

**NEWPORT BEACH PLANNING COMMISSION MINUTES  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE  
THURSDAY, SEPTEMBER 18, 2025  
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 Mark Rosene

**ABSENT:** Commissioner Greg Reed

**Staff Present:** Acting Community Development Director Jaime Murillo, Principal Civil Engineer Kevin Riley, Deputy City Attorney Jose Montoya, Civilian Investigator Wendy Joe, Associate Planner Jenny Tran, Senior Planner Joselyn Perez, Assistant Planner Laura Rodriguez, and Administrative Assistant Clarivel Rodriguez

**IV. PUBLIC COMMENTS – None**

**V. REQUEST FOR CONTINUANCES – None**

**VI. CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF SEPTEMBER 4, 2025**

**Recommended Action:** Approve and file.

Chair Harris opened public comment. There were none.

**Motion** made by Commissioner Ellmore and seconded by Chair Harris to approve the meeting minutes of September 4, 2025, and incorporating revisions recommended by Jim Mosher.

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

**VII. PUBLIC HEARING ITEMS**

**ITEM NO. 2 SOL MEXICAN COCINA RESTAURANT (PA2023-0144)**

**Site Location:** 251, 151 and 201 East Coast Highway and APNs 050-451-03 and 050-451-57

**Summary:**

A request for a conditional use permit and coastal development permit to permanently retain a 641-square-foot outdoor dining patio for an existing restaurant (Sol Mexican Cocina) and construct an approximately 7-foot, 6-inch-tall glass/acrylic guardrail along the front of the outdoor dining patio. The existing outdoor dining patio consists of a platform deck with seating that was permitted on a temporary basis. The project requests to expand the existing Type 47 (On-Sale General – Eating Place) Alcohol Beverage Control License to include the outdoor

dining area and reauthorize the off-site parking located on the adjacent lots at Balboa Marina (151 and 201 East Coast Highway and APNs 050-451-03 and 050-451-57). The hours of operation for the restaurant and outdoor dining patio are between 10 a.m. and 11 p.m., daily. No live entertainment, dancing, or late hours (after 11 p.m.) are proposed. If approved, this Conditional Use Permit and Coastal Development Permit would supersede Use Permit Nos. UP621 and UP651 and Accessory Outdoor Dining Permit Nos. OD49 and OD49A.

**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) and Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution NO. PC2025-019 approving the Conditional Use Permit and Coastal Development Permit filed as PA2023-0144.

Associate Planner Jenny Tran used a PowerPoint presentation to present the project location, zoning, and surrounding land uses, project description, existing conditions, requested approvals required by the City, and recommended modifications to the Conditions of Approval. She reported on receiving public comments from Linda Isle residents concerned about noise and light pollution and thus incorporated a Condition of Approval requiring a seven-foot six-inch wall or partition on the water side of the patio.

In response to Chair Harris' inquiry, Associate Planner Tran confirmed that Code Enforcement has not received any complaints since 2020 for either the temporary dining patio or the permanent dining patio.

In response to Chair Harris' inquiry, all commissioners confirmed that they had no ex Parte communications about this item.

Chair Harris opened the public hearing.

In response to Chair Harris' inquiry, Keisker & Wiggle Architects, Inc. Owner Gary Wiggle, speaking on behalf of the applicant, confirmed agreement with all Conditions of Approval, including the two modified to reflect the existing Parking Agreement.

In response to Secretary Langford's inquiries, Mr. Wiggle clarified that the permanent patio is fully enclosed with glass and thus contains its noise. He clarified that the temporary patio would gain a glass wall on the water side as a Condition of Approval, and it is also located further away from Linda Isle residents than the permanent patio. He reported that the permanent patio has glass sides up to where it meets the awning that serves as a roof.

Leann Benvenuti, a Linda Isle resident, stated that she did not report the noise from the patio during the pandemic out of courtesy for a small business' operations. She added that there is still the same amount of noise from the patio audible at her home and reported on her history of fighting for restrictions at the restaurant at 333 Bayside Dr. She lamented the noise created by food deliveries.

Jim Mosher stated that noise can be irritating even if residents have learned to live with it without

complaint. He recommended limiting the outside use after 10:00 p.m. to coincide with the City's noise ordinance. He inquired about an entitlement issued to The Irvine Company to build a large restaurant at the western end of the parking lot and expressed concerns about parking if the entitlement remains valid. He inquired if Conditions of Approval on the property's existing CUP would all carry over to the new CUP presented in this item, citing a potential discrepancy in areas where alcohol sales are permitted in Condition of Approval No. 41.

Paul Rozo echoed the comments of his neighbor, Ms. Benvenuti, about not wanting to harm businesses during the pandemic but being less tolerant of the regular noise now. He stated that a prohibition on live entertainment and a single glass panel will not prevent the audible noise of general operations on the patio.

Donald McCalla, a Linda Isle resident, echoed the comments of Mr. Rozo and Ms. Benvenuti, recalling his years of fighting the 333 Bayside Dr. restaurant's plans due to noise concerns.

Debbie Hartunian, a Linda Isle resident, agreed with her neighbors about needing to strike a balance between the local business and the noise heard by residents across the water. She requested that the patio not become permanent. She expressed concerns about both SOL and The Irvine Company's project's impacts on parking, lamenting that the current parking spaces face into her home, causing unwanted nighttime illumination from headlights.

Mr. Wiggle reported that The Irvine Company's future parking needs were built into the site plan for SOL's patio. He added that there is a willingness on the applicant's behalf to limit the outdoor patio hours until 10:00 p.m.

Acting Community Development Director Jaime Murillo reported that the patio at 333 Bayside Dr. is allowed to stay open until midnight, but has additional requirements for sound attenuation attached to its CUP. He noted that the applicant has stated a willingness to close the patio earlier than 11:00 p.m., adding that the facility will remain subject to the City's noise ordinance. He confirmed that the parking analysis for a future development by The Irvine Company accounted for SOL's parking requirement. He clarified that the intent of Condition of Approval No. 41 is to prohibit the sale of to-go alcohol for the entire establishment and not just the patio.

Chair Harris closed the public hearing.

In response to Commissioner Gazzano's inquiry, Acting Community Development Director Murillo confirmed that the entitlement for The Irvine Company remains active.

In response to Vice Chair Salene's inquiries, Acting Community Development Director Murillo confirmed that Condition of Approval No. 16 is a standard noise-related condition for restaurants. He clarified that live entertainment is permitted under the current CUP but will not be under the new CUP.

In response to Commissioner Rosene's inquiries, Acting Community Development Director Murillo confirmed that the Commission can apply a Condition of Approval related to the positioning of speakers playing recorded music on the patio. He added that the Commission could request additional landscaping, acknowledging his uncertainty over whether the intersection of Bayside Dr. East Coast Highway is designated as a coastal view area.

Commissioner Rosene reported that he visited the site this morning and agreed that it is easy to understand how light and sound could travel to Linda Isle.

In response to Commissioner Ellmore's inquiries, Acting Community Development Director Murillo

reported that noise complaints received by the City go to the Code Enforcement staff, who investigate and confirm if there is a violation. He reported that the first stage is a notice of violation to the operator, where the City works with the operator to bring them into compliance. He added that repeated violations can escalate into citations and further Code Enforcement actions. He confirmed that the City's Code Enforcement staff is trained and authorized to use a sound meter. He reported that the number of warnings issued before a penalty process begins can vary depending on how closely the operators are cooperating with City staff. He clarified that a CUP remains in effect until modified or revoked by the Planning Commission, or when superseded by a new CUP similar to this request. He confirmed that SOL's new CUP's Condition of Approval No. 7 does not allow for live entertainment, recorded music is permissible, and the outdoor patio is currently allowed to have amplified music.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that restrictions on amplified music have been included as a Condition of Approval for other restaurants with patios near residential areas, adding that a similar condition could be included.

In response to Commissioner Ellmore's inquiry, Acting Community Development Director Murillo confirmed that the current proposal is for the patio's operating hours to be the same as the restaurant's, ending at 11:00 p.m. He added that another alternative could be requiring amplified music hours on the patio to end earlier than 11:00 p.m.

Vice Chair Salene expressed his support for the patio but not the noise. He stated amplified music on the patio should be shut down at a reasonable hour, such as 9:00 p.m. or 10:00 p.m.

Commissioner Ellmore agreed with Vice Chair Salene's thoughts on earlier hours to help balance the interests of the applicant and residents. He recommended 8:00 p.m. as a cutoff time for amplified music on the outdoor patio and revisiting the patio for future reevaluation.

In response to Commissioner Ellmore's inquiry, Acting Community Development Director Murillo confirmed that a future review of the noise can be a Condition of Approval, noting that 333 Bayside Dr. had a Condition of Approval calling for a one-year review.

In response to Commissioner Gazzano's inquiry, Acting Community Development Director Murillo confirmed that the restaurant would be subject to the City's noise ordinance relative to the volume of the amplified music.

Commissioner Ellmore moved to approve the item with Conditions of Approval for no amplified music on the patio after 8:00 p.m., a patio closing time of 10:00 p.m., and a one-year review of the patio's noise.

Vice Chair Salene seconded the motion.

Chair Harris reopened the public hearing.

In response to an inquiry by Megan Hays, Facilities Manager for the restaurant, Acting Community Development Director Murillo confirmed that a live disc jockey would be considered live entertainment. Chair Harris and Commissioner Ellmore both added that Condition of Approval No. 7 would prohibit this live entertainment anywhere at the restaurant and not just on the open-air patio.

The Ms. Hays stated that they would be amenable to closing the outdoor patio by 9:00 p.m., acknowledging the residential noise concerns.

In response to Commissioner Gazzano's inquiry, the applicant's representative agreed that they could work around a Condition of Approval barring amplified music on the patio after 8:00 p.m., although their preference would be to keep the music on until the patio closes at 9:00 p.m.

Commissioner Ellmore clarified that the Commission's proposed revised Conditions of Approval call for an 8:00 p.m. cessation of patio music, a 10:00 p.m. closing of the patio, and a one-year review of the noise.

Chair Harris clarified that the applicant accepts the 10:00 p.m. closing time and is further willing to close the patio earlier.

In response to Chair Harris' inquiry, Ms. Hays agreed to the Commission's revised Conditions of Approval.

Chair Harris closed the public hearing.

In response to Chair Harris' inquiry, Commissioner Ellmore stated that he will not modify his motion from a 10:00 p.m. patio closing time to 9:00 p.m.

**Motion** made by Commissioner Ellmore and seconded by Vice Chair Salene to approve the item with amended Conditions of Approval to include no amplified music on the patio after 8:00 p.m., a patio closing time of 10:00 p.m., and a one-year review of the patio's noise.

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

**ITEM NO. 3 MONROVIA TOWNHOMES (PA2025-0062)**  
**Site Location: 1580-1598 Monrovia Avenue and 865-899 West 16<sup>th</sup> Street**

**Summary:**

A request to authorize the development of a for-sale residential townhome community with 89 dwelling units on a 4.34-acre property at the southeast corner of Monrovia Avenue and West 16th Street. The development includes four single-unit residences, 17 duplex buildings, and 51 attached townhome-style dwelling units ranging in size from approximately 2,000 gross square feet to 3,000 gross square feet. The single-unit and duplex buildings are located on the southern half of the site and will be a maximum of four stories, with a height up to 47 feet, 8 inches above finish grade. Townhome style units are located on the northern half of the site and will be a maximum of three stories, with a height up to 38 feet, 8 inches above finish grade. Private resident-serving amenities include a community pool and pedestrian walking paths with picnic tables and benches. Each unit will have an attached two-car garage with an additional 47 uncovered parking spaces distributed throughout the site for a total of 225 parking spaces. Vehicle access to the site is provided through two driveways on Monrovia Avenue and one driveway on 16th Street. The following approvals are required to implement the project:

- Major Site Development Review: Required for any project proposing five or more residential units with a tract map. The Major Site Development Review additionally allows for deviations from specific multi-unit objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (NBMC); and

- Vesting Tentative Tract Map: Requested to merge two properties to create a single building site and allow for an airspace subdivision of the individual residential units for individual sale (i.e., for condominium purposes).

**Recommended Actions:**

1. Conduct a public hearing;
2. Find that this project is not subject to further environmental review pursuant to Section 21083.3 of the California Public Resources Code (PRC) and Section 15183 of the California Environmental Quality Act (CEQA) Guidelines because the Project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699); and
3. Adopt Resolution No. PC2025-020, approving the Major Site Development Review and Vesting Tentative Tract Map filed as PA2025-0062.

Senior Planner Joselyn Perez used a PowerPoint presentation to introduce the project location, existing conditions, zoning and surrounding land uses, a description of the project, the required approvals, and reviewed the development standards. She reported that staff received letters of support for the project from the California Housing Defense Fund, the Building Industry of Southern California, and a Newport Beach property owner. She added that one letter with concerns was submitted on behalf of Hixson Metal Finishing, raising issues of noise, aesthetics, ineligibility for a Section 15183 exemption under the California Environmental Quality Act (CEQA), and requests for notification to prospective tenants of nearby industrial uses. She confirmed that the notification to prospective tenants of nearby industrial uses and City noise ordinance compliance are required as Conditions of Approval. She also made minor modifications to the language in both Condition of Approval Nos. 9 and 10.

In response to Commissioner Rosene's inquiry, Senior Planner Perez confirmed that the municipal code does not require a bicycle repair station at the corner of Monrovia Ave. and West 16<sup>th</sup> St. as an amenity, so it would be acceptable for the Commission to strike Condition of Approval No. 18, if so moved.

In response to Chair Harris' inquiry, all Commissioners except for Vice Chair Salene reported ex Parte communications with the applicant.

Chair Harris opened the public hearing.

Rick Puffer, Executive Vice President of Intracorp Homes, stated that the applicant accepts the Conditions of Approval. He reported on other recent projects constructed by Intracorp, including the well-received 36-unit Isle at Mariner Shores in Newport Beach, and others in Orange County. He noted that the site was identified by the City as part of its current Regional Housing Needs Allocation (RHNA) cycle, with an overlay zoning district created for the site. He noted that the project complies with the zoning code, including a 20.5 units per acre density. He stated that the PAOS creates an inviting frontage to the community to be landscaped with shade trees, including undergrounding the power lines along Monrovia Ave. He noted that the project will exceed its parking requirement by 22 spaces between the garages and open spaces.

Mr. Puffer presented a map of the area, noting how it is transforming into a residential hub, citing bicycle paths leading to Coast Highway and the beach, the variety of nearby parks, along with the availability of dining and fitness centers. He stated that the project's community benefits include

bringing new residents to Newport Beach, benefitting the economy, adding a development with high-quality aesthetically pleasing architecture and 10,000 square feet of PAOS, and providing \$3,417,600 of Park In-Lieu Fees.

Chair Harris noted that Mr. Puffer confirmed that he agreed with the Conditions of Approval.

In response to Commissioner Rosene's inquiry, Mr. Puffer confirmed that he would be willing to replace the bicycle repair station and racks with a specimen tree and other landscaping should the Commission opt to amend Condition of Approval No. 18.

Mr. Mosher noted that he serves on the General Plan Advisory Committee's Noise Subcommittee but was speaking as an individual. He inquired whether the Commission had contemplated the unique noise concerns raised in the Hixson letter, discussed Condition of Approval No. 10's mandate to inform future residents of nearby industrial uses while lamenting that being notified does not prevent residents from complaining about industrial uses. He stated that the developer should be obligated through a Condition of Approval to pay for any potential future mitigation efforts for noise concerns. He reported that this is the second major RHNA project to come forward, joining the Ford Road project, and neither has produced the number of units expected in the Housing Element, particularly at the lower income levels. He expressed concerns that future projects will require higher densities.

Bruce Greene, Environmental Health and Safety Manager at Hixson Metal Finishing, reported that their facility is located 130 feet from the proposed project. He expressed concerns regarding impacts to Hixson's facility, as CEQA documents did not account for this type of development within an industrial zone. He reported that the Ebb Tide housing development was built 300 feet from their facility and immediately generated noise complaints against Hixson, leading to the construction of custom sound walls at the company's expense. He expressed concerns that the proposed project, located closer to Hixson and with taller buildings, will create similar noise complaints leading to additional mitigation expenses. He requested denial of the project until appropriate noise and land use studies are performed as part of the CEQA process.

Adam Leverenz stated that any form of additional housing is appealing, considering the Statewide crisis, but lamented that the project is unlikely to be considered affordable housing based upon the renderings. He stated the City's housing proposals do not address the affordability issue. He commended the Covenants, Conditions and Restrictions (CC&R) that will require residents to park in their garages but expressed concerns over the potential for renters or others with the four-bedroom units exceeding the capacity of the two-car garages. He echoed Mr. Mosher and Mr. Greene's concerns about a long-existing job-providing business like Hixson potentially being forced out due to housing.

Adam Wood, Senior Vice President of the Building Industry of Southern California – Orange County Chapter, commended the high level of detail in the application and staff presentation. He noted that the Hixson concerns have been received, and staff still recommends approval, lauding the ability for Newport Beach to add 89 new for-sale housing units.

Mr. Puffer stated that the project attempts to accommodate different buyers by providing multiple product types. He confirmed that the existing industrial uses in the area will be disclosed to prospective residents, including ambient noise from facilities predating the housing development. He added that their homes are adequately noise-protected through the plan check process. He noted that the project's rooftop decks will be partially covered with windows, while 51 of the units will not have a rooftop deck. He added that, in addition to having 22 on-site parking spaces outside of resident garages, their parking figures do not include available street parking.

Acting Community Development Director Murillo confirmed that Hixson has invested substantially in sound attenuation, specifically to address sound impacts from the installation of a new scrubber. He noted that Condition of Approval No. 9 puts the burden on the developer to attenuate the project from the ambient noise levels of the surrounding area.

Chair Harris recommended that the Noise Subcommittee look deeper into permissible noise levels in future housing developments, including mixed-use developments. He noted that it is an unusual case where there can be noise compliance at ground level but not at 30 feet above grade due to noise escaping from a roof.

In response to Commissioner Rosene's inquiry, Acting Community Development Director Murillo clarified that Hixson had added new equipment that was adding to the noise levels. He stated that the completion of their sound attenuation measures will establish a new ambient noise baseline.

Chair Harris closed the public hearing.

Secretary Langford lauded having a proposal for this area of the City. He expressed hopes that this development would encourage other builders to consider the area. He lauded the expanded sidewalk area as PAOS and expressed hopes that other developments could extend the PAOS and provide access to the Randall Preserve. He expressed confidence that the concerns from having industrial neighbors will be addressed through the Conditions of Approval. He commended Intracorp's work elsewhere in Newport Beach and expressed his support for the project.

Commissioner Ellmore stated that he can make the findings necessary to approve the project and moved to approve the item.

Commissioner Rosene lauded new for-sale housing within the area and called for consideration of the bicycle repair station to be removed and to provide for additional landscaping.

Vice Chair Salene commended the project and encouraged Intracorp to make the industrial uses disclaimer prominent and not buried in the CC&Rs. He expressed his sympathies for Hixson's burden, arising only after residents move in. He recommended modifying the motion to remove Condition of Approval No. 18, agreeing with Commissioner Rosene's call for more landscaping in place of the bicycle repair station.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that the public hearing would not have to be reopened because the applicant confirmed that they would be amenable to providing additional landscaping to replace the bicycle repair station.

Chair Harris lauded the project's PAOS and underground powerlines to help energize the area. He added that the industrial area is fine for living, so long as the applicant is up front with potential residents about industrial uses.

Commissioner Ellmore agreed to modify his motion to remove Condition of Approval No. 18.

**Motion** made by Commissioner Ellmore and seconded by Chair Harris to approve the item with the removal of Condition of Approval No. 18.

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

Chair Harris called for a recess at 7:33 p.m. The meeting resumed at 7:38 p.m.

**ITEM NO. 4 FIRE STATION NO. 1 AND BALBOA BRANCH LIBRARY LANDSCAPE  
CHANGES APPEAL (PA2025-0130)  
Site Location: 100 East Balboa Boulevard**

**Summary:**

An appeal of the Community Development Director's July 3, 2025, decision to approve minor changes to Coastal Development Permit (CDP) No. PA2024-0140. The proposed changes include replacement tree plantings to further support nesting birds, such as great blue herons. Additionally, the revised landscape changes will alter the parking layout and result in the loss of one surplus parking space. No alterations to the CDP's approved floor area, height, or land use are being requested.

**Recommended Actions:**

1. Conduct a de novo public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2025-021 denying the appeal and affirming the Community Development Director's approval for Staff Approval filed as PA2025-0130.

Acting Community Development Director Murillo reported that the City is the applicant for this item, as this is a City project.

Assistant Planner Laura Rodriguez used a PowerPoint presentation to present the project location, project description, and existing conditions. She reported approvals from Parks, Beaches and Recreation (PB&R) Commission for the removal of two diseased Special City Landmark Trees, a Blue Gum Eucalyptus and a Canary Island Date Palm with the action being appealed to the City Council which denied the appeal and approved the project's CDP on September 24, 2024. She added that the City Council's decision was appealed to the California Coastal Commission (CCC) due to concerns over removing the blue gum eucalyptus tree and its potential displacement of nesting birds. She reported that City staff collaborated with the CCC, leading to landscape changes to the CDP which was subsequently approved by the Community Development Director. This action was then appealed and being heard now.

Assistant Planner Rodriguez clarified that the revised landscaping plan, created in collaboration with the CCC and with consultation from Dudek, Inc., reaffirmed the use of Western Sycamore tree species as a suitable replacement for the blue gum eucalyptus. She also noted that existing trees around the property would support nesting during the reconstruction and replanting phase of the project.

Assistant Planner Rodriguez reported the appeal cites CEQA exemptions, states that the replacement trees are insufficient, and notes that the current tree is considered an Environmentally Sensitive Habitat Area (ESHA) for great blue herons. She stated that staff considers the new landscaping plan appropriate for CEQA Class 2 replacement and reconstruction with no change in use. She added that a memorandum from Dudek written on August 14<sup>th</sup> states that; the site is not an ESHA due to existing development; a blue gum eucalyptus is not ESHA because it is not native or rare species, and does not hold a special role in the ecosystem; and that the great blue heron is not federally protected, while cautioning that active nests are protected under the Migratory Bird Treaty Act (MBTA).

In response to Vice Chair Salene's inquiry, Acting Community Development Director Murillo clarified that the finding of the blue gum eucalyptus tree being diseased was part of the PB&R Commission's review while following City Council Policy G-1.

In response to Commissioner Rosene's inquiry, Acting Community Development Director Murillo confirmed that great blue herons are protected under the MBTA as it relates to the act of nesting. He stated that nest removal is prohibited during the nesting season (September through January), and tree removal requires a monitoring biologist to ensure that there are no negative impacts.

In response to Chair Harris' inquiry, no commissioners disclosed ex Parte communications.

Chair Harris opened the public hearing.

Appellant Christopher Pitet stated that the trees are not diseased, adding that the report is now two years old and needs to be renewed. He acknowledged that the report showed some decay but added that the trees are improving.

Mr. Pitet stated that the staff report refers to the changes to the CDP as being minor, and yet they do not address the fundamental problems with the CDP for ignoring Policy G-1. He stated that there is no reference to the blue gum eucalyptus being a landmarked tree, and the CDP authorizes its removal without any compelling reason to do so under Policy G-1. He stated that the arborist who assessed the tree was incentivized to come to this conclusion, adding that the report is now two years old. He called for a new tree assessment, adding that the appellant is willing to contribute to a new assessment.

Mr. Pitet stated that the minor changes proposed by City staff do not address the CDP's problems. He reported that the western sycamore trees are a cosmetic change and will not be mature and ready to support nests for decades. He stated that the Community Development Director's approval should be rejected, and the appeal granted.

A Newport Beach resident reported that the staff report only lists one CEQA exemption, whereas previously it listed three CEQA exemptions, adding that the current Class 2 exemption should not apply because the library and fire station are changing places on the lot, in addition to a playground replacing the current park.

Mr. Leverenz lamented the potential loss of the nesting herons. He reported that there have been conflicting discussions about the tree over the life of this project and recommended an updated assessment of the tree's health.

April Strong expressed her support of the tree, noting that it has a life span of close to 400 years old, but it is only about 100 years old now. She encouraged the Commission to save the tree.

Sage Garcia stated that the landmark tree should be protected as an ESHA as a decades-long nesting site for herons, which are protected under the MBTA. He decried City staff's assessment of the tree as being merely ornamental landscaping and called for its protection.

Mr. Mosher inquired why the number of trees would be reduced from the original CDP's landscaping plan to the current one. He pondered why the City did not privately make the CCC's requested modifications before the City's presentation, like many private entities, acknowledging that this could be a showing of transparency.

Jim Maloney decried the City's history of erroneously assessing trees as being sick and dying. He stated that the appeal is still pending before the CCC and the tree is not sick and dying, adding

that the City Arborist only found 2-3% decay. He reported that the Friends of the Library Park hired Arborist Robert Booty to independently test the tree, but were prevented from doing so by City staff.

Joyce Flower expressed concerns about a playground being included in the plan because it will distract children from reading their books inside the library. She added that the playground will be a haven for the city's homeless population.

Annie Saunders stated that the City lacks a coherent Local Coastal Plan (LCP) with standards for protecting the landmark tree and nesting herons. She noted that the proposed western sycamore trees will not mature for 20-30 years. She called on the City to revise its LCP and protect the tree before it is removed.

Lisa Clifford stated that the tree and corner greenspace is essential to the health of her neighborhood and questioned why the City would want to remove the greenspace to add cement and parking spaces. She urged the Commission to save the tree and the greenspace.

Kristi Jacob thanked the Commissioners for attentively listening to the public speakers and urged them to save the tree. She encouraged the Commissioners to visit the tree in person, adding that it could be used as a teaching tool by the library.

Michelle Silver stated that the tree and pocket park mean a lot to her neighborhood. She added that the tree is healthy despite excessive trimming by the City. She requested that the City build the library and fire station around the tree rather than remove it.

Acting Community Development Director Murillo clarified that the City Council approved the CDP, and it has been appealed to the CCC, adding that what is before the Commission right now is a minor change to the CDP's landscape plan made by staff working collaboratively with the CCC. He clarified that the change to the replacement trees is to use ones more suitable for future heron nesting, adding that the larger trees now being proposed necessitated adjustments to the parking lot area. He confirmed that the only thing before the Commission today is the amended landscaping plan component of the CDP being appealed to the CCC.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that the City Council approved the CDP, which has been appealed to the CCC, with staff working with the CCC in the interim to amend the CDP's landscaping plan. He added that the standard for review for the CDP is the CCC and the City's LCP, which was certified in 2017. He added that Policy G-1 is not a requirement or criterion for a CDP. He added that the City's LCP defines ESHA and that the site is exempt because it is already developed. He confirmed that the tree itself does not constitute ESHA. He acknowledged that the western sycamores would need time to mature, but the City's report shows that there are several suitable mature trees nearby to serve as an interim heron habitat.

In response to Chair Harris' inquiry, Acting Community Development Director Murillo confirmed that the planting area was widened from the original plan to allow for more mature trees with a larger root base to be planted.

Commissioner Ellmore clarified that the Commission is only looking at a change to a landscape plan, and the findings are substantial to support staff's recommendation and deny the appeal.

**Motion** made by Commissioner Ellmore and seconded by Commissioner Gazzano to deny the appeal and affirm the Community Development Director's approval.

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

**IX. STAFF AND COMMISSIONER ITEMS**

**ITEM NO. 5 MOTION FOR RECONSIDERATION** - None

**ITEM NO. 6 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 at the next meeting on October 9<sup>th</sup> City staff will provide an update on the ongoing General Plan updating process and request the Commission's input on the Draft Land Use Element and Draft Safety Element.

**ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES** - None

- X. ADJOURNMENT** – With no further business, Chair Harris adjourned the meeting at 8:30 p.m.

**The agenda for September 18, 2025, Planning Commission meeting was posted on Thursday, September 11, 2025, at 5:35 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, September 11, 2025, at 5:12 p.m.**

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Tristan Harris, Chair

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Jonathan Langford, Secretary