



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

Council Chambers - 100 Civic Center Drive

Thursday, March 7, 2024 - 6:00 PM

Planning Commission Members:

Curtis Ellmore, Chair
Mark Rosene, Vice Chair
Tristan Harris, Secretary
Brady Barto, Commissioner
Jonathan Langford, Commissioner
Lee Lowrey, Commissioner
David Salene, Commissioner

Staff Members:

Seimone Jurjis, Assistant City Manager / Community Development Director
Jaime Murillo, Acting Deputy Community Development Director
Brad Sommers, City Traffic Engineer
Yolanda Summerhill, Assistant City Attorney
Clarivel Rodriguez, Administrative Assistant

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 website 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.

Under the Levine Act, Section 84308 of the Government Code, a party to a proceeding before the City involving a license, permit, or other entitlement for use is required to disclose on the record of the proceeding any contribution in an amount of more than two hundred fifty dollars (\$250) made within the preceding 12 months by the party or the party's agent to any elected or appointed officer of the City. If you have made a qualifying contribution, please ensure to make this disclosure on the record.

Please Note: You can submit your questions and comments in writing for the Planning Commission to consider by mailing or delivering them to the City of Newport Beach Planning Commission at 100 Civic Center Drive, Newport Beach CA, 92660. Alternatively, you can send them by electronic mail directly to Commissioners at planningcommission@newportbeachca.gov. Each Commissioner and staff will receive your message directly. Pursuant to Planning Commission procedures, please submit your written comments no later than 5:00 p.m. on Wednesday the day before the meeting in order to give Commissioners adequate time to review your submission.

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 Clarivel Rodriguez in the Community Development Department prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible (949-644-3232 or crodriguez@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, Zoning, and Local Coastal Program 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. 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 FEBRUARY 22, 2024**

Recommended Action: Approve and file

[Draft Minutes of February 22, 2024](#)

[1a Additional Materials Received Mosher Draft Minutes of February 22, 2024](#)

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. **GENESIS AUTOMOBILE DEALERSHIP APPEAL (PA2023-0094)**

Site Location: 320, 400, 410, 500, and 600 West Coast Highway

Summary:

An appeal of the Zoning Administrator's February 1, 2024, decision to approve a minor use permit, minor site development review, modification permit, and tentative parcel map to allow the demolition of the existing on-site structures, and the construction and operation of an automobile dealership. The proposed automobile dealership consists of an approximately 19,952-square-foot, two-story, 25-foot tall, building that includes a showroom, sales office, storage area, electric vehicle (EV) repair area (i.e., EV Lab), and employee areas. The dealership will involve the sale and minor repairs of EVs only. Parking is provided within a surface parking lot and at-grade enclosed parking at the rear of the property. The request includes a modification permit to allow the structure to encroach up to 6-inches into the 5-foot rear setback. The tentative parcel map is requested to merge 11 underlying legal lots into a single lot. Lastly, the project includes removal of two above ground utility poles and relocation of the curb along the project frontage on West Coast Highway to allow

smoother flow of traffic from the intersection at Dover Drive.

Recommended Actions:

1. Conduct a de novo public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 under Class 32 (In-Fill Development Projects), pursuant to Section 15301 under Class 1 (Existing Facilities), and pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) 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; and
3. Adopt Resolution No. PC2024-004 denying the appeal and upholding and affirming the Zoning Administrator's approval for a Minor Use Permit, Minor Site Development Review, Modification Permit and Tentative Parcel Map filed as PA2023-0094 (Attachment No. PC 1).

[ITEM NO. 2 STAFF REPORT](#)

[Attachment No. 1 - Draft Resolution](#)

[Attachment No. 2 - Zoning Administrator Minutes from February 1, 2024](#)

[Attachment No. 3 - Zoning Administrator Resolution NO. ZA2024-005](#)

[Attachment No. 4 - Appeal Form](#)

[Attachment No. 5 - EV Lab Service and Vehicle Queuing Technical Memorandum](#)

[Attachment No. 6 - Test Drive Route](#)

[Attachment No. 7 - Project Plans](#)

[Attachment No. 8 - Tentative Parcel Map](#)

[2a Additional Materials Received Staff Memo PA2023-0094](#)

[2b Additional Materials Received Krolikowski PA2023-0094](#)

[2c Additional Materials Received Esposito PA2023-0094](#)

[2d Additional Materials Received Matsler PA2023-0094](#)

[2e Additional Materials Received Staff Memo PA2023-0094](#)

VIII. NEW BUSINESS

3. GENERAL PLAN ANNUAL PROGRESS REPORT (PA2007-195)

Site Location: Citywide

Summary:

Annual progress report on the status and implementation of the General Plan and Housing Element as required by State law and General Plan Implementation Program 1.3.

Recommended Action:

1. Find the preparation, review and submission of the 2023 General Plan Annual Progress Report and Housing Element Report not subject to the California Environmental Quality Act (CEQA), as the actions are not a project as defined by Section 15378(b)(2) of the Public Resources Code;
2. Review and comment on the 2023 General Plan Progress Report, including the Housing Element Annual Progress Report; and
3. Recommend the City Council review and authorize the submittal of the 2023 General Plan Progress Report to the California Office of Planning and Research (OPR) and the submittal of the Housing Element Annual Progress Report to the State Department of Housing and Community Development (HCD).

[ITEM NO. 3 STAFF REPORT](#)

[Attachment No. 1 - General Plan Annual Progress Report 2023](#)

IX. STAFF AND COMMISSIONER ITEMS

4. MOTION FOR RECONSIDERATION

5. REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

[PC Agenda](#)

6. REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT