



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Thursday, February 22, 2018 - 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 JANUARY 18, 2018

Recommended Action: Approve and file

[ITEM NO. 1 DRAFT MINUTES 01-18-2018](#)

[1a Additional Materials Received Mosher Draft Minutes - 02-22-18](#)

VII. CONTINUED BUSINESS

2. TACO BELL CANTINA CONDITIONAL USE PERMIT (PA2017-198)

Site Location: 2121 West Balboa Boulevard

Summary:

A conditional use permit to allow a food service, eating and drinking establishment, Taco Bell Cantina, 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 limitation 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 through the City because of the issuance of a new conditional use permit for a restaurant with alcohol sales operating after 11 p.m., pursuant to NBMC 5.25.

Recommended Action:

Staff requests that the Planning Commission continue this item to March 8, 2018.

[ITEM NO. 2 STAFF REPORT](#)

3. MYERS PROPERTY ALTERNATIVE SETBACK DETERMINATION (PA2017-184)

Site Location: 358 Dahlia Place

Summary:

The Applicant requests approval of alternative front and rear setbacks pursuant to NBMC Section 20.30.110(C) and Section 21.30.110(C) due to the orientation of the lot and the lack of public right-of-way access that results in undue development limitations created by the Code-required setbacks. Specifically, the proposal is to reduce the 20-foot front setback along Bayside Drive to 7 feet and increase the Code-required 10-foot rear alley setback along a private alley to 12 feet. The requirements for 6.5 foot side yard setbacks would remain unchanged.

Recommended Action:

Staff requests that the Planning Commission remove this item from the calendar.

[ITEM NO. 3 STAFF REPORT](#)

VIII. 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

4. DEAN RESIDENCE (PA2017-167)

Site Location: 16 Bay Island

Summary:

A Coastal Development Permit to demolish an existing 2-story, single-family residence and allow the construction of a new 4,377-square-foot, single-family residence. The project also includes a request to increase the allowed height limit from 29 feet for sloped roofs to 33 feet for sloped roofs pursuant to Use Permit No. 3618. The design includes hardscape, drainage facilities, and approximately 194 square feet of landscaping. With approval of the height allowance, the project complies with all applicable development standards.

Recommended Action:

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (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. PC2018-007 approving Coastal Development Permit No. CD2017-070.

[ITEM NO. 4 STAFF REPORT](#)

5. REESE POOL VARIANCE (PA2017-214)

Site Location: 354 Vista Baya

Summary:

A variance to allow the reconstruction of a 193.7-square-foot, single-story pool house within the 20-foot rear setback and 5-foot side setback.

Recommended Action:

Staff requests that the Planning Commission remove this item from the calendar.

[ITEM NO. 5 STAFF REPORT](#)

[5a Additional Materials Received Birmingham PA2017-214](#)

IX. STAFF AND COMMISSIONER ITEMS

6. MOTION FOR RECONSIDERATION

7. COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

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

9. REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT