



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Thursday, July 18, 2019 - 6:30 PM

Planning Commission Members:

Erik Weigand, Vice Chair
Lee Lowrey, Secretary
Curtis Ellmore, Commissioner
Sarah Klaustermeier, Commissioner
Lauren Kleiman, Commissioner
Peter Koetting, Commissioner
Mark Rosene, Commissioner

Staff Members:

Seimone Jurjis, Community Development Director
Jim Campbell, Deputy Community Development Director
Tony Brine, City Traffic Engineer
Yolanda Summerhill, Assistant City Attorney
Amanda Lee, Administrative Support Technician

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 web site 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.

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 and Zoning Amendments are automatically forwarded to the City Council for final action.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. ELECTION OF OFFICERS

1. ELECTION OF OFFICERS

Summary:

The Planning Commission's adopted rules require the election of officers at its annual meeting, which occurs at the first meeting of July each year. Officers include the Chair, Vice Chair, and Secretary and they would serve for a one-year term.

Recommended Action:

1. Find this action not subject to the California Environmental Quality Act ("CEQA") pursuant to 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3;
2. Nominate Planning Commission officers consisting of Chair, Vice Chair, and Secretary; and
3. Appoint the officers by majority approval of a motion.

V. 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. (Red light signifies when three (3) minutes are up; yellow light signifies that the speaker has one (1) minute left for summation.) Before speaking, please state your name for the record and print your name on the blue forms provided at the podium.

VI. REQUEST FOR CONTINUANCES

VII. CONSENT ITEMS

2. MINUTES OF JUNE 20, 2019

Recommended Action: Approve and file

[MINUTES OF JUNE 20, 2019](#)

VIII. 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

3. VIVANTE SENIOR HOUSING (PA2018-185)

Site Location: 850 and 856 San Clemente Drive

Summary:

The project consists of the demolition of the existing Orange County Museum of Art (23,632 square feet) and associated administrative office building (13,935 square feet) to accommodate the development of a 183,983-square-foot, six-story combination senior housing (90 residential dwelling units) and memory care facility (27 beds). The approximately 2.9-acre site is located on San Clemente Drive opposite the intersection with Santa Maria road in the Newport Center area. In order to implement the project, the applicant requests the following approvals from the City of Newport Beach ("City"):

- General Plan Amendment - To change the land use category of the project site from PI (Private Institutions) to MU-H3 (Mixed-Use Horizontal). Additionally, the amendment would modify Anomaly No. 49 to add 90 dwelling units and reduce the non-residential floor area from 45,208 to 16,000 square feet in Statistical Area L1.
- Planned Community Development Plan Amendment - To modify the San Joaquin Plaza Planned Community Development Plan (PC-19) to include development and design standards to allow for 90 senior dwelling units and 27 memory care beds. The applicant also requests an increase in the height limit from 65 feet to 69 feet with 10 feet for rooftop and mechanical appurtenances.
- Development Agreement - To provide public benefits should the project be approved pursuant to Section 15.45.020 (Development Agreement Required) of the Municipal Code because the requested General Plan Amendment includes 50 or more dwelling units and adds dwelling units within Statistical Area L1.
- Conditional Use Permit - To allow the operation of the proposed senior housing and memory care facility, alcohol service for dining hall and lounge areas in the form of a Type 47 (On Sale General) and Type 57 (Special On Sale General) Alcoholic Beverage Control (ABC) license, and ensure use compatibility.
- Major Site Development Review - To allow the construction of 90 senior dwelling units and a 27-bed memory care facility and to ensure the site is developed in accordance with the applicable planned community and zoning code development standards and regulations pursuant to Newport Beach Municipal Code (NBMC) Section 20.52.080 (Site Development Reviews).
- Lot Merger - To merge the two existing parcels into one development site.
- Addendum to Environmental Impact Report (EIR) (SCH#2016021023) - To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals, the City has determined that an addendum to a previously certified EIR is warranted pursuant to the California Environmental Quality Act (CEQA).

If approved, Project approval would revoke and replace Use Permit No. UP2005-017 (PA2005-086) and Modification Permit No. MD2004-059 (PA2004-184).

Recommended Action:

1. Conduct a public hearing; and
2. Adopt Resolution No. PC2019-021 (Attachment No. PC 1) and attached Exhibits recommending the City Council:
 - Certify the addendum to Environmental Impact Report No. ER2016-002;
 - Approve General Plan Amendment No. GP2018-003, Planned Community Development Plan No. PC2018-001, Development Agreement No. DA2018-005, Lot Merger No. LM2018-004, Site Development Review No. SD2014-003, and Conditional Use Permit No. UP2018-019; and
 - Rescind Modification Permit No. MD2004-059 (PA2004-184) and Use Permit No. UP2005-017 (PA2005-086).

[ITEM NO. 3 STAFF REPORT](#)

[3a Additional Materials Received Staff PA2018-185](#)

[3b Additional Materials Received Anderson PA2018-185](#)

IX. 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

[ITEM NO. 5 PC Agenda](#)

6. REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT