

Attachment No. PC 1

Draft Resolution

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RESOLUTION NO. PC2025-003

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SUPERSEDING USE PERMIT NO. UP1939, AND APPROVING A MAJOR SITE DEVELOPMENT REVIEW, STAFF APPROVAL, AND TRAFFIC STUDY FOR THE CONVERSION OF AN EXISTING PROFESSIONAL OFFICE BUILDING INTO A MEDICAL OFFICE BUILDING, WAIVING A PORTION OF THE OFF-STREET PARKING REQUIREMENT, AND CONSTRUCTING AN ON-SITE PARKING STRUCTURE FOR THE PROPERTY LOCATED AT 3300 IRVINE AVENUE (PA2024-0070)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Chad Manista, of Real Estate Development Associates, LLC (“Applicant”), concerning property located at 3300 Irvine Avenue, and legally described as Parcel 1 of Parcel Map 79-721 (“Property”).
2. The Planning Commission approved Use Permit No. UP1939 on April 24, 1980, and allowed for the construction of an approximately 42-foot-tall, three-story, 79,581-square-foot professional office building, and 270 space surface parking lot. The existing building shares vehicular access with the adjacent, single-story, Orange County American Institute of Architects building located at 1981 Orchard Drive.
3. The Applicant requests a Major Site Development Review, Staff Approval, and Traffic Study to convert the existing building from professional office use to medical office use. To partially accommodate the increased parking demand from medical office use, the existing surface parking lot will be restriped and a three-level parking structure with solar canopy will be constructed. The parking structure will be connected to the medical office building via a pedestrian bridge. Interior renovations to the building include remodeling of the existing lobby to create a new atrium-style lobby with common areas and new stairways between floors. While the footprint of the lobby will expand, internal changes to create additional volume will result in a 1,352-gross-square-foot reduction of floor area, reducing the building from 79,581 square feet to 78,229 square feet. The project also includes significant remodeling to the exterior of the building and new rooftop architectural features including a decorative glass parapet measuring 41-feet, 6-inches from existing grade and an entry atrium parapet, measuring 45-feet from existing grade (“Project”).
4. The following approvals are required from the City of Newport Beach (“City”) to implement the Project:
 - **Major Site Development Review (“SDR”)**: To allow an increase in height in accordance with Section 20.52.080 (Site Development Reviews) of the Newport

Beach Municipal Code (“NBMC”) for the proposed architectural features (i.e., parapets), which are proposed at 41-feet, 6-inches above existing grade and 45 feet above existing grade, respectively;

- **Staff Approval:** To waive 61 of the 392 required parking spaces, or 15.5% of the parking requirement, in accordance with Section 20.40.110(D) (Adjustments to Off-Street Parking Requirements) of the NBMC; and
- **Traffic Study:** To consider the projected 1,496 net increase in average daily trips (ADTs), pursuant to Section 15.40.030(A) (Traffic Phasing Ordinance) of the NBMC.

5. Section 20.40.110(D) (Adjustments to Off-Street Parking Requirements) of the NBMC allows for the Community Development Director to reduce the number of required parking spaces by a maximum of 20%. However, Section 20.50.30 (Multiple Permit Applications) of the NBMC requires that multiple applications for the same project be processed concurrently and be reviewed and approved, modified, or denied by the highest review authority, which in this case is the Planning Commission.
6. Approval of this Project will supersede Use Permit No. UP1939, which would be rendered null and void.
7. The Property is categorized General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Office-General (OG) Zoning District.
8. The Property is not located within the Coastal Zone; therefore, a coastal development permit is not required.
9. A public hearing was held on January 23, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of the 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 NBMC. Evidence, both written and oral, was presented to and considered by, the Planning Commission at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (“CEQA”) pursuant to Section 15332 under Class 32 (In-Fill Development Projects) 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. Class 32 exempts in-fill development that meets the following criteria: (1) is consistent with the applicable General Plan designation and applicable policies, as well as applicable zoning designations and regulations, (2) would occur on a site less than five acres, (3) the project site must have no habitat value, (4) the project would not result in significant traffic, noise, air quality, or water quality effects, and (5) the site can be

adequately served by all required utilities and public services. If a project meets the criteria and qualifies for the Class 32 exemption, the project is categorically exempt from CEQA unless one of the exceptions to exemptions apply. The exemption is not limited to any use type and may apply to residential, commercial, industrial, public facility, and/or mixed-use projects.

3. The Project meets all the requirements and is exempt under Class 32 (In-Fill Development Projects) based on the following:

- a. General Plan and Zoning Consistency: The Property is categorized as General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Office-General (OG) Zoning District. The General Commercial Office (CO-G) category provides for areas appropriate for administrative, professional, and medical offices with limited accessory retail and service uses. The Project is consistent with the purpose and intent of the General Commercial Office (CO-G) category, as it enhances and improves the viability of an existing multi-tenant professional office building by allowing for a higher ratio of medical users and providing a parking facility. Additionally, the proposed medical office land use is allowed by right in the Office-General (OG) Zoning District.
- b. Less Than 5 Acres: The Property is approximately 3.14 acres, which is less than 5 acres.
- c. No Habitat Value: The Property is currently developed with a 79,581-square-foot, three-story, commercial building known as Newport Irvine Center. The Project proposes to remodel the building and construct a parking structure to allow sufficient parking for medical uses. The Property is unlikely to provide value as habitat for endangered, rare, or threatened species.
- d. No Significant Traffic, Noise, Air Quality or Water Quality Effects: The Project will generate a net increase of 1,496 daily trips on a typical weekday. A Traffic Impact Analysis (“TIA”) was prepared for the Project. The TIA found that the 15 studied intersections will continue to operate at a satisfactory level of service as defined by the City’s Traffic Phasing Ordinance.

An analysis of noise and vibration impacts was prepared by LSA and concluded that short-term construction-related impacts would be less than significant and any long-term project-related traffic impacts would be less than significant.

An analysis of the air quality and greenhouse gas (“GHG”) impacts of the Project was prepared by EPD Solutions, which found that the Project will not have significant impacts to air quality on a project or cumulative level and that the Project would have a less than significant impact on GHG emissions.

Odors produced by construction of the Project would be minimal and temporary, and the Project involves land uses that typically do not generate significant odor complaints.

A preliminary Water Quality Management plan (“WQMP”), Grading Plan, and Drainage Plans have been reviewed and approved by the Building Division. The plans comply with state, regional, and City water quality requirements.

- e. Utilities and Public Services: The Property is within a developed area of the City and is adequately served by existing utilities. All public services are adequate to accommodate the Project.

SECTION 3. REQUIRED FINDINGS.

Major Site Development Review

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decisions) of the NBMC, the findings and facts in support of such findings are set forth as follows:

Finding:

- A. *The proposed development is allowed within the subject Zoning District.*

Facts in Support of Finding:

1. The Property is located within the Office-General (OG) zoning district, which is intended for administrative, professional, and medical office uses with limited accessory retail and service uses. Pursuant to Table 2-4 (Allowed Uses and Permit Requirements) of Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC, medical and dental office uses are permitted in the Office-General (OG) zoning district. The tenant mix currently consists of professional offices, medical offices, and health/fitness facilities. Additional medical offices and the construction of a parking structure are consistent with the uses permitted by the Office-General (OG) zoning district.
2. The Office-General (OG) zoning district requires a 0-foot front setback, 0-foot interior side setback, 15-foot street side setback, and a 0-foot rear setback. The Project complies with the required setbacks as it proposes a 39-foot front setback, 10-foot interior side setback, 25-foot street side setback, and a 2-foot rear setback.
3. The Office-General (OG) zoning district allows for a maximum building height of 32 feet for a flat roof and 37 feet for a sloped roof with a minimum 3/12 pitch. The existing building exceeds the height limit, as authorized by UP1939. The Project includes increasing the maximum height of the building to accommodate the new parapets. Therefore, a site development review for increased height is required pursuant to Section 20.52.080 (Site Development Reviews) of the NBMC. The facts in support of findings are included under Findings D through G.
4. The Property is located within the Nonresidential, Nonshoreline Height Limit Area. The height of a structure may be increased up to a maximum 50 feet with a flat roof or 55

feet with a sloped roof through the approval of an SDR. While the Project requires the approval of an SDR to implement, the proposed height of the parapet will comply with the maximum 50-foot height limit, allowed with an SDR.

5. Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC provides that the number of parking spaces for a medical office use is one per every 200 square feet of gross floor area. Therefore, the Project requires a total of 392 parking spaces. As the Project provides only 331 parking spaces, a parking demand analysis dated December 4, 2024, was prepared by RK Engineering (“Parking Study”), which is attached hereto as Exhibit “B” and incorporated herein by reference, to establish the parking demand for the Project. The Parking Study concluded that 331 spaces are adequate to serve the Project. The request for a 15.5% parking waiver is evaluated and substantiated in Finding H below.

Finding:

- B. *The proposed development is in compliance with all of the following applicable criteria:*
 - i. *Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
 - ii. *The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
 - iii. *The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
 - iv. *The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
 - v. *The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*
 - vi. *The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection).*

Facts in Support of Finding:

1. The Property is categorized as General Commercial Office (CO-G) by the Land Use Element of the General Plan. The General Commercial Office (CO-G) category provides for areas appropriate for administrative, professional, and medical offices with limited accessory retail and service uses. The Project is consistent with the purpose and intent of the General Commercial Office (CO-G) category, as it allows for a medical office building that will serve the community.

2. Figure LU-11 of the Land Use Element establishes a maximum floor-area-to-land ratio (“FAR”) of 0.50 for the project site. Implementation of the project would reduce the existing gross floor area of building from 79,581 square feet to 78,229 square feet and results in an FAR of 0.55. Therefore, the project would reduce the development intensity to be more consistent with the intended FAR for the property. Parking structures do not qualify as gross floor area per Section 20.70 (Definitions) of the NBMC and are not included in the gross floor area of the building or the FAR.

3. The Project is consistent with General Plan Land Use goals and policies, including, but not limited to the following:
 - a. **Land Use Element Policy LU 5.1.2 (Compatible Interfaces).** Requires that the height of development in nonresidential areas and higher-density residential areas transition as it nears lower-density residential areas to minimize the conflicts at the interface between the different types of development. The tallest parapet is proposed for the side of the building fronting Irvine Avenue. The nearest residential zoning district is 500 feet away and begins at 2173 Orchard Drive. The three-story parking structure and then the intervening office buildings between the property and the low-density residential uses on Birch Street, which are typically two-stories tall, provide a gradual transition in height from the project to residential uses.

 - b. **Land Use Policy LU 5.4.2 (Development Form and Architecture).** Requires that new development of business park, office, and supporting buildings be designed to convey a unified and high-quality character through consistent architectural design vocabulary, articulation, materials, and color palette and with architectural treatment of parking structures consistent with their primary commercial office building, among other considerations. The Project includes the construction of a new parking structure and updating the building exterior to include additional articulation and new materials matching the parking structure for a consistent architectural design and color palette throughout the Project.

4. Facts 1 through 4 in support of Finding A are hereby incorporated by reference.

5. The Property is not located within a Specific Plan Area.

6. The existing building was constructed in 1980 with a dark, unarticulated, glass panel exterior. The Project will significantly remodel the exterior façade of the building and upgrade the overall look of the building. Exterior remodeling includes an update of the building to a contemporary architectural style, with light and transparent glazing. While the Project still uses glass as the main finish material, the Project introduces beige and bronze paneling with dark accents around office windows and a coordinated color palette. The color palette of the building will complement the parking structure with a similarly light color on the exterior finish and wood-textured aluminum louvers at its entrances. The proposed parapet introduces articulation and visual interest using a

variable height roof plane. The mass of the building is softened by introducing a new glass atrium entryway.

7. The Property is bounded by Irvine Avenue to the north, Orchard Drive to the south, and office developments to both the east and west. The majority of land uses within the vicinity are professional or medical office and are located within multi-tenant commercial office buildings. There is one non-conforming residential use adjacent to the Project, across Orchard Drive, and several other non-conforming single-unit residences approximately 375 feet southeast of the Property, on Birch Street. There is also a golf-course with a restaurant 850 feet to the west on Irvine Avenue and an apartment complex 550 feet to the east on Birch Street. The nearby nonconforming residential uses are within the Business Park area of the Santa Ana Heights Specific Plan ("SP-7 Business Park") which prohibits residential uses but allows for the expansion of existing nonconforming uses with the approval of a conditional use permit. The nonconforming residential uses are located closer to the parking structure and not the building. The tallest parapet is proposed for the side of the building fronting Irvine Avenue. These distances should help prevent any shadows or negative impacts to the nonconforming uses. The Project does not propose any architectural features that are likely to negatively affect the surrounding development as detailed in Fact 8 in support of Finding B, Fact 1 in support of Finding E, and Fact 1 in support of Finding F.
8. The Project is adjacent to the SP-7 (Business Park) District. Pursuant to Section 20.90.030 (Design Guidelines) of the NBMC, SP-7 (Business Park) includes design guidelines that regulate color and materials. The design guidelines are intended to allow the business park to blend in with and complement the residential areas of the community. While the Project site is not located within SP-7 Business Park and therefore not bound by its design guidelines, the Project nonetheless complies with these guidelines as an additional project amenity and further enhances the compatibility of the Project with its surroundings. In harmony with Section 20.90.030(B) (Architectural Guidelines for Business Park Uses) of the NBMC, the Project implements a color palette ranging from white to earth tones and subdues existing glass elements by repurposing glazing to light the interior spaces. The accent materials and colors are coordinated to achieve a continuity of design with the overall structure and surrounding structures.
9. The parking structure is located on the eastern portion of the Property, in the rear, and will be screened from Irvine Avenue by the upgraded office building, landscaping, and a portion of the surface parking lot. From Orchard Drive, the new parking structure is setback 132 feet and will be partially screened by landscaping and surface parking.
10. The parking structure is immediately adjacent to the surface parking lots of the abutting office buildings that front Birch Street. The properties fronting Birch Street are zoned SP-7 (BP). The height limit of SP-7 (BP) allows for buildings up to a maximum height of 37 feet. The parapets will not appear overly tall or incompatible with these buildings and the parking structure provides a harmonious transition from the Project to the abutting office buildings.

11. Existing vehicular and pedestrian access points to the Property will be maintained as part of the Project. Pedestrian access between the parking structure and medical office will be provided through a pedestrian bridge connecting the top level of the parking structure to the building.
12. The Property is currently improved with approximately 26,862 square feet of landscaping. Most of the landscaping is provided as turf. Of the 26,862 square feet, 2,494 square feet will be rehabilitated, and 495 square feet will be added. The Project includes new landscaping along Orchard Drive, within the public right of way. This off-site landscaping includes seven Brisbane box trees totaling 1,366 square feet. Brisbane box trees can grow anywhere from 30 to 70 feet tall and reach approximately 25 to 30 feet wide. The projected height and size of the trees makes for an efficient and adequate method of buffering between the Property and adjacent uses, including the nonconforming residential uses. All new and rehabilitated landscaping shall comply with Section 14.17 (Water Efficient Landscaping) of the NBMC, including the installation and maintenance of drought tolerant and noninvasive species.
13. The Project is not adjacent to or near a designated coastal view road or point and there are no public views through or across the Property. Therefore, the Project is not anticipated to impact any public views.

Finding:

- C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of person residing or working in the neighborhood of the proposed development.*

Fact in Support of Finding:

1. The Project is similar to and compatible with other office uses in the vicinity.
2. The Project is not anticipated to be detrimental to nearby residential uses or the nearby golf course due to the office nature of the business. Medical offices typically operate during the week with normal business hours when residents are not at home. Medical uses typically do not generate public inconveniences such as noise, light, or odors and the Project is therefore not anticipated to impact the nearby residents or golf course.
3. The Project is consistent with the planned land use for the site and the intent of General Commercial Office (CO-G) category of the General Plan Land Use Element and the Office-General (OG) Zoning District. The site is suitable for the type and intensity of development proposed because the infrastructure serving the site and surrounding area has been designed and developed to accommodate the commercial development use of the site. The Project would also reduce the floor area of the building, which would bring the property closer to compliance with the maximum FAR of the Zoning District. Therefore, the operation of the medical office use is not detrimental.

4. A traffic study titled “Traffic Impact Analysis – Newport Irvine Medical Office” dated October 2024 (“Traffic Impact Analysis”), which is attached hereto as Exhibit “C” and incorporated herein by reference, was prepared by Ganddini Group Inc., under the supervision of the City Traffic Engineer for the Project in compliance with Chapter 15.40 (Traffic Phasing Ordinance) and Appendix A of the NBMC. As discussed further in Finding L, the Project does not result in a traffic impact. Therefore, the operation of the medical office use is not anticipated to be detrimental to the surrounding neighborhood.
5. Condition of Approval No. 19 establishes operational noise standards while Condition of Approval No. 21 restricts noise-generating construction activities. Both have been included to ensure that the proposed use does not create any adverse noise impacts to the community, in accordance with Section 20.30.080 (Noise) of the NBMC.
6. Conditions of Approval Nos. 23 and 24 are included to ensure adequate trash storage facilities for the commercial tenants are provided in screened areas on private property, thereby preventing any odor or related issues for the abutting residential uses.
7. The Project includes Condition of Approval No. 15 which prevents excessive illumination of the site and enables the Director to dim light sources or require other remediation upon finding the site to be excessively illuminated.
8. A preliminary Construction Management Plan has been provided to ensure that short-term construction traffic issues are properly addressed. A final construction management plan will need to be approved prior to the issuance of a building permit, as referenced in Condition of Approval No. 69.

Height Increase

The Property is a nonresidential use located within the Nonresidential, Nonshoreline Height Limit Area. In this height limit area, the base height limit for nonresidential and mixed-use structures with flat roofs is 32 feet and the base height limit for structures with sloped roofs is 37 feet. The height of a structure may be increased up to a maximum of 50 feet with a flat roof or 55 feet with a sloped roof through the approval of a Site Development Review. In accordance with Section 20.30.060(C)(3) (Height Limits and Exceptions - Required Findings) of the NBMC, the Planning Commission may approve a site development review to allow an increase in the height of a structure above the base height only after first making all the following findings in addition to the findings required pursuant to Section 20.52.080(F) (Site Development Reviews – Findings and Decision):

Finding:

- D. *The project applicant is providing additional project amenities beyond those that are otherwise required. Examples of project amenities include, but are not limited to:*
 - i. *Additional landscaped open space;*
 - ii. *Increased setback and open areas;*
 - iii. *Enhancement and protection of public views;*

Facts in Support of Finding:

1. Use Permit No. UP1939 allowed the structure to exceed the base height limit of the Office-General (OG) zoning district. The justification for the height increase was partially based on the project providing additional open space, as the building mass was concentrated to the center of the lot. The Project implements vertical construction, rather than horizontal.
2. The footprint of the building is not increasing as part of the Project. Further, the floor area of the structure will decrease, despite the increase in height for the architectural features.
3. While the footprint of the building will expand at the northern entrance to create the atrium style lobby and the parking structure will reduce the amount of lot area left undeveloped and open, approximately 80,251 square feet will remain undeveloped, or 57% of the lot will remain undeveloped. Both the building and the parking structure provide greater setbacks than what is required pursuant to Table 2-6 (Development Standards for Commercial Office Zoning Districts) of Section 20.20.030 (Commercial Zoning Districts General Development Standards) of the NBMC, as referenced in Fact 3 of Finding A.
4. Facts 12 and 13 in support of Finding B are hereby incorporated by reference.

Finding:

- E. *The architectural design of the project provides visual interest through the use of light and shadow, recessed planes, vertical elements, and varied roof planes;*

Facts in Support of Finding:

1. The Project increases the height of the building by constructing new architectural features. These features provide visual interest by incorporating light and shadow through the use of glass. Vertical elements are highlighted through symmetry and contrasting angles, and a cohesive color palette and varied roof plane further contribute to visual interest.
2. In addition to providing visual interest, the proposed parapets are also functional. The parapet will screen existing visible rooftop mechanical equipment and bring the Project into compliance with Section 20.30.020 (Buffering and Screening) of the NBMC.

Finding:

- F. *The increased height will not result in undesirable or abrupt scale changes or relationships being created between the proposed structure(s) and existing adjacent developments or public spaces. Where appropriate, the proposed structure(s) provides a gradual transition to taller or shorter structures on abutting properties.*

Facts in Support of Finding:

1. Use Permit No. UP1939 justified the increased building height by citing that the Project would not result in abrupt changes of building heights between the office building and nearby existing developments and public spaces. The Project’s parking structure with solar canopy above measures approximately 28-feet, 3-inches above grade is situated between the existing structure and property line. It will provide for a smooth transition in building heights, up to the office buildings fronting Birch Street.

2. There is a large retaining wall to the southwest of the Property. The retaining wall runs along the northbound side of Irvine Avenue. The retaining wall creates an elevated building pad, much higher than Irvine Avenue. On the top of the pad, there is a cluster of multi-tenant office buildings addressed as 20251 through 20271 Acacia Avenue. Furthermore, the properties across Orchard Drive and addressed as 20251 through 20271 Acacia Avenue are zoned SP-7 (BP). The height limit of SP-7 (BP) allows for buildings up to a maximum height of 37 feet. The Project does not have a retaining wall or elevated building pad and sits at a similar height as Irvine Avenue. These properties at 20251 through 20271 Acacia Avenue appear higher than the subject property, which results in a smooth, gradual, transition in building heights along the highly traveled Irvine Avenue.

Finding:

- G. *The structure will have no more floor area than could have been achieved without the approval of the height increase.*

Fact in Support of Finding:

1. The proposed height increase does not result in an increase in floor area. The increase in height is to allow glass parapets as exterior-only architectural features. As stated in Fact 2 in support of Finding B, the Project reduces the gross floor area.

2. The building footprint is limited to the center portion of the lot, and the Project does not expand the footprint of the building.

Staff Approval for Parking Waiver

In accordance with Section 20.40.110(D) (Adjustments to Off-Street Parking Requirements) of the NBMC, the Community Development Director may authorize a reduction of off-street parking by a maximum of 20% using a combination of the following:

Finding:

- H. *The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available.*

Facts in Support of Finding:

1. Pursuant to Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC, medical offices require one parking space for every 200 square feet of gross floor area. At 78,229 square feet, the Project requires 392 parking spaces. Because the Project provides only 331 parking spaces, a 61 space, or 15.5%, parking waiver is required.
2. The Applicant provided the Parking Study, which analyzed two non-urgent care, medical office, locations of comparable size: Pacific Medical Plaza located in Costa Mesa at 1640 Newport Boulevard, and Newport Heights Medical Campus located at 20350-20360 SW Birch Street. Each building had a variety of medical tenants, including but not limited to dentists, dermatologists, and pediatricians.
3. Observational parking counts were taken by Counts Unlimited, Inc. (a third-party data collection company) from 8:00 a.m. to 6:00 p.m., at one-hour intervals, on a typical Tuesday, Wednesday, and Thursday in October of 2024. The observed parking counts determined a peak parking demand ratio for each site. The higher of the two ratios observed was used as a baseline for estimating the peak parking demand of the project.
4. To account for parking demand fluctuations, a 10% increase was added to baseline. This resulted in a peak parking demand ratio for the Project of 3.94 parking spaces per 1,000 gross square feet
5. Applying the peak parking demand ratio for the Project results in a minimum parking requirement of 309 spaces. As the project will provide 331 parking spaces, the project is projected to have approximately 22 available surplus parking spaces, or 7.11% of spaces available, during peak projected parking demand periods. Therefore, the Parking Study concludes that the project provides a sufficient number of parking spaces to support the conversion.
6. The Parking Study was reviewed and accepted by the City Traffic Engineer.
7. The Property allows for shared access to the existing surface parking lot with the adjacent parcel, 1981 Orchard Drive. A reciprocal Easement Agreement, Avigational Easement, and Agreement Affecting Real Property ("Easement Agreement") was recorded with the County of Orange in 1980. The Easement Agreement dedicates 23 spaces within the surface parking of 1981 Orchard Drive be reserved for the exclusive use of 1981 Orchard Drive. These 23 spaces have not been included in the 331 parking spaces provided by the Project.

Findings

- I. *On-Site Bicycle Facilities. Required nonresidential off-street parking may be reduced where there is a demonstrated use of bicycles as a mode of transportation. The Director may reduce the number of required parking spaces by one space for every*

three bicycle parking spaces provided on the same site they serve, up to 5% of the total requirement in compliance with the following conditions:

- i. The applicant has provided sufficient evidence to substantiate that there exists a demand for bicycle parking; and*
- ii. The bicycle parking spaces are located completely within the private property they serve.*
- iii. An additional 5% reduction may be allowed when enhanced end-of trip facilities are provided on the same site they serve, including, but not limited to, showers and locker facilities.*

Fact in Support of Finding:

Bicycle facilities are not used as justification for the reduction in parking.

Findings

- J. Space for Shared Mobility. Required nonresidential off-street parking may be reduced by up to 10% in compliance with the following conditions:*
 - i. Exclusive of curb space needed for emergency access purposes (e.g., a fire lane), the development includes at least 20 linear and contiguous feet of on-site dedicated curb-space located entirely on private property; or*
 - ii. There is one off-street parking space designated and with proper signage for the use of shared-mobility vehicles and/or pick-up/drop-off located on private property and on the same site it is intended to serve.*

Fact in Support of Finding:

Shared Mobility spaces are not used as justification for the reduction in parking.

Traffic Study

In accordance with Section 15.40.030(A) (Traffic Phasing Ordinance) of the NBMC, the following findings and fact in support of such findings are set forth herein:

Finding:

- K. That a traffic study for the project has been prepared in compliance with this NBMC Chapter 15.40 and Appendix A.*

Fact in Support of Finding:

The Traffic Impact Analysis, which is attached hereto as Exhibit “C” and incorporated herein by reference, was prepared by Ganddini Group Inc., under the supervision of the City Traffic Engineer for the Project in compliance with Chapter 15.40 (Traffic Phasing Ordinance) and Appendix A of the NBMC.

Finding:

L. *That, based on the weight of the evidence in the administrative record, including the traffic study, one of the findings for approval in subsection 15.40.030(B) can be made:*

1. *Construction of the project will be completed within 60 months of project approval in accordance with Section 15.40.030(B)(1) of the NBMC.*
2. *Additionally, the project will neither cause nor make worse an unsatisfactory level of traffic service at any impacted intersection in accordance with Section 15.40.030(B)(1)(a) of the NBMC.*

Facts in Support of Finding:

1. Construction of the Project is expected to be completed by May of 2026.
2. The Traffic Impact Analysis included eight study intersections that were analyzed for potential impacts based on the City’s Intersection Capacity Utilization (“ICU”) methodology, which is expressed in terms of level of service (“LOS”). Utilizing these methodologies, the Traffic Impact Analysis determined that implementation of the Project will neither cause nor make worse an unsatisfactory level of traffic service at any impacted primary intersection within the City of Newport Beach. The City Traffic Engineer concurs with this conclusion.

Finding:

M. *That the project proponent has agreed to make or fund the improvements, or make the contributions, that are necessary to make the findings for approval and to comply with all conditions of approval.*

Fact in Support of Finding:

No improvements or mitigation are necessary because implementation of the Project with the will neither cause nor make worse an unsatisfactory level of traffic service at any impacted primary intersection within the City of Newport Beach.

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 California Environmental Quality Act under Section 15332 under Class 32 (In-Fill Development Projects) 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 a Major Site Development Review, Staff Approval, and Traffic Study (PA2024-0070), subject to the

conditions outlined in Exhibit A, and the Applicant's implementation of the recommendations prescribed within the Parking Analysis included as Exhibit "B," and the Traffic Impact Analysis included as Exhibit "C," which are 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 by the provisions of Title 20 (Planning and Zoning), of the Newport Beach Municipal Code.
4. This resolution supersedes Planning Commission Use Permit No. 1939, which upon vesting of the rights authorized by this conditional use permit, shall become null and void.

PASSED, APPROVED, AND ADOPTED THIS 23RD DAY OF JANUARY, 2025.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Mark Rosene, Chair

BY: _____
David Salene, 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, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. PA2024-0070 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
3. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
4. The Applicant shall comply with all federal, state, and local laws. Violation of any of those laws in connection with the use may be cause for revocation of this approval.
5. *The parking structure shall serve tenants and visitors to the Property. Parking spaces shall not be rented or sold for off-site uses without first notifying the Community Development Director. The use of the parking structure as a parking facility, as defined in Chapter 20.70 (Definitions) of the NBMC, may require an amendment to PA2024-0070 and the processing of a Use Permit.*
6. *Employees shall be required to park on-site. Employee parking spaces shall always be accessible for employee vehicles and shall not be used for vehicle storage or display, customer parking, or any other use. Employees shall not park on Orchard Drive, Irvine Avenue, or any nearby public parking spaces.*
7. *The location, number, and dimensions of all parking spaces shall be in substantial conformance with the plans stamped and dated with the date of this approval. The final design of all on-site parking, vehicular circulation, and pedestrian circulation shall be subject to the approval of the City Traffic Engineer.*
8. *All mechanical equipment shall be fully screened from view from the public right of way and the surrounding properties in accordance with 20.30.020 (Buffering and Screening) of the NBMC.*
9. PA2024-0070 may be modified or revoked by the Planning Commission or City Council 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.

10. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require subsequent Planning Division review and potentially the processing of an amendment to this approval or the processing of a new entitlement.
11. Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.
12. 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 project 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 PA2024-0070 and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
13. Prior to the issuance of a building permit, the Applicant shall submit a landscape and irrigation plan prepared by a licensed landscape architect. These plans shall incorporate drought-tolerant plantings and water-efficient irrigation practices, and the plans shall be approved by the Planning Division.
14. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
15. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
16. Prior to the issuance of a building permit, the Applicant shall prepare a photometric study in conjunction with a final lighting plan for approval by the Planning Division. The survey shall show that lighting values are "1" or less at all property lines.
17. 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.
18. Prior to any change in use from general office or health/fitness facility to medical office, the Applicant shall pay Fair Share Fees in accordance with Chapter 15.38 (Fair Share Traffic Contribution Ordinance) of the NBMC. The fee may be paid in advance for the

entire conversion or incrementally based on individual tenant improvements at the rates in effect at time of conversion.

19. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the NBMC.
20. 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 leasing agent.
21. 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.
22. No outside paging system shall be utilized in conjunction with this establishment.
23. 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.
24. 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.
25. The exterior of the business shall be always maintained free of litter and graffiti. 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.
26. 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, including all future amendments (including Water Quality related requirements).
27. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this approval.
28. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.

29. A Special Events Permit is required for any event or promotional activity outside the normal operating 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.
30. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any 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 **Newport Irvine Medical Center** including, but not limited to the Site Development Review, Staff Approval, and Traffic Study filed as PA2024-0070. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Fire Department

31. Any modifications to the fire sprinkler system shall require a building permit reviewed and approved by the Newport Beach Fire Department (NBFD).
32. The parking structure shall require an automatic fire sprinkler system in compliance with NFPA 13.
33. Exterior canopies shall require fire sprinklers to be added in compliance with NFPA 13.
34. Occupancies with atriums connecting more than two stories shall have a fire alarm system installed with smoke detection in locations required by a rational analysis, to be reviewed by the NBFD.
35. A smoke control system shall be installed for the atrium.
36. Analysis of the current hydrant system shall be provided. Hydrants shall be required to be installed in compliance with Chapter 5 and Appendix B of the California Fire Code (CFC).
37. The atrium shall comply with Chapter 4 of the California Building Code (CBC).
38. Exterior wall coverings shall comply with Chapter 14 of the CBC.

- 39. Fire lane widths shall comply with Nbfd Guideline C.01.
- 40. Fire lanes shall be identified in accordance with Nbfd Guideline C.02.
- 41. The parking structure and existing primary structure shall have an Emergency Responder Communication Coverage installed and permitted through Nbfd and the Orange County Sheriffs Communications.
- 42. The address on the exterior of the building shall comply with Section 9.04.170 (Amendments to Section 505.1.1 Premises Identification) of the NBMC.
- 43. The solar canopy above the parking structure shall comply with Chapter 12 of the CFC.
- 44. Egress for the structure and the atrium shall comply with Chapters 4 and 10 of the CBC/CFC.
- 45. Prior to the issuance of a building permit, a Fire Master Plan shall be submitted, reviewed, and approved by the Nbfd.
- 46. Prior to the issuance of a building permit, a construction plan shall be submitted, reviewed, and approved by the Nbfd to identify fire department access. All weather access shall be provided during construction. Construction cannot begin until fire department access is approved by Nbfd.
- 47. An 800 MHZ system for the medical office and parking structure is required, unless otherwise demonstrated by the Applicant. To satisfy the condition, tests of the existing building's current system can be submitted to the Nbfd for review and approval

Building Division

- 48. The building shall comply with the allowable area, number of stories and maximum height per Chapter 5 of the CBC.
- 49. Exterior wall and opening protection between buildings and to the property line shall comply with Section 705 of the CBC.
- 50. The atrium shall comply with Section 404 the CBC.
- 51. The egress balcony shall comply with Section 1021 of the CBC.
- 52. Exterior stairs shall comply with Section 1027 of the CBC.
- 53. Interior exit access stair shall comply with the Section 1019 of the CBC.
- 54. The plumbing fixture shall comply with Table 422.1 of the California Plumbing Code ("CPC").

55. An accessible path of travel is required from both the public right of way and the parking areas to the building and tenant space.
56. Circulation paths contiguous to vehicular traffic shall be physically separated from vehicular traffic pursuant to 11B-250.1 of the CBC.
57. Separate parking counts shall be provided for the parking structure and the surface parking lot. Counts shall include the required accessible parking for each type of parking, pursuant to 11B-208 of the CBC,
58. Pursuant to Table 5.106.5.3.1A of CalGreen, a table showing the required Electric Vehicle (EV) parking shall be provided. Locations of EV Capable and EVCS shall be shown on plans.
59. Accessible EV charging shall be provided. Accessible parking spaces shall not count toward the requirement of EV accessible parking.
60. Bicycle parking shall comply with 5.1-6.4 of CalGreen standards.

Public Works Department

61. Parking layouts shall comply with City Standard 805. All dead-end drive aisle shall provide a dedicated turn around area and 5-minimum drive aisle extension.
62. During construction, the temporary tenant parking layout shall comply with City Standard 805. Temporary tenant parking areas with dead-end drive aisle shall provide a dedicated turn around area and 5-minimum drive aisle extension.
63. Temporary construction fencing shall be located to provide adequate sight distance at all driveways, per City Standard 105.
64. All construction deliveries shall be accommodated on-site. No construction deliveries shall occur within the public right-of-way.
65. No construction staging or queuing shall occur within the public right-of-way.
66. All construction vehicle parking shall occur on-site. No construction vehicle parking is permitted within the public right-of-way.
67. No lane closures are permitted as part of the proposed construction activity unless a temporary street and sidewalk closure permit has been obtained from the Public Works Department. Traffic control plans shall be prepared and stamped by a registered California Traffic Engineer. Plans shall be reviewed and approved by City of Newport Beach Traffic Engineering.

- 68. Prior to any hauling activity, a haul route permit shall be obtained from the Public Works Department.
- 69. Prior to Issuance of a building permit, a final Construction Management Plan shall be reviewed and approved by the City Traffic Engineer and Community Development Director.
- 70. All damaged or broken curb, gutter, and sidewalk along the Orchard Drive and/or Irvine Avenue frontages shall be reconstructed per City Standards. Extent of reconstruction shall be determined by Public Works Inspection staff.
- 71. All proposed City trees along the Orchard Drive frontage shall be installed per City Standard and City Council Policy G-6.
- 72. The driveways along the Irvine Avenue (1) and Orchard Drive (2) shall be reconstructed per City Standard 161. The extent of reconstruction shall be determined by Public Works inspection staff.
- 73. Prior to Issuance of a building permit, Costa Mesa Sanitary District (CMSD) and Irvine Ranch Water District (IRWD) shall review and approve the project. Documentation of CMSD and IRWD approvals shall be required.

EXHIBIT "B"

PARKING STUDY AND PARKING MANAGEMENT RECOMMENDATIONS

Available separately due to bulk at:

https://www.newportbeachca.gov/Pln/PC_TEMP_LINK/PA2024-0070_Parking_Study.pdf

EXHIBIT "C"

TRAFFIC IMPACT ANALYSIS

Available separately due to bulk at:

https://www.newportbeachca.gov/Pln/PC_TEMP_LINK/PA2024-0070_Traffic_Impact_Analysis.pdf