



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Thursday, September 17, 2020 - 6:30 PM

Planning Commission Members:

Erik Weigand, Chair
Lee Lowrey, Vice Chair
Lauren Kleiman, Secretary
Curtis Ellmore, Commissioner
Sarah Klaustermeier, 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
Clarivel Rodriguez, Administrative Support Specialist

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 Council Members to attend City Council meetings telephonically. Please be advised that to minimize the spread of COVID-19, some, or all, of the Newport Beach City Council Members may attend this meeting telephonically.

Also, please be advised that on March 17, 2020, Governor Newsom issued Executive Order N-29-20, which allows for the public to participate in any meeting of the City Council telephonically or by other electronic means. Given the health risks associated with COVID-19, the City of Newport Beach has decided to not have City Council Chambers open to the public for this meeting. As a member of the public, if you would like to participate in this meeting, you can participate via the following options:

1. You can submit your questions and comments in writing for Planning Commission consideration by sending them to the Planning Commissioners at planningcommissioners@newportbeachca.gov. To give the Planning Commission adequate time to review your questions and comments, please submit your written comments by Wednesday, September 16, 2020, at 5:00 p.m.
2. In addition, members of the public can participate in this meeting telephonically. Specifically, the meeting will be viewable on NBTV and live streamed on the City's website. If you are watching the meeting on NBTV or via the live stream, during the meeting, phone numbers for the public to call and to comment on specific agenda items will be posted on the screen. When you call, you will be placed on hold until it is your turn to speak. Please note that only twenty (20) people can remain on hold at a time. If you call in to speak on an item and the line is busy, please call back after a few moments. The City will ensure that it allows enough time per item for everyone to call in to comment.
3. If you need special accommodations, you can attend and participate in the meeting by going to the Civic Center Community Room located at 100 Civic Center Drive where the meeting will be broadcasted, and you can address the Commission. The room has a limited occupancy of 10 people to ensure proper physical distancing.

Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the process set forth above, please contact the Community Development Department at (949-644-3200 or CDD@newportbeachca.gov) and we will attempt to accommodate you.

The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus.

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>. 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, Zoning, and Local Coastal Program Amendments are automatically forwarded to the City Council for final action.

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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 JULY 23, 2020

To comment on this item during the meeting, please call 949-270-8165.

Recommended Action: Approve and file

[MINUTES OF JULY 23, 2020](#)

[1a Additional Materials Received Mosher](#)

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. BROCKHAUS RESIDENCE ADDITION (PA2020-116)

Site Location: 1521 Sylvia Lane

To comment on this item during the meeting, please call 949-270-8165.

Summary:

A request for a variance to allow portions of a 1,538-square-foot addition to an existing single-story 1,742-square-foot residence and two-car garage to encroach up to 1.2 feet into the required 6-foot side setbacks on each side of the property. The residence is nonconforming as it is built with 4.8- and 4.9-foot side setbacks and the proposed addition will remain in line with the existing structure.

Recommended Action:

No action as this item has been removed from calendar. Future consideration of this project will require new notice.

3. RESIDENTIAL DESIGN STANDARDS CODE AND LCP AMENDMENTS (PA2019-070)

Site Location: Citywide

To comment on this item during the meeting, please call 949-270-8165.

Summary:

Amendments to Title 20 (Zoning Code) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) revising development standards applicable to single- and two-unit residential development. This item was continued from the May 7, 2020, Planning Commission hearing. Specifically, the proposed amendments would reduce bulk and mass associated with future residential development as follows:

Revisions to Third Floor Standards

- Third floor step backs would apply to covered deck areas (currently applies only to enclosed floor area).
- Third floor side step backs would apply to lots 30 feet wide or greater (currently applies to lots wider than 30 feet).
- Maximum covered third floor area (enclosed or unenclosed) limited to 50 percent of buildable area. Uncovered deck area would remain unrestricted.
- Third floor step back standards (front and rear) would apply to 25-foot wide or less lots zoned R-2 (currently exempt).
- Third floor step back standards (front, rear, and sides) would apply to single- and two-unit dwellings in Multiple Residential (RM) zone (currently exempt).

Clarification of Gross Floor Area

- *Unfinished* attics with a ceiling height of 6 feet or higher would count as floor area (currently only finished attics count).
- Covered patios, decks, and balconies above the first floor would count as floor area unless completely open on at least two sides, rather than one side.
- Carports only open on one side would count as floor area.

Single-Unit and Two-Unit Dwellings in the R-BI Zone

Third floor and open volume standards applicable to R-1 and R-2 zones would now apply to single- and two-unit dwellings in Two-Unit Residential, Balboa Island (R-BI) zone.

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; and
3. Adopt Resolution No. PC2020-031 recommending the City Council approve Amendment No. CA2019-004; and of the proposed amendments to the City Council; and
4. Adopt Resolution No. PC2020-032 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2019-006 to the California Coastal Commission.

[ITEM NO. 3 STAFF REPORT](#)

[3a Additional Materials Received Various](#)

[3b Additional Materials Received Various](#)

[3c Additional Materials Received After Deadline Various](#)

VIII. NEW BUSINESS

4. CIRCULATION ELEMENT UPDATE

Site Location: Citywide

To comment on this item during the meeting, please call 949-270-8165.

Summary:

The City is presently evaluating and updating its General Plan with a focus on the Housing, Land Use, and Circulation Elements in addition to environmental justice policies. The agenda item is a discussion of the Planning Commission's role with the Circulation Element update.

Recommended Action:

1. Review and provide input to staff;
2. Determine this activity is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines, Title 14, Division 6, Chapter 3 because this action will not result in a physical change to the environment, directly or indirectly; and
3. Consider the appointment, at this meeting or a future meeting, of a Planning Commissioner to work with Outreach Subcommittee of the Housing Element Update Advisory Committee.

[ITEM NO. 4 STAFF REPORT](#)

[4a Additional Materials Received Staff Supplemental](#)

[4b Additional Materials Received Mosher](#)

IX. 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.

[PC AGENDA](#)

7. REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT