

# **Attachment I**

Planning Commission Resolution No.  
2025-018 (attachments omitted)

## RESOLUTION NO. PC2025-018

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT KNOWN AS SCH#2024110238 AND APPROVE THE MITIGATION MONITORING AND REPORTING PROGRAM, GENERAL PLAN AMENDMENT, MAJOR SITE DEVELOPMENT REVIEW, CONDITIONAL USE PERMIT, AND MODIFICATION PERMIT TO AUTHORIZE THE SURF PARK WITH ANCILLARY USES AND TYPES 47 (ON-SALE GENERAL EATING PLACE), 58 (CATERER), AND 68 (PORTABLE BAR) ALCOHOLIC BEVERAGE CONTROL LICENSES FOR A PROJECT LOCATED AT 3100 IRVINE AVENUE (PA2024-0069)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CAA Planning, on behalf of Back Bay Barrels, LLC (“Applicant”), concerning property located at 3100 Irvine Avenue, and legally described in Exhibit “A,” which is attached hereto and incorporated herein by reference (“Property”).
2. The 15-acre Property is currently developed as the center portion of the larger 18-hole Newport Beach Golf Course (“Golf Course”). The 57-acre Golf Course is separated into three physically distinct land areas: the northern, center, and southern portions. The center and southern portions are located within the jurisdiction of the City of Newport Beach (“City”) and are owned by Newport Golf Club, LLC (“Owner”). The northern portion is mostly located outside of the City’s jurisdiction and is owned by the County of Orange. The Golf Course is privately owned and operates pursuant to Use Permit No. UP1594.
3. The Applicant requests approval to redevelop the Property into a surf park with ancillary uses and to remove the existing driving range, pro shop, restaurant and bar, and three holes of golf (“Project”). The northern and southern portions of the Golf Course would not be affected by the Project. A modified operation of the Golf Course would continue in substantial conformance with UP1594.
4. The Project provides approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, spas, and lighting. The Project includes the construction of a three-story, 50-foot-tall, 50,341-square-foot (net floor area) amenity clubhouse building with reception area, surf academy, fitness facility, yoga center, administrative offices, staff areas, locker rooms, retail store, restaurant, coffee and snack bar, and basement level surfboard storage, golf cart storage, golf starter shack, maintenance area, and mechanical equipment storage. The Project also includes construction of a two-story, 40-foot-tall, 9,432-square-foot (net area) athlete accommodation building with 20 rooms. To support the amenities, the Project includes freestanding restroom buildings throughout the

Property. The total Project development intensity is 59,772 net square feet. Proposed hours of operation for the Project are from 6 a.m. through 11 p.m., daily.

5. The following approvals are requested from the City to implement the Project as proposed:
  - **General Plan Amendment (“GPA”)** – To increase the development limit from 20,000 square feet to 59,772 square feet for Anomaly Number 58, as identified in Table LU2 of the General Plan Land Use Element
  - **Major Site Development Review (“SDR”)** – To construct a nonresidential building larger than 20,000 square feet;
  - **Conditional Use Permit (“CUP”)** – To allow the operation of an outdoor commercial recreation use, to authorize alcohol sales within the amenity clubhouse and throughout the grounds of the surfing lagoon through a Type 47 (On-Sale General - Eating Place), Type 58 (Caterer License), and Type 68 (Portable Bar) Alcoholic Beverage Control license , to establish the appropriate parking rate, and to allow the construction of buildings taller than 18 feet ;
  - **Modification Permit (“Mod”)** – To allow for the construction of retaining walls taller than 8 feet in height from finish grade; and
  - **Environmental Impact Report (“EIR”)** – To address reasonably foreseeable environmental impacts resulting from the legislative and project specific discretionary approvals.
6. The Property is categorized as Parks and Recreation (PR) by the City of Newport Beach General Plan (“General Plan”) Land Use Element and is located within the Santa Ana Heights Specific Plan/Open Space and Recreation (SP-7/OSR) Zoning District.
7. The Property is not located within the Coastal Zone but is immediately adjacent to its boundary, which occurs at the inland extend of the Mesa Drive right-of-way. The Project proposes three improvements within the Mesa Drive right-of-way: (1) the relocation of an existing driveway; (2) roadway striping (i.e., paint); and (3) utility upgrades. These activities are exempt from obtaining a Coastal Development Permit (“CDP”) pursuant to Section 21.52.035 (Projects Exempt from Coastal Development Permit Requirements) of the NBMC and do not require a CDP. This was further confirmed by California Coastal Commission staff via email on May 7, 2025, which concurred that these improvements are exempt from obtaining a CDP.
8. A study session was held on June 19, 2025, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California, to introduce the Project to the Planning Commission. No action was taken at the study session. Although not required, the City mailed a courtesy public notice of this study session to property owners within a 300-foot radius of the Property.

9. On August 7, 2025, the Orange County Airport Land Use Commission (“ALUC”) reviewed the Project and found it inconsistent with the John Wayne Airport Environs Land Use Plan (“AELUP”). If the Planning Commission recommends approval of the Project, the City Council may consider authorizing the issuance of a Notice of Intent to Override the ALUC’s determination.
10. The Planning Commission held a public hearing on August 21, 2025, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* (Ralph M. Brown Act) and Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Planning Commission at this public hearing.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. Pursuant to the California Environmental Quality Act (“CEQA”), Public Resources Code Sections 21000, *et seq.*) and City Council Policy K-3, it was determined that the Project could have a significant adverse effect on the environment and thus warranted the preparation of an environmental impact report (“EIR”).
2. On November 7, 2024, the City, as lead agency under CEQA, prepared a Notice of Preparation (“NOP”) of the EIR and mailed the NOP to responsible and trustee public agencies, organizations likely to be interested in the potential impacts, property owners within a 300-foot radius of the Property, and any persons who had previously requested notice in writing.
3. On November 20, 2024, the City held a public scoping meeting to present the Project and to solicit input from interested individuals, organizations, and responsible and trustee public agencies regarding environmental issues that should be addressed in the EIR.
4. A draft Environmental Impact Report (“DEIR”) (State Clearinghouse No. 2024110238) set forth in Exhibit “B,” which is attached hereto and incorporated herein by reference has been prepared in compliance with CEQA, State CEQA Guidelines, and City Council Policy K-3.
5. The DEIR was circulated for a 45-day comment period beginning on May 23, 2025, and ending on July 7, 2025. The responses to comments, including those submitted after the deadline are attached hereto as Exhibit “C” and incorporated herein by reference. A study session to introduce the Project and related environmental clearance documents to the Planning Commission and the public was conducted on by the Planning Commission on June 19, 2025, followed by the public hearing on September 4, 2025. The DEIR, comments, and responses to the comments were considered by the Planning Commission in its review of the Project.
6. The Planning Commission finds that the DEIR reflects the independent judgment and analysis of the City.

7. The Planning Commission reviewed and considered the information contained in the DEIR prior to forwarding its recommendation on the Project to the City Council.
8. Based on the entire environmental review record, the Project, with mitigation measures, will have a less than significant impact on the environment and there are no known substantial adverse effects on human beings that would be caused. Additionally, there are no long-term environmental goals that would be compromised by the Project, nor cumulative impacts anticipated in connection with the project. The mitigation measures identified and incorporated in the Mitigation Monitoring And Reporting Program (“MMRP”) set forth in Exhibit “D”, which is attached hereto and incorporated herein by reference, are feasible and will reduce the potential environmental impacts to a less than significant level.
9. The Planning Commission finds that judicial challenges to the City's CEQA determinations and approvals of land use projects are costly and time consuming. In addition, project opponents often seek an award of attorneys' fees in such challenges. As project applicants are the primary beneficiaries of such approvals, it is appropriate that such applicants should bear the expense of defending against any such judicial challenge, and bear the responsibility for any costs, attorneys' fees, and damages which may be awarded to a successful challenger.

### SECTION 3. REQUIRED FINDINGS.

#### **General Plan Amendment**

An amendment to the City's General Plan Land Use Element is a legislative act. Neither Title 20 (Planning and Zoning) nor the California Government Code Section 65000 *et seq.* set forth any required findings for either approval or denial of such amendments. Notwithstanding the foregoing, the following facts support approval of the amendments:

#### **Facts in Support of Approval:**

1. The Project includes a GPA to amend the development limit for Anomaly Number 58. Said development limit will be increased from 20,000 square feet to 59,772 square feet, as shown in Exhibit “E.” The GPA does not include a change in land use category, which would remain as Parks and Recreation (PR).
2. While the Project would construct approximately 79,533 square feet of area, Table LU1 (Land Use Plan Categories) of the Land Use Element provides additional instruction for intensity on properties categorized as PR and specifies types of buildings and facilities that are not counted toward development limits. For example, Table LU1 exempts incidental buildings (e.g., maintenance equipment sheds, supply storage, and restrooms) and, on golf courses, support facilities for ground maintenance employees. Consistent with the guidance of Table 1, the Project includes 19,761 square feet of storage space and restrooms that are not counted toward the development limit of Anomaly 58.

3. A full General Plan consistency analysis has been prepared for the Project, is attached hereto as Exhibit “F,” and is hereby incorporated by reference. In summary, the Project is consistent with the following General Plan Goals and Policies:

*Land Use Element*

Policy LU 1.6 (Public Views)  
Policy LU 2.1 (Resident-Serving Land Uses)  
Policy LU 2.2 (Sustainable and Complete Community)  
Policy LU 2.5 (Visitor Serving Uses)  
Policy LU 2.8 (Adequate Infrastructure)  
Policy LU 3.1 (Neighborhoods, Districts, Corridors, and Open Spaces)  
Policy LU 3.2 (Growth and Change)  
Policy LU 3.3 (Opportunities for Change – Santa Ana Heights)  
Policy LU 3.7 (Natural Resource and Hazardous Areas)  
Policy LU 3.8 (Project Entitlement Review with Airport Land Use Commission)  
Policy LU 4.1 (Land Use Diagram)  
Policy LU 5.6.2 (Form and Environment)  
Policy LU 5.6.3 (Ambient Lighting)

*Historical Resources Element*

Policy HR 2.1 (New Development Activities)  
Policy HR 2.2 (Grading and Excavation Activities)  
Policy HR 2.3 (Cultural Organizations)  
Policy HR 2.4 (Paleontological or Archaeological Materials)

*Circulation Element*

Policy CE 2.2.1 (Safe Roadways)  
Policy CE 7.1.1 (Vehicle Miles Traveled (VMT) Analysis)  
Policy CE 7.1.2 (VMT Mitigation Measures)  
Policy CE 7.1.5 (Support Facilities for Alternative Modes)  
Policy CE 7.1.7 (Project Site Design Supporting Alternative Modes)  
Policy CE 7.1.8 (Electric Vehicle (EV) Charging Stations)  
Policy CE 9.1.10 (Development Requirements)

*Recreation Element*

Policy R 1.12 (Aircraft Overflight and Noise)  
Policy R 4.1 (Provision of Recreation Services)  
Policy R 4.2 (Compatible Recreation Activities)  
Policy R 4.3 (Variety of Programs)  
Policy R 4.5 (Variety of Adult Recreational Programs)

*Natural Resources Element*

Policy NR 1.1 (Water Conservation in New Development)  
Policy NR 1.2 (Use of Water Conserving Devices)  
Policy NR 3.4 (Storm Drain Sewer System Permit)  
Policy NR 3.5 (Natural Water Bodies)

Policy NR 3.9 (Water Quality Management Plan)  
 Policy NR 3.10 (Best Management Practices)  
 Policy NR 3.11 (Site Design and Source Control)  
 Policy NR 3.12 (Reduction of Infiltration)  
 Policy NR 3.14 (Runoff Reduction on Private Property)  
 Policy NR 3.16 (Siting of New Development)  
 Policy NR 3.17 (Parking Lots and Rights-of-Way)  
 Policy NR 3.19 (Natural Drainage Systems)  
 Policy NR 3.20 (Impervious Surfaces)  
 Policy NR 4.3 (Restore Natural Hydrologic Conditions)  
 Policy NR 4.4 (Erosion Minimization)  
 Policy NR 6.1 (Walkable Neighborhoods)  
 Policy NR 6.4 (Transportation Demand Management Ordinance)  
 Policy NR 7.2 (Source Emission Reduction Best Management Practices)  
 Policy NR 10.2 (Orange County Natural Communities Conservation Plan)  
 Policy NR 10.3 (Analysis of Environmental Study Areas)  
 Policy NR 10.4 (New Development Siting and Design)  
 Policy NR 10.5 (Development in Areas Containing Significant or Rare Biological Resources)  
 Policy NR 10.6 (Use of Buffers)  
 Policy NR 10.7 (Exterior Lighting)  
 Policy NR 18.1 (New Development)  
 Policy NR 18.3 (Potential for New Development to Impact Resources)  
 Policy NR 18.4 (Donation of Materials)  
 Policy NR 20.1 (Enhancement of Significant Resources)  
 Policy NR 20.2 (New Development Requirements)  
 Policy NR 20.4 (Public View Corridor Landscaping)  
 Policy NR 23.1 (Maintenance of Natural Topography)  
 Policy NR 23.7 (New Development Design and Siting)  
 Policy NR 24.2 (Energy-Efficient Design Features)  
 Policy NR 24.3 (Incentives for Green Building Program Implementation)

*Safety Element*

Policy S 4.7 (New Development)  
 Policy S 5.1 (New Development Design within 100-year Floodplains)  
 Policy S 5.2 (Facility Use or Storage of Hazardous Materials Standards)  
 Policy S 5.3 (Minimization of Flood Hazard Risk)  
 Policy S 7.1 (Known Areas of Contamination)  
 Policy S 7.2 (Development Design within Methane Gas Districts)  
 Policy S 7.4 (Implementation of Remediation Efforts)

*Noise Element*

Policy N 1.1 (Noise Compatibility of New Development)  
 Policy N 1.7 (Commercial/ Entertainment Uses)  
 Policy N 1.8 (Significant Noise Impacts)  
 Policy N 4.2 (New Uses)  
 Policy N 4.6 (Maintenance of Construction Activities)

Policy N 5.1 (Limiting Hours of Activity)

Charter Section 423 Analysis

- 1. Voter approval is required for any major amendment to the Newport Beach General Plan. A “major amendment” is one that significantly increases the maximum amount of traffic that allowed uses could generate or significantly increases allowed density or intensity. “Significantly increases” means over 100 peak hour trips (traffic), or over 100 dwelling units (density), or over 40,000 square feet of floor area (intensity).
- 2. The thresholds apply to the total of: 1) Increases resulting from the amendment itself, plus 2) Eighty percent of the increases resulting from other amendments affecting the same neighborhood and adopted within the preceding 10 years.
- 3. The GPA is in Statistical Area J-5. One GPA within Statistical Area J-5 was approved within the last 10 years and continues to be tracked, as required by the provisions of Charter Section 423. The following table shows the increases attributable to this GPA, the one prior amendment, and the resulting totals thereby demonstrating that no vote would be required. Trip generation for the purpose of implementing the charter section was calculated using the blended rate for “public, semi-public, and institutional uses”, as provided in City Council Policy A-18.

| Charter Section 423, Measure S Analysis for Statistical Area J-5. |                        |                          |                         |       |
|-------------------------------------------------------------------|------------------------|--------------------------|-------------------------|-------|
| Amendments                                                        | Increased Density (DU) | Increased Intensity (SF) | Peak Hour Trip Increase |       |
|                                                                   |                        |                          | A.M.                    | P.M.  |
| PA2020-041 (Shvetz Residential Subdivision)                       | 1                      | NA                       | 0.75                    | 1.01  |
| Total Prior Increases                                             | 1                      | NA                       | 0.75                    | 1.01  |
| 80% of Prior Increases                                            | .8                     | NA                       | 0.60                    | .81   |
| 100% of Proposed PA2024-0069                                      | 0                      | 39,772                   | 59.66                   | 59.66 |
| Total                                                             | .8                     | 39,772                   | 60.26                   | 60.26 |
| Threshold                                                         | 100                    | 40,000                   | 100                     | 100   |
| Remaining                                                         | 99.2                   | 228                      | 39.74                   | 39.74 |
| Vote Required?                                                    | No                     | No                       | No                      | No    |

Tribal Consultation

Pursuant to Senate Bill 18 (“SB 18”), the City requested a Sacred Lands File (“SLF”) search on May 31, 2024, for the Property from the Native American Heritage Commission (“NAHC”). On June 18, 2024, the NAHC responded that the findings of the search were positive and identified 20 Native American tribal representatives to contact for further information on potential tribal resources. To comply with both the requirements of SB 18 and Assembly Bill 52, the City mailed notices regarding the Project to all the listed tribes. The City received two responses: from the



Gabrielino Tongva Indians of California and from the Gabrieleno Band of Mission Indians - Kizh Nation. Both tribes requested monitoring for tribal resources and mitigation measures were incorporated into the MMRP.

### **Major Site Development Review**

In accordance with Section 20.52.080(F) (Site Development Reviews – Findings and Decisions) of the NBMC, the findings and facts in support of such findings are set forth as follows:

#### **Finding:**

A. *The proposed development is allowed within the subject Zoning District.*

#### **Facts in Support of Finding:**

1. The Property is located within the Santa Ana Heights Specific Plan (SP-7), Open Space and Recreation (OSR) District. The SP-7/OSR District allows for local and buffer greenbelts by right, public and private utility buildings and structures subject to the approval of a minor use permit, and golf courses and commercial recreation subject to the approval of a CUP.
2. The purpose and intent of the SP-7/OSR District is to ensure the long-term use and viability of the Golf Course. The Project is not designed to replace the entirety of the Golf Course's operations, rather it includes components that will continue to support golf operations on the northern and southern portions. It will further introduce additional revenue generating activities and ancillary uses helping to ensure the future viability of the Golf Course.

#### **Finding:**

- B. *The proposed development is in compliance with all of the following applicable criteria:*
- i. *Compliance with this section, the General Plan, this Zoning Code, any applicable specific plan, and other applicable criteria and policies related to the use or structure;*
  - ii. *The efficient arrangement of structures on the site and the harmonious relationship of the structures to one another and to other adjacent developments; and whether the relationship is based on standards of good design;*
  - iii. *The compatibility in terms of bulk, scale, and aesthetic treatment of structures on the site and adjacent developments and public areas;*
  - iv. *The adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces;*
  - v. *The adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials; and*

*vi. The protection of significant views from public right(s)-of-way and compliance with NBMC Section 20.30.100 (Public View Protection).*

Facts in Support of Finding:

1. All Facts in Support of Finding A are hereby incorporated by reference.
2. The Property is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan. The proposed commercial recreational use is consistent with uses contemplated by the PR category, including private recreation.
3. The Project requires a GPA to increase the maximum development limit identified in Table LU2 as Anomaly Number 58; however, the underlying land use category of PR will remain. The Project is consistent with the General Plan as proposed to be amended.
4. The Project is in furtherance of several General Plan Goals and consistent with many General Plan Policies, as noted above and detailed in Exhibit "F," which is attached hereto and hereby incorporated by reference.
5. The Property is located within the Santa Ana Heights Specific Plan (SP-7), Open Space and Recreation (OSR) District. The SP-7/OSR District allows for local and buffer greenbelts by right, public and private utility buildings and structures subject to the approval of a minor use permit, and golf courses and commercial recreation subject to the approval of a CUP.
6. Subsection 20.90.050(E) (Site Development Standards) of the NBMC establishes minimum development standards for the Property, including setbacks and height. The SP-7/OSR District requires a minimum building setback of 20 feet from all property lines and establishes a maximum building height of 18 feet, unless otherwise provided for by use permit. The Project complies with the required building setback and is proposing a maximum building height of 50 feet above the existing grade for the amenity clubhouse and 40 feet above the existing grade for the visitor accommodations building.
7. The Project includes the removal of existing improvements on the Property and developing a surf park. The surfing lagoon would be divided into two, 5.1-million-gallon, basins that would be hydrologically separated by wave making equipment, forming a heart-shape up to 13 feet deep. The lagoon would be heated and surrounded by viewing platforms, seating, three warming pools and one spa ranging in size from 640 to 1,600 square feet, nine outdoor showers, restrooms, and lighting. The surf lagoon will be lighted for evening use by 71-foot-high light poles that would be located adjacent to the lagoon with lights focused down onto the surf lagoon. Additional mechanical equipment, such as the lagoon heating equipment, would have a height of approximately 15 feet and would be located northeast of the surf lagoon.
8. Ancillary uses include a 50-foot-tall amenity clubhouse, a 40-foot-tall athlete accommodation building, and storage and maintenance areas. The basement level would provide staff areas, mechanical equipment, golf cart storage, surfboard storage, and storage space. The first floor of the clubhouse would contain a reception area as well as a

surf academy area, changing rooms, storage lockers, and a surf themed retail store. There would also be a sit-down restaurant with a full-service bar in addition to a quick food service coffee bar/snack shack. The second floor would have a fitness facility, locker room, spa, and yoga room. The third floor would contain administrative offices, an operations center, and day use cabanas. Both the second and third floors would have a deck along the entire eastern frontage of the building, providing views of the surf lagoon. The athlete accommodation building would provide 20 overnight units, 10 on each floor.

9. The Project will have alcohol service within the amenity clubhouse and throughout the grounds of the surfing lagoon through a Type 47 (On-Sale General - Eating Place) Alcohol Beverage Control license ("ABC License"), a Type 58 (Caterer) ABC License, and a Type 68 (Portable Bar) ABC License.
10. The Project is proposed to be served by 351 parking spaces within two surface lots that are partially covered by 14-foot- to 18-foot-high solar canopies. These canopies, in conjunction with solar panels atop the surf park buildings, will provide onsite renewable energy to help offset the energy required to power its operations. The Project proposes 143,844 square feet of drought tolerant ornamental landscaping and would provide 235,650 square feet of open space.
11. Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC provides that the number of parking spaces required for a commercial recreation use shall be established by use permit. The July 14, 2025, Gibson Transportation Consulting, Inc. Parking Demand Analysis ("Parking Analysis") analyzed the Project and projected a maximum parking demand of 324 spaces. The estimated demand includes spaces to accommodate the golfing operations to be retained. The Parking Analysis has been reviewed and accepted by the City Traffic Engineer and supports the finding that 351 total spaces are adequate to support the surf park and remaining golf course operations. While not relied upon in the Parking Analysis to establish the parking demand, long-term bicycle parking will be provided onsite to support any guests arriving via the bike lanes on Irvine Avenue. Condition of Approval no. 10 requires a minimum of 324 spaces be permanently available and Condition of Approval no. 11 ensures bicycle parking is provided.
12. While the Project does not rely on valet parking to establish or satisfy parking requirements, Condition of Approval No. 94 requires a final parking management plan be reviewed and approved by the City to ensure voluntary valet operations and internal gate operations can be fully accommodated onsite and in accordance with city standards.
13. The portions of the golf course to the north of Irvine Avenue (holes 10-18) and south of Mesa Drive (holes 3-8) will remain. The existing golf cart path of travel between holes 3-8 and holes 10-18 will also remain. The Project will provide parking for the golf course, a starter shack for the golf course, and golf cart storage in the basement level of the amenity clubhouse.
14. The Project has been designed and sited efficiently with structures arranged on the Property to promote a harmonious relationship with onsite structures and to other adjacent

developments. Curved buildings mirror the geometry of the surfing lagoon, reinforcing a unified and organic site layout. The amenity clubhouse is sited to shield noise and light from reaching the apartment complex located across Irvine Avenue.

15. A consistent architectural language across all structures, through shared materials, forms, and scale, ensures a cohesive identity.
16. The existing visual character of the area surrounding the properties are a mix of uses with no consistent architectural or visual theme. With implementation of the Project, the Property would change to provide a more urban and developed character compared to the existing condition. However, the bulk, scale, and aesthetic treatment are compatible with the adjacent commercial developments and public areas.
17. The Project is designed with adequacy, efficiency, and safety of pedestrian and vehicular access, including drive aisles, driveways, and parking and loading spaces. The proposed driveway along Mesa Drive shall be a right-turn in and right-turn out driveway with the driveway along the Irvine Avenue frontage which shall be a right-turn in, left-turn in, and right-turn out only driveway. Queuing into the public right-of-way, which would impact the adjacent public sidewalk and streets, is prohibited.
18. The Project is designed with adequacy and efficiency of landscaping and open space areas and the use of water efficient plant and irrigation materials.
19. The Project is designed to protect significant views from public rights-of-way and compliance with Section 20.30.100 (Public View Protection) of the NBMC. All development within the Property would be set back from adjacent streets and would not encroach on existing public views along the roadway corridors adjacent to the site. The closest designated public viewpoint is approximately 0.3-mile southwest of the Property, along Irvine Avenue and south of University Drive. The viewpoint provides views of the Upper Newport Bay Preserve. Bayview Park, adjacent to Upper Newport Bay Preserve, is also designated as a public viewpoint. The Site is located northwest of these points not within the coastal scenic viewshed from either of these viewpoints. Therefore, the Project does not have the potential to obstruct public viewpoints or corridors, as identified on General Plan Figure NR 3 (Coastal Views).

Finding:

- C. *Not detrimental to the harmonious and orderly growth of the City, nor will it endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of person residing or working in the neighborhood of the proposed development.*

Facts in Support of Finding:

1. The Project will provide a new recreational opportunity, consistent with the General Plan and the Santa Ana Heights Specific Plan, in an area developed with existing recreation, commercial, office, and residential uses. The Project will reduce the number of holes, and

the driving range will be removed; however, the Project will support the remaining golf course holes to the north and south of the Property by providing a starter shack, golf course parking, and golf cart storage.

2. The Project has been reviewed by all relevant City Divisions and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator of the Project is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the property and adjacent properties during business hours, if directly related to the patrons of the establishment.
3. The Project has been reviewed by the NBPD. The NBPD does not object to the Project, subject to appropriate conditions of approval which have all been incorporated into Exhibit "G," which is attached hereto and incorporated herein by reference. Additionally, the Facts in Support of Finding I for Alcohol Sales below are hereby incorporated by reference.
4. To minimize disruptions to persons residing or working in the neighborhood, a final Construction Management Plan ("CMP") shall be reviewed and approved by the Community Development Director and City Traffic Engineer prior to building permit issuance.
5. The Project will incorporate green building measures, such as water efficiency, Low Impact Development ("LID"), and renewable energy sources to reduce energy demands and GHG emissions.
6. The Property is located approximately 0.4 miles from John Wayne Airport ("SNA") and within the SNA Airport Environs Land Use Plan ("AELUP"). The Property is trisected by Zones 2 (Inner Approach/Departure), Zone 4 (Outer Approach/Departure), and Zone 6 (Traffic Pattern Zone). The Project will comply with AELUP aviation, safety, aircraft noise, airspace protection and overflight criteria. The Project complies with the people per acre intensity limits of uses allowed within the AELUP and Caltrans Handbook Safety Zones 2, 4 and 6. The clubhouse and athlete accommodation buildings will have a maximum height of 50 feet ("92 feet AMSL") and 43 feet ("83 feet AMSL") and will not exceed the 14 CFR Part 77 construction notification imaginary surfaces over the Property.

### **Conditional Use Permit**

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) and Section 20.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC, the following findings and facts in support of the findings are set forth:

#### **Finding:**

D. *The use is consistent with the General Plan and any applicable specific plan.*

#### **Fact in Support of Finding:**

1. Facts 2 through 4 in Support of Finding B are hereby incorporated by reference.

Finding:

- E. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. All Facts in Support of Finding A are hereby incorporated by reference.
2. Facts 5 through 13 in Support of Finding B are hereby incorporated by reference.
3. Section 20.90.050(E)(2) of the NBMC establishes a maximum building height limit of 18 feet, unless otherwise permitted through an approved use permit. The Project proposes a 50-foot-tall amenity clubhouse and a 40-foot-tall athlete accommodation building. All other freestanding structures will comply with the 18-foot height limit. Potential impacts from the increased building heights are mitigated by the significant distance between the proposed buildings and the adjacent public rights-of-way. On the west side of the Property, the Project is separated from Irvine Avenue by the Delhi Channel, which creates a visual buffer and reduces any perceived scale difference between the buildings and the public right-of-way. Although the southern edge of the Property along Mesa Drive does not benefit from this buffer, the tallest building, the 50-foot-tall amenity clubhouse, is set back at least 100 feet from the Mesa Drive public right-of-way. These generous setbacks create large open areas and help reduce any perceived height of the structures from public viewpoints. While the 40-foot-tall athlete accommodation building is not set back as far as the clubhouse, it is still set back 30 feet from Mesa Drive, exceeding the minimum setback required by code.
4. Architectural and structural elements on the amenity clubhouse and athlete accommodations building are thoughtfully designed for compatibility and visual interest, using natural materials, varied rooflines, recessed walls, and layered [façades](#), while ensuring that building heights do not exceed surrounding tall elements like existing 80-foot net poles.
5. None of the proposed improvements will be taller than the existing poles at the driving range. The existing driving range is surrounded by approximately 40 net poles that range in height from 25 to 80 feet, depending on location. The poles and netting separating the driving range from the buildings to the east are approximately 80 feet tall while the poles and netting separating the driving range from the golf course on the west are approximately 50 feet tall and the poles and netting separating the driving range from Mesa Drive to the south are between 62 and 65 feet tall. Some of the poles are wood (telephone pole-like) while others are pipes.
6. Chapter 15.40 (Traffic Phasing Ordinance) of the NBMC requires a Traffic Impact Analysis ("TIA") be prepared if a project generates greater than 300 new average daily trips ("ADT"). Due to the unique nature of the Project, a trip generation analysis was prepared by Gibson Transportation Consulting, Inc ("Gibson"), dated March 4, 2025. Gibson based the trip

generation rate for the Project on the projected attendance and associated vehicular demand projections for a high season weekday scenario. Furthermore, the new net trip generation estimates reflect both the reduction of trips associated with the significant portions of existing golf facility being replaced and the addition of trips associated with the portions of the golf course to be retained. The Project is anticipated to generate 186 new ADT with a net reduction of 73 AM peak hour trips and a net reduction of 10 PM peak hour trips. The total number of new trips is below the 300-ADT threshold; therefore, the Project does not require a TIA.

Finding:

F. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The Property is currently developed with a 38-bay, partially covered, synthetic turf driving range, 1,050-square-foot putting green, and one-story 8,975-square-foot clubhouse building. The existing clubhouse includes a pro shop and restaurant that seats 233 people, a surface parking lot with 280 parking spaces, and three holes of the existing Golf Course (holes 1, 2, and 9).
2. The proposed hours of operation for the surf lagoon are from 6 a.m. to 11 p.m., 7 days a week. The Project hours are extended slightly beyond the current allowable hours of operation for the existing golf course, which are from 7 a.m. to 10 p.m., daily, pursuant to UP1594. However, the proposed hours are not considered late hours pursuant to Chapter 20.70 (Definitions), which defines late hours as facilities that provide service after 11 p.m., any day of the week. By not proposing late hours, the Project is compatible with the allowed uses within the vicinity
3. Condition of Approval no. 32 requires the outdoor speakers to cease operation by 10 p.m.
4. The surfing lagoon would operate on a reservation basis with the maximum number of participants at one time limited to 72 people. The average number of hourly users is expected at 35-45 people.
5. The Project would employ approximately 70 full-time and part-time employees with an average of approximately 35 employees onsite at any given time. All employees will be required to park onsite.
6. The facility is anticipated to host approximately 12 surf events/competitions per year. The special events would be ticketed events, similar in scale to other local sporting events. Conditions of Approval no. 129 through 146# are included to regulate the number of events, number of attendees, and hours of events.
7. The Project is compatible with the surrounding land uses, which include a mix of commercial, recreational, civic, and residential developments. Beginning to the north of the

Property and moving clockwise, adjacent uses include “The Jetty” commercial center, holes 10–18 of the golf course, multi-tenant office buildings, Newport Beach Fire Station No. 7, holes 3–8 of the golf course, “The Ranch” retail shopping center, and multi-family residential housing. Additionally, the Santa Ana–Delhi Channel runs from the northwest to the southwest between the Property and Irvine Avenue, providing a natural buffer and visual separation from adjacent uses.

8. The Project has been designed to be harmonious with persons residing or working in the neighborhood by designing the clubhouse in a location that will shield noise from the multifamily residential located across Irvine Avenue, extensive landscaping onsite and at the perimeter of the Property, providing sufficient parking and circulation, and roadway improvements.

Finding:

- G. *The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. Subsection E of 20.90.050 (Open Space and Recreation District) of the NBMC establishes minimum site development standards. It provides a one-acre minimum building site area, a maximum building height of 18 feet unless otherwise provided for by an approved use permit, a 20-foot minimum building setback from all property lines, and requires lighting be designed and located so that direct light rays are confined to the premises. It further states that parking shall comply with Chapter 20.40 (Off-Street Parking) of the NBMC. As designed and proposed, the Project is consistent with the development standards with exception of the requested modification for retaining wall height, discussed under the “Modification Permit” section below.
2. The Property is approximately 15 acres in area and exceeds the one-acre site minimum. The Project meets the minimum 20-foot setback from all property lines.
3. The Property will provide public and emergency vehicle access from a 26-foot-wide driveway along Irvine Avenue in the general location of the existing driveway. The Irvine Avenue access will allow turning in from both directions and only right-turn out. A second 26-foot-wide driveway will be located along Mesa Drive. The Mesa Drive access will only allow right-turn in and right-turn out.
4. The Project would upgrade the existing onsite 6-inch domestic water line to a 12-inch water line. Installation would occur within the Property and the public right-of-way, to connect to the existing 24-inch water line in Irvine Avenue. In addition, the Project would upgrade the existing onsite 6-inch sewer lateral that extends approximately 42.5 feet offsite to a 12-inch and connects to the sewer line in Mesa Drive.



5. A Water Demand Report dated December 2024, was prepared for the Project by Fuscoe Engineering. The Water Demand Report determined that the existing water infrastructure and fire flow is adequate to serve the Project and no new water facilities would be required. The Water Demand Report was reviewed and accepted by the Utilities Department Director.
6. A Sewer Analysis Report dated January 2025 was prepared for the Project by Fuscoe Engineering. The Sewer Analysis Report determined that under operational conditions, the flows from the Project would be within the capacity of the existing sewer system. The Sewer Analysis Report was reviewed and accepted by the Utilities Department Director.
7. In addition to typical daily operational wastewater generating conditions, each of the basins would be drained every two years into the sewer system. Each year one of the basins would be drained; the timing of which would be coordinated with Costa Mesa Sanitary District ("CMSD") and approved by CMSD permitting.
8. The Property will be served by the Newport Beach Fire Department and the Newport Beach Police Department ("NBPD"). The Project would not significantly increase the need for public services in the Project area, in the cities surrounding the Property, or within the region, as fully demonstrated in the Public Services section of the DEIR.

Finding:

- H. *Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The architectural style of the Project is a contemporary interpretation of Southern California's surf and beach culture, expressed through low-profile forms and natural materials. The material palette includes horizontal wood siding, exposed mass timber, architectural concrete, dark bronze metal accents, and glass. The proposed color palette includes earth tones; driftwood browns, soft greys, sandy beige, and weathered whites. They are designed to blend into the environment and soften the built form against the natural backdrop.
2. All Facts in Support of Finding C are hereby incorporate by reference.

**Alcohol Sales**

In accordance with Section 20.48.030 (Alcohol Sales) of the NBMC, the Planning Commission shall consider the following findings prior to the approval of a new or amended alcohol sales establishment:

Finding

I. *The use is consistent with the purpose and intent of NBMC Section 20.48.030 (Alcohol Sales).*

In finding that the Project is consistent with Section 20.48.030 (Alcohol Sales) of the NBMC, the following criteria must be considered:

i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City*

- a. The Property is in an area the NBPd designates as Reporting District ("RD") 33. RD 33 is irregularly shaped and encompasses the Santa Ana Heights neighborhood, portions of Upper Newport Bay, and extends north to the 73 freeway. RD 33 is abutted to the west by RD 31, to the south by RD 32, to the east by RD 36, and to the north by RD 34. RD 32 primarily encompasses the Upper Newport Bay and is not included in the comparison of crime rates.
- b. The NBPd is required to report offenses of Part One Crimes combined with all arrests for other crimes, both felonies, and misdemeanors (except traffic citations) to the California Department of Alcoholic Beverage Control ("ABC"). Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report: criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. RD 33 is not considered or reported to ABC as a higher crime area, as compared to other RDs within the city. The RD 33 crime count for 2024 is 110, which is 2% under the citywide average of 112 crimes per RD. The highest volume crime in RD 33 is theft/larceny.
- c. The NBPd has reviewed the Project and has no objection to the Project, subject to appropriate conditions of approval which have all been incorporated into Exhibit "G" of this Resolution. These conditions include provisions such as the requirement that all owners, managers, and employees selling alcoholic beverages shall undergo and complete a certified training program in responsible methods and skills for selling alcoholic beverages, all alcoholic beverages that will be sold or consumed in the lagoon and pool areas shall be served in containers which are distinctive in design and color, easily distinguishable from any other containers used in the service of beverages, and a prohibition of games or contests requiring or involving the consumption of alcoholic beverages.

ii. *The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*

- a. In 2024, RD 33 had a higher percentage of alcohol-related crimes than RD 31 and RD 36 but a lower percentage than RD 34. The higher number of alcohol-related crimes compared to RD 31 and RD 36 is expected, given that the crime figure includes driving under the influence, public intoxication, and liquor law violations. These alcohol-related crimes are typically associated with commercial establishments. RD 31 and RD 36 are primarily residential and are unlikely to have

similar crime incidents. The difference in crime rate was not substantial enough to warrant objection from the NBPD.

iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors*

- a. There is an apartment complex less than 200 feet from the Property, across Irvine Avenue, two Montessori schools within a mile of the Property, and the nearest park, Mesa Birch Park, is approximately 670 feet east of the Property. The nearest church, OC Spiritual Center, is .7 miles to the north of the Property.

iv. *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

- a. There are two active On-Sale ABC Licenses within the general vicinity of the Property: a Type 41 (On-Sale Beer and Wine - Eating Place) at Sgt. Pepperoni's Pizza and a Type 47 (On-Sale General - Eating Place) at Original Pizza. Sgt. Pepperoni's Pizza is located approximately 2,500 feet away from the Property. Original Pizza is located on the Property and will be removed as part of the Project.
- b. There are three active Off-Sale ABC Licenses within the general vicinity of the Property: two Type 20 (Off-Sale - Beer and Wine) and one Type 21 (Off-Sale - General).

| License Type                     | Address          | Distance from the Property |
|----------------------------------|------------------|----------------------------|
| Type 20 (Off-Sale Beer and Wine) | 2121 Bristol St. | 1,300 feet                 |
| Type 20 (Off-Sale Beer and Wine) | 2100 Bristol St. | 1,550 feet                 |
| Type 21 (Off-Sale General)       | 3530 Irvine Ave. | 1,200 feet                 |

- c. This location does not meet the legal criteria for undue concentration pertaining to crime (Business and Professions code section §23958.4) with a clear nexus to alcohol

v. *Whether or not the proposed amendment will resolve any current objectionable conditions.*

- a. There were 18 police dispatch events to the Property in 2024. None of the events resulted in arrests and there were no alcohol-related citations.
- b. There are no objectionable conditions presently occurring at the Property.

**Modification Permit**

In accordance with Section 20.52.050(E) (Modification Permits) of the NBMC, the following findings and facts in support of the findings are set forth:

Finding:

J. *The requested modification will be compatible with existing development in the neighborhood;*

Facts in Support of Finding:

1. The Project includes multiple retaining walls to the south, west, and north of the surfing lagoon. The retaining walls range in height from 5.5 feet above finish grade to a maximum of 16.4 feet above finish grade. All retaining walls will have a 6-foot security fence above.
2. The general area surrounding the Property features undulating hills and pronounced changes in grade. Irvine Avenue slopes from a higher elevation north of the Property downward to the intersection of Irvine Avenue and Mesa Drive. Mesa Drive slopes downwards, toward Irvine Avenue. The intersection of Irvine Avenue and Mesa Drive is the low point in the area. There are existing retaining walls along portions of the perimeter of the Property, along Mesa Drive.
3. The Ranch commercial center, at the southwest corner of Irvine Avenue and Mesa Drive, is on an elevated building pad, approximately 17 feet higher than the sidewalk below. The apartment complex across Irvine Avenue is also constructed on an elevated building pad. The grade differential between the sidewalk and the building pad for the complex is substantial enough to require a staircase for accessing the Property.

Finding:

K. *The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use;*

Facts in Support of Finding:

1. The high point of the Property occurs within the driving range, behind Fire Station No. 7. The Property slopes downward, toward the Santa Ana-Delhi Channel and Irvine Avenue beyond. There is an approximately 33-foot grade differential between the high point of the Property and the centerline of Irvine Avenue. The southern side of the Property is higher than the northern side.
2. The existing slope differential creates a physical hardship for maintaining adequate separation from the Santa Ana-Delhi channel and the Project. The height of the retaining wall extends for approximately 662 feet along Irvine Avenue and 70 feet along Mesa Drive. While that exceeds the maximum height, the remaining approximately 284 feet of the retaining wall along Irvine Avenue will not exceed the maximum height.

Finding:

L. *The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code;*

Facts in Support of Finding:

1. The civil plans prepared for the Project are designed consistent with the recommendations of the Preliminary Soils Engineering and Geologic Report provided, including the proposed heights of the retaining walls.
2. The intent of the NBMC to limit the height of retaining walls when measured from finish grade is to prevent tall walls that are visible from public rights-of-way and neighboring properties. The tallest retaining wall near Irvine Avenue is located behind the Santa Ana-Delhi Channel, setback 17 feet from the property line and over 140 feet from the center line of Irvine Avenue.
3. Visible portions of retaining walls would be screened with landscaping, which would shield the mass and soften the view.

Finding:

- M. *There are no alternatives to the modification permit that could provide similar benefits to the Applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public;*

Facts in Support of Finding:

1. The surfing lagoon elevation and the finish floor of the buildings were designed with a goal of balancing the Property and maintaining access to the adjacent public streets.
2. The terracing of retaining consistent with Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC walls has been incorporated into the design where feasible. For example, at the high end of the property, two terraced walls with a maximum exposed height of 8-feet each are designed along the southeasterly property line.
3. Section 20.30.040 (Fences, Hedges, Walls, and Retaining Walls) of the NBMC requires a minimum horizontal separation equal to the height of the tallest retaining wall be provided between retaining walls, except that the required separation shall not be more than 6 feet. Terracing for all retaining walls is not feasible as terraced retaining walls along the the southern and western boundaries of the surfing lagoon would restrict the space available for the Project and would result in a reduced Project.

Finding:

- N. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code;*

Facts in Support of Finding:

1. The Property slopes toward the Delhi Channel. The retaining walls allow for back filling and leveling of an irregular site, resulting in a level pad and sufficient depth for the surfing lagoon.
2. The Building Division has reviewed the Project and conditions of approval are included to ensure the Applicant is required to obtain all necessary permits and to demonstrate compliance with the California Building Code and other applicable codes.
3. Approval of any City permits, including this modification permit, does not relieve the Applicant of the legal requirement to observe, covenants, conditions, and restrictions that may be recorded against the property or to obtain community association approvals.

#### SECTION 4. DECISION.

#### **NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby recommends the following actions to the City Council:
  - a. Certify the Environmental Impact Report (SCH No. 2024110238), including the Response to Comments, and the Mitigation Monitoring and Reporting Program attached as Exhibits “B,” “C,” and “D”;
  - b. Approve the General Plan Amendment filed as PA2024-0069 and attached as Exhibit “E”; and
  - c. Approve the Major Site Development Review, Conditional Use Permit, and Modification Permit filed under PA2024-0069, subject to the conditions of approval attached as Exhibit “G.”
2. Use Permit No. UP1594 shall remain in full force and effect, except as modified by PA2024-0069.

#### **PASSED, APPROVED, AND ADOPTED THIS 4<sup>TH</sup> DAY OF SEPTEMBER, 2025.**

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

NOES: None

ABSTAIN: None

RECUSED: Langford

BY: Tristan Harris  
Tristan Harris, Chair

BY: David Salene  
David Salene, Vice Chair

ATTACHMENT(S): Exhibit A – Legal Description  
Exhibit B – Draft Environmental Impact Report (SCH No. 2024110238)  
Exhibit C – Response to Comments  
Exhibit D – Mitigation Monitoring and Reporting Program  
Exhibit E – General Plan Amendment  
Exhibit F – General Plan Consistency Analysis  
Exhibit G – Conditions of Approval