

Attachment F

July 22, 2021, Planning Commission Minutes

Principal Planner Schneider indicated a tattoo establishment that received approval prior to a parcel being rezoned for residential use has the right to continue operations.

Motion made by Commissioner Weigand and seconded by Commissioner Rosene to approve the staff recommendation.

Commissioners Rosene and Weigand and Chair Lowrey appreciated the information staff provided in response to Commissioners' requests at the May 6 hearing.

AYES: Ellmore, Koetting, Lowrey, Rosene, and Weigand

NOES:

ABSTAIN:

ABSENT: Klostermeier and Kleiman

ITEM NO. 4 SETBACK MAP CORRECTIONS ZONING CODE AND LCP AMENDMENT (PA2020-006)
Site Location: Citywide

Summary:

Amendments to the Planning and Zoning Code (Title 20) and Local Coastal Program Implementation Plan (Title 21) of the Newport Beach Municipal Code (NBMC) to correct identified errors in the setback maps contained in NBMC Sections 20.80.040 and 21.80.040 (Setback Maps). These maps provide the minimum distance a primary residential structure must be set back from a property line or other identified line such as a bulkhead or abandoned right-of-way line. These setbacks also establish front yard setback areas regulating accessory structures that differ from side or rear yard setback areas.

Recommended Action:

1. Conduct a public hearing;
2. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21065 of CEQA and State CEQA Guidelines Sections 15060(c)(2), 15060(c)(3) and 15378. The proposed action is also exempt pursuant to State CEQA Guidelines Section 15061(b)(3) because it has no potential to have a significant effect on the environment;
3. Adopt Resolution No. PC2021-020 recommending the City Council approve Code Amendment No. CA2020-001; and
4. Adopt Resolution No. PC2021-021 recommending the City Council authorize staff to submit Local Coastal Program Amendment No. LC2020-001 to the California Coastal Commission.

Secretary Ellmore recused himself from the item due to a conflict of real property interests.

Assistant City Attorney Summerhill noted Vice Chair Kleiman's absence and real property conflicts that recused her from the item.

Principal Planner Jaime Murillo reported the item is intended to correct a number of errors that resulted from the 2010 comprehensive Zoning Code Update. Setback maps began in 1943 as districting maps. Districting maps identified front yard setbacks that differed from the standard 20-foot setback and in some cases used to establish multiple yards that should be treated as a front yard. The maps were modernized in 2010 and incorporated into the Local Coastal Program (LCP) Implementation Plan in 2017. Staff has discovered a number of errors in the maps, and the errors create nonconformities, limit development rights, and create inconsistencies with historical development patterns. He shared examples of two errors and their consequences for property owners. After publication of the staff report, staff found an additional error and distributed a memorandum with proposed modification of Setback Map S-2E. Mr. Mosher submitted written comments regarding another error, and staff requests the motion include correction of that error. Amendments to the LCP will require California Coastal Commission approval.

Chair Lowrey opened and closed the public hearing with no comment from the public.

Commissioner Koetting and Chair Lowrey commended staff for finding and correcting these errors.

In answer to Commissioner Rosene's query, Principal Planner Murillo advised that he sent a courtesy notice to property owners affected by corrections listed in the staff report and memorandum and will send a courtesy notice to the property owners affected by staff's adoption of Mr. Mosher's proposed correction.

Motion made by Commissioner Koetting and seconded by Chair Lowrey to approve the staff recommendation with staff's proposed corrections to Setback Maps S-2E and S-6.

AYES: Koetting, Lowrey, Rosene, and Weigand
NOES:
RECUSED: Ellmore
ABSENT: Klaustermeier and Kleiman

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 5 MOTION FOR RECONSIDERATION

Community Development Director Seimone Jurjis advised Commissioner Koetting that he could change his vote on Item 3 as Commissioner Koetting was present for the May 6, 2021, hearing. Commissioner Koetting changed his vote to support the motion.

ITEM NO. 6 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA.

Deputy Community Development Director Campbell mentioned several items for the next Planning Commission meeting. An appeal of the Director's Determination regarding accessory residential uses at hotels is tentatively scheduled for City Council review on August 24, 2021.

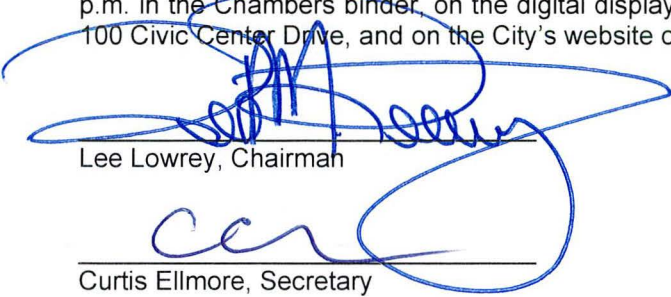
In reply to Commissioner Koetting's queries, Deputy Community Development Director Campbell indicated SPON appealed the Director's Determination. He also noted that The Residences at Newport Center project is ready for review.

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES

None

IX. ADJOURNMENT – 7:20 p.m.

The agenda for the July 22, 2021, Planning Commission meeting was posted on Thursday, July 15, 2021, at 2:40 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, July 15, 2021, at 2:30 p.m.



Lee Lowrey, Chairman



Curtis Ellmore, Secretary