

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, JULY 19, 2018
REGULAR MEETING – 6:30 P.M.**

I. **CALL TO ORDER** – The meeting was called to order at 6:32 p.m.

II. **PLEDGE OF ALLEGIANCE** – Chair Koetting

III. **ROLL CALL**

PRESENT: Chair Peter Koetting, Vice Chair Peter Zak, Secretary Erik Weigand, Commissioner Bill Dunlap, Commissioner Kory Kramer, Commissioner Lauren Kleiman

ABSENT: Commissioner Lee Lowrey (excused)

Staff Present: Community Development Director Seimone Jurjis, Deputy Community Development Director Jim Campbell, Assistant City Attorney Michael Torres, City Traffic Engineer Tony Brine, Principal Planner Gregg Ramirez, Administrative Support Technician Patrick Achis

IV. **ELECTION OF OFFICERS**

ITEM NO. 1 ELECTION OF OFFICERS

Summary:

The Planning Commission's adopted rules require the election of officers at its annual meeting, which occurs at the first meeting of July each year. Officers include the Chair, Vice Chair, and Secretary, and they would serve a one-year term.

Recommended Actions:

1. Find this action not subject to the California Environmental Quality Act (CEQA) pursuant to 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3;
2. Nominate Planning Commission officers consisting of Chair, Vice Chair, and Secretary; and
3. Appoint the officers by majority approval of a motion.

Commissioner Kramer moved approval of Vice Chair Zak as Chair, Commissioner Weigand as Vice Chair, and Commissioner Kleiman as Secretary.

AYES: Koetting, Zak, Kleiman, Kramer

NOES: Weigand, Dunlap

ABSTAIN: None

ABSENT: Lowrey

V. **PUBLIC COMMENTS**

Jon Merry supported the Koll Center project and urged the Planning Commission to hear the project.

VI. **REQUEST FOR CONTINUANCES**

Deputy Community Development Director Campbell requested Item No. 3, the Hinton and Maloney residence, be continued to August 9. A staff report and analysis of the project will be available for the August 9 hearing.

VII. **CONSENT ITEMS**

ITEM NO. 2 MINUTES OF JUNE 21, 2018

Recommended Action: Approve and file

Motion made by Vice Chair Weigand and seconded by Commissioner Koetting to approve the draft minutes of the June 21, 2018 meeting as presented.

AYES: Zak, Weigand, Dunlap, Kramer, Koetting
NOES: None
ABSTAIN: Kleiman
ABSENT: Lowrey

VIII. PUBLIC HEARING ITEMS

ITEM NO. 3 HINTON AND MALONEY RESIDENCE (PA2017-208) **Site Location: 3200 Ocean Boulevard**

Summary:

A request for a coastal development permit to allow the construction of a new 7,421-square-foot, single-family residence and a 694-square-foot three-car garage. The application also includes a request for a variance to allow the residence to encroach 5 feet into the required 10-foot rear setback and exceed the maximum floor area limit.

Recommended Actions:

1. Continue item to August 9, 2018.

Motion made by Vice Chair Weigand and seconded by Commissioner Kramer to continue the hearing for the application to August 9, 2018.

AYES: Zak, Weigand, Kleiman, Dunlap, Kramer, Koetting
NOES: None
ABSTAIN: None
ABSENT: Lowrey

ITEM NO. 4 TOMMY BAHAMA (PA2018-156) **Site Location: 854 Avocado Avenue**

Summary:

The applicant requests approval of a second amendment to Use Permit No. 3623 to allow alterations to an existing restaurant. Interior alterations include reconfiguring the restaurant dining room and bar areas. Exterior alterations include removing the existing front patio, enlarging the rear patio and providing a trellis and awning cover over the patio, and exterior facade improvements. No increase to the gross floor area or net public area is proposed, and the parking requirement does not change. No changes to the allowed hours of operation are proposed. The request includes the retention of the existing Type 47 (On Sale General-Eating Place) Alcoholic Beverage Control (ABC) license and the allowance of live entertainment. If approved, this approval would supersede Use Permit No. 3623 (Amended).

Recommended Actions:

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. PC2018-022 approving a second amendment to Use Permit No. 3623 and renumbering UP2018-007.

Principal Planner Gregg Ramirez reported the applicant requests an amendment of the existing use permit to allow interior and exterior alterations, which include reconfiguring the interior dining room and bar area, adding a small to-go counter, moving the restrooms and private dining area, removing the existing front patio, enlarging the rear patio, and providing a trellis and awning cover over the expanded rear patio. There is no increase to the gross floor area, and the parking requirement will not change. The Tommy Bahama restaurant is located in the Corona del Mar Plaza adjacent to Coast Highway. The existing use permit allows 283 seats, but the proposed floor plan

shows use of 250 seats. An operator's license is required for late hours of operation and live entertainment with alcoholic beverage service. Condition Number 5 for the existing use permit states the seating arrangement shall be as shown on the plans existing at that time. Staff proposes a modification of the condition to state the seating arrangement shall be in substantial conformance with the arrangement. The Community Development Director will determine whether staff can approve a proposed seating arrangement or if a use permit amendment is required. The applicant proposes moving the private dining area toward the front of the restaurant, expanding and moving the bar area toward the center of the restaurant, and expanding and reconfiguring the rear patio. The applicant wants to retain approval of 283 seats but proposes use of only 250 seats. Staff requests Condition Number 50 be revised to state the security plan will be implemented.

In reply to Commissioner Koetting's question, Principal Planner Ramirez advised that the wall between the patio and the restaurant will be comprised of accordion doors.

Commissioners reported no ex-parte communications.

Chair Zak opened the public hearing.

Jim Mosher noted the resolution does not indicate live entertainment with alcohol service requires an operator's license and contains typographical errors in the facts and findings.

Jonathon Weber, applicant representative, reported the wall between the restaurant and the patio will have accordion-style doors.

Chair Zak closed the public hearing.

In answer to Commissioner Koetting's query, Principal Planner Ramirez indicated the applicant could seat 283 people in the restaurant. Parking requirements are not based on seating.

Motion made by Vice Chair Weigand and seconded by Commissioner Kramer to find this action exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301; and to adopt Resolution No. PC2018-022 approving a second amendment to Use Permit No. 3523 and renumbering UP2018-007.

AYES: Zak, Weigand, Kleiman, Dunlap, Kramer, Koetting
NOES: None
ABSTAIN: None
ABSENT: Lowrey

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION

None

ITEM NO. 6 COMMUNITY DEVELOPMENT DIRECTOR'S REPORT

Update on City Council Items

Community Development Director Jurjis reported no Planning Commission items are scheduled for the upcoming City Council meeting. The August 9 Planning Commission agenda includes the Harbor Pointe Assisted Living project as a study session.

ITEM NO. 7 ANNOUNCEMENTS ON MATTERS THAT THE PLANNING COMMISSION MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT

None

ITEM NO. 8 REQUESTS FOR EXCUSED ABSENCES

Commissioner Dunlap will not be available for the September 6 meeting. Commissioner Kleiman will not be available for the August 23 meeting.

X. ADJOURNMENT – 7:02 p.m.

The agenda for the July 19, 2018, Planning Commission meeting was posted on Friday, July 13, 2018, at 11:15 a.m. in the Chambers binder, on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive and on the City's website on Friday, July 13, 2018, at 11:17 a.m.

Peter Zak, Chairman

Lauren Kleiman, Secretary

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