



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Thursday, July 22, 2021 - 6:30 PM

Planning Commission Members:

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

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.

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.

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 JULY 8, 2021**

Recommended Action: Approve and file

[Draft Minutes of July 8, 2021](#)

[1a Additional Materials Received Mosher Draft Minutes of July 8, 2021](#)

2. **3309 OCEAN LLC ENCROACHMENT (PA2021-091)**

Site Location: 3309 Ocean Boulevard

Summary:

A request to waive City Council Policy L-6 to retain existing non-compliant private improvements within the Ocean Boulevard public right-of-way consisting of site walls, stairs on grade, patio, wood plank driveway bridge, wooden erosion control terracing, guardrails, potted plants, planters, and a decorative concrete driveway that encroach up to 52-feet into the 110-foot wide public right-of-way.

Recommended Action:

1. Find the project exempt from the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301 and Section 15303 under Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small Structures), because it has no significant effect on the environment;;

2. Waive City Council Policy L-6, *Encroachments in Public Rights-of-Way*, to retain existing non-compliant private improvements within the Ocean Boulevard public right-of-way consisting of site walls, stairs on-grade, patios, a wood plank driveway bridge, wooden erosion control terracing, guardrails, potted plants, planters and a decorative concrete driveway that encroaches in excess of 1 foot into the 110-foot wide Ocean Boulevard public right-of-way, contingent upon all conditions of the Encroachment Permit process being met; and

3. Adopt Resolution No. PC2021-017 waiving City Council Policy L-6 and approving Encroachment Permit No. N2021-0197.

[ITEM NO. 2 STAFF REPORT](#)

[2a Additional Materials Received Various PA2021-091](#)

[2b Additional Materials Received Mosher PA2021-091](#)

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

3. TATTOO ESTABLISHMENT ZONING ORDINANCE UPDATE (PA2020-003)

Site Location: Citywide

Summary:

Amendments to Sections 20.20.020, 20.70.020 and the addition of Section 20.48.230 of Title 20 (Planning and Zoning) and amendments to Sections 21.20.020 and 21.70.020 of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to define tattoo establishments (a previously undefined use) as a land use category and establish objective standards to regulate its use.

Recommended Action:

1. Conduct a public hearing;
2. Find this project categorically exempt from the California Environmental Quality Act ("CEQA") pursuant to pursuant to Section 15061(b)(3), the general rule that CEQA applies only to projects, which have the potential for causing a significant effect on the environment and pursuant to Section 15265(a)(1), which exempts local governments from the requirements of CEQA in connection with the adoption of a Local Coastal Program;
3. Adopt Resolution No. PC2021-018 recommending the City Council approve Zoning Code Amendment No. CA2020-002 updating development standards related to tattoo establishments; and
4. Adopt Resolution No. PC2021-019 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2020-002 to the California Coastal Commission.

[ITEM NO. 3 STAFF REPORT](#)

[3a Additional Material Received Mosher PA2020-030](#)

4. SETBACK MAP CORRECTIONS ZONING CODE AND LCP AMENDMENT (PA2020-006)

Site Location: Citywide

Summary:

Amendments to the Planning and Zoning Code (Title 20) and Local Coastal Program Implementation Plan (Title 21) of the Newport Beach Municipal Code (NBMC) to correct identified errors in the setback maps contained in NBMC Sections 20.80.040 and 21.80.040 (Setback Maps). These maps provide the minimum distance a primary residential structure must be set back from a property line or other identified line such as a bulkhead or abandoned right-of-way line. These setbacks also establish front yard setback areas regulating accessory structures that differ from side or rear yard setback areas.

Recommended Action:

1. Conduct a public hearing;

2. Find this project statutorily 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. PC2021-020 recommending the City Council approve Code Amendment No. CA2020-001; and

4. Adopt Resolution No. PC2021-021 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2020-001 to the California Coastal Commission.

[ITEM NO. 4 STAFF REPORT](#)

[4a Additional Materials Received Staff PA2020-006](#)

[4b Additional Materials Received Mosher PA2020-006](#)

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

[ITEM NO. 6 PC AGENDA](#)

7. REQUESTS FOR EXCUSED ABSENCES

IX. ADJOURNMENT