

NEWPORT BEACH PLANNING COMMISSION MINUTES  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE

THURSDAY, JANUARY 22, 2026  
REGULAR MEETING – 6:00 P.M.

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

II. **PLEDGE OF ALLEGIANCE** – Commissioner Ellmore

III. **ROLL CALL**

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

ABSENT: Commissioner Mark Rosene

Staff Present: Acting Community Development Director Jaime Murillo, Deputy City Attorney Jose Montoya, Associate Civil Engineer Jake Marshall, Civilian Investigator Wendy Joe, Assistant Planner Daniel Kopshever, 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 NOVEMBER 20, 2025**

**Recommended Action:** Approve and file

Chair Harris opened public comment, and there was none.

**Motion** made by Chair Harris and seconded by Secretary Langford to approve the meeting minutes of November 20, 2025, incorporating revisions recommended by Jim Mosher.

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

NOES: None

ABSTAIN: None

ABSENT: Rosene

**ITEM NO. 2 KRISTI A. DUMONT TRUST ENCROACHMENT (PA2025-0228)**

**Site Location: 520 POINSETTIA AVENUE UNITS A, B & C**

**Summary:**

A request to waive City Council Policy L-6 to retain certain existing, non-compliant private improvements encroaching into the 50-foot-wide Third Avenue public right-of-way and the 50-foot-wide Poinsettia Avenue public right-of-way. As part of this consideration, staff is recommending the removal of other non-compliant improvements within the same public rights-of-way due to traffic safety concerns.

**Recommended Actions:**

1. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3) (Preliminary Review), and Section

- 15301 Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
2. Adopt Resolution No. PC2026-001, waiving City Council Policy L-6 (Encroachments in Public Rights-of-Way) and approving Encroachment No. N2025-0390, to retain certain existing improvements which encroach into the public right-of-way, including brick hardscape, a low brick wall, brick pilaster, a gate, and landscaping and requiring the removal of an existing fence, lights, hedge, and tall landscaping within the traffic safety visibility area.

In response to Chair Harris' inquiry, the commissioners declined a staff report.

Chair Harris opened public comment, and there was none.

**Motion** made by Commissioner Ellmore and seconded by Commissioner Reed to approve the item as presented.

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

## VII. PUBLIC HEARING ITEMS

### ITEM NO. 3 **EL CHOLO OUTDOOR DINING PATIO EXPANSION (PA2025-0042)** Site Location: 3520 East Coast Highway, 3536 East Coast Highway, 410 Narcissus Avenue, 409 Orchid Avenue

#### **Summary:**

A request to expand the existing outdoor dining patio by 975 square feet, resulting in a total of 1,709 square feet of outdoor dining area, with no change to the existing 5,012-square-foot interior of the restaurant. The proposed hours of operation for the outdoor patio are from 10 a.m. and 11 p.m. daily, consistent with the interior restaurant hours. No live entertainment, dancing, or late hours are proposed, and there are no changes to the existing Type 47 (On-Sale General - Eating Place) California Department of Alcoholic Beverage Control license. To authorize the expanded outdoor dining area, the applicant requests a waiver of 17 of the 66 required parking spaces and authorization to provide the remaining spaces through a combination of off-site parking lots. Approval of the project would supersede all previous approvals.

#### **Recommended Actions:**

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2026-002 approving the Conditional Use Permit filed as PA2025-0042.

Assistant Planner Daniel Kopshever reported that the item is for a patio expansion at the El Cholo restaurant, the addition of one additional off-site parking lot, and a 17-space parking waiver. He reported that the off-site lot would be at 410 Narcissus Avenue and used in tandem with the pair used under the existing Conditional Use Permit (CUP), adding that one of the lots is only available to the restaurant after 5 p.m. He stated that the restaurant is located at 3520 East Coast Highway

among similar commercial uses while abutted to the rear by residential uses.

Assistant Planner Kopshever reported on the restaurant's current patio dining area, along with the temporary patio area that was permitted during the pandemic. He added that making this area permanent would expand the patio area from 734 to 1,709 square feet, increasing the seating count from 246 to 283. He noted that the 328 figure in the staff report is a typographical error. He reported that operational hours are voluntarily proposed to end at 11 p.m., earlier than the current CUP allows, and that the new CUP will include a new prohibition on live entertainment and dancing, also agreed to by the applicant. He stated that the Alcoholic Beverage Control license will remain the same, along with the interior size of the restaurant, which contains a large upstairs area which is not available to the public but does contribute to the restaurant's parking demand.

Assistant Planner Kopshever reported that the new parking requirement will be 66 spaces, with 49 available at all operational hours, leading to the request for a 17-space waiver. He added that the available parking count will be 62 spaces after 5 p.m. He reported that the applicant provided a parking survey with counts of available spaces taken on a Wednesday and on a Saturday, and customer data showing that the peak customer times are between noon and 2 p.m. He stated that there was an average of 14 spaces available in this window on a Saturday and an average of eight on a Wednesday. He then stated that the worst-case scenario was at 12:30 p.m. on Wednesday, when there were 8 spaces available in the Narcissus Avenue lot and 4 spaces in the Orchid Avenue lot.

Assistant Planner Kopshever stated that this is an appropriate land use for Commercial Corridor zoning, there is a reduction in operational characteristics such as late hours and live entertainment, the parking waiver is supported by the applicant's data, and the Newport Beach Police Department has reviewed the proposal, providing Conditions of Approval.

In response to Chair Harris' inquiry, none of the commissioners disclosed any ex parte communications about this item.

Chair Harris opened the public hearing.

Architect Scott Laidlaw, speaking for the applicant, reported that the applicant has reviewed the staff report with the City and has no issues with the Conditions of Approval.

In response to Commissioner Ellmore's inquiries, Mr. Laidlaw clarified that the applicant is the restaurant operator and not the building owner. He confirmed that the building owner approves of both the application and its Conditions of Approval.

Chair Harris closed the public hearing.

Chair Harris stated that the application is appropriate, noting that the additional patio space worked well through the pandemic and afterwards.

Commissioner Ellmore stated that the patio area is well done, there have not been parking issues, and the parking study seems to be benign.

**Motion** made by Chair Harris and seconded by Commissioner Ellmore to approve the item as presented.

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

NOES: None

ABSTAIN: None

ABSENT: Rosene

**VIII. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 4 MOTION FOR RECONSIDERATION - None**

**ITEM NO. 5 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 General Plan Advisory Committee (GPAC) and General Plan Update Steering Committee voted last night to move the Draft General Plan forward. He noted that Mr. Laidlaw and Mr. Mosher are members of the GPAC, lauding the resident-led group's work over the past few years, representing a good cross-section of community interest areas. He commended Planning Manager Ben Zdeba on managing their efforts. He added that drafts of the relevant elements will come to the Planning Commission, likely in April, with a goal of presenting the updated General Plan to the City Council in May.

Acting Community Development Director Murillo reported that the applicant for the Acacia Atrium Medical Office Condominiums is appealing the project's denial at the last Commission meeting to the City Council. He reported that the Commission's February 5<sup>th</sup> meeting, will include a public hearing about the Dover Residences townhomes project.

Chair Harris commended Planning Manager Zdeba's work, marveling that the GPAC met 57 times since 2022.

**ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES**

Chair Harris reported that he will be absent from the February 19<sup>th</sup> meeting.

**IX. ADJOURNMENT – With no further business, Chair Harris adjourned the meeting at 6:14 p.m.**

**The agenda for the January 22, 2026, Planning Commission meeting was posted on Thursday, January 15, 2026, at 4:50 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, January 15, 2026, at 4:45 p.m.**

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Tristan Harris, Chair

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Jonathan Langford, Secretary