

Attachment D

March 5, 2026, Planning Commission Minutes

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, MARCH 5, 2026
REGULAR MEETING – 6:00 P.M.**

I. CALL TO ORDER - 6:00 p.m.

II. PLEDGE OF ALLEGIANCE – Secretary Langford

III. ROLL CALL

PRESENT: Chair Tristan Harris, Vice Chair David Salene, Secretary Jonathan Langford, Commissioner Curtis Ellmore, Commissioner Michael Gazzano, Commissioner Mark Rosene

ABSENT: Commissioner Greg Reed

Staff Present: Community Development Director Jaime Murillo, Acting Deputy Community Development Director Ben Zdeba, Assistant City Attorney Yolanda Summerhill, Deputy City Attorney Jose Montoya, Traffic Engineer Kevin Riley, Civilian Investigator Wendy Joe, Principal Planner Liz Westmoreland, Assistant Planner Laura Rodriguez, Assistant Planner Melinda Whelan, Administrative Assistant Clarivel Rodriguez, and Department Assistant Beatriz Avila

IV. PUBLIC COMMENTS – None

V. REQUEST FOR CONTINUANCES – None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF FEBRUARY 5, 2026

Recommended Action: Approve and file

Chair Harris opened public comment, and there was none.

Motion made by Chair Harris and seconded by Commissioner Ellmore to approve the meeting minutes of February 5, 2026, with Jim Mosher's edits.

AYES: Ellmore, Gazzano, Harris, Langford, Rosene, and Salene

NOES: None

ABSTAIN: None

ABSENT: Reed

VII. PUBLIC HEARING ITEMS

**ITEM NO. 2 300 NEWPORT CENTER DRIVE CONDOMINIUMS (PA2025-0102)
Site Location: 210 and 300 Newport Center Drive and Unaddressed Parcels
Identified as Accessor Parcel Numbers 442-091-12 and 442-161-16**

Summary:

A request to demolish all improvements on a 4.17-acre site, including an existing movie theater (Regal Edwards Big Newport) and a health/fitness facility (Body Design), to allow for the construction of two, 22-story residential buildings (approximately 270 feet high) consisting of a total of 150 condominium units, on-site amenities, for-sale home offices, retail/café

space, and 343 parking spaces. Each residential building is nearly identical and is connected through a podium that contains the home offices, retail/café, amenities, parking, and building support facilities. The project includes private residential amenities such as pools, exercise facilities, and entertainment spaces. Vehicular access to the Property is through a driveway on Newport Center Drive, which leads to a guardhouse and motorized gate restricting access to the motor court and valet drop off. The requested project requires the following approvals:

- Major Site Development Review to allow a new residential development with five or more units and a tentative tract map, and to waive 5 of the 52 Multi-Unit Objective Design Standards;
- Conditional Use Permit to waive 58 required off-street parking spaces for the proposed home offices and retail/café component; and
- Vesting Tentative Tract Map to consolidate four lots into one parcel and to allow for an airspace subdivision of the individual residential units and nonresidential units for condominium purposes.

Recommended Actions:

1. Conduct a public hearing;
2. Find that this project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines because the project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699); and
3. Adopt Resolution No. PC2026-004 approving the Major Site Development Review, Conditional Use Permit, and Vesting Tentative Tract Map No. 19407, collectively filed as PA2025-0102.

Principal Planner Liz Westmoreland reported that the project is located at the corner of San Miguel Dr. and Newport Center Dr. within the City's Housing Opportunity Overlay Zoning District. She stated that the project will demolish the existing theater, health and fitness business, and surface parking to construct two residential towers with up to 150 residential condominium units on top of a podium structure containing 343 parking spaces, retail space, a café, and home offices. She added that the two nearly identical towers will be 22 stories each, reaching a height of 270 feet, featuring 2-4-bedroom units and penthouses with the units ranging from 2,127 square feet to 6,419 square feet, plus residential amenities.

Principal Planner Westmoreland added that the retail space and/or café space would be at the corner of Newport Center Dr. and San Miguel Dr., but the applicant may change the use in the future. She clarified that the home offices could only be sold to residents of the development, with Conditions of Approval including a prohibition of subleasing and staff to serve the offices, and a restriction on the spaces being exclusively for professional office use.

Principal Planner Westmoreland reported that the project requires a Major Site Development Review (SDR), a Conditional Use Permit (CUP), and a Vesting Tentative Tract Map (VTTM). She reported that the project is consistent with the City's development standards, clarifying that the setbacks exceed the standards and are measured to the podium as opposed to the towers, which are farther setback. She presented a site map, noting that the central driveway is on Newport Center Dr. She reported that there is a wide variety of architectural designs in Newport Center, noting that the podium will help scale the transition for pedestrians, along with the significant setback of the towers. She reported that public scenic views will not be impacted more than they already are by the existing development and vegetation, adding that the site is not subject to the

Sight Plane View Ordinance. She added that the project would be consistent with the design intent of Newport Center as it relates to high-rise structures.

Principal Planner Westmoreland reported that the project includes requests for five Objective Design Standard waivers, noting that this section of the Newport Beach Municipal Code (NBMC) was not written with high-rise towers in mind. She added that the project still meets the intent of a high-quality design. She stated that three of the waiver requests relate to the transparency of the first and second floors on the podium level, adding that the applicant intends to use landscaping to soften the area and is not far from meeting the transparency standards. She noted that there is a minor deviation in horizontal modulation as the balconies are only 14 feet wide instead of 20. She clarified that the main entry abuts a motor court instead of a public realm, adding that the project would still support the public realm, and this form of entry layout is common for the style of development proposed.

Principal Planner Westmoreland reported that a Trip Generation Assessment was prepared, finding an estimated decrease of 396 average daily trips from the current use and a Traffic Study was not required. She reported that the project was reviewed by the Federal Aviation Administration and Airport Land Use Commission due to the height and received approval or acceptance from both entities. She added that a finalized Construction Management Plan and completion of the Draft Fire Master Plan will be required prior to permit issuance.

Principal Planner Westmoreland reported that the CUP is needed to waive parking for the non-residential uses. She noted that the project requires 331 parking spaces for residential use and provides 343, allocating the 12 additional spaces for building staff, but providing no spaces for commercial use. She stated that a Condition of Approval would allow the retail/cafe staff to use the 12 spaces to be designated for staff. She added that the site is adjacent to the Orange County Transportation Authority (OCTA) hub and is both easily accessible by bicycle and on foot. She stated that the commercial parking space deficit is also counterbalanced by the home office space being limited to residents who have designated parking spaces as part of their residential units. She noted that 45 visitor spaces will be provided.

Principal Planner Westmoreland reported that the public courtyards abutting the entrances and home office entrances serve as the Publicly Accessible Open Space (PAOS) required. She reported that the In-Lieu Park Dedication Fee will be \$59,575 per unit, amounting to a total of \$8.9 million if built to the planned capacity. She added that the current plans would generate about \$4.9 million in Development Impact Fees.

Principal Planner Westmoreland reported that the Housing Overlay sites were included in the Housing Element Implementation Program's Environmental Impact Report (EIR), so the site is not subject to further environmental review under Section 15183 of the California Environmental Quality Act (CEQA). She added that the project is consistent with the density range and zoning, and a Condition of Approval requires the applicant to comply with the City's Mitigation Monitoring and Reporting Program.

Principal Planner Westmoreland reported receiving public comments both in support of the project and in opposition. She added that areas of public concern include traffic and affordable housing, noting that the City does not have an inclusionary housing ordinance. She stated that there have been several public concerns about losing the Regal Edwards Big Newport movie theater, adding that it is not designated as a historical resource and is not eligible to be listed as a historical resource under CEQA. She added that a Cultural Resources Assessment was prepared for the theater. She stated that the project is consistent with the Housing Element. She reported that one comment included CEQA concerns over the possibility of bird strikes.

In response to Commissioner Gazzano's inquiries, Principal Planner Westmoreland clarified how the Objective Design Standards were focused on townhomes and apartment buildings when they were drafted. She added that, while they do not perfectly translate to a high-rise development, the application is consistent with most of the standards. She added that staff is seeking to add high-rise-specific standards in the future but confirmed that the Commission can rely on the standards in place. She confirmed that the applicant was close to meeting the standards for transparency on the first two floors but deferred to the applicant on just how close.

In response to Commissioner Rosene's inquiry, Principal Planner Westmoreland confirmed that the applicant will be obligated to maintain the PAOS as a Condition of Approval. She stated that, should the designs significantly change, staff would review the plans for conformance.

Commissioner Rosene expressed uncertainty over what the Commission is being asked to approve regarding the retail component, as the applicant has not committed to including retail and/or a cafe despite reserving space for them. He stated that this is a hypothetical situation.

In response to Commissioner Rosene's inquiries, Principal Planner Westmoreland clarified that the Draft Resolution is crafted to provide the applicant some flexibility. She stated that the café would reflect a higher intensity use, while retail or office space would be lower intensity and substantially conforming to the approval.

In response to Vice Chair Salene's inquiry, Principal Planner Westmoreland confirmed that there may be a mathematical mistake on the parking slide in the presentation for stating that the retail would require 20 parking spaces instead of 8. She agreed that if 8 is the correct figure, it would reduce the number of spaces in the waiver request by 12.

Chair Harris clarified Commissioner Rosene's retail intensity concerns by noting that the applicant would have to go through a formal application process to increase the intensity of use for the space, but reducing the intensity in the future would conform to the higher intensity that the Commission is being asked to approve tonight.

Principal Planner Westmoreland noted that certain commercial uses require a permit. She added that a Condition of Approval states that, if the space was going to be used for a restaurant with late hours or needed more parking, the applicant must apply for a CUP.

Principal Planner Westmoreland clarified that the earlier discussed mistake in the parking slide is because the rate of one space for every 100 square feet is erroneously listed as one space for every 250 square feet, meaning that the original count of 20 required spaces is correct. She clarified that staff assessed the parking needs based on a restaurant's higher intensity and not a retail store's lower one to create a more conservative estimate.

In response to Chair Harris' inquiry, Principal Planner Westmoreland confirmed that the slide she showed of Newport Center reflects the original design intent for Fashion Island as it was being developed.

In response to Chair Harris' inquiry, all commissioners reported having ex parte communications with the applicant.

Chair Harris opened the public hearing.

Related California LLC President and Chief Executive Officer Gino Canori spoke of his personal history with Newport Beach, reported that the company is moving its offices to Newport Center, and discussed the company's history of creating award-winning major mixed-income

developments around California. He reported that the property owners of the site agree that it is time to sell and reimagine the land they have owned for almost 60 years.

Jim Edwards reported on the site's history since his father opened what is now Regal Edwards Big Newport in 1969, including the increasing number of competing entertainment mediums that have hurt movie theaters nationwide, adding that the movie theater business has yet to recover from the pandemic. He stated that this theater has also felt the brunt of these shifting national conditions, adding that the family has decided not to extend Regal Cinema's operating agreement beyond its June 2027 expiration, with the theater permanently closing. He reported that Regal Cinemas has indicated that they would like to exit the agreement prior to the end of 2026. He stated that the Edwards family wishes to honor his father by creating something powerful, iconic, and high-quality on the property, leading them to Related California and this project that Newport Beach can be proud of for generations to come. He encouraged the Commission to approve the project.

Mr. Canori thanked Mr. Edwards and his family for trusting Related California to create a new use for the site that will enhance Newport Center. He reported on hiring acclaimed architects to reimagine the site, noting that they have previously worked successfully in Newport Beach and around Orange County.

Robert A.M. Stern Architects Principal Dan Lobitz stated that he feels a responsibility to build something that grows out of the original Newport Center concept while also making its own statement. He noted other upcoming developments that will help turn Newport Center into a mixed-use neighborhood, adding that 300 Newport Center Dr. will be iconic but also tie into the area's feel and scale. He stated that splitting the project into two towers with 200 feet of space between them creates an open and airy feel, while the height correlates to its neighboring towers. He added that the architecture ties into Newport Beach's coastal feel, with the podium base relating in height to the Fashion Island structure.

Mr. Canori stated that his team took care to ensure that the project aligns with the vision for Newport Center and enhances the area. He requested approval of the project and thanked City staff for its work on the project.

In response to Chair Harris' inquiry, Mr. Canori agreed to the Conditions of Approval.

Chris Fletcher expressed his support for the project, stating that it is a property residents will be proud of through Related California's reputation for high-quality products and experience. He added that the City has a need for housing, such as what is being proposed, surrounded by amenities for aging long-term residents like himself who are looking to stay in the community while downsizing their residence.

Jim Mosher noted that, historically, the transition from a shorter commercial property to a vastly taller residential one would involve the City Council's approval. He expressed the opinion that the property was quietly slipped into the Housing Element as a Housing Opportunity site at the last minute, with no incentive for affordable housing on the site. He stated that the height limit was increased after the EIR was completed for the Housing Element and may not have been assessed. He stated that 81 affordable housing units should be going on this site and that it would instead be an ideal site for a new Newport Beach Police Department (NBPD) headquarters.

Steve Swerdlow stated that the project is a perfect solution for the site, adding that it is tastefully done and provides an opportunity for people of his generation to remain in Newport Beach, echoing Mr. Fletcher's comments. He expressed his support for the project.

Chase Preciado, speaking on behalf of the non-profit Supporters Alliance for Environmental Responsibility (SAFER) requested that the project not be approved at this time because it is being exempted from CEQA despite impacts not being analyzed in the EIR. He stated that the height of the towers and their predominance of glass will result in avian mortality at a rate of 1,270 birds annually from striking the building, including birds from protected species. He stated that CEQA Section 15183 compels the City to study this matter further and adopt mitigation measures for bird strikes.

Kevin Barrel stated that he is a Newport Beach resident who would like to live in the proposed towers. He noted that the law firm working on behalf of SAFER is in the City of Oakland, which is dissimilar from Newport Beach. He stated that it is a shakedown letter, and the same boilerplate letter is regularly sent Statewide, to cause delays and pressure developers into a deal. He referred the Commission to the website "PhonyUnionTreeHuggers.com" for additional information on the scheme and how it operates around California. He encouraged the Commission not to allow SAFER to create a costly delay for the City and the developer.

Pam Howard decried the height of the towers for their impact on the community, and inquired where the on-site parking would be located.

Francis Cray commended the developer and architect on the project, stating that it will enhance Newport Center and property values for other homeowners. He encouraged the Commission to support the project to add more housing to Newport Beach.

Larry Tucker reported that he served on the Commission for 11 years and supports this project for its quality and the standard it will set for future growth prescribed in the Housing Element if those projects want to be competitive in a burgeoning market. He noted that the State's legislative framework gives the City very little ability to disapprove. He added that the objective design standards provided the applicant a framework for a project that is less dense than what would be permitted. He added that no environmental impacts were identified and agreed with Mr. Barrel's assessment of Mr. Preciado's comments as being a veiled union shakedown.

Gregg Schwenk, Co-Founder and Chief Executive Officer of the Newport Beach Film Festival, shared fond memories of the Regal Edwards Big Newport theater, including conversations with Mr. Edwards' father, who built the theater. He lamented that the Edwards family did not reach out to the Festival's organizers about the decision, adding that Newport Beach has the largest film festival in coastal Southern California, with the theater serving as its anchor. He lamented that the Cultural Resources Assessment was performed by a consultant in the City of Riverside and not one in Newport Beach, who may have better understood the theater's place in the community. He called for collaboration to figure out a solution to the loss of the Festival's home.

Susan Tobias, owner of Body Design, located within the Regal Edwards Big Newport theater, thanked the Edwards family for her 40 years as a tenant.

Assistant City Attorney Yolanda Summerhill reported that the applicant's attorney analyzed the letter from SAFER, determining that there will be no significant impacts in an urban area over 600 feet from any open space. She added that the average bird migration area is at 1,600 feet of elevation, far above the 270-foot towers.

Chair Harris closed the public hearing.

Commissioner Rosene stated that change is difficult but inevitable. He noted that the Edwards family is looking for an exit from the business, and a developer is looking to provide an excellent project. He commended how well the project considers the pedestrian component in its

landscaping, adding that the footprint of this project is smaller than the existing building. He noted that there is a Draft Fire Master Plan and requested that the applicant honor the landscaped spaces at the pedestrian level without eliminating them as the draft is finalized. He expressed his support for the project.

Vice Chair Salene stated that, like with drive-in theaters, it is a tragedy to lose the Regal Edwards Big Newport theater, lamenting that things evolve. He stated that creating a residential development on the site, as opposed to a commercial development, creates a unique housing opportunity for Newport Beach. He commended the look of the project and Related California's reputation. He expressed his support for the project.

Secretary Langford commended the Edwards family for choosing such a beautiful project for the site. He stated that the development could start a trend of making Newport Center more of a residential village, leading to increased investment and development in the area. He expressed his support of the project.

Chair Harris acknowledged that losing the Regal Edwards Big Newport theater is a big deal to those like himself who grew up in Newport Beach for the memories and sentiment around the theater. He echoed his peers' comments about the entertainment world changing, adding that the Edwards family has gone through all the proper processes. He stated that the design waivers are minor, and the parking plan makes sense due to the residential ownership requirements for the commercial space. He stated that there is no reason to hold up a beautiful project that will drive a new era that fits within the City's initial growth plan from the creation of Newport Center.

Motion made by Chair Harris and seconded by Vice Chair Salene to approve the item as presented.

- AYES: Ellmore, Gazzano, Harris, Langford, Rosene, and Salene
- NOES: None
- ABSTAIN: None
- ABSENT: Reed

Chair Harris called for a recess at 7:13 p.m. The meeting resumed at 7:19 p.m.

ITEM NO. 3 THE NICE GUY RESTAURANT (PA2025-0252)
Site Location: 2607 West Coast Highway

Summary:

A request for a conditional use permit (CUP) to renovate an existing 5,260-square-foot restaurant space on the waterfront, formerly occupied by GuacAmigos, and operate a restaurant known as The Nice Guy with a Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control license, late hour operations, and live entertainment. Proposed hours of operation are 11 a.m. to 12 a.m., Monday through Saturday, and 9:30 a.m. to 12 a.m. on Sunday. A CUP is required to authorize a restaurant with alcohol service and late hour operations (defined by the Newport Beach Municipal Code as service provided after 11 p.m.). If this CUP is approved, the restaurant operator will be required to obtain an operator license from the Newport Beach Police Department, as they intend to offer alcoholic beverages for on-site consumption in conjunction with late hour operations and live entertainment. No dancing is proposed. Approval of the project will also supersede the Minor Use Permit filed as PA2023-0119 and Staff Approval No. SA2018-010.

Recommended Actions: