



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

Council Chambers - 100 Civic Center Drive

Thursday, December 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
Jose Montoya, Deputy 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 NOVEMBER 21, 2024**

Recommended Action: Approve and file.

[Draft Minutes of November 21, 2024](#)

[1a Draft Minutes of November 21, 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. **UCHI SUSHI RESTAURANT (PA2024-0068)**

Site Location: 2510 and 2536 West Coast Highway

Summary:

A request for a conditional use permit and coastal development permit to convert 5,096-square-foot vacant suite to a new eating and drinking establishment (i.e., restaurant) with approximately 2,400 square feet of net public area (NPA) and a Type 47 (On-Sale General - Eating Place) Alcohol Beverage Control (ABC) License. The existing suite is currently vacant but was previously approved for use as a retail use (grocery store). The project also includes a request to use valet parking and locate a portion of the required 48 parking spaces off-site at 2436 West Coast Highway. The proposed hours of operation are between 5:00 p.m. and 11:00 p.m., daily. The project does not include a request for late hours or live entertainment.

Recommended Actions:

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 not potential to have a significant effect on the environment; and

3. Adopt Resolution No. PC2024-026, approving the Conditional Use Permit and coastal development permit filed as PA2024-0068.

[Item No. 2 Staff Report](#)

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

[Attachment 2 - Parking Evaluation by Urban Crossroads](#)

[Attachment 3 - NBPD Memo](#)

[Attachment 4 - Project Plans](#)

3. FIVE CROWNS APPEAL (PA2023-0202)

Site Location: 3801 East Coast Highway

Summary:

An appeal of the Zoning Administrator's August 15, 2024, decision to approve a limited term permit and coastal development permit to allow an existing temporary outdoor dining patio to remain for a limited term at Five Crowns Restaurant. The expanded 1,350-square-foot outdoor dining area including an 850-square-foot canopy was originally approved by an Emergency Temporary Use Permit (ETUP) in 2020 as a temporary addition to their existing outdoor dining. Although the ETUP expired, the temporary outdoor dining area has remained in use. The outdoor dining area will include live entertainment and will close by 10:00 p.m. A sound wall will be installed along the rear property lines along with other design features to reduce noise. The limited term permit and coastal development permit would allow the temporary use to remain until June 30, 2025, with a possible extension until December 31, 2025. A CDP is required because the property is within the Coastal Zone.

Recommended Actions:

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, 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. PC2024-027, denying the appeal and upholding and affirming the Zoning Administrator's Approval of a Limited Term Permit for temporary outdoor dining filed as PA2023-0202.

[Item No. 3 Staff Report](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - Use Permit No. 1822](#)

[Attachment 3 - July 25, 2024, ZA Hearing Minutes](#)

[Attachment 4 - Updated Noise Report by RK Engineering dated August 5, 2024](#)

[Attachment 5 - August 15, 2024 ZA Hearing Minutes](#)

[Attachment 6 - Appeal Packet found Online](#)

[Attachment 7 - Five Crowns Response to Appeal Letter](#)

[Attachment 8 - Plans](#)

[3a Additional Materials Received Adkisson PA2023-0202](#)

[3b Additional Materials Received Various PA2023-0202](#)

[3c Additional Materials Received Catanzarite Law PA2023-0202](#)

VIII. 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

6. REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT