



# CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Thursday, December 5, 2019 - 6:30 PM

***Planning Commission Members:***

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

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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 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](mailto: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. (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.*

**V. REQUEST FOR CONTINUANCES**

**VI. 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*

**1. LIDO ISLE HEDGE HEIGHTS CODE AND LCP AMENDMENTS (PA2019-132)**

**Site Location: Lido Isle**

**Summary:**

Amendments to Newport Beach Municipal Code (NBMC) Title 20 (Planning and Zoning) and NBMC Title 21 (Local Coastal Program Implementation Plan) to raise maximum hedge height limitations in front setbacks abutting stradas on Lido Isle from 42 inches to 60 inches.

**Recommended Action:**

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060 (c)(2), 15060 (c)(3), and 15378. The proposed action is also exempt pursuant to State CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment;
3. Adopt Resolution No. PC2019-035 recommending the City Council approve Code Amendment No. CA2019-005; and
4. Adopt Resolution No. PC2019-036 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2019- 002 to the California Coastal Commission.

**[ITEM NO. 1 STAFF REPORT](#)**

**2. FUNKE VARIANCE (PA2018-042)**

**Site Location: 536 Hazel Drive**

**Summary:**

A request to construct a 777-square-foot addition to an existing 2,011-square-foot, single-family residence to accommodate a code-compliant two-car garage and additional second floor living area. Specifically, the variance is requested to allow a portion of the proposed garage and new second floor bedroom to encroach 2 feet into the required 5-foot front setback along Hazel Drive.

**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. PC2019-037 approving Variance No. VA2018-002.

[ITEM NO. 2 STAFF REPORT](#)

[2a Additional Materials Received Mosher PA2018-042](#)

**3. MALIBU FARM EXPANSION (PA2019-057)**

**Site Location: 3416, 3420, and 3424 Via Oporto**

**Summary:**

A minor use permit to expand an existing food service, eating and drinking establishment with a Type 47 (On-Sale General for Bona Fide Public Eating Place) Alcoholic Beverage Control (ABC) license. The existing restaurant is located at 3420 Via Oporto and includes indoor and outdoor areas. The existing 624-square-foot, take-out only ice cream and coffee shop (to remain) is located at 3416 Via Oporto. The proposed expansion would convert the existing Malibu Farm retail store at 3424 Via Oporto into additional restaurant space. No late hours (after 11 p.m.) are proposed. If approved, this Minor Use Permit would supersede Use Permit No. UP2017-026.

**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. PC2019-038 approving Minor Use Permit No. UP2019-022 and rescinding Use Permit No UP2017-026.

[ITEM NO. 3 STAFF REPORT](#)

**VII. 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**

**VIII. ADJOURNMENT**