



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

Council Chambers - 100 Civic Center Drive

Thursday, September 5, 2024 - 6:00 PM

Planning Commission Members:

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

Staff Members:

Seimone Jurjis, Assistant City Manager / Community Development Director
Jaime Murillo, 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.

Please call 949-270-8165 during the meeting to provide public comments on non-agenda items.

V. **REQUEST FOR CONTINUANCES**

VI. **CONSENT ITEMS**

1. **MINUTES OF AUGUST 22, 2024**

Recommended Action: Approve and file.

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

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

VII. **PUBLIC HEARING ITEMS**

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. **WILD STRAWBERRY CAFE OUTDOOR DINING AREA EXPANSION (PA2023-309)**

Site Location: 240 Newport Center Drive, Suite 100

Summary:

A request for a conditional use permit to increase the authorized area used for outdoor dining at an existing restaurant from 75 square feet to approximately 658 square feet and to waive the additional parking spaces required for the expanded area. Alcohol service would be offered on a portion of the expanded outdoor dining area through the restaurant's existing Type 41 (On-Sale Beer and Wine - Eating Place) Alcoholic Beverage Control (ABC) License and the alcohol service area would be delineated with planters. Hours of operation are proposed to remain from 7:00 a.m. to 6:00 p.m., daily. Aside from the expanded outdoor dining and alcohol service area, there are no other operational changes proposed. If approved, this Conditional Use Permit would supersede all prior approvals.

Recommended Action:

1. Conduct a public hearing;
2. Find this review 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. PC2024-017 approving Conditional Use permit filed as PA2023-309 and superseding Use Permit Nos. UP2021-026 (PA2021-135) and UP2003-051 (PA2003-295), Outdoor Dining Permit No. OD2004-002 and Staff Approval No. SA2004-018 (PA2004-220).

[Item No. 2 Staff Report](#)

[Attachment 1 - Draft Resolution With Findings and Conditions](#)

[Attachment 2 - Crime Statistics](#)

[Attachment 3 - Project Plans](#)

[2a Additional Materials Received Mosher PA2021-309](#)

3. UPTOWN NEWPORT DEVELOPMENT AGREEMENT SECOND AMENDMENT (PA2024-0078)

Site Location: 4311 Jamboree Road, North side of Jamboree Road, between MacArthur Boulevard and Birch Street

Summary:

An amendment of the Uptown Newport Development Agreement No. DA2021-003 (DA) to allow excess park in-lieu fee credits to be applied towards applicable public benefit fee obligations as specified in the DA for residential projects located within the Uptown Newport Planned Community (PC-58).

Recommended Actions:

1. Conduct a public hearing;
2. All significant environmental concerns for the proposed project have been addressed in the previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001, and Second Addendum No. ER2020-001; and
3. Adopt Resolution No. PC2024-018 approving Uptown Newport Development Agreement No. DA2012-003, Second Amendment.

[Item No. 3 Staff Report](#)

[Attachment 1 - Draft Resolution for Approval](#)

[Attachment 2 - The Applicant's Letter of Request](#)

[3a Additional Materials Received PA2024-0078](#)

4. AMENDMENT TO THE 6TH CYCLE HOUSING ELEMENT (PA2022-0245)

Site Location: Citywide

Summary:

A narrowly focused amendment to the City's adopted and certified 6th Cycle Housing Element that would revise portions of Section 3 (Housing Constraints, Resources, and Affirmatively Furthering Fair Housing) and Section 4 (Housing Plan) to change the narrative and implementing actions to remove the requirement for a vote of the electorate pursuant to Charter Section 423. T

Recommended Actions:

1. Conduct a public hearing;
2. Find that all significant environmental concerns for the City's Housing Element and its implantation have been addressed in a previously certified environmental document (Housing Element Implementation Program Environmental Impact Report [PEIR] - State Clearinghouse Number 2023060699); and
3. Adopt Resolution No. PC2024-019 recommending the City Council's adoption of the Amendment.

[Item No. 4 Staff Report](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - City Council Resolution NO. 2024-058](#)

[Attachment 3 - City Council Meeting Minutes from July 23, 2024](#)

[Attachment 4 - Housing Element Section 3 Redline Strikeout](#)

[Attachment 5 - Housing Element Section 4 Redline-Strikeout](#)

[Attachment 6 - Correspondence](#)

[4a Additional Materials Received PA2022-0245](#)

VIII. STAFF AND COMMISSIONER ITEMS

5. MOTION FOR RECONSIDERATION

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

7. REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT