



CITY OF NEWPORT BEACH PLANNING COMMISSION AGENDA

City Council Chambers - 100 Civic Center Drive

Thursday, September 8, 2022 - 6:30 PM

Planning Commission Members:

Lauren Kleiman, Chair
Curtis Ellmore, Vice Chair
Mark Rosene, Secretary
Tristan Harris, Commissioner
Sarah Klaustermeier, Commissioner
Lee Lowrey, 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: You can submit your questions and comments in writing for the Planning Commission to consider by mailing or delivering them to the City of Newport Beach Planning Commission at 100 Civic Center Drive, Newport Beach CA, 92660. Alternatively, you can send them by electronic mail directly to Commissioners at planningcommissioners@newportbeachca.gov. Each Commissioner and staff will receive your message directly. Pursuant to Planning Commission procedures, please submit your written comments no later than 5:00 p.m. on Wednesday the day before the meeting in order to give Commissioners adequate time to review your submission.

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 21, 2022**

Recommended Action: Approve and file.

[Draft Minutes of July 21, 2022](#)

2. **GONTERMAN ENCROACHMENT (PA2022-127)**

Site Location: 2304 Cliff Drive

Summary:

A request to waive City Council Policy L-6 for proposed private improvements consisting of stairs, handrails, retaining walls, and planters that encroach up to eight (8) feet-five (5) inches into the Cliff Drive public right-of-way. The Cliff Drive parkway extends approximately 12 feet from face of curb to the property line. Council Policy L-6 ("Policy") prohibits the proposed stairs, handrails, retaining walls and planters since structures are limited to a 1-foot projection into the right-of-way and the height of encroachments are limited to three (3) feet from the top of curb elevation.

Recommended Action:

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

2. Find Waive City Council Policy L-6, *Encroachments in Public Rights-of-Way*, for non-compliant private improvements consisting of stairs, handrails, retaining walls, and planters that encroach into the Cliff Drive public right-of-way, contingent upon all conditions of the Encroachment Permit process being met; and

3. Adopt Resolution No. PC2022-021 waiving City Council Policy L-6 and approving Encroachment Permit No. N2022-0147.

[ITEM NO. 2 STAFF REPORT](#)

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

3. TENNIS CLUB AT NEWPORT BEACH PROJECT AMENDMENT (PA2021-260)

Site Location: 1602 East Coast Highway

Summary:

An amendment to the 2012 approved Tennis Club at Newport Beach project to: 1) increase the number of future tennis courts from 7 to 8 courts, 2) increase the number of future hotel rooms from 27 to 41 rooms, 3) increase the gross floor area of the ancillary hotel uses by 4,686 square feet, and 4) provide 3 attached condominium units and 2 detached single family residences in-lieu of 5 detached single-family residences. The proposed changes to the 2012 approved project require the consideration of the following land use:

- General Plan Amendment: An amendment to Anomaly No. 46 of Table LU2 of the 2006 Newport Beach General Plan Land Use Element to amend the allowable development limits for the tennis club site;
- Local Coastal Program Implementation Plan Amendment: An amendment to Local Coastal Implementation Plan Section 21.26.055.S.2 (Tennis Club of Newport Beach Country Club Planned Community Coastal Zoning District Development Standards) to amend land use regulations for the tennis club site
- Planned Community Development Plan Amendment: An amendment to Planned Community Development Plan No. 47 (Newport Beach Country Club Planned Community) to amend land use regulations and development standards on the tennis club site;
- Major Site Development Review Amendment (SD2011-002): A site development review in accordance to Section 4.0 (Site Development Review) of Planned Community Development Plan No. 47 and Newport Beach Municipal Code (NBMC) Section 20.52.80 (Site Development Reviews) for the construction of the proposed project;
- Coastal Development Permit Amendment (CD2017-039): An amendment to Coastal Development Permit No. CD2017-039 for the demolition of existing structures, further subdivision on the tennis club site, and implementation of the project;
- Tentative Vesting Tract Map Amendment (NT2005-003): An amendment to Tentative Vesting Tract Map pursuant to Title 19 of the Municipal Code to create separate lots for the tennis club site;
- Limited Term Permit Amendment (XP2011-004): A limited term permit to allow temporary use of structures during construction pursuant to Section 20.60.015 of the Municipal Code;

- Development Agreement Amendment (DA2008-001): A second amendment to the Development Agreement between the Applicant and the City, pursuant to NBMC Sections 15.45 (Development Agreement), which would provide vested right to develop the proposed project while also providing negotiated public benefits and extend the term of Agreement for additional ten years; and
- Addendum to the 2010 Mitigated Negative Declaration (ND2010-008): Pursuant to the California Environmental Quality Act (“CEQA”), the addendum addresses reasonably foreseeable environmental impacts resulting from the proposed development

Recommended Action:

1. Conduct a public hearing;
2. Find that the Proposed Project will not result in any new significant impacts that were not previously analyzed in the adopted Mitigated Negative Declaration No. ND2010-008 (SCH 2010091052) for the Approved Project, and the addendum has been prepared to address reasonably foreseeable environmental impacts resulting from the Proposed Project; and
3. Adopt Resolution No. PC2022-022 recommending City Council approval of PA2021-260, which includes adoption of a Mitigated Negative Declaration Addendum, and approval of a General Plan Amendment, Local Coastal Land Use Plan Amendment, Planned Community Development Plan Amendment, Major Site Development Review Amendment, Coastal Development Permit Amendment, Vesting Tentative Tract Map Amendment, Limited Term Permit Amendment, and Development Agreement Amendment for The Tennis Club at Newport Beach Project located at 1602 East Coast Highway.

[ITEM NO. 3 STAFF REPORT](#)

[3a Additional Materials Received Staff Memo PA2021-260](#)

[3b Additional Materials Received Various PA2021-260](#)

[3c Additional Materials Received Bolletieri-Abdali PA2021-260](#)

4. BAY ISLAND GENERAL PLAN, ZONING CODE, LCP AMENDMENTS (PA2022-087)

Site Location: Bay Island

Summary:

Amendments to the General Plan, Title 20 (Planning and Zoning), and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code increasing the development limit specified for Bay Island from 23 dwelling units to 25 dwelling units. The amendments were initiated by the applicant who seeks to return the maximum residential density of Bay Island to 25 units, consistent with prior entitlement under Use Permit No. UP3618.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have significant effect on the environment; and
3. Adopt Resolution No. PC2022-023 (Attachment No. PC 1) recommending the City Council approve General Plan Amendment No. GP2022-001, Code Amendment No. CA2022-005, and Local Coastal Program Amendment No. LC2022-003.

[ITEM NO. 4 STAFF REPORT](#)

[4a Additional Materials Received McKellar PA2022-087](#)

[4b Additional Materials Received Staff PA2022-087](#)

5. GENERAL PLAN CIRCULATION ELEMENT UPDATE (PA2017-141)
Site Location: Citywide

Summary:

An amendment to the Newport Beach General Plan incorporating changes to the Circulation Element. The proposed update is a comprehensive statement of the City's transportation and mobility policies and serves as a guide for implementation of these policies. The purpose of the update is to provide new goals and policies that comply with State mandates such as Vehicle Miles Traveled (VMT) legislation and "Complete Streets" legislation. The updated goals and policies also reflect the community's vision on trending transportation matters, including electric vehicles (EV) and climate change, rideshare services, public transportation, bicycle plans, telecommuting, roadway safety, as well as parking management.

Recommended Action:

1. Conduct a public hearing;
2. Find this activity exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2022-025 recommending adoption of the General Plan Circulation Element Update to the City Council (Attachment No. PC 1).

[ITEM NO. 5 STAFF REPORT](#)

VIII. STUDY SESSION

6. RESIDENTIAL CARE FACILITIES (PA2021-292)

Site Location: Citywide

Summary:

An overview of the Residential Care Facilities regulations, limitations of State and Federal law, efforts of the City Council formed Residential Care Facilities Ad Hoc Committee, and an overview of proposed code amendments.

Recommended Action:

Receive Presentation and provide staff direction regarding proposed amendments.

IX. STAFF AND COMMISSIONER ITEMS

7. MOTION FOR RECONSIDERATION

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

[PC AGENDA](#)

9. REQUESTS FOR EXCUSED ABSENCES

X. ADJOURNMENT