



# NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that on **Thursday, June 18, 2020, at 6:30 p.m.** or soon thereafter as the matter shall be heard, a public hearing will be conducted in the Council Chambers at 100 Civic Center Drive, Newport Beach. The Planning Commission of the City of Newport Beach will consider the following application:

**Baja Sharkeez Remodel** – A conditional use permit and coastal development permit to allow modifications to an existing food service eating and drinking establishment, Baja Sharkeez, with late hours and a Type 47 (On Sale General Eating Place) Alcoholic Beverage Control (ABC) license. The existing restaurant at 110 McFadden (formerly Sol Grill) would be remodeled to serve as a new dining area for the existing Baja Sharkeez restaurant at 114 McFadden. The 110 McFadden space would close at 11 p.m. consistent with existing use permit conditions and the ABC License would change to Type 47 to match the existing Baja Sharkeez ABC License. The 114 McFadden space would maintain late hours (i.e. after 11 p.m.) consistent with the existing use permit. Hours of operation in the morning would increase to allow breakfast service starting at 9 a.m. The project includes a continuation of historical parking waivers. If approved, this Conditional Use Permit would supersede Use Permit Nos. 1783 and 3034 which would be rescinded. Pursuant to NBMC 5.25, the operation as described requires the owner/operator to obtain an Operator License through the City because the business includes on-sale alcohol service in conjunction with late hours.

The project is categorically exempt under Section 15301, of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

All interested parties may appear and present testimony in regard to this application. If you challenge this project in court, you may be limited to raising only those issues you raised at the public hearing or in written correspondence delivered to the City, at, or prior to, the public hearing. The project site is located in the coastal zone and within the California Coastal Commission appeals jurisdiction; therefore, final City action on the project is appealable to the California Coastal Commission. Administrative procedures for appeals are provided in the Newport Beach Municipal Code Chapter 20.64 and 21.64. No fee is required for appeals regarding coastal development permits to the California Coastal Commission. The application may be continued to a specific future meeting date, and if such an action occurs, additional public notice of the continuance will not be provided.

## **SPECIAL NOTICE REGARDING COVID-19**

Given the Declaration of a State Emergency and Proclamation of Local Emergency related to COVID-19, we recommend that you submit your questions and comments in writing for Planning Commission consideration by sending them to the Community Development Department at [PlanningCommissioners@newportbeachca.gov](mailto:PlanningCommissioners@newportbeachca.gov). To give the Planning Commission adequate time to review your questions and comments, please submit your written comments by **Wednesday, June 17, 2020, at 5:00 p.m.** In addition, members of the public will have the ability to participate in this meeting telephonically. Please review the Planning Commission Agenda for further instructions. The Agenda, staff report and corresponding documents will be posted to the City's website at [www.newportbeachca.gov/planningcommission](http://www.newportbeachca.gov/planningcommission), by end of business day on **Friday, June 12, 2020**. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City's website. The City of Newport Beach thanks you in advance for continuing to take precautions to prevent the spread of the COVID-19 virus. If you are unable to participate in the meeting via the process set forth in the agenda, please contact the Planning Division at (949-644-3200 or [CDD@newportbeachca.gov](mailto:CDD@newportbeachca.gov)) and our staff will attempt to accommodate you.

For questions regarding this public hearing item please contact Liz Westmoreland, Associate Planner, at 949-644-3234 or [lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov).

## **NOTICE OF POLICE DEPARTMENT DECISION**

**NOTICE IS HEREBY FURTHER GIVEN** that pending approval of the Conditional Use Permit mentioned above, an operator license application is scheduled for review by the Chief of Police of the City of Newport Beach on or after **Thursday, July 02, 2020**. The Chief of Police of the City of Newport Beach will consider the following application:

**Baja Sharkeez Operator License** – A request for the issuance of an operator license pursuant to Chapter 5.25 (Operator License for Establishments Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment and/or Dance) to allow Baja Sharkeez to operate a food service eating and drinking establishment with late hours (after 11:00 p.m.) and a Type 47 (On Sale General Eating Place) ABC License. No live entertainment or dancing is proposed. The Operator License is required in conjunction with a request for a conditional use permit and coastal development permit (UP2017-034, CD2019-054) scheduled for review by the Planning Commission on June 18, 2020.

The project applications are categorically exempt under Section 15301, of the California Environmental Quality Act (CEQA) Guidelines - Class 1 (Existing Facilities).

All interested parties may submit written comments regarding the requested operator license to Civilian Investigator, Wendy Joe, at 870 Newport Center Drive, Newport Beach, California, 92660. Comments will be accepted until **Thursday, July 02, 2020**. If you challenge this project in court, you may be limited to raising only the issues you or someone else raised in written correspondence delivered to the City, on, or prior to, the date of decision. The draft action letter and project file may be reviewed at the Community Development Department Permit Center (Bay C-1<sup>st</sup> Floor), at 100 Civic Center Drive, Newport Beach, CA 92660. For questions regarding details of the operator license please contact Civilian Investigator, Wendy Joe, Special Investigations Unit at 949-644-3705 or by email at [wjoe@nbpd.org](mailto:wjoe@nbpd.org).

**Project File No.:** PA2017-255

**Activity No.:** UP2017-034; CD2019-054; OL2017-006

**Zone:** Mixed-Use Water (MU-W2)

**General Plan:** Mixed-Use Water 2 (MU-W2)

**Coastal Land Use Plan:** Mixed Use Water (MU-W)

**Filing Date:** October 25, 2019

**Location:** 110 and 144 McFadden Place

**Applicant:** Baja Sharkeez

Lee Lowrey, Secretary, Planning Commission, City of Newport Beach