

**PLANNING COMMISSION AGENDA**  
**CITY OF NEWPORT BEACH**  
**COUNCIL CHAMBERS - 3300 NEWPORT BLVD.**  
**Thursday, March 18, 2010**  
**Regular Meeting - 6:30 p.m.**

**ROBERT HAWKINS**  
Chairperson

**SCOTT PEOTTER**

**EARL MCDANIEL**

**CHARLES UNSWORTH**

**MICHAEL TOERGE**

**BARRY EATON**

**BRADLEY HILLGREN**

**Planning Commissioners are citizens of Newport Beach who volunteer to serve on the Planning Commission. They were appointed by the City Council by majority vote for 4-year terms. At the table in front are City staff members who are here to advise the Commission during the meeting. They are:**

**DAVID LEPO, Planning Director**

**GAYLENE OLSON, Department Assistant**

**PATRICK ALFORD, Planning Manager**

**TONY BRINE, City Traffic Engineer**

**RUSSELL BUNIM, Assistant Planner**

**LEONIE MULVIHILL, Assistant City Attorney**

**NOTICE TO THE PUBLIC**

Regular meetings of the Planning Commission are held on the Thursdays preceding second and fourth Tuesdays of each month at 6:30 p.m. Staff reports or other written documentation have been prepared for each item of business listed on the agenda. If you have any questions or require copies of any of the staff reports or other documentation, please contact the Planning Department staff at (949) 644-3200. The agendas, minutes and staff reports are also available on the City's web site. The address is: <http://www.newportbeachca.gov>.

It is the intention of the City of Newport Beach to comply with the Americans With Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. Please contact the Planning Department at (949) 644-3200, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible.

**APPEAL PERIOD:** Use Permit, Variance, Site Plan Review, and Modification Permit applications do not become effective until 14 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. Tentative Tract Map, Tentative Parcel Map, Lot Merger, and Lot Line Adjustment applications do not become effective until 10 days following the date of approval, during which time an appeal may be filed with the City Clerk in accordance with the provisions of the Newport Beach Municipal Code. General Plan and Zoning Amendments are automatically forwarded to the City Council for final action.

If in the future, you wish to challenge in court any of the matters on this agenda for which a public hearing is to be conducted, you may be limited to raising only those issues, which you (or someone else) raised orally at the public hearing or in written correspondence received by the City at or before the hearing.

**NEWPORT BEACH PLANNING COMMISSION AGENDA**  
**Council Chambers - 3300 Newport Boulevard**  
**Thursday, March 18, 2010**  
**REGULAR MEETING**  
**6:30 p.m.**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PUBLIC COMMENTS**      *Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Planning Commission. Speakers must limit comments to 3 minutes. Before speaking, please state your name for the record and print your name on the tablet provided at the podium.*

**REQUEST FOR CONTINUANCES:**

**ALL TESTIMONY GIVEN BEFORE THE PLANNING COMMISSION IS RECORDED. SPEAKERS MUST LIMIT REMARKS TO THREE MINUTES ON ALL ITEMS.** (Red light signifies when three minutes are up; yellow light signifies that the speaker has one minute left for summation.) Please print only your name on the pad that is provided at the podium.

Any writings or documents provided to a majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Planning Department located at 3300 Newport Boulevard, during normal business hours.

**ITEM NO. 1**                      Minutes of March 4, 2010

**ACTION:**                      Approve and file.

**PUBLIC HEARINGS**

**ITEM NO. 2**                      The Counter - (PA2009-166)  
1104 Irvine Avenue Suite No. 1104 and No. 1108

**SUMMARY:**                      The application consists of a use permit for an eating and drinking establishment (restaurant) that would supersede Use Permit No. 3445 and allow for the following: 1) A 774-gross-square-foot expansion, including 567 square feet of net public area (NPA) for the purpose of providing additional dining and bar area; and 2) An outdoor dining permit that would allow accessory outdoor dining NPA equal to 25 percent of the indoor NPA; and 3) Introduction of a Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control (ABC) license.

**CEQA**

**COMPLIANCE:** The project is categorically exempt under Section 15303, of the California Environmental Quality Act (CEQA) Guidelines - Class 3 (New Construction or Conversion of Small Structures)

**ACTION:**

- 1) Conduct public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ approving Use Permit No. UP2009-042 and Outdoor Dining Permit No. OD2010-002 (Attachment No. PC 1).

### **NEW BUSINESS**

**ITEM NO. 3** City Council Follow-up.

**ITEM NO. 4** Planning Commission reports.

**ITEM NO. 5** Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

**ITEM NO. 6** Request for excused absences.

### **ADJOURNMENT**