

Attachment H

Planning Commission Meeting Minutes

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, SEPTEMBER 4, 2025
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 Greg Reed, Commissioner Mark Rosene

ABSENT: None

Staff Present: Acting Community Development Director Jaime Murillo, Principal Civil Engineer Kevin Riley, Assistant City Attorney Yolanda Summerhill, Civilian Investigator Wendy Joe, Senior Planner Joselyn Perez, Administrative Assistant Clarivel Rodriguez, and Department Assistant Jasmine Leon

IV. PUBLIC COMMENTS – None

V. REQUEST FOR CONTINUANCES – None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF AUGUST 21, 2025

Recommended Action: Approve and file.

Chair Harris opened public comment. There were none.

Motion made by Commissioner Ellmore and seconded by Commissioner Reed to approve the meeting minutes of August 21, 2025, as amended.

AYES: Ellmore, Gazzano, Langford, Reed, and Salene

NOES: None

ABSTAIN: Harris, Rosene

ABSENT: None

VII. PUBLIC HEARING ITEMS

**ITEM NO. 2 SNUG HARBOR SURF PARK (PA2024-0069)
Site Location: 3100 Irvine Avenue**

Summary:

A request to redevelop the central 15.38-acre parcel of the privately owned Newport Beach Golf Course. The existing driving range and putting green, pro-shop, restaurant and bar, and three holes of golf would be removed and replaced with a new surf-focused outdoor commercial recreation use (i.e., a surf park). The site would be improved with approximately five acres of surfing lagoons surrounded by viewing platforms, seating, pools, a spa, restrooms, landscaping, and 351 surface parking spaces. The proposed hours for the surf park are from 6:00 a.m. to 11:00 p.m., daily. The project includes the construction of a new three-story amenity clubhouse which would provide a reception and lobby area, surf academy,

fitness facility, yoga center, administrative offices, locker rooms, retail space, a restaurant, viewing suites, and a coffee and snack bar. The basement level would provide space for golf cart storage, surfboard storage, facility storage, mechanical equipment, and staff area. The project also includes a two-story athlete accommodation building with 20 rooms. In total, the project would provide approximately 79,533 square feet of building area, however 19,761 square feet is excluded from the total development limit of the site as incidental building area consistent with Table LU1 (Land Use Plan Categories) of the General Plan for properties categorized as Parks and Recreation. As golf operations are proposed to continue, existing access would be maintained to the golf course holes identified as the front six and the back nine. To implement the project, the Planning Commission will consider making a recommendation to the City Council regarding the following:

- **General Plan Amendment:** 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:** To construct a nonresidential building larger than 20,000 square feet.
- **Conditional Use Permit:** 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, to establish the appropriate parking rate, and to allow the construction of buildings taller than 18 feet.
- **Modification Permit:** To allow for the construction of retaining walls taller than 8 feet.

Recommended Actions:

1. Conduct a public hearing;
2. Adopt Resolution No. PC2025-018 recommending the City Council take the following actions:
 - a. Certify the Environmental Impact Report filed as State Clearinghouse Number 2024110238; and
 - b. Approve the General Plan Amendment, Major Site Development Review, Conditional Use Permit, and Modification Permit filed as PA2024-0069.

Secretary Langford recused from the item because the parcel is partially owned by his employer.

Senior Planner Joselyn Perez used a PowerPoint Presentation to present the project location, zoning and surrounding land uses, existing site conditions, a project description, ownership of the distinct property areas, clarifying there is no action proposed to either the northern or southern portions of the Newport Beach Golf Course (NBGC) and summarized the required approvals to implement the project and the environmental review process. She concluded the presentation by summarizing the project and mentioned the public comments received in support and in opposition of the project.

In response to Commissioner Reed's inquiry, Senior Planner Perez confirmed that there is landscaping proposed to help soften the walls over eight feet tall.

In response to Commissioner Gazzano's inquiry, Senior Planner Perez confirmed that the parking rate terminology in the CUP refers to the amount of parking spaces required and not the cost of parking for patrons.

In response to Commissioner Rosene's inquiry, Senior Planner Perez deferred questions about the lease to the applicant.

In response to Chair Harris' inquiries, Senior Planner Perez clarified that the golf cart path meanders, with some of it being within the project site. She confirmed that the applicant would have better insight into some of the cart path's nuances. She confirmed that no changes have been made to the retaining walls along Mesa Drive since the Planning Commission's June 19th Study Session on this project. She deferred to the applicant regarding how the parking areas would be divided with golfers.

In response to Chair Harris' inquiry, all Commissioners disclosed ex Parte communications with the applicant and their representatives.

Chair Harris opened the public hearing.

CAA Planning, Inc. Chief Executive Officer Shawna Schaffner, speaking for the applicant, reported on the vision for the project to provide an innovative, world-class, full-service, year-round outdoor recreational opportunity to serve a wide range of guests by increasing access to surf for riders of all levels. She noted that golf operations will continue while the project will maintain consistency with SP-7, maximize solar power, expand the City's tourism economy, and provide a safe wave consistency unavailable naturally.

She addressed residential noise concerns by noting that Wavegarden technology is the quietest on the market, adding that the EIR concluded there will be no noise impacts.

Ms. Schaffner reported on the applicant's outreach efforts, including over 150 meetings, and the publicity the proposal has received. She noted that the community benefits of the project include opportunities for camps, high school sports, and lifeguard training, all while golf access will continue.

Ms. Schaffner responded to Commissioner Gazzano's previous inquiry by confirming that the applicant does not intend to charge for parking and that the parking rate refers to the ratio, echoing Senior Planner Perez's response to his inquiry.

Ms. Schaffner responded to Commissioner Rosene's previous inquiry by stating her understanding is that the lease terminates in January of 2027.

Ms. Schaffner responded to Chair Harris' previous inquiry by clarifying that the northerly parking lot on Irvine Ave. will be primarily intended for employees and golfers, with both having an opportunity to use the main parking lot on the western side of the property off Mesa Drive.

In response to Chair Harris' inquiry, Ms. Schaffner confirmed that the applicant has reviewed the Conditions of Approval and Mr. Mosher's recommended edits. She confirmed the applicant agrees with all Conditions of Approval and the edits.

In response to Commissioner Reed's inquiry, Ms. Schaffner clarified that there will be temporary restrooms and a starter for golfers during construction until the permanent ones are completed.

In response to Commissioner Rosene's inquiry, Ms. Schaffner clarified that the applicant's request for 12 special events per year anticipates one per month.

In response to Commissioner Gazzano's inquiry, Assistant City Attorney Yolanda Summerhill reported that the City offered tribal consultation to 20 tribes to ensure that any sacred resources are protected. She confirmed that two tribes requested monitoring, and they are included in the MMRP. She confirmed that there will be an archaeologist on site in case any tribal resources are

unearthed to ensure they are properly cared for.

In response to Chair Harris' inquiries, Ms. Schaffner confirmed that the back nine holes of the NPBC are in Orange County and under a separate lease. She stated that the lease for those holes also expires in January of 2027, coinciding with the main parcel. She confirmed that the applicant has been in communication with the County, conveying that the County intends to maintain the golf course long-term.

Kara Grant, speaking on behalf of Save Newport Beach Golf Course and the Gabrieleño Band's Kizh Nation, stated that the EIR is misleading for overstating the ability to mitigate impacts. She reported that golf courses are often constructed on tribal grounds, and it is certain that human remains or tribal resources will be discovered in the construction. She stated that all the Kizh Nation's proposed conditions based on AB 52 have not been met due to insufficient consultation with the City, which did not fully vet the tribe. She expressed concerns about how the Kizh Nation human remains would be treated.

Newport Bay Conservancy Operations Director Heather Cieslak expressed concerns about surface runoff from NBGC due to the cart path being along the Delhi Channel, construction during nesting season, and the inclusion of non-native vegetation. She called for drought-tolerant native landscaping, better pollutant load and runoff analysis, and habitat replacement for native species.

Benny Hallock, speaking for Save Newport Beach Golf Course, reported that 7,500 people are against the project. He questioned how high school teams can continue to use a golf course with fewer than 18 holes, as it cannot be Professional Golf Association (PGA) certified. He questioned the accuracy of the Traffic Study and whether the applicant will be required to have a restoration bond in the event of business failure.

Jim Auster reported that he has been fighting for NBGC since the southern portion was identified in the City's Housing Element, adding that the surf park is a scheme to make the course unviable. He added that there is no long-term commitment to golf from the property owners who are committed to developing housing. He expressed concerns about glare from the solar panels interfering with airplanes landing at JWA. He stated that the EIR fails to consider potential future runway extension plans. He called for the property to continue to function as a golf course.

Brian Melstrom, Head Surf Coach and Head Golf Coach at Newport Harbor High School expressed his support for the project. He added that the facility will offer a more consistent training ground for the surf team's development than West Newport Beach provides with its inconsistent waves due to weather and other factors.

Huntington State Beach lifeguard Andy Cox reported that the applicant has spoken with area lifeguard groups about serving as a year-round training site. He echoed Mr. Melstrom's comments about how a consistent training venue will benefit lifeguards. He stated that having a 15-hole golf course is better than it become a parking lot for JWA.

Mike Smith urged the Commission to vote against the project and approve EIR Alternative No. 1, adding it would alleviate the numerous concerns about this project, including the ALUC's opposition. He encouraged the City to purchase the NBGC to make it a public municipal course and withdraw the land under holes 3-8 from its Housing Element. He questioned whether there are any ongoing negotiations with the County over the continued operation of the back nine. He expressed concerns about future traffic in the airport area due to planned development in the Housing Element.

Linda Giedt encouraged the Commission to vote against the project. She stated the center portion of NBGC is its heart, with the course providing a recreation option for residents of all ages and

income levels, whereas the surf park would be a resort serving a niche demographic. She added that the driving range is an important aspect of learning and practicing golf and stated that the NBGC needs investment rather than replacement.

Todd Lerner expressed his support for the project. He stated that Newport Beach has fantastic beaches, but the waves are average at best for surfing. He added that the waves at the surf park would be created perfectly, creating a world-class surfing experience. He stated that it would be safer than surfing in the ocean.

Commissioner Ellmore stated that the Commission makes decisions solely on a technical analysis and encouraged the speakers to keep their focus on the technical side as opposed to their opinions on golfing or surfing.

Maureen Flanagan expressed her opposition to the project, stating it is unnecessary in Newport Beach. She took issue with the height of the walls and the inclusion of overnight accommodations for 20 people. She lamented how traffic will continue to get worse in this portion of Newport Beach where she resides.

Professional surfer Tyler Gunter stated that the surf park will grow the City's strong surfing community. He lamented that the City's beaches are a hard place to learn how to surf. He lauded the Wavegarden technology he recently surfed at a facility in the City of Virginia Beach, Virginia. He added that the surf park would be a safer place than the ocean and encouraged the Commission to approve the item.

Gary McKee expressed his opposition to the project for creating a restricted-access development on what is currently public open space. He noted that the site abuts the flood control channel emptying into the Upper Newport Bay conservation area. He stated that the risk of contamination from the project has not been properly addressed in the MMRP or EIR and can lead to State or federal prosecution.

Drew Lorentzen expressed his support for the project, professing his love of surfing and noting that the NBGC will still have 15 holes to play. He noted as a United States Army Veteran that American Legion Post 291's comments about the project should cease because they go against its non-profit status.

Wade Womack encouraged the Commission to deny the project for being inconsistent with the NBMC, citing the purpose of SP-7. He stated that breaking up the NBGC will lead to the expansion of JWA and lower the quality of life for residents. He noted that there are no long-term leases for the NBGC and quoted former Newport Beach Mayor and current State Assemblymember Diane Dixon's comments from 2016 about the NBGC serving as an important buffer against JWA expansion.

Ryan Gallagher stated that Newport Beach has a recreation culture built into its fabric. He added that the proposal maintains golf while adding a recreational activity in a world-class facility that they can be proud of. He noted that the NBGC's lease is expiring and stated that the site will likely change soon, regardless of this project. He stated that the applicant has cut no corners in this project and lauded the youth recreation opportunities it will create.

Sean McCarron expressed his support for the surf park, stating that it matches the fabric of the community. He added that this will be either Los Angeles County or Orange County's first surf park, predicting success for the project. He expressed concerns about potential future uses for the NBGC's land, whose lease is expiring soon, adding that this project would be better than many other potential uses.

Katisha Sheehan stated that this is not the right project for this space and will bring unfriendly environmental impacts to a residential area, including noise from the crashing waves. She noted that NBGC is the only public course in the area, while the surf park is an elite project not serving residents of all ages.

Bill Lyon questioned the financial viability of the project, noting that the NBGC's driving range is crowded daily. He reported that other surf parks have high costs for users, lamenting how if the business is unsuccessful, the City would be left with a property with a very high redevelopment cost. He noted that most surf parks around the country do not have a natural competitor like Newport Beach's beaches. He called for the applicant to release fiscal projections.

Mandy McDonnell expressed her support for the project. She reported that she helped the City develop the resoundingly successful Marina Park project against fierce residential opposition. She noted that the surf park would be open to the public, and her family is looking forward to the project, adding that it may be easier to park there than at the beach. She added that the project is well thought through and could be a great place to visit, even if not surfing.

Ken Sanford stated that the NBGC serves older residents like himself and expressed his opposition to the project.

Bettina Eastman expressed concerns as a wildlife biologist about the EIR's limited scope of evaluating runoff into the Delhi Channel, how the bats will be relocated, how the CUP's building height approval could impact other projects, and the project's inclusion of non-native plants.

Mr. Mosher thanked the applicant for their pledge to work with City staff to clean up the Resolution, adding that he did not have enough time to find all the likely additional errors in the Resolution and Conditions of Approval. He questioned how staff did not find any City rules and regulations, bringing the consistency of the project into question. He echoed Ms. Eastman's concerns about the land use designation, noting the increase from 10,000 square feet of supporting structure to 80,000, including overnight accommodations. He noted a discrepancy between the JWA management's interpretation of how many people would be at the facility at one time, as opposed to the City's daily estimation, adding that the special events could draw even larger crowds than their figure of 1,500. He stated that a Condition of Approval should be added to limit how many people can be on site at any one time as it is a major concern of the airport management. He inquired if the retaining walls next to the Delhi Channel have been presented to the Orange County Flood Control District.

Ms. Grant stated that the Tribal Cultural Mitigation Measures violate the Public Resources Code by deferring mitigation to a future date and the California Environmental Quality Act (CEQA), citing *Communities for a Better Environment v. City of Richmond*. She added that having an archeologist monitoring tribal resources is also a CEQA violation. She reported that the consultation required by AB 52 did not occur per *Koi Nation of Northern California v. City of Clearlake*. She expressed concerns over the intent to override the ALUC's inconsistency finding for its disregard of safety. She noted that it will be at least a partial membership-based facility, inconsistent with the intent of the land being zoned for open space and recreation. She encouraged the Commission, if proceeding with the project, to include as a Condition of Approval a retention of liability for the success and safety of the project or post a bond to cover potential environmental impacts of the project, citing multiple sections of applicable government code and legal precedents.

Ms. Schaffner reported that a solar glare analysis was performed as part of the EIR and submitted to the ALUC with no findings of inconsistency related to the solar canopies. She clarified that the total daily attendance is estimated to be 1,400 people plus 70 staff members, with an average daily peak of 388 people. She noted that ALUC's Zone 2 allows for hundreds of people per acre,

even though it is the most restrictive, adding that the applicant estimates 50 people in Zone 2, 110 in Zone 4, and 450 in Zone 6, even though Zone 6 allows for over 1,000 people. She added that City staff can best answer questions raised during public comment related to CEQA.

In response to Commissioner Gazzano's inquiry, Ms. Schaffner confirmed that the Federal Aviation Administration (FAA) found that the project presented no hazards to air navigation, including the solar canopy, overhead lights, and other areas.

Assistant City Attorney Summerhill confirmed that the City provided comprehensive responses to comments about CEQA. She added that the City Attorney's office did have a continued dialogue with the Kizh Nation, including a June 23, 2025, correspondence, which the City was informed was not received, so it was resent earlier today. She clarified that the crux of the argument is that the City should not consider the Tongva as an appropriate tribe to consult with but added that the Tongva are listed on the Native-American Heritage Commission's list and have affiliations with the area. She referenced Ms. Grant invoking the Koi Nation case and stated that it would be insensitive for the City to take one tribe's side over the other, so staff refuted the argument. She added that mitigation measures in the proposal respect the rights of both tribes. She added that staff would be happy to incorporate recommended mitigation measures from Ms. Grant respecting both her tribe's rights and those of other tribes. She reported on the extensive conversations conducted about tribal consultations and pledged to incorporate them all into the record. She stated that the City complied with the tribal consultation timeline process.

Acting Community Development Director Jaime Murillo stated that the staff report includes 188 comment letters on the adequacy of the EIR that have been responded to in detail. He added that the City also received 27 CEQA-related comments outside of the comment period for which City consultants drafted a detailed response and distributed as additional materials.

In response to Commissioner Gazzano's inquiry, Assistant City Attorney Summerhill confirmed there will be two Native-American monitors on site, one from each tribe.

In response to Vice Chair Salene's inquiry, Ms. Schaffner reported that the EIR's Water Quality Management Plan stated that the runoff from the project will be separated into 13 management areas, which will be treated onsite before being released into the storm drain system.

In response to Chair Harris' inquiry, Ms. Schaffner confirmed that currently, runoff goes straight to the Delhi Channel, but the project will now capture the runoff on site in 13 different areas.

Chair Harris closed the public hearing.

Commissioner Ellmore commended the volume of public comment. He clarified that the Commission does not opine on feelings or sentimental opinions and heavily encouraged the residents to voice their thoughts to the City Council. He noted that the housing needs are dictated to the City by the State. He clarified that the Commission's job is to look only at the application, and the project is one he will support.

Commissioner Rosene echoed Commissioner Ellmore's comments. He commended the detail in the application. He added that the project will preserve golf while adding a unique experience, expressing his support for the project.

Motion made by Commissioner Rosene and seconded by Commissioner Reed to approve the item with Mr. Mosher's recommended edits.

AYES: Ellmore, Gazzano, Harris, Reed, Rosene, and Salene
NOES: None

ABSTAIN: Langford
ABSENT: None

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 3 MOTION FOR RECONSIDERATION - None

ITEM NO. 4 REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA

Acting Community Development Director Murillo reported that the next meeting on September 18th will include an 89-unit townhome project on Monrovia Ave., a restaurant Use Permit to create a permanent outdoor patio for SOL Mexican Cocina Restaurant, and an appeal related to the Balboa Fire Station and Library.

ITEM NO. 5 REQUESTS FOR EXCUSED ABSENCES - None

IX. ADJOURNMENT – With no further business, Chair Harris adjourned the meeting at 8:02 p.m.

The agenda for the August 21, 2025, Planning Commission meeting was posted on Thursday, August 14, 2025, at 3:27 p.m. in the Chambers binder, on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive, and on the City's website on Thursday, August 14, 2025, at 3:20 p.m.



Tristan Harris, Chair



Jonathan Langford, Secretary