

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, NOVEMBER 8, 2018
REGULAR MEETING – 6:30 P.M.**

I. **CALL TO ORDER** – The meeting was called to order at 6:31 p.m.

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

III. **ROLL CALL**

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

ABSENT: None

STAFF PRESENT: Community Development Director Seimone Jurjis, Deputy Community Development Director Jim Campbell, Deputy City Attorney Armeen Komeili, City Traffic Engineer Tony Brine, Associate Planner Makana Nova, Administrative Support Specialist Tiffany Lippman, Administrative Analyst Brittany Ramirez

IV. **PUBLIC COMMENTS**

Jim Mosher advised that a Council subcommittee interviewed six or seven applicants and selected four candidates for the vacant Planning Commission seat. The Council should select one of the candidates at its meeting on November 27, 2018.

In response to Commissioner Koetting's question, Mr. Mosher indicated the subcommittee was comprised of Mayor Pro Tem O'Neill, Council Member Dixon, and Council Member Avery.

V. **REQUEST FOR CONTINUANCES**

None

VI. **CONSENT ITEMS**

ITEM NO. 1 MINUTES OF OCTOBER 18, 2018

Recommended Action:

1. Approve and file

Motion made by Vice Chair Weigand and seconded by Commissioner Koetting to approve the minutes of the October 18, 2018, meeting with Mr. Mosher's edits.

AYES: Zak, Weigand, Lowrey, Kleiman, Koetting, Kramer

NOES: None

ABSTAIN: None

ABSENT: None

VII. **PUBLIC HEARING ITEMS**

ITEM NO. 2 SHELL SERVICE STATION CAR WASH ADDITION (PA2016-093)

Site Location: 1600 Jamboree Road

Summary:

A general plan amendment and conditional use permit to construct an automated car wash in conjunction with an existing service station. A general plan amendment is requested to increase the maximum floor area limit for the site by 1,100 square feet to accommodate the proposed car wash. A conditional use permit is requested to allow the addition of the proposed car wash.

Recommended Action:

1. Remove from calendar.

Deputy Community Development Director Campbell reported the applicant requested the item be removed from calendar.

Chair Zak opened and closed the public hearing with no public comment.

Motion made by Commissioner Koetting and seconded by Secretary Lowrey to remove the item from calendar.

AYES: Zak, Weigand, Lowrey, Kleiman, Koetting, Kramer

NOES: None

ABSTAIN: None

ABSENT: None

ITEM NO. 3 POWERHOUSE VEHICLE SALES CUP (PA2018-166)

Site Location: 2244 West Coast Highway

Summary:

A Conditional Use Permit to allow a 15,823-square-foot vehicle sales showroom and supporting office for pre-owned luxury automobiles with approximately 15 display vehicles. No exterior vehicle display is proposed. The proposed hours of operation are from 8:00 a.m. through 6:00 p.m., daily. Test drives are not anticipated to exceed 10 test drives per week. If approved, this Conditional Use Permit would supersede previously approved Use Permit Nos. UP0251, UP1296, UP1490, and UP2087, which upon vesting of the rights authorized by the subject application, shall become null and void.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2018-031 approving Conditional Use Permit No. UP2018-010.

Associate Planner Makana Nova reported the item was continued from the October 18, 2018, Planning Commission hearing. Staff has received comment letters from Jim Mosher, as well as the Coalition to Protect Mariners' Mile, since the October 18th meeting.

In reply to Commissioners' inquiries regarding setting a time limit on the approval in light of the pending Newport Village application, Associate Planner Nova explained that the applicant requested a conditional use permit for an ongoing land use. The applicant would have to apply for a limited term permit for the Planning Commission to consider a short duration for the use. If the Planning Commission approved a use permit for Powerhouse Vehicle Sales, it would be considered an existing use, should an application be filed for the Newport Village project. In reviewing the Newport Village application, staff would review site compatibility and determine the appropriateness of rescinding any existing onsite use permits. The Planning Commission could further restrict onsite test drives through a condition of approval.

Deputy Community Development Director Campbell clarified that the Commission could not add a condition of approval that would sunset the use permit. A use permit runs with the land until the use ceases. The applicant could discontinue the use, but that would be a business decision for the applicant. All use permits contain a standard condition of approval that allows the Planning Commission to modify or revoke a use permit, if the use is being operated in a detrimental fashion. The Planning Commission should review the Powerhouse application as a permanent land use. If the use is being operated in a fashion that is detrimental to the community or inconsistent with conditions or laws, the Planning Commission can review it at a future date.

Vice Chair Weigand advised that he spoke with representatives of the Coalition to Protect Mariners' Mile. All other Commissioners reported no ex parte communications.

Chair Zak opened the public hearing.

Sandra Ayers remarked that a temporary use permit was proposed, as a compromise, at the community meeting. By not applying for a temporary use permit, the applicant is not giving anything in the spirit of compromise. Auto dealerships do not extend into the area as described in the Mariner's Mile Strategic Vision and Design Framework. The applicant purchased the site knowing the City's vision for the area.

Jim Mosher did not believe the project was consistent with the Mariner's Mile Strategic Vision and Design Framework. He stated, his opinion, that the application needs a coastal development permit.

Carter Herrington, Powerhouse Enterprises representative, stated the project does not correlate to the Newport Village project because the Newport Village project will occur sometime in the future. The two projects should be reviewed independently. He mentioned the financial burden that this continuance has placed on the applicant since his client has been paying rent on a building that he is not yet able to occupy and open for business.

Chair Zak closed the public hearing.

In answer to Commissioners' queries, Associate Planner Nova indicated the Newport Village application includes a site development review, tentative tract map, coastal development permit, traffic study, and an Environmental Impact Report (EIR). The Newport Village application does not include a request for a planned community development plan.

Deputy Community Development Director Campbell reported the Commission can evaluate the future project for consistency and compatibility with existing land uses. The Commission can revoke the conditional use permit if the use is operating in a detrimental fashion.

Associate Planner Nova stated all vehicles would be displayed indoors. Staff recommended a maximum of 15 display vehicles, but the applicant's project plans reflect 12 display vehicles. Staff has not yet initiated the CEQA process for the Newport Village project. The CEQA analysis considers the baseline condition at the time the CEQA process is initiated. If the Commission approves the use permit for Powerhouse, staff would consider Powerhouse, as an existing use, as part of the Newport Village project, and look at land use compatibility as part of the EIR process. The Newport Village application identifies a certain level of residential and non-residential uses.

Commissioner Kramer advised that the use is consistent with the General Plan and conforms to the Zoning Code. The design, location, size, and operating characteristics are compatible with allowed uses in the vicinity of Mariners' Mile. The site is physically suitable for the submitted design. The operation of such a use would not be detrimental to the area.

Motion made by Commissioner Kramer and seconded by Commissioner Koetting to find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines; and to adopt Resolution No. PC2018-031 approving Conditional Use Permit No. UP2018-010.

Vice Chair Weigand requested the motion include an additional condition of approval regarding compatibility with the Newport Village project. Chair Zak did not believe the Commission could impose such a condition. The Commission should be mindful of the issue when evaluating the Newport Village application.

Vice Chair Weigand requested the motion include a condition of approval limiting test drives to the hours between 10:00 a.m. and 5:00 p.m. Commissioner Kramer indicated a preference to retain the proposed hours.

Alternate Motion made by Vice Chair Weigand to find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines; and to adopt Resolution No. PC2018-031 approving Conditional Use Permit No. UP2018-010 with a condition of approval restricting test drives to the hours between 9:00 a.m. and 5:00 p.m.

Alternate Motion failed for lack of a second.

Motion

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

In reply to Commissioner Koetting's inquiries, Associate Planner Nova reported an update of the Mariners' Mile Revitalization Master Plan has been deferred to the General Plan update. The existing incomplete Newport Village application proposes redevelopment of the Powerhouse site and parcels to the south with a mixed-use project. She anticipated receiving a revised application shortly and that review of that application would likely take a year or so.

VIII. STAFF AND COMMISSIONER ITEMS**ITEM NO. 4 MOTION FOR RECONSIDERATION**

None

ITEM NO. 5 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA.

Community Development Director Jurjis reported the City Council will confirm the nominations of four candidates on November 13th and select one on November 27th for the vacant Planning Commission seat. He recommended the Planning Commission begin its December 6 meeting at 5:00 p.m. because of the items on the agenda.

Commissioners preferred to begin the meeting at 4:00 p.m.

Deputy City Attorney Armeen Komeili advised that no agenda item can be introduced after 10:30 p.m., and any item being discussed at 11:00 p.m., and not concluded by 11:30 p.m., is continued to the next Planning Commission meeting.

ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES

None

IX. ADJOURNMENT – 7:06 p.m.

The agenda for the November 8, 2018, Planning Commission meeting was posted on Thursday, November 1, 2018, at 4:31 p.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 Thursday, November 8, 2018, at 4:16 p.m.

Peter Zak, Chairman

Lee Lowrey, Secretary