



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

September 13, 2018
Agenda Item No. 5

SUBJECT: Planning Commissioner Requalification
for Koll Center Residences (PA2015-024)

SITE LOCATION: 4400 Von Karman Avenue

APPLICANT/OWNER: Shopoff Land Fund II, LP

PLANNER: Rosalinh Ung, Senior Planner
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SUMMARY

Four members of the Newport Beach Planning Commission have a conflict of interest that prohibits their participation with the Koll Center Residences project. Because a majority of the Planning Commissioners have a conflict, State law allows for the requalification of one Planning Commissioner by means of random selection to participate on this Project.

RECOMMENDATIONS

- 1) Find this event not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 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, because it has no potential for resulting in physical change to the environment, directly or indirectly;
- 2) Randomly select one conflicted Planning Commissioner by drawing lots to participate in the process to consider the Koll Center Residences project; and
- 3) Identify a date for a future Planning Commission study session.

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DISCUSSION

Four of the seven-member Planning Commission have conflicts of interest with the proposed project. This results in a lack of a quorum of the Planning Commission; the Planning Commission must participate in the project review process.

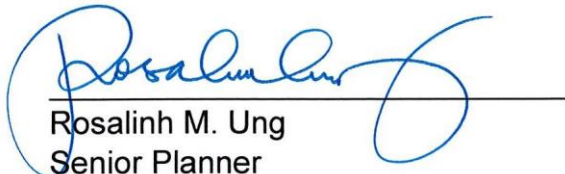
Title 2 of the California Code of Regulations Section 18705 provides a procedure to randomly select by lots one of the conflicted Planning Commissioners to participate in the project review process. Commissioners Kleiman, Kramer, Lowery and Chair Zak will participate in such a selection procedure during the meeting.

Once the selection procedure is complete, future project review proceedings before the Planning Commission can be scheduled with the requalified Commissioner.

PUBLIC NOTICE

The agenda item has been noticed according to the Brown Act (24 hours in advance of the special meeting at which the Planning Commission considers the item).

Prepared by:



Rosalinh M. Ung
Senior Planner

Submitted by:



Jim Campbell
Deputy Community Development Director

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