



# CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

Council Chambers - 100 Civic Center Drive

Thursday, November 9, 2023 - 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**  
**Jim Campbell, Deputy Community Development Director**  
**Brad Sommers, City Traffic Engineer**  
**Yolanda Summerhill, Assistant City Attorney**  
**Clarivel Rodriguez, Administrative Assistant**

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**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](mailto: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](mailto: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 OCTOBER 19, 2023**

Recommended Action: Approve and file.

[Draft Minutes of October 19, 2023](#)

[1a Additional Materials Received Mosher Draft Minutes of October 19, 2023](#)

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. **DAWSON RESIDENCE (PA2022-0315)**

**Site Location: 2741 Ocean Boulevard**

**Summary:**

An appeal of the Zoning Administrator's August 10, 2023, approval of a remodel and addition to an existing, non-conforming single-unit residence. The following discretionary approvals are requested to implement the project:

- **Coastal Development Permit:** Authorization of development in the Coastal Zone pursuant to the City's Local Coastal Program. The scope of work consists of all construction activities shown on the proposed plans including grading and excavation, foundation work, landscape and hardscape improvements, drainage devices, a swimming pool, and various accessory structures;

- **Modification Permit:** Required to authorize retaining walls and associate guardrails located within the required front yard setback along Ocean Boulevard that exceeds the maximum 42-inch height limit and Ocean Boulevard curb height elevation; and

- **Staff Approval:** Required for determination of substantial conformance with a previously approved variance that authorized deviations to height, floor area, and setbacks for the existing building.

**Recommended Actions:**

1. Conduct a public hearing;
2. Determine the project is consistent with the Mitigated Negative Declaration approved with VA1137 and is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2023-037 denying the appeal and upholding the action of the Zoning Administrator and approving an application (PA2022-0315) for a coastal development permit, modification permit, and staff approval;

[ITEM NO. 2 STAFF REPORT](#)

[Attachment 1 - Draft Resolution](#)

[Attachment 2 - Application of Appeal](#)

[Attachment 3 - Staff Responses to Appeal](#)

[Attachment 4 - August 10, 2023, ZA Staff Report](#)

[Attachment 5 - Minutes of the August 10, 2023, ZA Meeting](#)

[Attachment 6 - Public Comments from Zoning Administrator Meeting](#)

[Attachment 7 - Variance No. VA1137](#)

[Attachment 8 - Variance No. VA1137 \(Amended\)](#)

[Attachment 9 - Updated View Renderings](#)

[Attachment 10 - Project Plans](#)

[2a Additional Materials Received Various PA2022-0315](#)

[2b Additional Materials Received Various PA2022-0315](#)

[2c Additional Materials Received Various PA2022-0315](#)

[2d Additional Materials Received Various PA2022-0315](#)

**VIII. STAFF AND COMMISSIONER ITEMS**

**3. MOTION FOR RECONSIDERATION**

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

[PC AGENDA](#)

**5. REQUESTS FOR EXCUSED ABSENCES**

IX. ADJOURNMENT