



# NEWPORT BEACH

## City Council Staff Report

July 26, 2016  
Agenda Item No. 14

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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**TITLE:** The Residences at Newport Place Appeal (PA2014-150) Located at 1701 Corinthian Way, 1660 Dove Street, 4251, 4253, and 4255 Martingale Way, and 4200, 4220, 4250 Scott Drive

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### **ABSTRACT:**

An appeal of the Planning Commission's June 23, 2016, decision to deny Planned Development Permit No. PL2014-001, Lot Merger No. LM2014-003, and Affordable Housing Implementation Plan No. AH2015-001. The appeal was filed by the applicant who is seeking approval to redevelop a 5.70-acre property with a mixed use project consisting of 384 residential units and 5,677 square feet of retail. The project site is located in the Airport Area within the Newport Place Planned Community, at the northeast corner of the intersection of Dove Street and Scott Drive, as shown on the vicinity map (Attachment CC1).

### **RECOMMENDATION:**

- a) Conduct a de novo public hearing;
- b) Determine that the action of referring the project to the Planning Commission is not a project as defined by the California Environmental Quality Act (CEQA); and
- c) Refer the application on appeal to the Planning Commission for further consideration due to changes proposed by the applicant.

### **BACKGROUND**

On June 9, 2016, the Planning Commission conducted a noticed public hearing and, following receipt of public comments and deliberation, voted 4-1 (2 absent) to deny the project. Resolution No. 2019 denying the project was adopted unanimously on June 23, 2016, and it includes the written findings for the action (Attachment CC2). The Planning Commission expressed many concerns and principal among them were:

- Encroachments within minimum building setbacks;
- Exceedance of the maximum building height standard;
- Waiver of the park dedication;
- Public open space design and limits on public access;
- Project integration with surroundings;
- Limited amount of commercial space proposed; and
- Parking

Following the public hearing, the applicant (appellant) met with staff to discuss the following project changes in response to the Planning Commission's decision:

- Compliance with minimum setback requirements;
- Compliance with maximum building height standards;
- Dedication of the minimum required 0.5-acre neighborhood park which will reduce the number of units proposed from 384 to 350 units;
- Increased on-site retail square footage.
- Increased number of parking spaces.

On July 7, 2016, the applicant filed an appeal (Attachment CC3). However, plans reflecting the changes have not been submitted. Pursuant to Zoning Code Section 20.64.030.D.2 (Filing and Processing of Appeals and Calls for Review), if new or different evidence is presented on appeal, the City Council may refer the matter to the previous review authority for further consideration. Given the fact that the applicant is proposing to make significant changes to the project, staff recommends the City Council refer the modified project to the Planning Commission for consideration. The Commission would hold a public hearing on the revised project and provide a recommendation for future City Council consideration. If the City Council does not refer the application to the Planning Commission, the City Council has the following options:

- Should the City Council choose to act on the original project, staff recommends continuing the hearing to August 9, 2016.
- Should the City Council choose to act on the revised project, staff recommends continuing the hearing to September 27, 2016, to allow staff time to analyze the revised project and prepare a staff report and recommendation.

Attachment CC4 is written correspondence received for the appeal.

**FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

**ENVIRONMENTAL REVIEW:**

Should the City Council refer the matter back to the Planning Commission, this action would not be subject to the California Environmental Quality Act (CEQA). Environmental review will be in accordance with CEQA when taking final action.

**NOTICING:**

Notice of this hearing was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website. The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENTS:**

Attachment CC1 - Vicinity Map

Attachment CC2 - Planning Commission Resolution No. 2019

Attachment CC3 - Appeal

Attachment CC4 - Correspondence