



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

May 9, 2019
Agenda Item No. 3

SUBJECT: Anton Aesthetics (PA2019-025)
▪ Conditional Use Permit No. UP2019-012
SITE LOCATION: 20331 Irvine Avenue, Units E6 and E7
APPLICANT: Anton Aesthetics
OWNER: The Jetty Newport Beach LLC
PLANNER: David S. Lee, Assistant Planner
949-644-3225, dlee@newportbeachca.gov

PROJECT SUMMARY

The application is for a conditional use permit (CUP) to allow operation of a plastic surgery center (medical office) use within an existing professional office park. The subject site is located within the Santa Ana Heights Specific Plan (SP-7) within the Professional and Administrative Office District. A medical office is not listed as an allowed use; however, a conditional use permit may be approved for an unlisted use if it is determined to be consistent with the intent and purpose of the Professional and Administrative Office District. The plastic surgery center would occupy approximately 6,108 square feet of gross floor area within the larger complex and operate from approximately 8:00 a.m. to 5:00 p.m., Monday through Friday.

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. PC2019-010 approving Conditional Use Permit No. UP2019-012 (Attachment No. PC 1).

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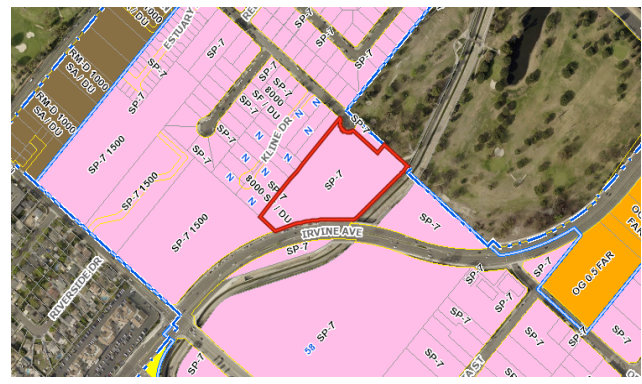
VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	CO-G (General Commercial Office)	Santa Ana Heights Specific Plan (SP-7) Professional and Administrative Office	Office Park
NORTH	RS-D (Single Unit Residential)	SP-7 Residential Single Family (8000) (N)	Single-Family Residential
SOUTH	PR (Parks and Recreation)	SP-7 Open Space / Recreational	Golf Course
EAST (County of Orange)	Open Space	SP-7 Open Space Recreation	Golf Course
WEST	RM (Multiple-Unit Residential)	SP-7 Residential Multiple Family (1500)	Multi-Family Residential

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INTRODUCTION

Project Setting and Background

The project site is located in the Jetty office park on Irvine Avenue near Mesa Drive. The site is bounded to the north by residential uses within SP-7, to the south by Irvine Avenue and Newport Beach Golf Course, to the west by multi-family residential within SP-7, and to the east by the Newport Beach Golf Course.

The Jetty office park is comprised of six buildings totaling 80,289 square feet of net floor area on approximately 4.71 acres. The office park was annexed from the County of Orange in 2008, and it contains a mix of professional and administrative offices, support uses, an existing chiropractic facility, as well as a tutoring center. The existing chiropractic facility was approved by the Planning Commission on November 9, 2017 (Resolution No. 2070). The proposed surgery center is 6,108 square feet of gross floor area and will be located within two suites of an existing 11,941-square-foot building. The office park is served by an existing 301-space surface parking lot.

Project Description

The plastic surgery center would occupy approximately 6,108 square feet of gross floor area and operate from approximately 8:00 a.m. to 5:00 p.m., Monday through Friday. The proposed plastic surgery center would occupy two separate suites. The first floor (Suite E6) comprises of two exam rooms, multiple administrative office spaces, restrooms, and a reception lobby. The second floor (Suite E7) comprises of a procedure room, exam room, multiple administrative offices, restrooms, and a waiting room. There is proposed to be one doctor and one patient at a given time on an appointment-only basis.

DISCUSSION

Analysis

Medical office uses do not typically require conditional use permits to operate in the City of Newport Beach. They are usually permitted or prohibited in commercial or office districts; however, the subject site is not located within a standard zone. The Santa Ana Heights Specific Plan (SP-7) governs the site and it contains separate requirements. Pursuant to SP-7, a medical office is not listed as an allowed use but a conditional use permit may be approved for an unlisted use if it is determined to be consistent with the intent and purpose of the Professional and Administrative Office District. Analysis regarding consistency with the purpose and intent of the district is provided below. Furthermore, medical uses are not listed as prohibited uses nor as permitted temporary uses. Ultimately, operation of a plastic surgery center with limited hours would not be substantially different from the existing office spaces that previously occupied the subject suites.

General Plan

The General Plan Land Use Element designates the site for commercial uses under CO-G (General Commercial Office). This designation is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. A plastic surgery center is considered a medical office use and explicitly allowed under the existing General Plan designation. The proposed medical office use would be part of an existing office park (The Jetty) and would be consistent with the associated land use designation and General Plan.

Local Coastal Plan

The subject site is not located within the Coastal Zone.

Zoning Code and Specific Plan

As indicated, a medical office use is not listed as an allowed use and SP-7 allows the Planning Commission to allow the use subject to a conditional use permit if it finds the use consistent with the intent and purpose of the Professional and Administrative Office (PA) District. "The PA District is established to provide for the development and maintenance of an optimal environment for moderate intensity professional and administrative office uses and related uses on sites with large landscaped open spaces and off-street parking facilities. This district is intended to be located on heavily traveled streets or adjacent to commercial or industrial uses, and may be used to buffer residential uses." The proposed plastic surgery center would occupy an existing office space and would operate similarly to other business or professional office uses with similar hours from approximately 8:00 a.m. to 5:00 p.m., Monday through Friday. The use would be of moderate intensity, pursuant to the intent of the district. There would be no increased noise, order or hazards attributable to the use compared to business or professional office uses. The subject building (Building E) is located at the southeastern portion of the property that abuts the neighboring golf course and Irvine Avenue, and the proposed medical use within the building would not impact residential uses to the north and west.

As previously stated, the Planning Commission approved a conditional use permit for a chiropractic facility within the same office park on November 9, 2017. Similar to the proposed plastic surgery center, the chiropractic facility is also categorized as a medical office, which is a use that is not listed in the PA District of SP-7. The Planning Commission determined the use to be consistent with the purpose and intent of the SP-7 Professional and Administrative Office District because the facility utilizes standard business hours, is relatively small in space, and conducts business on an appointment-only basis, which is compatible with the surrounding tenants in the office building and office park as a whole.

Parking

Pursuant to Zoning Code Section 20.40.040 (Off-Street Parking Spaces Required), the first 50,000 square feet of an office park requires one parking space per 250 square feet

of net floor area, and the next 75,000 square feet of office requires one space per 300 square feet of net floor area. Medical offices, if not more than 20 percent of the total net floor area of the office park, share identical parking requirements. The existing office park has a net floor area of 80,289 square feet. The proposed surgery center, combined with a previously approved chiropractor office, totals 7,196 square feet of net floor area, which is approximately 9 percent net floor area of the entire office park. Therefore, the proposed surgery center shares an identical parking requirement as an office use and no additional parking is required for the change in use.

The existing office park, including existing and proposed medical offices, contains 77,354 square feet of office net floor area, which requires 292 parking spaces. Additionally, there is an existing 2,935-square-foot learning center within the office park, which was approved by a use permit (UP2015-015). The learning center requires 27 spaces based on the requirement of one space per peak staff. However, 18 required spaces were waived as part of the approval. Parking is sufficient for the entire office park, as 301 spaces are required and 301 spaces are provided, as illustrated by Table 1 below:

Table 1: Parking Summary

Land Use		Floor Area (Net)	Parking Rate	Total Spaces Required
Office	First 50,000 sq. ft.	50,000 sq. ft.	1 per 250 sq. ft.	200
	Next 75,000 sq. ft.	27,354 sq. ft.	1 per 300 sq. ft.	92
Learning Center		2,935 sq. ft.	1 per peak staff	27
Total		80,289 sq. ft.		319
<i>Number of required spaces waived by UP2015-015</i>				<i>18</i>
Total Spaces Required				301
Total Spaces Provided				301

**Not more than 20 percent medical office uses = 16,058 sq. ft. of allowed medical office floor area
Total existing and proposed medical office floor area = 7,196 sq. ft. (9%)*

Given the relatively small size of the space and the operational characteristics (one physician with appointment-only visits) staff believes the parking demand for the space will be similar to other office uses. Staff observations of the site indicate that adequate parking will be available within the 301-space parking pool.

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.*

The proposed project is a medical office use within an existing office park. The plastic surgery center would utilize standard business hours and conduct business on an appointment-only basis. There is proposed to be one doctor and one patient at any given time. Tenant improvements are limited to the interior and require the issuance of applicable building permits. There would be no increased noise, order or hazards attributable to the use compared to business or professional office uses. Parking is sufficient for the entire office park including the proposed medical office, as 301 spaces are required and 301 spaces are provided. Therefore, the proposed medical office use would not impact residential uses to the north and west.

As previously indicated, the proposed project includes uses consistent with the CO-G (General Commercial Office) General Plan land use category. Staff believes that a medical office use is compatible with the existing office park uses and the General Plan specifically mentions a medical office as an allowed use. As previously discussed, the plastic surgery center would be consistent with the purpose and intent of the SP-7 Professional and Administrative Office District.

Staff believes sufficient facts exist in support of each finding. The building is physically suitable and the location and area proposed are compatible with the neighborhood. As conditioned, it is expected to operate in an effective manner that is compatible with the surrounding tenants in the office building and office park as a whole.

Alternatives

1. The Planning Commission may suggest specific project modifications or operational changes that are necessary to alleviate concerns. Modifications may address the business operation plan. If the changes are substantial, the item should be continued to a future meeting to allow the changes to be incorporated.

2. If the Planning Commission believes that the facts to support the findings for approval are insufficient at this time, the Planning Commission may deny the application. Refer to the draft resolution for denial provided as Attachment No. PC 2.

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 application is to convert an existing office space into a medical office, and no additional square footage or exterior improvements are proposed.

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:



David S. Lee, Assistant Planner

Submitted by:



Jim Campbell
Deputy Community Development Director

ATTACHMENTS

- PC 1 Draft Resolution for Approval with Findings and Conditions
- PC 2 Draft Resolution for Denial
- PC 3 Project Plans

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Attachment No. PC 1

Draft Resolution with Findings and Conditions

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RESOLUTION NO. PC2019-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT UP2019-012 FOR A PLASTIC SURGERY CENTER LOCATED AT 20331 IRVINE AVENUE, UNITS E6 AND E7 (PA2019-025)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Anton Aesthetics ("Applicant"), with respect to property located at 20331 Irvine Avenue, Units E6 and E7 and legally described as Parcel 1 of Parcel Map No 89-128 in the unincorporated territory of Orange County a portion of Lot 21, Tract No. 456, Recorded in Book 17, Page 9 of Miscellaneous Maps in the office of the County Recorder of said county (the "Property"), requesting approval of a conditional use permit.
2. The Applicant proposes to operate a plastic surgery center within an existing business and professional office park. The tenant space would occupy approximately 6,108 square feet of gross floor area within the larger complex and the plastic surgery center would operate from approximately 8:00 a.m. to 5:00 p.m., Monday through Friday (the "Project").
3. The Property is designated General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan (SP-7) Professional and Administrative Office Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on May 9, 2019, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code ("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. The Project is categorically 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, Division 6, Chapter 3.
2. The Class 1 exemption authorizes the operation, repair, maintenance and minor alterations of existing buildings. The proposed uses will be located within an existing building within a fully developed office park with only minor interior alterations required to accommodate the new use.

SECTION 3. REQUIRED FINDINGS.

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

Finding:

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

Facts in Support of Finding:

1. The General Plan Land Use Element designates the site for commercial uses under CO-G (General Commercial Office). This designation is intended to provide for administrative, professional, and medical offices with limited accessory retail and service uses. A plastic surgery center is a medical office use and is consistent with the CO-G General Plan designation. The proposed medical office use would be part of an existing office park (the "Jetty") and would be consistent with the associated land use designation and General Plan.
2. The Property is located within the Santa Ana Heights Specific Plan within the Professional and Administrative Office District (PA). Medical offices are not listed as an allowed use; however, pursuant to NBMC Section 20.90.130(B)(2) a conditional use permit may be approved by the Planning Commission for an unlisted use if it is determined to be consistent with the intent and purpose of the Professional and Administrative Office District.
3. The Professional Administrative Office District is established to provide for the development and maintenance of an optimal environment for moderate intensity professional and administrative office uses and related uses on sites with large landscaped open spaces and off-street parking facilities. This district is intended to be located on heavily traveled streets or adjacent to commercial or industrial uses, and may be used to buffer residential uses. The proposed plastic surgery center would occupy an existing office space and would operate similar to other business or professional office uses with similar hours from approximately 8:00 a.m. to 5:00 p.m., Monday through Friday ("Hours of Operation"). The use would be of moderate intensity, pursuant to the intent of the district. The proposed suite is located at the rear of the property away from the entry and business park frontage. There would be no increased noise, order or hazards attributable to the use compared to business or professional office uses.

Finding:

B. The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and the Municipal Code.

Facts in Support of Finding:

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

2. Tenant improvements to the existing tenant space will take place in the interior and require the issuance of applicable building permits. No changes to the existing gross floor area or building footprint are proposed.
3. Pursuant to Zoning Code Section 20.40.040 (Off-Street Parking Spaces Required), the first 50,000 square feet of an office park requires one parking space per 250 square feet of net floor area, and the next 75,000 square feet of office requires one space per 300 square feet of net floor area. Medical offices, if not more than 20 percent of the total net floor area of the office park, share identical parking requirements. The existing office park has a net floor area of 80,289 square feet. The proposed surgery center, combined with a previously approved chiropractor office, totals 7,196 square feet of net floor area, which is approximately 9 percent net floor area of the entire office park. Therefore, the proposed surgery center shares an identical parking requirement as an office use and no additional parking is required for the change in use.
4. The existing office park, including existing and proposed medical offices, contains 77,354 square feet of office net floor area, which requires 292 parking spaces. Additionally, there is an existing 2,935-square-foot learning center within the office park, which was approved by a use permit (UP2015-015). The use requires 27 spaces based on the requirement of one space per peak staff. However, 18 required spaces were waived as part of the approval. Parking is sufficient for the entire office park, as 301 spaces are required and 301 spaces are provided.

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 Project is a medical office use within the Jetty. The Jetty contains a mix of professional and administrative offices, support uses, as well as a tutoring center. As conditioned, it is expected to operate in a manner compatible with other tenants and land uses in the building and office park.
2. The existing office park abuts residential uses to the north and west. However, the subject building (Building E) is located at the southeastern portion of the property that abuts the neighboring golf course and Irvine Avenue. Furthermore, the surgery center would utilize standard business hours and conduct business on an appointment-only basis. Therefore, the plastic surgery center is anticipated to operate similar to a typical office space and would not impact residential uses to the north and west.
3. Adequate parking exists to support the Project as discussed in Finding B.3 and B.4.

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 office building and would not affect pedestrian circulation, parking spaces, or access to existing tenants.
2. The Project is a plastic surgery center within an existing office park, the Jetty. The Jetty contains a mix of professional and administrative offices, support uses, and a tutoring center. A different medical office was previously reviewed and approved by the Planning Commission in 2017. Based on the hours of operation and nature of the small-scale plastic surgery center use, this Project is anticipated to operate similarly to adjacent uses and is therefore physically suitable for the office park.
3. Emergency access to and through the Jetty is currently provided from Irvine Avenue. No changes to emergency access are proposed and on-site circulation would not change.
4. The Jetty, including the subject tenant space, is adequately served by public services and utilities.
5. 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. A plastic surgery center within an existing office park would operate similarly to a typical professional business office. The use is not anticipated to generate increased noise, dust, odor, traffic, vibration, lighting or other potential nuisances as compared to other typical office uses and would not constitute an increased nuisance or hazard to the public.
2. The Project includes conditions of approval to ensure that potential conflicts with the surrounding land uses and City as a whole are minimized to the greatest extent possible. 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.

3. The hours of operation are compatible with other offices in the Jetty.
4. There would be no increased noise, order or hazards attributable to the use compared to other business or professional office uses that would otherwise be allowed in the PA zoning district.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Planning Commission of the City of Newport Beach hereby approves Conditional Use Permit No. UP2019-012 subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
2. 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 Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF MAY, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Peter Zak, Chairman

BY: _____
Lee Lowrey, Secretary

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

PLANNING

1. The Project shall be in substantial conformance with the approved site plan and floor plans 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. Prior to the issuance of building permits, applicable Fair Share Traffic Fees shall be paid to convert the space from office to medical office in accordance with NBMC Chapter 15.38. The Applicant shall be credited for the existing office use, and shall pay the net difference for the medical office use.
5. 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.
6. 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.
7. This Use Permit allows an outpatient plastic surgery center. No overnight patient stays shall be permitted.
8. 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.
9. 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.
10. Should the Property be sold or otherwise come under different ownership, either the current business owner, property owner or the leasing agent shall notify any future

owners or assignees of the conditions of this approval.

11. Construction activities shall comply with NBMC Section 10.28.040, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7 a.m. and 6:30 p.m., Monday through Friday and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
12. No outside paging system shall be utilized in conjunction with this establishment.
13. All trash shall be stored within the building or within dumpsters stored in the existing trash enclosure.
14. 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 NBMC Title 14, including all future amendments (including Water Quality-related requirements).
15. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code. 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 7:00AM and 10:00PM		Between the hours of 10:00PM and 7:00AM	
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

16. 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.
17. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
18. 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 NBMC Title 20.
19. 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 Anton Aesthetics including, but not limited to, Conditional Use Permit No. UP2019-012 (PA2019-025). 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

20. 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.

Attachment No. PC 2

Draft Resolution for Denial

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RESOLUTION NO. PC2019-010

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH DENYING CONDITIONAL USE PERMIT UP2019-012 FOR A PLASTIC SURGERY CENTER LOCATED AT 20331 IRVINE AVENUE, UNITS E6 AND E7 (PA2019-025)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Anton Aesthetics ("Applicant"), with respect to property located at 20331 Irvine Avenue, Units E6 and E7 and legally described as Parcel 1 of Parcel Map No 89-128 in the unincorporated territory of Orange County a portion of Lot 21, Tract No. 456, Recorded in Book 17, Page 9 of Miscellaneous Maps in the office of the County Recorder of said county (the "Property"), requesting approval of a conditional use permit.
2. The Applicant proposes to operate a plastic surgery center within an existing professional office park. The tenant space would consist of approximately 6,108 square feet of gross floor area and the plastic surgery center would operate from approximately 8:00 a.m. to 5:00 p.m., Monday through Friday (the "Project").
3. The Property is designated General Commercial Office (CO-G) by the General Plan Land Use Element and is located within the Santa Ana Heights Specific Plan (SP-7) Professional and Administrative Office Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on May 9, 2019 in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code ("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.

Pursuant to Section 15270 of the California Environmental Quality Act (CEQA) Guidelines, projects which a public agency rejects or disapproves are not subject to CEQA review.

SECTION 3. REQUIRED FINDINGS.

The planning Commission may approve a use permit only after making each of the five required findings set forth in NBMC Subsection 20.52.020 (F) (Findings and Decision) of the Newport Beach Municipal Code. In this case, the Planning Commission was unable to make the required findings based upon the following:

Findings for Conditional Use Permit:

- A. *The use is consistent with the General Plan and any applicable specific plan;*
- B. *The use is consistent with the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;*
- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*
- D. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor 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 Not in Support of Findings:

- 1. The Planning Commission determined, in this case, that the establishment of a medical use within the Santa Ana Heights Specific Plan (Administrative and Professional Office District) would not be consistent with the purpose and intent of Section 20.90.130 of the Santa Ana Heights Specific Plan nor Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code.
- 2. The applicant's request may lead to a proliferation of medical uses within an existing professional office park.
- 3. The addition of medical office uses may impact surrounding residential neighborhoods.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

- 1. The Planning Commission of the City of Newport Beach hereby denies Conditional Use Permit No. UP2019-012 subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
- 2. 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 Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 9TH DAY OF MAY, 2019.

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: _____
Peter Zak, Chairman

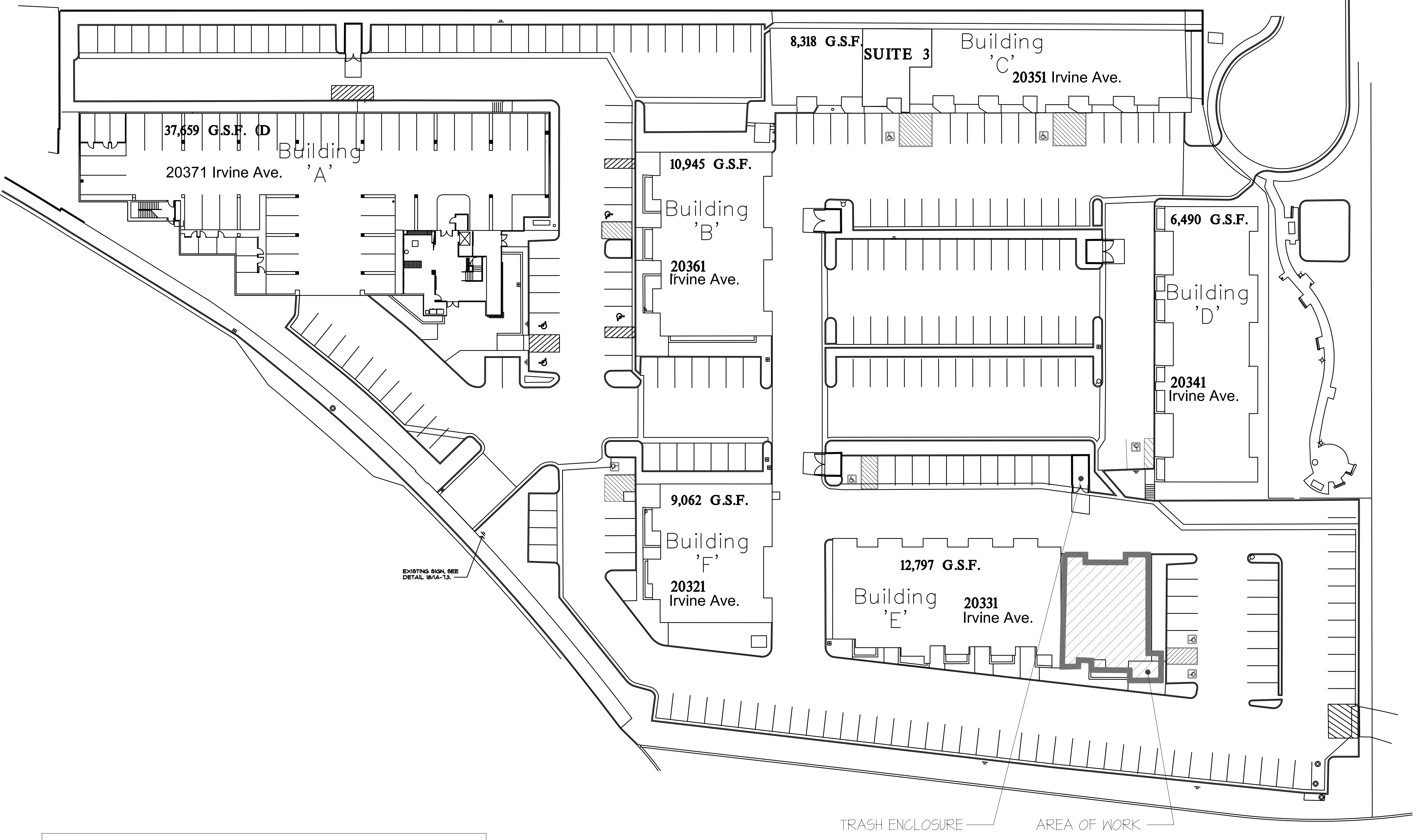
BY: _____
Lee Lowrey, Secretary

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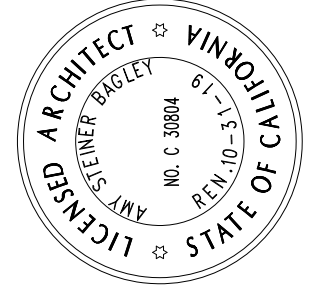
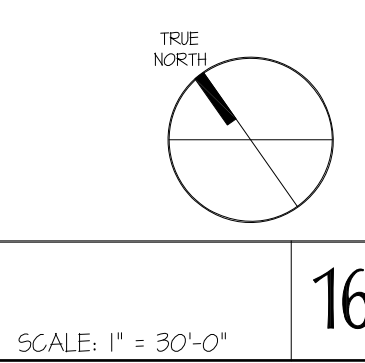
Attachment No. PC 3

Project Plans

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- NOTES:
- GENERAL PLAN CO-G GENERAL COMMERCIAL OFFICE
 - ZONING SP-T SANTA ANA HEIGHTS SPECIFIC PLAN
 - PARKING PER SP-T ZONING, SEE ATTACHED PARKING STUDY
 - NO PROPERTY LINE CHANGES
 - NO SET BACK CHANGES



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architecture
interiors
furniture specification

name
address
city, state, zip
ph
fx
agency

TENANT IMPROVEMENTS AT
THE JETTY OFFICE CAMPUS UNIT E6
20331 IRVINE AVE
NEWPORT BEACH, CA 92707

owner

project number :	08/1
file name:	SP-LDING
drawn by:	AS
checked by:	JQAS
date:	8/17
Rev:	date: description:
-	PLAN CHECK SUBMITTAL
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drawing no:
AS-1
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project number : 0817

file name: AS-2.DWG

drawn by: A.S. checked by: AS

date: 8/17

Rev. date: description:

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drawing title:
EXISTING BUILDING
PHOTOS

drawing no:

AS-2

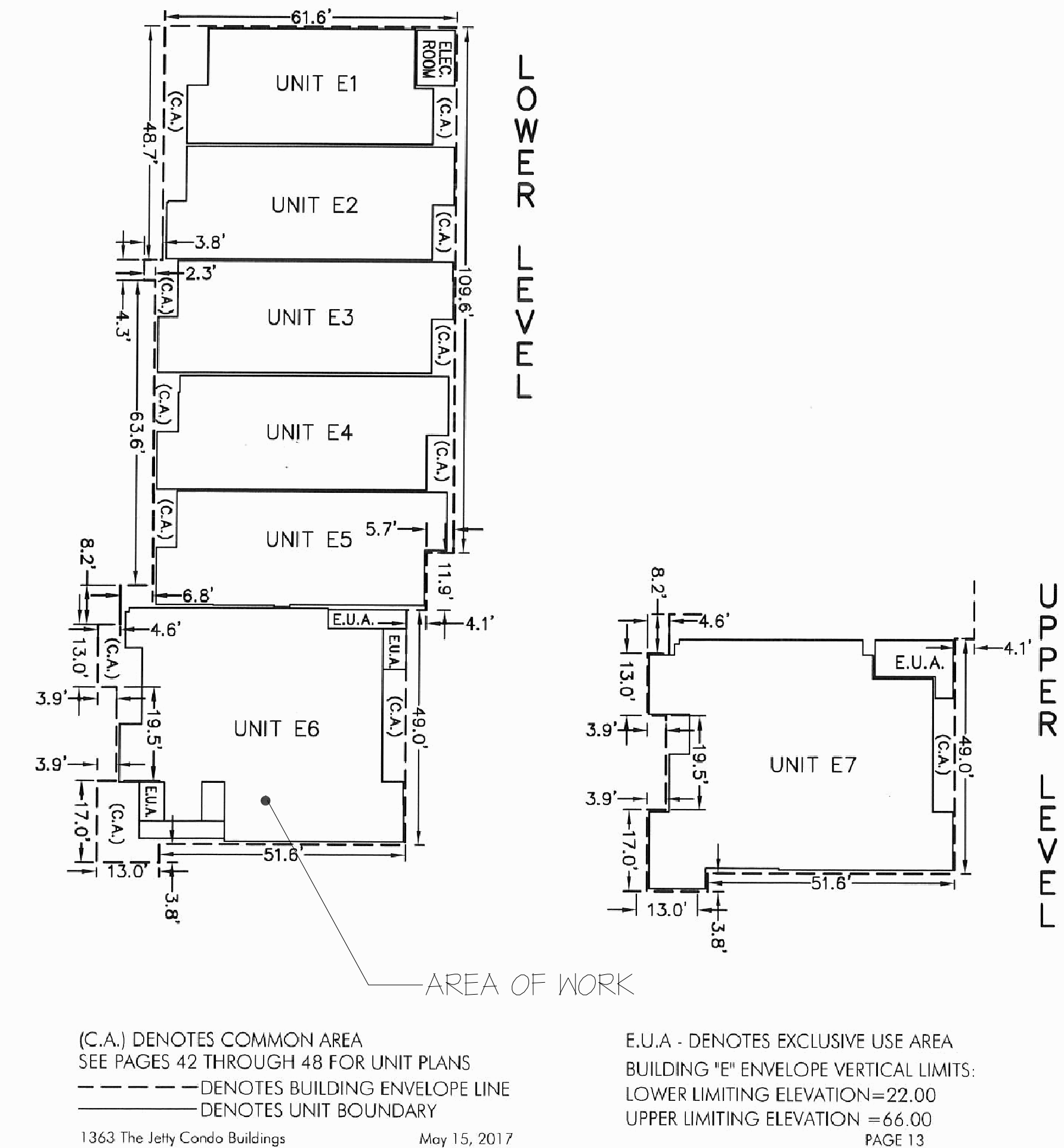
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THE JETTY AT NEWPORT BEACH
CONDOMINIUM PLAN
PARCEL 1 OF PARCEL MAP No. 89-128, P.M.B. 269/39-41

BUILDING "E" ENVELOPE

SCALE: 1"=30'



SEE PAGE 13 FOR BUILDING PLANS
 - - - - - DENOTES BUILDING ENVELOPE LINE
 _____ DENOTES UNIT BOUNDARY

(C.A.) - DENOTES COMMON AREA WITHIN BUILDING
 L.E. - DENOTES LOWER LIMITING ELEVATION OF UNIT
 U.E. - DENOTES UPPER LIMITING ELEVATION OF UNIT

1363 The Jethi Condo Units May 15, 2017 PAGE 47

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TENANT IMPROVEMENTS AT THE JETTY OFFICE CAMPUS UNIT E7

20331 IRVINE AVE
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file name: AS-3.DWG

drawn by: A.S. checked by:

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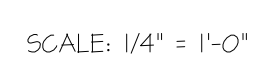
drawing title:

CONDO MAP

drawing no.: A C C

$$A \sim B$$

drawing of --



1

- A. NO PROPERTY LINE CHANGES
- B. NO SET BACK CHANGES

drawing of ..

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drawing title:
1ST &
FLOOR PLAN

drawing no

A-1

drawing of --

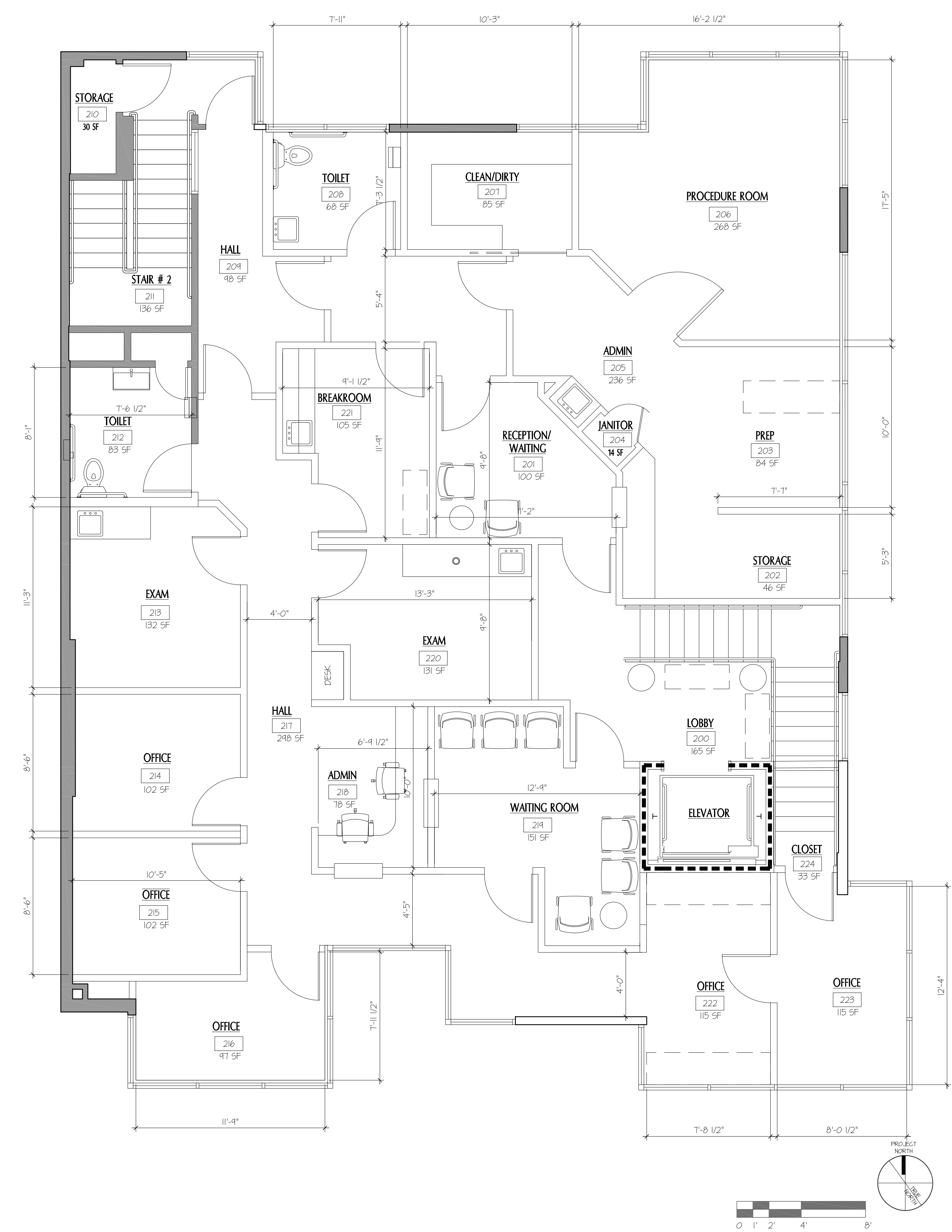
GENERAL NOTES

A. NO PROPERTY LINE CHANGES

B. NO SET BACK CHANGES

SECOND FLOOR PLAN - E7

2ND FLOOR PLAN UNIT E7 3,078 SF



2



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TENANT IMPROVEMENTS AT
THE JETTY OFFICE CAMPUS UNIT E7
20331 IRVINE AVE
NEWPORT BEACH, CA 92707

owner

project number :	0817
file name:	A-1.DWG
drawn by:	A.S.
checked by:	AS
date:	8/17
Rev:	date: description:
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drawing title:
2ND
FLOOR PLAN

drawing no:
A-1
drawing of --