



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Thursday, December 7, 2017 - 6:30 PM

Planning Commission Members:

Peter Koetting, Chair
Peter Zak, Vice Chair
Erik Weigand, Secretary
Bill Dunlap, Commissioner
Lauren Kleiman, Commissioner
Kory Kramer, Commissioner
Lee Lowrey, Commissioner

Staff Members:

Seimone Jurjis, Community Development Director
Jim Campbell, Deputy Community Development Director
Michael Torres, Assistant City Attorney
Tony Brine, City Traffic Engineer
Brittany Ramirez, Administrative Support Specialist

NOTICE TO THE PUBLIC

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. The agendas, minutes, and staff reports are available on the City's web site at: <http://www.newportbeachca.gov> and for public inspection in the Community Development Department, Planning Division located at 100 Civic Center Drive, during normal business hours. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Community Development Department, Planning Division staff at (949) 644-3200.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least 72 hours in advance of each meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person. All testimony given before the Planning Commission is recorded.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant of this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact Leilani Brown, City Clerk, at least 72 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3005 or lbrown@newportbeachca.gov).

APPEAL PERIOD: Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

- I. **CALL TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC COMMENTS**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to three (3) minutes. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker

has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

V. REQUEST FOR CONTINUANCES

VI. CONSENT ITEMS

1. MINUTES OF NOVEMBER 9, 2017

Recommended Action: Approve and file

[ITEM NO. 1 DRAFT MINUTES 11-9-2017](#)

[1a Additional Materials Received Mosher Draft Minutes - 12-07-17](#)

VII. PUBLIC HEARING ITEM(S)

Speakers must limit comments to three (3) minutes on all items. Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing

2. MALIBU FARM LIDO (PA2017-190)

Site Location: 3416 Via Oporto, Suite 106 and 3420 Via Oporto, Suite 101

Summary:

A minor use permit to allow a 2,795-square-foot eating and drinking establishment with a Type 47 (On Sale General) Alcoholic Beverage Control (ABC) License. The establishment will include 1,130 square feet of interior net public area, an 866-square-foot outdoor dining area, and a 624-square-foot take out only ice cream shop. The restaurant would be located in an existing building in Lido Marina Village and no late hours past 11 p.m. are proposed as a part of this application.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. 2072 approving Minor Use Permit No. UP2017-026.

[ITEM NO. 2 STAFF REPORT](#)

[2a Additional Materials Received Kleiman PA2017-190](#)

3. TACO BELL CANTINA (PA2017-198)

Site Location: 2121 West Balboa Boulevard

Summary:

A conditional use permit to allow a existing restaurant (food service, eating and drinking establishment) with late hours (7 a.m to 2 a.m), and a Type 41 (On Sale Beer and Wine) Alcoholic Beverage Control (ABC) license. Currently a legal nonconforming restaurant use with a Type 40 (On Sale Beer Only) is allowed to operate with no limitaiton of business hours. Tenant improvements for Taco Bell Cantina are currently in progress with an anticipated opening date in mid-December. The floor plan includes a dining room with 32 seats. If approved, the restaurant as described requires the

owner/operator to obtain an Operator License from the Police Department pursuant to Newport Beach Municipal Code Section 5.25. because a new conditional use permit including alcohol sales is requested that would allow operations after 11 p.m..

Recommended Action:

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. 2073 approving Conditional Use Permit No. UP2017-028.

[ITEM NO. 3 STAFF REPORT](#)

[3a Additional Materials Received Kleiman PA2017-198](#)

4. MAMA D'S RESTAURANT CORONA DEL MAR (PA2017-162)

Site Location: 3732 E. Coast Highway

Summary:

A conditional use permit to allow a new restaurant (food service, eating and drinking establishment) in the former Sweet Lady Jane's Bakery tenant space. The Conditional Use Permit is required to allow additional seating, the sale and service of alcohol with a Type 41 (On-Sale Beer and Wine - Eating Place) Alcoholic Beverage Control (ABC) license, and an adjustment to the parking requirement. No late hours beyond 11 p.m. are requested as part of this application. If approved, this Conditional Use Permit would supersede Minor Use Permit No. UP2012-024.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. 2074 approving Conditional Use Permit No. UP2017-022.

[ITEM NO. 4 STAFF REPORT](#)

5. GINSBERG RESIDENCE (PA2016-170)

Site Location: 2607 Ocean Boulevard

Continued from November 9, 2017

Summary:

A Coastal Development Permit to allow the construction of a new 4,500-square-foot, single-family residence and a 684-square-foot, three-car garage and a Variance request to allow the residence to: 1) exceed the maximum floor area; 2) encroach into the 10-foot rear yard setback along Way Lane, 3) encroach into the 10-foot front yard setback along Ocean Boulevard; 4) exceed the height limit for an elevator shaft and portions of the roof deck guardrail; and 5) provide open volume within the required setback areas. The new residence building height will not exceed Ocean Boulevard top-of-curb elevation height limit.

Recommended Action:

1. Conduct a public hearing, and if the applicant's proposed changes to the project address

Commission concerns and the Commission is able to make all of the required findings;

2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, Article 19, of Chapter 3, Guidelines for Implementation of the California Environmental Quality Act) under Class 3, (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and

3. Adopt Resolution No. 2075 approving Variance No. VA2016-005 and Coastal Development Permit No. CD2017-080, allowing the development of a new 4,178-square-foot, single-family residence and a 629-square-foot three-car garage, for a total of 4,807 square feet to encroach 10 feet into the 10-foot rear yard setback along Way Lane and 7 feet into the 10-foot front yard setback along Ocean Boulevard.

[ITEM NO. 5 STAFF REPORT](#)

[5a Additional Materials Received Public Comments PA2016-170](#)

[5b Additional Materials Received Public Comments PA2016-170](#)

[5c Additional Materials Received Public Comments PA2016-170](#)

[5d Additional Materials Received Public Comments PA2016-170](#)

[5e Additional Materials Received Public Comments PA2016-170](#)

[5f Additional Materials Received Public Comments PA2016-170](#)

[5g Additional Materials Received Public Comments PA2016-170](#)

VIII. NEW BUSINESS

6. REVIEW OF CITY COUNCIL POLICY MANUAL, “L” SERIES POLICIES

Site Location: Citywide

Summary:

Establish and appoint members to a Planning Commission subcommittee to assist City staff in reviewing the City Council “L” Policies (Public Works/Traffic/Utilities). Changes proposed to the policies will be presented as recommendations to the City Council at a yet to be determined date.

Recommended Action:

1. Determine that the action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, because it will not result in a physical change to the environment, directly or indirectly;
2. Form a subcommittee and authorize the Chair to appoint up to three Planning Commissioners to assist City staff in reviewing the City Council L-Policies “Public Works/Traffic/Utilities.”

[ITEM NO. 6 STAFF REPORT](#)

IX. STAFF AND COMMISSIONER ITEMS

7. MOTION FOR RECONSIDERATION

8. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

1. Update on City Council Items
2. Status of the General Plan Update Process

[ITEM NO. 8 TENTATIVE AGENDA](#)

9. ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT

10. REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT