

CITY OF NEWPORT BEACH

Planning Commission Minutes

June 18, 2009

Regular Meeting - 6:30 p.m.

<p>ROLL CALL Commissioners Eaton, Unsworth, Hawkins, Peotter, McDaniel, Toerge, and Hillgren– all were present.</p>					
<p>STAFF PRESENT: David Lepo, Planning Director Aaron Harp, Assistant City Attorney Tony Brine, City Traffic Engineer Patrick Alford, Planning Manager Russell Bunim, Assistant Planner Ginger Varin, Administrative Assistant</p>					
<p>PUBLIC COMMENTS:</p>	<p align="center">PUBLIC COMMENTS None</p>				
<p>POSTING OF THE AGENDA: The Planning Commission Agenda was posted on June 12, 2009.</p>	<p align="center">POSTING OF THE AGENDA</p>				
<p align="center">HEARING ITEMS</p>					
<p>SUBJECT: MINUTES of the regular meeting of June 4, 2009. Motion was made by Commissioner Unsworth and seconded by Commissioner Hawkins to approve the minutes as corrected.</p>	<p align="center">ITEM NO. 1 Approved</p>				
<table border="1"> <tr> <td data-bbox="232 1440 391 1472">Ayes:</td> <td data-bbox="391 1440 1300 1472">Eaton, Unsworth, Hawkins, Peotter, McDaniel, Toerge and Hillgren</td> </tr> <tr> <td data-bbox="232 1472 391 1524">Noes:</td> <td data-bbox="391 1472 1300 1524">None</td> </tr> </table>	Ayes:	Eaton, Unsworth, Hawkins, Peotter, McDaniel, Toerge and Hillgren	Noes:	None	
Ayes:	Eaton, Unsworth, Hawkins, Peotter, McDaniel, Toerge and Hillgren				
Noes:	None				
<p align="center">* * *</p>					
<p>SUBJECT: Chronic Taco (PA2009-050) 4525 B W Coast Hwy A use permit for an eating and drinking establishment that would supersede an existing Use Permit (UP2001-041) and allow for the following:</p> <ul style="list-style-type: none"> ▪ A change in operational characteristics and land use classification from a take-out service, limited to a full-service, high turnover eating and drinking establishment. 	<p align="center">ITEM NO. 2 PA2009-050 Denied</p>				

- A 1,500-gross-square-foot expansion (including 1,065 square feet of net public area) for the purpose of providing an additional dining and bar area.
- Introduction of a new alcoholic beverage outlet with a Type 41 Alcoholic Beverage Control (ABC) license.

A use permit for a parking waiver that would supersede existing Use Permits (UP3139 and UP1798) to allow for the following:

- A parking waiver for the 18 additional spaces required for the proposed eating and drinking establishment expansion.

Assistant Planner Russell Bunim gave an overview of the staff report. He then answered the following questions asked by Commissioner Eaton:

- 10 spaces identified as “stacking” for the Jack in the Box drive-through lane as part of the total parking for the site; how does it relate to the Zone Code: This stacking was approved with the Jack in the Box use permit application as part of their waiver and is not typically counted as required parking per the Zone Code.
- Recommendation for approval of the waiver of the requested 18 additional Code-required parking spaces relies entirely on the parking survey conducted on the site in late April and early May. How would the results be affected by summer season tourist parking, a better economy, more successful operation of the other food services establishments in center, if the proposed operation is a sports bar?
- There is an influx of visitors to the area in summer months; however, traffic studies and parking surveys are not typically done during summer months and are done during April and May as it allows for a mid-level average. Staff can not predict parking based on a better economy or the other food service establishments that have been there for a number of years. The proposed operation as a sports bar would create more of a peak demand during certain sporting events that would be done in the evening, and the survey shows there is plenty of parking available.
- Condition No. 5 states no live entertainment is permitted; Condition No. 20 regulates noise emitted by live entertainment, which is correct? The second sentence in Condition No. 22 will be eliminated as that is the condition that relates to live entertainment noise.
- Condition No. 4 states no more than 863 square feet but Condition No. 6 states maximum occupancy shall not exceed 297 persons in the interior of the building and 15 persons on the smoking patio.- Condition No. 4 will be changed to reflect “1,065” square feet and Condition No. 6 will be eliminated, as there is no smoking patio.
- Condition No. 10 indicates a requirement of one space per 40 square feet of net public area for a total of 162 spaces. Is the total number of spaces expected to be provided on site and does that include the 10 “stacking” spaces in the Jack in the Box drive-through lane?
- The 162 spaces are to be provided on site and include the 10 stacking

- spaces for the Jack in the Box approval for their use permit.
- Should there be a one or two year review of the proposal based on the parking uncertainties if this is approved?
 - If the Planning Commission would like a review, staff asks for direction.

Commissioner Hillgren asked about the applicant/property owner/operator. Is the center owned by the same developer? Who were the parking consultants and what are their qualifications?

Mr. Bunim answered the applicant is the operator; however, the second part is for the parking waiver and the owner of the property is aware and has signed the application. The property owner is not here tonight. There are reciprocal easements across the sites to where Jack in the Box needs the other parcel for parking and for ingress/egress to their site. The parking consultant was recommended by the Public Works Department.

Mr. Tony Brine, City Traffic Engineer, noted the firm is Transportation Studies, Inc. and is an on-call contract that does significant number of traffic counts and on the occasion parking studies as well. This firm has been working in Orange County for over twenty years.

Commissioner Hillgren asked about the time, number and demand of parking space use. How quickly do patrons rotate out to free up parking spaces?

Mr. Brine answered the existing use is for take-out, so there is a quick turnover and, in terms of parking spaces, it is a small number. The required parking for the new uses is much larger in terms of what is necessary for the restaurant.

Mr. Lepo added the ratio of one parking space for 30 square feet to one parking space for 50 square feet range; if there is a longer stay at the new facility, you can consider looking at one parking space for 30 square feet instead of the 40 or 50 as that adjusts for that parking difference. You can adjust the provisions accordingly.

Commissioner Hillgren questioned Condition No. 6 and asked if the occupancy limit of 297 persons is appropriate in that building. Is there a revised number we should be contemplating?

Mr. Bunim answered staff would look into that.

Commissioner Unsworth questioned the address noted on the resolution and address numbers listed for other uses in the center. He questioned if the food sold in the 4533 facility is part of the calculation in determining that 50/50 split between alcohol and food sales? The premises for the application are not 4525 and 4533, it's only 4525A.

Mr. Lepo clarified the portion strictly for take-out versus the sit-down part everything would be counted on the premises.

Mr. Bunim added, in the resolution the reference to net public area of 1,065 square feet and in the staff report, it mentions that the suite they are moving into is a 1,500 square-foot gross addition to the existing establishment; that is being included as one total restaurant and will supersede the existing use permit and the project plans reflect that.

Commissioner Unsworth asked about the ability for someone to get fast food and then slide over to the stand-up bar and order a beer? Is the condition to report sales of alcohol to food new?

Mr. Harp answered the condition has been imposed on other applications and reflects how the City deals with this type of use and is an ABC condition. He suggested that the final plans designate the take-out and dining portions.

Commissioner Unsworth asked:

- Are the two parcels owned by the same entity;
- Do they have cross-easements;
- Are there CC & R's;
- He noted his concern if one parcel is sold.

Mr. Harp noted he had not reviewed the easement documents and therefore can not opine on them.

Commissioner Toerge noted that in order to grant an off-street parking waiver, one of four findings has to be made. Staff noted that the first three findings cannot be met so, there is possibly only one that this application could meet and that is, "the parking demand will be less than the requirement in Section 20.66.030." That is based upon this parking survey, not a parking study, which is a count. This is inconclusive and does not give me enough confidence that the parking demand would be less. There are several 20-minute parking spaces that were not discussed; there is a practice of trucks off-loading in the drive-aisles that is not discussed; and, there are many small compact spaces. I have seen regular sized vehicles taking two spaces. A parking study that is meant to satisfy one of the findings we have to make, needs to study these items as part of the overall comprehensive plan, not just do a four-day count in the springtime. He agrees that the first three findings can not be met and the parking survey is not adequate to make the last finding.

Daniel Biello, founder and applicant of Chronic Tacos, noted:

- Serve 700 customers a day who arrive on bicycles or walk-in traffic from the beach;
- Due to the beach traffic parking security and signs are posted;
- Parking surveys were done during spring break, which is a busy time;
- He presented menus for distribution and provided numbers from other stores where he serves alcohol;
- He has two other stores that sell beer and wine that represents 5 percent of the sales;
- There will be an extra station where food will be served on both sides;

- It will be run like two different shops with a central food service;
- There will be three holes in the existing wall, one will be a walk-through, one will be a pass-through window for the bartender or service area, and the other will be a cross-through from customer area to customer area.
- The one other store he has serves 5 percent alcohol sales and another store he has serves 15 percent alcohol sales; it is very hard to get to a 50/50 ratio.
- The whole idea for this application is to get bathrooms and seating areas for the customers.
- This is a busy restaurant but the rent is not cheap and won't be able to add more sales that without the alcohol portion.
- He agrees to close at 10 p.m.

Commissioner Hawkins asked and was answered:

- Customer percentage that ride bikes – 20 to 30 percent; there is a bike shop next door and Mr. Biello is in discussion with the shop owner to do a more organized bike rack away from the parking, perhaps in the back, and projects an increase of 10 percent of sales with this renovation for bathrooms and a better atmosphere.
- Current restaurant is simply seating, no take-out – yes, that is the only way a restaurant could go in there.
- Have another restaurant in Triangle Square – he is the franchisor and founder of the company; he owns eight of his own restaurants and the rest are franchises with a total of twenty-four stores. Triangle Square is an empty food court and is next door to a night club. They have a good relationship with the City of Costa Mesa Police Department. The cantina concept came from Cabo but there is too much risk.
- Where are the other stores – one In Corona in the Inland Empire that has a bar in it and has over a million dollars in sales, and one in Huntington that closes at midnight.

Commissioner Unsworth noted the additional space is for people who are waiting to get their food, are you intending to have fifteen flat screen televisions in there? It seems that when you introduce several flat screen televisions it's more than people waiting for food or eating food and be on their way. It sounds more like a sports bar where people come in and get a seat and have drinks during the athletic event.

Mr. Billeo answered he would like to have people stay, at least 20 percent of the clientele, to order beer and tacos and enjoy themselves.

Commissioner Unsworth noted with that you estimate that only 10 percent of gross revenues would be from the sale of beer? Mr. Billeo answered absolutely.

Commissioner Eaton noted Condition No. 16 prohibits the sale of alcoholic beverages for off-site consumption. Do you have a way in your other operations to control that so that you don't get take-out and beer to go? They could go over to the other side and get a beer and still leave.

Mr. Biello answered there will be no sale of alcohol on that side. They must go to the one side to pick up beer and sit down. They are not going to be able to get a beer in line on the fast-service side.

Commissioner Hillgren noted he visited the site and saw the amount of people being served. The new space will be somewhat a sports bar-like with pool tables? What are you expecting for seating? Is there a tenant association to try and solve some of the operational issues? What about parking and towing? What about transient parking such as cabs waiting for fares and there was somebody parked lengthwise with a trailer using six spaces. What about those?

Mr. Biello noted there will be no pool table as he needs the room for seating. There are 46 seats allowed per the application. There have not been a lot of operational issues for awhile except in the back where the liquor store could not keep it clean in the back storage container area. Last year they stopped doing the towing; however, I need towing in that parking lot all day long and they use to do that. Last year and the year before, we complained about that and it is back now and you can see security walking the lot to check on the cars. My deliveries are at the back door. There should not be trucks in the front and, if there is, it is the liquor store. The bike racks are for the bike store and they do not allow anyone to share.

Commissioner Hawkins noted he had talked to the bike shop owner who indicated the majority of the customers were on bikes. Beer would not be handed to anyone in the food line, they would have to exit out and come back around.

Mr. Biello answered yes; there is quite a bit of clientele coming from the beach using bikes. I can give them a ticket to give to someone on the other side so they can be rung up at the same time. I don't have the ability to keep running back and forth to grab beers for these people. There will always be staff there.

Commissioner Hawkins noted the plans show a pass-through at the bar and I think you reference that.

Mr. Biello answered that is a food pass-through. It is not allowed to pass beer through.

Public comment was opened.

George Schroder, local resident, noted his opposition:

- It is too much business for the parking that is there now.
- There is a problem with the parking survey and those numbers don't make sense. If this venture goes through it will be a nightmare.
- He noted his concern there being one liquor license per 29 people on the Peninsula and the statistics on the Peninsula with the high police

calls.

- The application will not serve the residents of Newport Beach well. He asked for denial due to parking and crime rates in the adjacent reporting districts.

Cindy Kohler, local resident, noted her opposition:

- There are three other facilities serving alcohol at the center.
- Close to residential areas and a park behind the facility.
- The parking is constantly a problem. You can't find a place to park most of the time. People use this center for beach parking.
- Take-out from 7 a.m. to midnight would just add to traffic, noise and congestion that are already there in that strip-mall area.
- He is advertising pool tables at the establishment now.
- The Police Department knows this area is used for the selling of drugs and drug use and has seen it there.
- The applicant has a pattern and history of code violations in other locations. The Upland store is problematic and at that store there use has now been revoked due to multiple law enforcement activities and police calls for service.
- It is time for the Commission to address these issues and prohibit them from this area in West Newport, we have enough problems now. She then described the current problems experienced by the local residents.
- More beer and wine service in that center with a parking waiver is nothing but trouble for our services in these economic times; it is terrible to put that burden on the Police and Fire Departments.

Joe Reese, local resident, noted his opposition:

- Give the operator more square footage for a restaurant only, not a bar.
- Doesn't agree with the business plan given to the Planning Department. They state they want this to be a sports bar with all those televisions and that is what they will be.
- The residents look for protection from the Planning Department and Police Department as far as saying when is enough, enough? Over-concentration within these two areas makes up over 37 percent of the ABC establishments and is 35.5 percent of the arrests done by the Police Department. We are already impacted by alcohol establishments.
- One parcel belongs to the center and one parcel belongs to the Jack in the Box. He distributed pictures of the Jack in the Box parking lot.
- Look at the history of clientele.
- There needs to be more resident input with more public noticing.

Brenda Martin, local resident, noted her opposition. She noted there are rehabilitation facilities in the area and there is no need to add another alcohol serving business. It is not safe for the residents.

Daniel Biello, noted:

- Parking issue – It is not as bad as people say, during the summer there is a lot but nine months out of the year there is open parking.
- Cantina concept has more problems and it was built to compete with Sharkey's; however, this facility is not that concept.
- Expects 10 percent increase in sales.
- Has never had an issue with the Police Departments where he has establishments.
- The Upland establishment was a cantina concept opened until 2 a.m. selling full liquor and a full security staff. There was a live entertainment permit with dancing, bands and karaoke. This project is not that type.
- As he has been in business for 8 years, he deserves approval of this application.
- He wants to expand the store to include bathrooms and storage. This is not a bar and he does business with the schools and the military.

Commissioner Hawkins asked about the franchisee, Keith Sheinberg. He was answered Mr. Sheinberg was a partner at Chronic Cantina in Upland and was the chief executive partner and ran it into the ground. The City of Upland did not want us there; however, there was a drive-by shooting and a killing in the immediate area. This was a bad area to have moved to, so it was closed.

Commissioner Hawkins noted if we put in a condition to limit the ability to sell, transfer or franchise this store would that be acceptable?

Mr. Biello answered he can not sell that store as his contract stipulates.

Commissioner Unsworth asked about the people who are in the restaurant side as it closes at 10:00 p.m., are they invited to leave or can they put in an order at 9:59 p.m. for a pitcher of beer or whatever and stay for a couple more hours, and, can somebody from the restaurant side get a beer and then walk over and get in line and have his beer while waiting for a take-out?

Mr. Biello answered the he can get a beer and then get in line, unless there is an issue with that. The 10:00 p.m. issue is a slow time, so they will start clean-up to close down.

Commissioner Unsworth stated that new orders for alcohol stop at 10:00 p.m., everything else ends at midnight. How is the beer sold? Can someone order a pitcher of beer at 9:59?

Mr. Biello answered both pitchers and bottles of beer are to be sold. He would have to check with the ABC, and would follow the rule that alcohol is finished at closing time.

Chairman Peotter asked staff if that was the intent of the condition to stop service at 10:00 p.m., or that they have to actually not have alcohol at 10:00 p.m.?

Mr. Lepo answered it is not as specific as it should be and should say that all beverages have to be off the table at 10:00 p.m.

Mr. Biello noted everything will be cleaned up by 10:00 p.m. as he wants to be a good business owner.

Commissioner Hawkins asked about the Police report with regards to the closing time of the expanded eating and dining area closing at 10:00 p.m., at which time all alcoholic beverage service and consumption is discontinued. This side would close, not with respect to beer and wine but close. It is proposed that the existing kitchen and dining area remain open for take-out orders only until 12:00 a.m. If there was a condition to that affect, would you have a problem with it?

Mr. Biello answered he would not have a problem with that condition.

Chairman Peotter asked staff to modify Condition No. 8 to accommodate that.

Detective Bryan Moore, Vice and Intelligence Unit with the Police Department, noted he deals with ABC and all matters pertaining to bars and restaurants and off-sale locations. When we review new proposals to introduce new alcoholic beverage outlets, several things are considered, type of establishment and type of liquor license that is being requested and how it relates to the City Council K-7 Policy. Even though Chronic Tacos is within an area where the number of crimes is at least 75 percent higher than the average of all reporting districts in the City, it is by definition a restaurant, at least as proposed, and does not fall under the criteria of a bar, cocktail lounge, cabaret or nightclub as outlined in the Policy. Therefore, the Police Department can not say that public convenience and necessity will not be served by granting an additional retail alcohol outlet. Additionally, we have to look at the Reporting District 16 that has a mixed commercial-residential use and has a propensity for business growth. That has to be weighed and balanced with the safety and welfare needs of the community. Another consideration is the operator's history with the Police Department as a responsible business owner. As far as the Newport Beach location is concerned, the reports and calls for service wouldn't indicate otherwise. Consequently, we drafted our memo with several recommendations for conditions for approval. We have concerns with the hours of operation and recommended that the dining area be shut down at 10:00 p.m., which means last call will be at 9:30 p.m. The existing kitchen area will remain open for take-out only. We hope to eliminate the service and consumption of alcohol before or at least by 10:00 p.m. but allow them to remain open two additional hours for take-out orders. Several other conditions were recommended to assure that Chronic Tacos remains an on-sale eating establishment and doesn't morph into anything that would resemble a bar or nightclub. In addition to city Use permit conditions, ABC will ask for recommendations for conditions for that license as well and at that time we will recommend those for that license to compliment and work in conjunction with the city use permit to address any needs we have as far as public safety is concerned.

Commissioner Hawkins asked if there are still outstanding concerns based on previous discussions by the Planning Commission, assuming this application is approved. If conditions are implemented and put into force and effect, do those concerns go away?

Detective Moore answered those concerns were addressed in the memo.

Commissioner Unsworth asked during the investigation, was traffic movement within the parking lot considered as a traffic issue? Do you look at ingress/egress as far as fender-benders and parking issues?

Detective Moore answered those issues are left up to the Traffic Engineer. His interest is specifically related to the alcoholic beverage service.

Commissioner McDaniel asked, in your opinion, what the difference is of the ten flat screens in the restaurant and ten flat screens in a bar?

Detective Moore answered that by definition a bar is going to be strictly for the purposes of serving alcoholic beverages. This particular establishment has been conditioned to serve food in conjunction with the alcohol, which by definition makes it a restaurant not a bar. I understand the televisions allow people to stay for an extended period of time but that is why those conditions are there as far as the ratio of food to alcoholic beverage sales to minimize this concern.

Commissioner Hawkins asked if the ratio was reduced to 20 percent alcohol and 80 percent food, would that affect the operation from an ABC standpoint. Would you feel more secure that the operation would not lead to more of a bar?

Detective Moore answered, yes, that would help. We can address those issues with the ABC license and they don't like to dip below a certain percentage in the ratio, which he recollects is 30 percent.

Commissioner Unsworth asked about the proportion of gross sales reports being reviewed by the Police Department.

Detective Moore answered no, he has not seen any.

Commissioner Hawkins asked staff about reporting based on alcohol versus food sales.

Mr. Lepo answered that what has been discussed in the past and what we just heard from Detective Moore, is that we prefer that the ABC have the condition and that if there is a problem, that information can be retrieved and used. In the past, there has been discussion that the Planning Department go through those records to make sure there is compliance. We are not bean counters and that requires a lot of man-hours.

Commissioner Hawkins asked if it is conditioned 70/30 and we have a

problem, do you believe either the PD or your Department would have a problem demanding those records and going through them?

Mr. Lepo answered, no, as long as there is no quarterly reporting. If there is a problem this would be a useful tool.

Public comment was closed.

Commissioner Toerge noted this is not a cantina and despite the outrageous behavior in the other locations, those issues are not an influence as it is a different community and a different program. However, this concept of 'deserve it', I think our community deserves that we follow our Municipal Code and that is what we do have the authority over. The staff report is complete or refined as to what our obligations are and they have to do with the parking study and the findings related to alcohol. With regard to parking, I mentioned earlier that we have one finding that we have to hang our hat on in order to approve this application, and that is the parking demand would be less than the requirement in Section 20.66.030. The parking survey doesn't give any conclusions to make that finding. What that parking study would require is a discussion of the twenty-minute reserve parking areas and that is probably not going to be used for the dining area. I was on site today, it was not a beer truck that was there, it was a truck off-loading for the Jack in the Box; that should be studied. The suggestion that 30 percent of the customers use bicycles, that should be studied and should be represented here. The effective use of those compact spaces, how are they really used? That is what should be included to help make that finding; none of these issues are discussed. The parking survey is not adequate and does not serve the purpose.

Whether the use serves a public convenience and necessity, this does not serve a necessity. For convenience, there are 3 or 4 alcohol serving stores in that center, so for convenience how is it more so to go next door? The crime rate in the Reporting District and adjacent Districts as compared to other areas in the City are just not acceptable. The crime rate is 30 percent higher than the average and in the adjacent one it is 300 percent higher. How do we make that finding? The number of alcohol license per capita in that district is about 40 percent higher and almost 1800 percent higher in the adjacent district.

Motion was made by Commissioner Toerge and seconded by Commissioner McDaniel, to deny Use Permit UP2009-012 for the Eating and Drinking Establishment and deny Use Permit UP2009-020 for Parking Waiver for the reasons just submitted.

Commissioner McDaniel stated that what is being asked of us at this location is to give up 18 parking spaces and that waiver would run with the land. That applicant could go away; however, we would have this waiver attached to a beer and wine license use permit. The understanding is the need for space for storage, bathroom and dining; but I have a problem with the concept that you need ten flat screen televisions to do that. This could potentially turn into

a sports bar and that strip mall can't accommodate it. Parking is another problem, even now that there is a need for a tow truck on a regular basis. That is not an area where I would agree to give up 18 parking spaces as that is congestion that is over the top whether it is peak season or not. This application should be denied.

Commissioner Hawkins requested to include 'without prejudice' in the motion, meaning the application could be renewed within 12 months. There are a lot of concerns with the inadequacy of the parking survey, etc. and maybe the applicant could get a study done.

Commissioner Toerge answered that if his concern was related only to parking, then absolutely as the parking survey is not conclusive. Nothing is going to change the Reporting Districts crime rate issues and so forth. He is not prepared to amend his motion.

Chairman Peotter asked for a second on the proposed amendment and hearing none, the amendment failed.

Commissioner Hillgren stated he hears that the applicant is not prepared to run a sports bar; however, the he agrees with the issues raised by Commissioners Toerge and McDaniel. This is a gateway to our Peninsula with significant operating challenges, and not having the owner here who will have a piece of property with the benefit of these permits in place without addressing the operating issues and leaving it to the applicant is completely inappropriate. You have the smallest space within the center and are anticipating generating a significant amount of additional traffic, parking and operational challenges to the center; it strikes me as poor planning and inappropriate. For us to consider this makes no sense. Not to say if you come in with the ownership and a plan to address all of the issues that have been raised tonight and others, I would be willing to think about it. As it is now, it just would not work for this piece of real estate.

Commissioner Hawkins stated something like this restaurant would work in the space. That center is old and has gotten a shot in the arm with the Japanese restaurant and I have every reason to believe that the expansion of this restaurant would upgrade and benefit the center. I agree with the concerns that have been mentioned and encourage the applicant to work with other businesses to see what can be done about circulation and other issues.

Chairman Peotter noted the alcohol is an issue but the conditions proposed by the Police Department are sufficient to address those issues. I look at this more like a pizza place that serves beer and there are a lot of them that have televisions that allow patrons to watch games while eating pizza. It doesn't change it into a bar because it has beer sales or televisions. The parking issue is worsened by the beach parking and the fact that you need a tow truck to keep the unauthorized non-customer from parking on the lot shows there is an overall problem on the Peninsula and not that there is one on site. He supports the project.

<p>Ayes: Noes:</p>	<p>Eaton, Unsworth, McDaniel, Toerge and Hillgren Hawkins and Peotter</p>	
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<p>NEW BUSINESS:</p> <p>City Council Follow-up – Mr. Lepo noted there was an item to adjust the lot line provisions of Title 19 Subdivision Code. It was a minor clean-up and passed on a 4 to 3 vote. It was to come up for a second reading but has been put on the agenda as a business item for next Tuesday for further discussion.</p> <p>Planning Commission reports. – Commissioner Hawkins noted the Economic Development Executive Committee met and discussed their support of the Restaurant Bids request for additional funding in the amount of \$25,000.</p> <p>Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report – none</p> <p>Requests for excused absences – It was determined the next meeting would be July 23, 2009.</p>		
<p>ADJOURNMENT: 8:20 p.m.</p> <p style="text-align: center;">BARRY EATON, SECRETARY CITY OF NEWPORT BEACH PLANNING COMMISSION</p>		