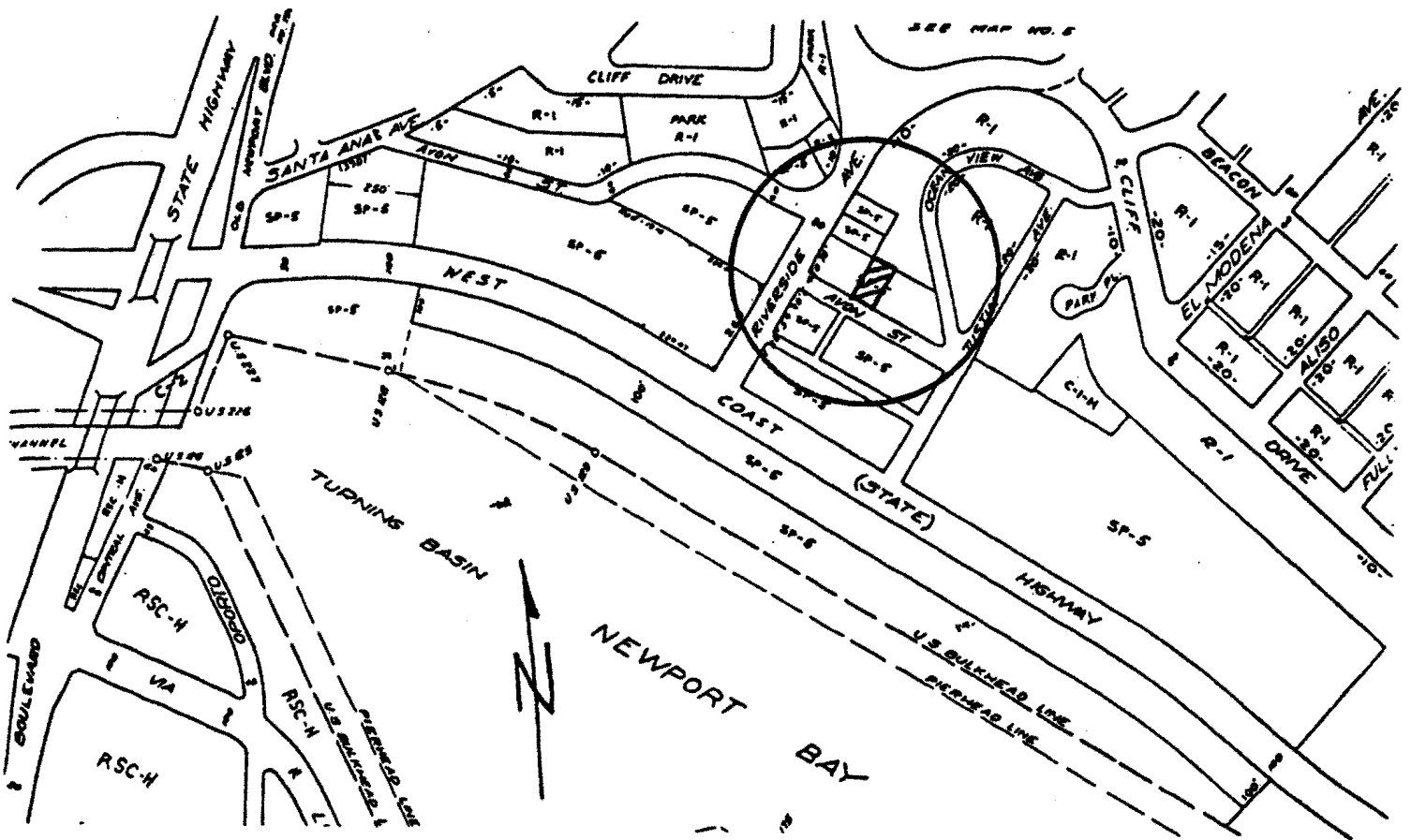
I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

Applicant's Signature

Date of Signing

6137F

VICINITY MAP



Use Permit No. 3567¹

¹ Subject Property and Surrounding Land Uses

The subject property is developed with a commercial building and related off-street parking is currently occupied by a beauty salon and is otherwise vacant. To the northeast is a site, to the southeast is a vacant lot; to the southwest, across Avon Street, is a commercial shop; to the northwest are commercial uses.



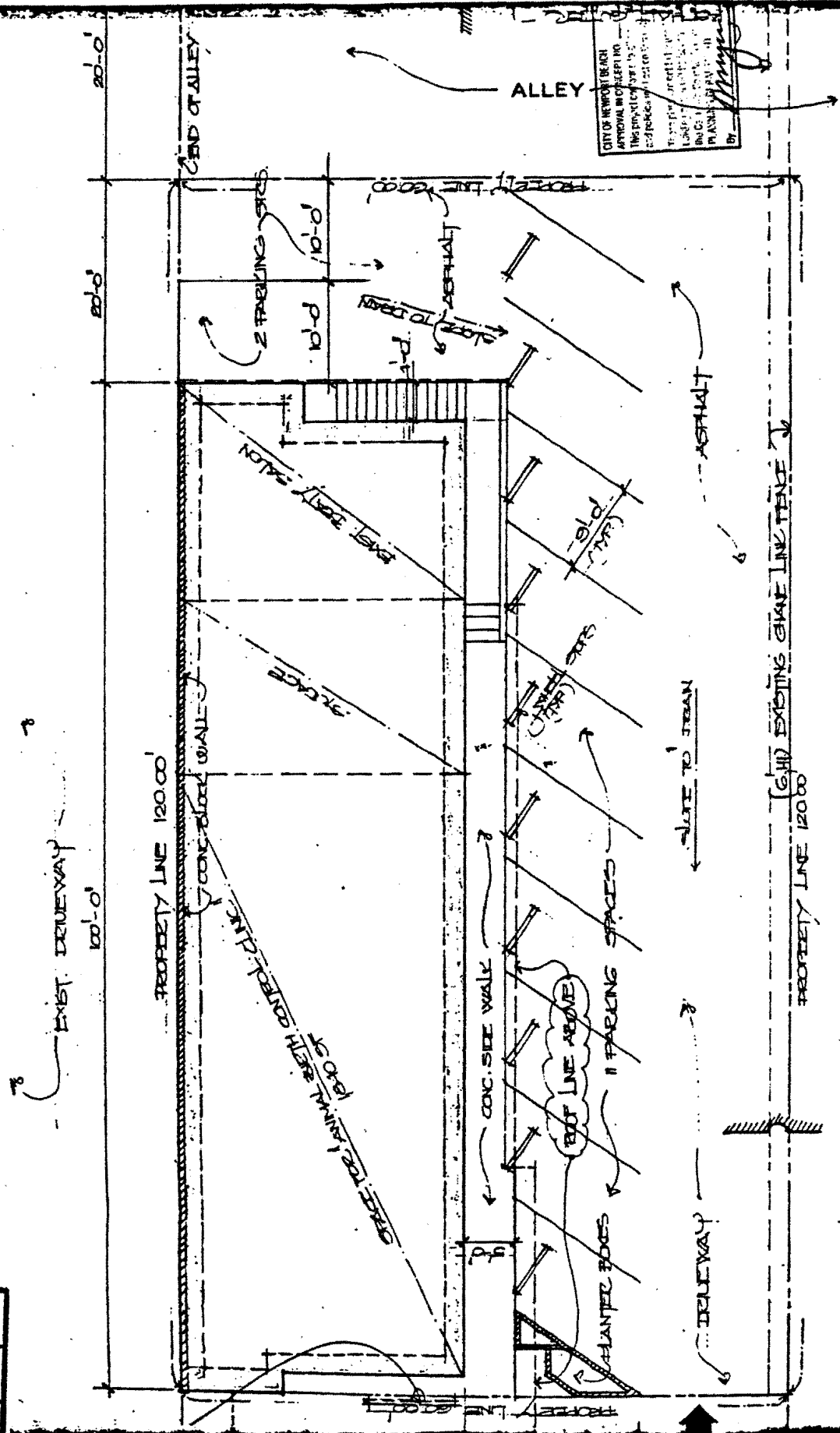
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EXHIBIT NO. 2

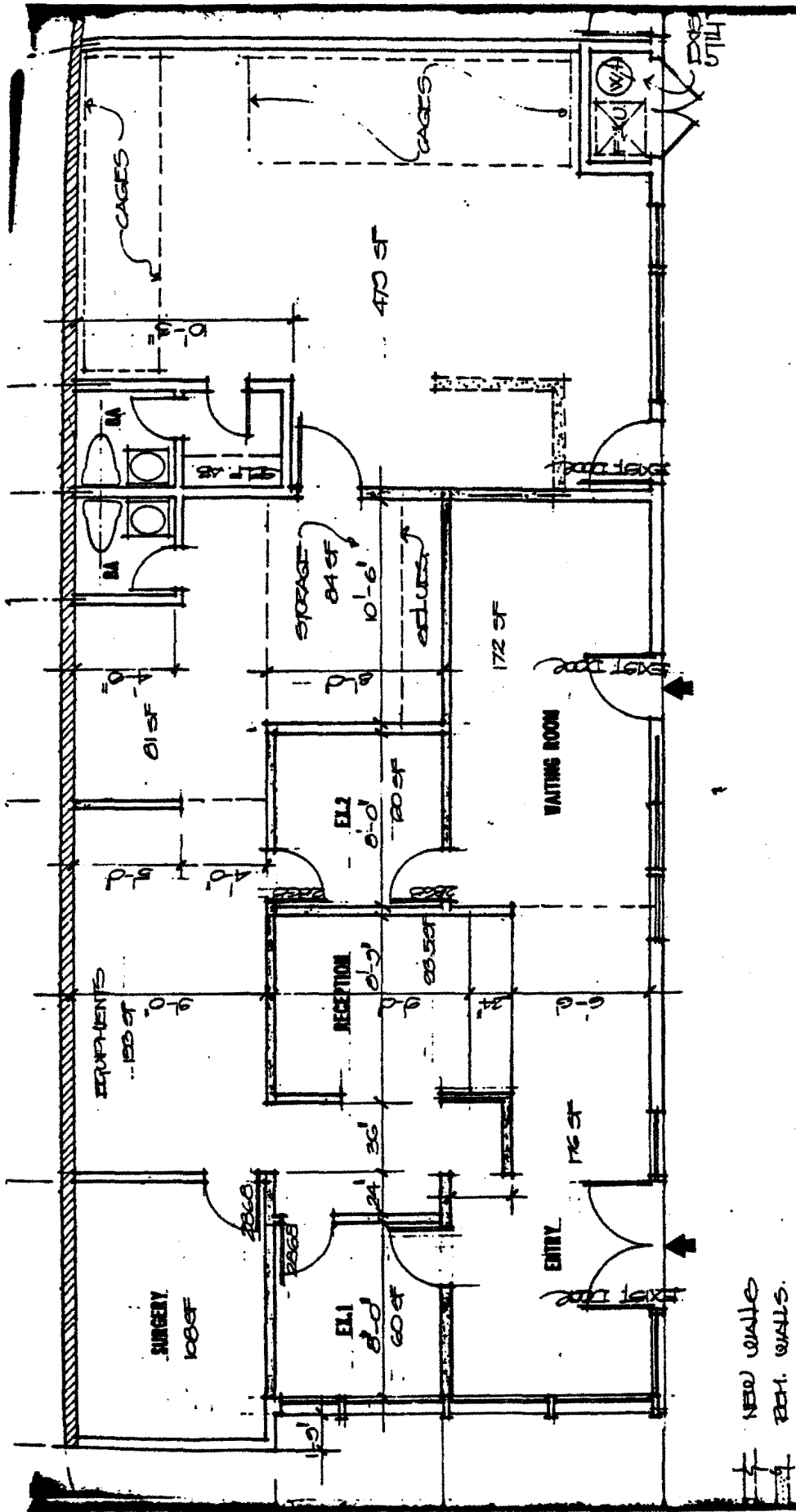
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SITE PLAN


California Coastal Commission



SITE PLAN



FLOOR PLAN

2650 AVENUE OF NEWPORT BEACH, CA

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

DATE: 10/1/80

EXHIBIT NO. 3

APPLICATION NO.

5-95-290

OFFICE PLAN



California Coastal Commission