

Attachment G

Planning Commission Minute Excerpts, Dated September 8, 2022

Recommended Action:

1. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 Class 3 (New Construction or Conversion of Small Structures), because it has no significant effect on the environment;
2. Waive City Council Policy L-6, *Encroachments in Public Rights-of-Way*, for non-compliant private improvements consisting of stairs, handrails, retaining walls, and planters that encroach into the Cliff Drive public right-of-way, contingent upon all conditions of the Encroachment Permit process being met; and
3. Adopt Resolution No. PC2022-021 waiving City Council Policy L-6 and approving Encroachment Permit No. N2022-0147.

Commissioners disclosed no ex parte communications.

Motion made by Commissioner Lowrey and seconded by Secretary Rosene to approve the recommended action.

AYES: Ellmore, Harris, Kleiman, Lowrey, Rosene, and Weigand
NOES: None
ABSTAIN: None
ABSENT: Klaustermeier

VII. PUBLIC HEARING ITEMS

ITEM NO. 3 TENNIS CLUB AT NEWPORT BEACH PROJECT AMENDMENT (PA2021-260)
Site Location: 1602 East Coast Highway

Summary:

An amendment to the 2012 approved Tennis Club at Newport Beach project to: 1) increase the number of future tennis courts from 7 to 8 courts, 2) increase the number of future hotel rooms from 27 to 41 rooms, 3) increase the gross floor area of the ancillary hotel uses by 4,686 square feet, and 4) provide 3 attached condominium units and 2 detached single family residences in-lieu of 5 detached single-family residences. The proposed changes to the 2012 approved project require the consideration of the following land use:

- General Plan Amendment: An amendment to Anomaly No. 46 of Table LU2 of the 2006 Newport Beach General Plan Land Use Element to amend the allowable development limits for the tennis club site;
- Local Coastal Program Implementation Plan Amendment: An amendment to Local Coastal Implementation Plan Section 21.26.055.S.2 (Tennis Club of Newport Beach Country Club Planned Community Coastal Zoning District Development Standards) to amend land use regulations for the tennis club site;
- Planned Community Development Plan Amendment: An amendment to Planned Community Development Plan No. 47 (Newport Beach Country Club Planned Community) to amend land use regulations and development standards on the tennis club site;
- Major Site Development Review Amendment (SD2011-002): A site development review in accordance to Section 4.0 (Site Development Review) of Planned Community Development Plan No. 47 and Newport Beach Municipal Code (NBMC) Section 20.52.80 (Site Development Reviews) for the construction of the proposed project;
- Coastal Development Permit Amendment (CD2017-039): An amendment to Coastal Development Permit No. CD2017-039 for the demolition of existing structures, further subdivision on the tennis club site, and implementation of the project;

- Tentative Vesting Tract Map Amendment (NT2005-003): An amendment to Tentative Vesting Tract Map pursuant to Title 19 of the Municipal Code to create separate lots for the tennis club site;
- Limited Term Permit Amendment (XP2011-004): A limited term permit to allow temporary use of structures during construction pursuant to Section 20.60.015 of the Municipal Code;
- Development Agreement Amendment (DA2008-001): A second amendment to the Development Agreement between the Applicant and the City, pursuant to NBMC Sections 15.45 (Development Agreement), which would provide vested right to develop the proposed project while also providing negotiated public benefits and extend the term of Agreement for additional ten years; and
- Addendum to the 2010 Mitigated Negative Declaration (ND2010-008): Pursuant to the California Environmental Quality Act ("CEQA"), the addendum addresses reasonably foreseeable environmental impacts resulting from the proposed development

Recommended Action:

1. Conduct a public hearing;
2. Find that the Proposed Project will not result in any new significant impacts that were not previously analyzed in the adopted Mitigated Negative Declaration No. ND2010-008 (SCH 2010091052) for the Approved Project, and the addendum has been prepared to address reasonably foreseeable environmental impacts resulting from the Proposed Project; and
3. Adopt Resolution No. PC2022-022 recommending City Council approval of PA2021-260, which includes adoption of a Mitigated Negative Declaration Addendum, and approval of a General Plan Amendment, Local Coastal Land Use Plan Amendment, Planned Community Development Plan Amendment, Major Site Development Review Amendment, Coastal Development Permit Amendment, Vesting Tentative Tract Map Amendment, Limited Term Permit Amendment, and Development Agreement Amendment for The Tennis Club at Newport Beach Project located at 1602 East Coast Highway.

Commissioner Weigand recused himself due to the Levine Act for a campaign contribution.

Associate Planner Lee used a presentation to review the requested amendment to a previously approved project, project location, land use, previously approved project inclusions and site plan, 2012 approved entitlements, proposed amendment details and site plan, site plan comparisons, requested project entitlements, CEQA review, findings, an additional condition for future consideration for pickleball use, and recommended action.

In response to Vice Chair Ellmore's inquiry, Deputy Director Campbell noted that traffic, parking, and noise are focus areas for the City as pickleball courts develop and confirmed the tennis and pickleball parking ratio of four spaces to one court and 12 spaces to one court and the application is for tennis courts only.

In response to Secretary Rosene's question, Deputy Director Campbell stated that property development other than tennis courts would require future application and review.

Commissioners Lowrey, Harris, Secretary Rosene, and Chair Kleiman disclosed conversations with the property owner, applicant, and consultants. Vice Chair Ellmore disclosed no ex parte communication.

Chair Kleiman opened the public hearing.

Robert O'Hill, managing owner of Newport Beach Country Club, used a presentation to review the modifications included in the Bungalow and Lofts Plan B amendment, project renderings, Bungalow Loft first floor and top floor drawings, a floor plan for the Clubhouse and Bungalow Spa, and photos of the pool attendant area, fitness center desk area, men's and women's locker rooms, massage area, and koi pond area. Mr. O'Hill estimated City gains of \$1,300,000, accepted the new condition, thanked staff for their work, and agreed to abide by the conditions established by the City.

In response to Chair Kleiman's request, Mr. O'Hill agreed with the conditions as drafted and the new conditions in the staff report.

In response to Commissioner Harris' inquiry, Mr. O'Hill reported adequate parking accommodations and noted monetary investments to resurface tennis courts for conversion to pickleball courts.

Sean Abdali, The Tennis Club owner and operator, noted Newport Beach having the first private pickleball club in the world and today the largest, relayed having formed an event company to help run events, identified the different parking needs for pickleball and tennis users and electric bikes, and explained an agreement with the Irvine Company for parking space use Monday – Friday, at Corporate Plaza West on weekends and holidays, and Newport Beach County Club operators on Mondays. Furthermore, he noted a reduction in large events to accommodate parking availability, residential support of the plan to preserve the Club, and a reduction in noise with improved pickleball equipment in the future.

Paul Christ, Granville Community Association representative, shared enthusiasm for Mr. O'Hill's plans, concerns for pickleball noise causing reduced property value, suggested installing a sound blanket and a restriction on amplified sound, and questioned the surface area of the tennis and pickleball courts.

Tracey Miller represented Club members who are in opposition to the project and read their statements of concern.

Bret Feuerstein and Ryan Chase, 50 percent owners of The Tennis Club property, noted an arbitration in progress to determine if Golf Realty Fund has the authority to unilaterally process the application, opposed the proposed plan, thanked staff for their work, and expressed interest in finding a solution that enables The Tennis Club to grow and thrive, and noted a concern that there are no pickleball courts in the applicant's plan.

Jim Mosher expressed concern for clarity in the Land Use table of the General Plan Amendment relative to the specific allowable development at the "anomaly site," questioned the Greenlight analysis by the City, believed that the 2012 approval was not approved by the voters, and is of the opinion that a Greenlight vote is required for the amendment.

Denys Oberman commended staff for bringing up fluid items associated with the use, particularly, impacts of pickleball noise, events, and capacity within the City and requested the Planning Commission remand the plan to obtain a committal characterization of what is being proposed and assure compatibility with the surrounding area.

Mark Susson noted contradictions in the proposal and parking, noise, and traffic issues at The Tennis Club.

Deidre Machowski encouraged the Planning Commission to move forward with the plan.

Rogin Moore, The Tennis Club member and employee, challenged anyone claiming having received threatening emails from Mr. Abdali, noted meetings with members and Mr. Abdali to share the plans and gain input, and relayed no known opposition.

Mr. O'Hill clarified the participants that, in his opinion, supported the approval of the General Plan Amendment after two previous failed attempts.

Mr. Abdali addressed the noise issues.

At the request of Chair Kleiman, Deputy Director Campbell indicated that City Council policy is being followed and the amendment does not require a Greenlight vote, pickleball was not examined because it was not requested in the application and would be subject to review with the added condition if requested in the future, and special event permits are required for tournaments. Furthermore, he indicated that existing tennis court conversion requirements are dependent on how the tennis court was originally established, private court conversion requirements are left up to the Homeowner Associations, and an analysis to identify if the conversion is consistent with the entitlements would be required for this project along with environment, traffic, parking, and noise reviews.

Chair Kleiman clarified the multi-step process for approval of the project.

Chair Kleiman closed the public hearing.

In response to Secretary Rosene's question, Deputy Director Campbell agreed that the plans are conceptual and noted that a plan check took place in 2016, more detailed designs have been put forth through the building division, and the applicant acknowledges an update to the drawings is needed to meet the new building code, indicated being comfortable moving forward with the recommendation, and assured the Commission that any deviations from standards in the drawings will be cleaned up at the plan check stage.

Commissioner Lowrey expressed comfort with the findings by staff and explanations of what the General Plan calls for and noted the popularity of pickleball among all ages, honoring the General Plan, and providing recreational facilities.

Vice Chair Ellmore concurred with Commissioner Lowrey and clarified that the project is for tennis courts.

Commissioner Lowrey noted that staff will need to identify the parameter for approval relative to pickleball court development.

Motion made by Commissioner Lowrey and seconded by Vice Chair Ellmore to approve the recommended action and the additional condition.

AYES: Ellmore, Harris, Kleiman, Lowrey, and Rosene
NOES: None
ABSTAIN: Weigand
ABSENT: Klostermeier

ITEM NO. 4 BAY ISLAND GENERAL PLAN, ZONING CODE, LCP AMENDMENTS (PA2022-087)
Site Location: Bay Island

Summary:

Amendments to the General Plan, Title 20 (Planning and Zoning), and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code increasing the development limit specified for Bay Island from 23 dwelling units to 25 dwelling units. The amendments were initiated by the applicant who seeks to return the maximum residential density of Bay Island to 25 units, consistent with prior entitlement under Use Permit No. UP3618.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have significant effect on the environment; and
3. Adopt Resolution No. PC2022-023 (Attachment No. PC 1) recommending the City Council approve General Plan Amendment No. GP2022-001, Code Amendment No. CA2022-005, and Local Coastal Program Amendment No. LC2022-003.

Senior Planner Crager used a presentation to review the Bay Island amendments, Bay Island map, introduction/background, updated General Plan, Zoning Code, and Local Coastal Program maps, CEQA review, recommended action, and next steps.

Commissioner Weigand disclosed an island tour with Coralee Newman, Commissioners Lowrey and Vice Chair Ellmore disclosed no ex parte communications, Commissioner Harris and Secretary Rosene disclosed having spoken with the applicant, and Chair Kleiman disclosed having received a message from the applicant's consultant.