



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

CANCELED

Thursday, March 19, 2020 - 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

SPECIAL NOTICE REGARDING COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 12, 2020, Governor Newsom issued Executive Order N-25-20, which allows Commission Members to attend Planning Commission meetings telephonically. Please be advised that some, or all, of the Newport Beach Planning Commission Members may attend this meeting telephonically.

If you wish to attend the Planning Commission meeting in person, the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California 92660, will be open for this meeting and the public shall have the right to observe and offer public comment at this location. While you may attend this meeting in person, given the health risks associated with COVID-19, the City wants you to know that you can submit your comments and questions in writing for Planning Commission consideration by sending them to the Planning Commission at planningcommissioners@newportbeachca.gov. To give the Planning Commission adequate time to review your questions and comments, please submit your written comments by Wednesday, March 18, 2020, at 5:00 p.m.

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.

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, 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. **CONSENT ITEMS**

1. **MINUTES OF MARCH 5, 2020**

Recommended Action: Approve and file

[MINUTES OF MARCH 5, 2020](#)

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. **501 PARK AVENUE RESTAURANT (PA2019-238)**

Site Location: 501 Park Avenue

Summary:

An amendment to an existing conditional use permit to upgrade the current ABC license from a Type 41 (On-Sale Beer and Wine - Eating Place) to a Type 47 (On Sale General) for an existing restaurant, and to extend the hours of operation from 7:00 a.m. to 9:00 p.m., daily, to 7:00 a.m. to 10:00 p.m., daily. The applicant also requests a continuation of a previously approved off-street parking reduction. If approved, this Conditional Use Permit would supersede Use Permit No. UP2014-009.

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. PC2020-008 approving Conditional Use Permit No. UP2019-053.

[ITEM NO. 2 STAFF REPORT](#)

3. II FARRO CAFFE TRATTORIA USE PERMIT AMENDMENT (PA2019-162)

Site Location: 111 21st Street

Summary:

A request to amend an existing Use Permit to change operational restrictions for the restaurant. The applicant specifically requests the following: (1) to change the allowed hours of operation to 6 a.m. to 1:30 a.m., daily, with alcohol service not beginning until 11 a.m.; (2) to allow a happy hour prior to 9 p.m.; (3) to allow the sale of alcohol for off-site consumption on a limited basis with a Type 21 Alcoholic Beverage Control (ABC) License; and (4) to allow limited live entertainment. If approved, this Conditional Use Permit would supersede Use Permit No. UP3690 and Outdoor Dining Permit No. OD0032. Also, if approved, the operator is required to obtain an operator license from the Police Department pursuant to Newport Beach Municipal Code (NBMC) Chapter 5.25.

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, 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. PC2020-009 approving Conditional Use Permit No. UP2019-050.

[ITEM NO. 3 STAFF REPORT](#)

4. THE CRAB COOKER SIGNAGE AND ENCROACHMENTS (PA2019-126)

Site Location: 2200 Newport Boulevard

Summary:

A request to establish a comprehensive sign program for the reconstructed The Crab Cooker restaurant building. The applicant proposes to replace most of the signage that was existing prior to demolition. This proposal requires approval of a modification permit to allow an increase in maximum cumulative sign area over what is allowed by the Zoning Code. The previously existing rooftop “Don’t Look Up Here” fish-shaped sign is proposed to be refurbished, reinstalled and designated as a heritage sign.

The request also includes is a waiver of City Council Policy L-6 to install private improvements within the Newport Boulevard and 22nd Street public rights-of-way consisting of the replacement of previously existing public benches and refurbishment of an existing freestanding clock. All other proposed encroachments are consistent with Policy L-6.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15303 and 15311 (Class 3 [New Construction or Conversion of Small Structures] and Class 11 [Accessory Structures]) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment. The exceptions to the use of these categorical exemptions pursuant to Section 15300.2 are not applicable;
3. Adopt Resolution No. PC2020-010, approving Comprehensive Sign Program No. CS2019-006, Modification Permit No. MD2020-003 and designating a heritage sign;
4. Waive City Council Policy L-6, Encroachments in Public Rights-of-Way, to allow the

reconstruction of benches and refurbishment of an existing freestanding clock that encroach into the Newport Boulevard and 22nd Street public rights-of-way subject to the conditions of the Encroachment Permit process being satisfied; and

5. Adopt Resolution No. PC2020-011, waiving City Council Policy L-6 and approving Encroachment Permit No. N2019-0361.

[ITEM NO. 4 STAFF REPORT](#)

[4a Additional Materials Received Selcer PA2019-126](#)

VIII. STAFF AND COMMISSIONER ITEMS

5. MOTION FOR RECONSIDERATION

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

7. REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT