

**PLANNING COMMISSION AGENDA**  
**CITY OF NEWPORT BEACH**  
**COUNCIL CHAMBERS - 3300 NEWPORT BLVD.**  
**Thursday, August 20, 2009**  
**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**

**GINGER VARIN, Planning Commission Secretary**

**PATRICK ALFORD, Planning Manager**

**TONY BRINE, City Traffic Engineer**

**AARON C. HARP, 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.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, August 20, 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 August 6, 2009

**ACTION:** Approve and file.

**PUBLIC HEARINGS**

**ITEM NO. 2** Moriarty Residence  
2128 Mesa Dr.

**SUMMARY:** An appeal by the applicant, Richard Moriarty, of the Zoning Administrator approval of a parcel map to consolidate existing portions of lots and parcels into a single parcel of land for single-family development. The applicant requests relief from conditions of approval relating to Coastal Commission approval and the ingress/egress access easement.

**CEQA**

**COMPLIANCE:** The project is categorically exempt under Section 15315, California Environmental Quality Act (CEQA) Guidelines - Class 15 (Minor Land Divisions).

**ACTION:**

- 1) Conduct public hearing; and
- 2) Adopt Resolution denying the appeal and upholding and affirming the decision of the Zoning Administrator and approving Parcel Map No. NP2008-024, subject to the findings and conditions of approval included within the attached draft resolution (Attachment No. PC1).

## NEW BUSINESS

**ITEM NO. 3** Port Restaurant & Bar (PA2009-080)  
440 Heliotrope Avenue

**SUMMARY:** An amendment to Use Permit No. 1566 to allow the following changes in the operational characteristics of the existing restaurant: 1) Expand the existing hours of operation by extending the closing time to 1:00 a.m., and providing lunch service (11:00 am to 1:00 am, daily); and 2) Introduction of live entertainment and dancing. The application also includes an off-site parking agreement to allow the continued use of 40 off-site parking spaces on property located at 2865 E. Coast Highway.

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

**ACTION:**

- 1) Conduct public hearing; and
- 2) Adopt Resolution denying an amendment to Use Permit No. 1566 and denying Off-Site Parking Agreement No. OP 2009-003. (Attachment No. PC 1)

**ITEM NO. 4** Balboa Inn Hotel / Siena Restaurant (PA2008-197)  
105 Main Street

**SUMMARY:** A six-month review will be conducted for an amendment to Use Permit No. 3158. On March 19, 2009, the Planning Commission approved an amendment to Use Permit No. 3158 that allowed live entertainment for the patrons of the restaurant within the covered courtyard, and expanded the number, hours and area of private events with live entertainment.

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

**ACTION:** Receive testimony at public hearing and file.

## ADDITIONAL BUSINESS

**ITEM NO. 5** City Council Follow-up.

**ITEM NO. 6** Planning Commission reports.

**ITEM NO. 7** Announcements on matters that Commission members would like placed on a future agenda for discussion, action, or report.

**ITEM No. 8** Request for excused absences.

## ADJOURNMENT