

**CITY OF NEWPORT BEACH
PLANNING COMMISSION AGENDA
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, MAY 6, 2021
REGULAR MEETING - 6:30 P.M.**

**ERIK WEIGAND
Chair**

**LEE LOWREY
Vice Chair**

**LAUREN KLEIMAN
Secretary**

**CURTIS ELLMORE
SARAH KLAUSTERMEIER
PETER KOETTING
MARK ROSENE**

Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for four-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:

SEIMONE JURJIS, Community Development Director

JIM CAMPBELL, Deputy Community Development Director

YOLANDA SUMMERHILL, Assistant City Attorney

TONY BRINE, City Traffic Engineer

CLARIVEL RODRIGUEZ, Administrative Support Specialist

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Council Members to attend City Council meetings telephonically. Please be advised that to minimize the spread of COVID-19, some, or all, of the Newport Beach City Council Members may attend this meeting telephonically.

Also, please be advised that on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the City Council telephonically or by other electronic means. Given the health risks associated with COVID-19, the City of Newport Beach has decided to **not** have City Council Chambers open to the public for this meeting. As a member of the public, if you would like to participate in this meeting, you can participate via the following options:

1. You can submit your questions and comments in writing for Planning Commission consideration by sending them to the Planning Commissioners at planningcommissioners@newportbeachca.gov. To give the Planning Commission adequate time to review your questions and comments, please submit your written comments by **Wednesday, May 5, 2021, at 5:00 p.m.**
2. In addition, members of the public can participate in this meeting telephonically. Specifically, the meeting will be viewable on NBTB and live streamed on the City's website. If you are watching the meeting on NBTB or via the live stream, during the meeting, phone numbers for the public to call and to comment on specific agenda items will be posted on the screen. When you call, you will be placed on hold until it is your turn to speak. Please note that only twenty (20) people can remain on hold at a time. If you call in to speak on an item and the line is busy, please call back after a few moments. The City will ensure that it allows enough time per item for everyone to call in to comment.
3. If you need special accommodations, you can attend and participate in the meeting by going to the Civic Center Community Room located at 100 Civic Center Drive where the meeting will be broadcasted, and you can address the Commission. The room has a limited occupancy of 10 people to ensure proper physical distancing.

Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the process set forth above, please contact the Community Development Department at (949-644-3200 or CDD@newportbeachca.gov) and we will attempt to accommodate you.

The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus.

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>. 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.

Please Note: All mail or written communications (including email) from the public, residents, or applicants regarding an agenda item **must be submitted by 5 p.m. on the business day immediately prior to the meeting.** This allows time for the Planning Commission to adequately consider the submitted correspondence.

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, 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**

ITEM NO. 1 MINUTES OF APRIL 8, 2021

To comment on this item during the meeting, please call **949-270-8165**.

Recommended Action: Approve and file.

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.

**ITEM NO. 2 SUPER PANGA RESTAURANT (PA2020-356)
Site Location: 2110 and 2112 West Ocean Front**

To comment on this item during the meeting, please call **949-270-8165**.

Summary:

A request for a conditional use permit to remodel and expand an existing restaurant into the abutting tenant space, currently occupied by Henry's Groceries. Also included is a request to upgrade the existing Type 41 (On-Sale Beer and Wine - Eating Place) Alcoholic Beverage Control (ABC) license to a Type 47 (On-Sale General - Eating Place) ABC license. As part of the project, the existing Type 20 (Off-Sale Beer and Wine) ABC license held by Henry's Groceries will be eliminated. The proposed expansion will create an enlarged interior dining area, as well as improved kitchen and restroom facilities. The proposed hours of operation are from 6 a.m. to 1 a.m., Monday through Thursday, and 6 a.m. to 1:30 a.m., Friday through Sunday.

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. PC2021-011 approving Conditional Use Permit No. UP2020-198.

VIII. STUDY SESSION

**ITEM NO. 3 RESIDENCES AT NEWPORT CENTER (PA2020-020)
Site Location: 150 Newport Center Drive**

To comment on this item during the meeting, please call **949-270-8165**.

Summary:

A study session to allow staff and the Applicant to present information regarding the proposed Residences at Newport Center residential development project. The project site includes approximately 1.3 acres in Newport Center bounded to the north by Newport Center Drive and the east by Anacapa Drive. The proposed project consists of the demolition of an existing 2,085-square-foot car wash and gas station to accommodate the development of 28 dwelling units. The project requires the following discretionary approvals to be reviewed by the Planning Commission: General Plan Amendment, Zoning Code Amendment, Planned Community Development Plan, Site Development Review, Tentative Tract Map, Development Agreement, and certification of an Environmental Impact Report. **This study session will be informational only and no decisions will be made at this meeting.** The Planning Commission is tentatively scheduled to consider the project on August 19, 2021. City Council approval is also required.

Recommended Action:

Discuss the proposed project and provide direction to staff and the applicant as necessary. No action may be taken on this study session discussion of the project.

IX. PUBLIC HEARING ITEMS

ITEM NO. 4 OC VETERINARY CENTER (PA2020-325)
Site Location: 1220 Bison Avenue, Suite A7

To comment on this item during the meeting, please call **949-270-8165**.

Summary:

The Applicant proposes a full-service animal clinic for domestic pets (i.e., veterinary services) within an existing 3,414-square-foot retail tenant space. Clinic services include a range of outpatient offerings such as preventive animal care and pain management, wellness exams, surgeries, and vaccinations. Only animals in critical condition would be kept on-site longer than 24 hours. The hours of operation would be restricted to between 8 a.m. to 6 p.m., Monday to Friday; 9 a.m. to 4 p.m. on Saturday; and closed on Sunday.

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. PC2021-010 approving Use Permit No. UP2020-191.

ITEM NO. 5 TATTOO ESTABLISHMENT ZONING ORDINANCE UPDATE (PA2020-030)
Site Location: Citywide

To comment on this item during the meeting, please call **949-270-8165**.

Summary:

Amendments to Sections 20.20.020, 20.70.020 and the addition of Section 20.48.230 of Title 20 (Planning and Zoning) and amendments to Sections 21.20.020 and 21.70.020 of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to define tattoo establishments (a previously undefined use) as a land use category and establish objective standards to regulate its use.

Recommended Action:

1. Conduct a public hearing;
2. Find this project categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to pursuant to Section 15061(b)(3), the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment and pursuant to Section 15265(a)(1), which exempts local governments from the requirements of CEQA in connection with the adoption of a Local Coastal Program;
3. Adopt Resolution No. PC2021-012 recommending the City Council approve Zoning Code Amendment No. CA2020-002 updating development standards related to tattoo establishments; and
4. Adopt Resolution No. PC2021-013 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2020-002 to the California Coastal Commission.

X. DISCUSSION ITEMS

- ITEM NO. 6 DIRECTOR'S INTERPRETATION FOR ACCESSORY RESIDENTIAL USES ASSOCIATED WITH HOTELS (PA2021-096)**
Site Location: Citywide

To comment on this item during the meeting, please call **949-270-8165**.

Summary:

The Community Development Director has issued a determination that residential uses are allowable as an accessory use to resort hotels under certain parameters. This determination is consistent with City Council Policy K-4 (Reducing the Barriers to the Creation of Housing).

Recommended Action: Receive and file.

XI. STAFF AND COMMISSIONER ITEMS

- ITEM NO. 7 MOTION FOR RECONSIDERATION**

- ITEM NO. 8 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA.**

- ITEM NO. 9 REQUESTS FOR EXCUSED ABSENCES**

XII. ADJOURNMENT