

**PLANNING COMMISSION AGENDA**  
**CITY OF NEWPORT BEACH**  
**COUNCIL CHAMBERS - 3300 NEWPORT BLVD.**  
**Thursday, June 4, 2009**  
**Regular Meeting - 6:30 p.m.**

**SCOTT PEOTTER**  
Chairperson

<b>ROBERT HAWKINS</b>	<b>EARL MCDANIEL</b>
<b>CHARLES UNSWORTH</b>	<b>MICHAEL TOERGE</b>
<b>BARRY EATON</b>	<b>BRADLEY HILLGREN</b>

**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:**

<b>DAVID LEPO, Planning Director</b>	<b>GINGER VARIN, Planning Commission Secretary</b>
<b>PATRICK ALFORD, Planning Manager</b>	<b>TONY BRINE, City Traffic Engineer</b>
	<b>AARON C. HARP, Assistant City Attorney</b>

**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.city.newport-beach.ca.us/>.

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 Ginger Varin, Planning Commission Secretary at (949) 644-3232, 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, Resubdivision, and Modification applications do not become effective until 14 days after the date of approval, during which time an appeal may be filed with the City Council. 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, June 4, 2009**  
**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 Blvd., during normal business hours.

**ITEM NO. 1**                      Minutes of May 21, 2009

**ACTION:**                      Approve and file.

**PUBLIC HEARINGS**

**ITEM NO. 2**                      AERIE Condominiums (PA2005-196)  
201 & 207 Carnation Avenue and 101 Bayside Place in Corona del Mar at the corner of the intersection of Ocean Blvd. & Carnation Ave.

**SUMMARY:**                      The demolition of an existing 14-unit apartment building and a single-family home and the construction of a 6-level, 8-unit multiple-family residential condominium complex with subterranean parking on a 1.4 acre site located bayward of the intersection of Ocean Boulevard and Carnation Avenue. The existing General Plan, Coastal Land Use Plan and Zoning Designations of a small portion of the site (584 square feet) would be changed to be consistent with the larger portion of the site (from two-family residential to multi-family residential). The application includes a tentative tract map for the creation of eight (8) condominium units for individual sale. The Modification Permit application requests the encroachment of subterranean portions of the building within the front and side yard setbacks and

above grade encroachments of portions of the proposed building, including protective guardrails into the front and side yard setbacks. Lastly, the Coastal Residential Development Permit application relates to replacement of demolished apartments occupied by low or moderate income households. No units meeting these criteria are known to exist, and therefore, no replacement of affordable housing units is required.

A Draft Environmental Impact Report (DEIR) (SCH#2007021054) has been prepared by the City of Newport Beach in connection with the application. The DEIR concludes that the proposed project may have a significant effect on the environment on Air Quality, Land Use, Noise, Traffic/Circulation, Aesthetics, Drainage and Hydrology, Public Health and Safety, Cultural Resources, Soils and Geology, and Biological Resources.

- ACTION:**
- 1) Conduct public hearing; and
  - 2) Consider the draft Environmental Impact Report (DEIR), comments and responses to comments; and
  - 3) Adopt the attached draft resolution recommending City Council certification of the DEIR and approval of the project.

**CEQA COMPLIANCE:** All other environmental effects were determined to be less than significant or have no impact and were also addressed in the DEIR. The DEIR has been prepared in accordance with the California Environmental Quality Act of 1970 (CEQA), as amended (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines for Implementation of CEQA (California Code of Regulations, Title 14, Section 15000 et seq.).

#### **NON-HEARING ITEMS**

**ITEM NO. 3** Preliminary Fiscal Year 2009-2010 Capital Improvement Program

**SUMMARY:** The annual review of the Preliminary Fiscal Year 2009-2010 Capital Improvement Program to determine consistency with the General Plan and Coastal Land Use Plan, and to make recommendations to the City Council concerning the proposed public works projects.

**CEQA COMPLIANCE:** None required.

**ACTION:** Conduct a review of the Preliminary Fiscal Year 2009-2010 Capital Improvement Program (CIP), make recommendations as necessary, and report to the City Council that the projects of the CIP are consistent with the policies of the General Plan and Coastal Land Use Plan.

**ITEM NO. 4** General Plan Land Use Element Figure (Map) Corrections

**SUMMARY:** Planning Commission affirmation of several corrections to the General Plan Land Use Element Figures (Maps) pursuant to City Council Resolution No. 2006-76.

**ACTION:**

- 1) Review the proposed corrections; and

- 2) Adopt Resolution (Exhibit 1) affirming that the corrections to the General Plan were made pursuant to Section 8 of City Council Resolution No. 2006-76.

**CEQA**

**COMPLIANCE:**

The General Plan EIR covers the identified corrections. The Environmental Impact Report is available for review at the Planning Department.

**ITEM NO. 5**

Status Report of Panini Café (PA2007-063)

**ADDITIONAL BUSINESS**

**ITEM NO. 6**

City Council Follow-up.

**ITEM NO. 7**

Planning Commission reports.

**ITEM NO. 8**

Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

**ITEM No. 9**

Request for excused absences.

**ADJOURNMENT**