

## Attachment E

**NEWPORT BEACH PLANNING COMMISSION MINUTES  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE  
THURSDAY, JULY 17, 2025  
REGULAR MEETING – 6:00 P.M.**

**I. CALL TO ORDER - 6:03 p.m.**

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

**III. ROLL CALL**

PRESENT: Vice Chair Harris, Secretary David Salene, Commissioner Jonathan Langford, Commissioner Greg Reed

ABSENT: Chair Mark Rosene, Commissioner Curtis Ellmore, Commissioner Michael Gazzano

Staff Present: Assistant City Manager Seimone Jurjis, Deputy Community Development Director Jaime Murillo, Principal Civil Engineer Kevin Riley, Assistant City Attorney Yolanda Summerhill, Associate Planner Jenny Tran, Associate Planner Oscar Orozco, Senior Planner Joselyn Perez Administrative Assistant Clarivel Rodriguez, and Department Assistant Jasmine Leon

**IV. ELECTION OF OFFICERS**

**ITEM NO. 1 ELECTION OF OFFICERS**

**Summary:**

The Planning Commission's adopted rules require the election of officers at its annual meeting, which occurs at the first meeting of July each year. Officers include the Chair, Vice Chair, and Secretary and they would serve a one-year term.

**Recommended Actions:**

1. Find this action not subject to the California Environmental Quality Act (CEQA) pursuant to 15060(c)(3) (the activity is not a project defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3;
2. Nominate Planning Commission officers consisting of Chair, Vice Chair, and Secretary; and
3. Appoint the officers by majority approval of a motion either individually or as one motion for all positions.

**Nomination** made by Commissioner Reed to have Vice Chair Harris serve as Chair, Secretary Salene as Vice Chair, and Commissioner Langford as Secretary.

AYES: Harris, Langford, Reed, and Salene

NOES: None

ABSTAIN: None

ABSENT: Ellmore, Gazzano, and Rosene

**V. PUBLIC COMMENTS**

Jim Mosher noted approval of minutes from the July 3rd meeting is not on tonight's agenda, expressing hopes they were delayed and not nonexistent. He reported at the July 3rd meeting that a Commissioner told the public not to blame the Planning Commissioners for their decisions because their role is black and white in only deciding if a project meets the Newport Beach Municipal Code (NBMC). He added that this sort of decision is considered ministerial and left to City staff, whereas projects coming to the Planning Commission require judgment and discretion. He noted Assistant City Attorney Yolanda Summerhill stated at the meeting that State laws limit 34-59

the City’s discretionary abilities regarding multi-family housing, but added the Commissioners still maintain some level of discretion.

**VI. REQUEST FOR CONTINUANCES – None**

In response to Chair Harris’ inquiry, Deputy Community Development Director Jaime Murillo clarified that the transcription service, which would have provided the July 3rd minutes, was unavailable to complete them in time for this meeting. He reported that at the next meeting, he expects to have two sets of minutes to review and approve.

**VII. PUBLIC HEARING ITEMS**

<b>ITEM NO. 2</b>	<b>TRACY</b>	<b>RESIDENCE</b>	<b>VARIANCE</b>	<b>(PA2023-0200)</b>
	<b>Site Location: 1020 White Sails Way</b>			

**Summary:**

A request for a variance to allow an addition to an existing single-unit dwelling to encroach into the required 50-foot front setback. Specifically, the applicant requests to construct a new attached three-car garage that will encroach 29 feet into the front setback with a roof overhang that encroaches 31 feet into the front setback and a new bedroom addition that will encroach 13 feet into the front setback. The project also includes a new basement level vestibule, machine room, and elevator attached to the three-car garage that does not encroach into the front setback. The proposed garage would replace the existing two-car garage and would be located below the existing grade. The existing two-car garage would be converted into living space. The project also includes the removal of several existing unpermitted structures including a detached storage room, walls, fences, stairs, and other accessory structures that were constructed without the benefit of a building permit. No other deviations to the development standards are proposed.

**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 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3. Adopt Resolution No. PC2025-013 approving the Variance filed at PA2023-0200.

Associate Planner Jenny Tran reported that the project is located at 1020 White Sails Way in the Harbor View Hills area of Corona del Mar. She noted properties in this neighborhood have varying front setbacks, and this project is requesting an encroachment into a large 50-foot front setback..

Associate Planner Tran reported on the timeline for the project, which originally was submitted as a Zoning Code Amendment request on May 8, 2023, but was removed from the calendar due to a lack of support from the Homeowners’ Association (HOA). She reported the applicant filed a project-specific variance request on December 19, 2023, but removed it from the calendar on May 8, 2024. She reported that on May 24, 2024, a Code Enforcement case was opened due to unpermitted construction at the site, leading to a June 4, 2024, site visit confirming the unpermitted construction. She reported this hearing will address the unpermitted construction in addition to the previous variance request.

Associate Planner Tran reported on the unpermitted construction, which also includes a fence exceeding the permissible height and a garage not meeting the required dimensions. She reported that the variance request is to remove the unpermitted construction and for permission to build a new three-car garage 29 feet into the setback and a bedroom addition 13 feet into the

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setback.

Associate Planner Tran reported facts in support of the variance are a steep driveway, safety concerns about sightlines pulling out of the driveway, the widely staggered setbacks in the neighborhood ranging from 13 to 52 feet, and neighborhood compatibility, as most houses in the area have straight-in driveways. She added that Conditions for Approval in the Resolution include the removal of all unpermitted construction unless permits are obtained complying with the NBMC, all fences, hedges, walls, and retaining walls must comply with the NBMC, and a hold on final inspection to ensure all unpermitted construction is addressed.

In response to Secretary Langford's inquiries, Associate Planner Tran clarified that the removal of the sloped driveway means the garage is now at sidewalk level, which makes it below the previously existing grade. She reported there is an elevator going up from the garage to the main residence, adding it is located behind the existing 50-foot setback.

In response to Vice Chair Salene's inquiries, Associate Planner Tran confirmed that the house two doors down is built 52 feet from the property line. She confirmed that 1014 White Sails Way is the neighbor on the other side of the house.

In response to Commissioner Reed's inquiry, Associate Planner Tran confirmed all the other homes in the neighborhood have straight driveways and not the diagonal one this house previously had.

In response to Chair Harris' inquiry, Associate Planner Tran reported that staff were unable to determine why the driveway was originally built at an angle to the street. She added that the deep setbacks are most likely a benefit to the views in the neighborhood..

In response to Vice Chair Salene's inquiry, Associate Planner Tran reported that the HOA has written a conditional approval letter, which is included in the staff report.

All Commissioners reported having no ex Parte communications.

Chair Harris opened the public hearing.

Architect Ron Thorpe, speaking on behalf of applicant Mike Tracy, recommended approval. In response to Chair Harris' inquiry, Mr. Thorpe agreed with the Conditions of Approval.

Mary Ann Soden, Chair of the Harbor View Hills Architectural Review Committee, expressed the HOA's support of the resolution. She reported that the lots and setbacks were created in the 1950s to ensure the homes complement each other and do not block views. She stated that moving the setbacks for the garage and bedroom addition is harmonious with the community. She added that the HOA has worked with the Planning Division to ensure alignment with the NBMC.

Mr. Mosher stated it is extraordinary that the applicant withdrew their variance request and then followed through with the project as if the Commission had granted approval. He inquired if there were consequences for this action. He questioned the purpose of the wall, causing the obstructed view while exiting the original driveway path, and if it will be lowered as part of this resolution.

Chair Harris closed the public hearing.

Deputy Community Development Director Murillo clarified that the wall referenced by Mr. Mosher is the applicant's neighbor's wall. He added that the City cannot make the neighbors lower the wall, but added that any new construction would have to comply with the City's sight view standards.

In response to Chair Harris' inquiry, Deputy Community Development Director Murillo confirmed

that the City opened a Code Enforcement case against the applicant because of the unpermitted work, and the applicant will have to produce plans to work through the issues created.

Secretary Langford stated he is not inclined to approve variances for a community whose lot layout is both deliberate and dated to the 1950s. He added he is also not inclined to approve a variance encouraging bad behavior, where residents can build what they want without requesting the City’s permission. He stated the garage being below grade makes sense under the circumstances, but he has issues with the bedroom addition as it enters the setback, while potentially blocking the carefully created views of other residences. He pondered whether the garage and bedroom must be a packaged deal. He lamented being asked to approve a project that had already been built behind the City’s back.

Vice Chair Salene stated that a 50-foot setback on a 150-foot lot is extreme and is among the largest on the street. He noted the bedroom addition would meet the City’s standards, and the HOA is supportive, leading him to support the project despite his reservations about rewarding bad behavior.

Commissioner Reed agreed with Vice Chair Salene and expressed his support for the inspection prior to approval to ensure the unpermitted construction is removed so the project meets the NBMC.

Chair Harris stated the applicant is somewhat penalized for having a larger lot than some of the neighbors and the only sloped driveway. He stated the findings support the safety aspect of a driveway reconstruction. He added that the behavior of the applicant was initially bad, but they are doing the right thing now, and he is inclined to support the variance.

**Motion** made by Chair Harris and seconded by Commissioner Reed to approve the Item as recommended.

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

**ITEM NO. 3    ACCESSORY    DWELLING    UNIT    ORDINANCE    (PA2025-0093)**  
**Site Location: Citywide**

**Summary:**

Amendments to Title 20 (Zoning Code) and Title 21 (Local Coastal Program Implementation Plan) updating regulations pertaining to Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) to conform with revisions to Government Code Sections 66310 through 66342 that went into effect on March 27, 2024, and January 1, 2025.

**Recommended Actions:**

1. Conduct a public hearing;
2. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15282(h) of the CEQA Guidelines, which states that the adoption of an ordinance regarding second units to implement the provisions of Sections 66310 through 66342 of the Government Code are exempt from the requirements of CEQA and pursuant to CEQA Guidelines Section 15265(a)(1), local governments are exempt from the requirements of CEQA in connection with the adoption of a Local Coastal Program;
3. Adopt Resolution No. PC2025-014, recommending the City Council approve PA2025-0093, including the Zoning Code Amendment and the Local Coastal

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Program Amendment (LCPA) and authorize staff to submit the LCPA to the California Coastal Commission (CCC).

Associate Planner Oscar Orozco reported that the City adopted its Accessory Dwelling Unit (ADU) Ordinance in 2017 and has been updated several times, particularly to address changes in State law. He added that it was last updated in February 2023, with part of the update being the creation of a website with resources about ADUs for residential reference. He reported the City currently has 238 ADUs, including ones finalized, under construction or under review.

Associate Planner Orozco reported three bills passed by the State in 2024 addressing ADUs require changes to the City's policies, with the most significant change being the provision in Senate Bill 1211, which allows for up to eight detached ADUs on lots with existing multifamily dwellings, an increase from just two but not to exceed the existing unit count. He added that the California Department of Housing and Community Development (HCD) informed the City during the Housing Element recertification process that it needs to update its ADU policy to reflect recent legislative changes.

Associate Planner Orozco stated that the proposed changes to the ADU ordinance are designed to comply with the General Plan, Local Coastal Plan Amendment (LCPA), and City Council policies. He added that the City will continue to encourage and incentivize ADU growth, along with encouraging lower-cost housing to help meet the City's Regional Housing Needs Assessment (RHNA) quotas.

Associate Planner Orozco reported the City received a letter from the California Housing Defense Fund (HDF) during the public comment period, noting the City insufficiently addresses the allowance of up to eight detached ADU state law change, but added the City feels it is adequately addressed in the draft resolution. He commented that the historic resources standards comment from HDF have led to an additional change to the Draft Resolution, specifically by removing the first sentence from Section 20.48.200(J) and Section 21.48.200(K) and moving the section under the ADU development standards section of title 20 and 21.

Vice Chair Salene reported that the City's ADU website was extremely helpful when he was building an ADU.

In response to Vice Chair Salene's inquiry, Associate Planner Orozco confirmed that staff feels it has properly addressed the needed changes outlined by HDF.

In response to Chair Harris' inquiries, Associate Planner Orozco confirmed that the phrase "off-street uncovered parking" refers to driveways. He clarified that unless a setback is specifically listed as required, the ADU would only be required to comply with Section 66323 of the State's Code. He confirmed that, hypothetically, if the City has a mandatory 20-foot setback, an ADU would have to comply with it. He confirmed that multi-family properties can now turn carports into ADUs without having to replace the parking spaces. He added that parking is not changing in the City's coastal zones due to other State laws. He confirmed, outside of the coastal zone, an eight-unit development can turn eight carports into ADUs and not have to find eight new parking spaces. He clarified that "non-habitable space" refers to areas such as storage rooms or mechanical equipment rooms. He clarified that the conversion of existing space is limited to two ADUs per multi-dwelling property, while the new standard of eight applies to detached ADUs. He added that this process can still eliminate up to two parking spaces.

All Commissioners reported having no ex Parte communications.

Chair Harris opened the public hearing. Being no speakers, the public hearing was closed.

**Motion** made by Vice Chair Salene and seconded by Chair Harris to approve the Item as recommended.

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

**ITEM NO. 4 COYOTE CANYON LANDFILL-GAS-TO-ENERGY (PA2022-063)**  
**Site Location: 20662 Newport Coast Drive**

**Summary:**

A request for a conditional use permit to allow the construction and operation of a new renewable natural gas processing plant and pipeline interconnection facility. The facility would convert landfill gas from the closed Coyote Canyon Landfill into a pipeline-quality natural gas equivalent, which would be transferred into SoCal Gas infrastructure through an existing onsite tie-in point. Additional project components include a new control room building, new internal access routes, utility upgrades including installation of an additional fire hydrant, a water tank, a septic tank, a storm drain for off-site disposal of stormwater, and new underground power and telecommunication lines. The facility would operate 24 hours a day, seven days a week, with one scheduled annual shut down for maintenance. Existing onsite telecom facilities approved under PA2016-091 (SCH No. 2016081012) would remain in place and be unaffected by this application. This project was originally noticed for a Planning Commission meeting on May 22, 2025, and was removed from calendar. There have been no changes to the project since the previous Notice of Public Hearing.

**Recommended Actions:**

1. Conduct a public hearing; and
2. Adopt Resolution No. PC2025-008, adopting the Mitigated Negative Declaration (SCH NO. 2024120012) and approving the Conditional Use Permit filed under PA2022-063.

Senior Planner Joselyn Perez used a PowerPoint to present the project location, zoning and surrounding land uses, background of the Coyote Canyon landfill, existing site conditions, a project description, summarized the environmental review process which included preparing an Initial Study/Mitigated Negative Declaration (IS/MND), Mitigation Monitoring and Reporting Program, and Response to Comments received on the IS/MND. She concluded her presentation by summarizing the project, reviewing the written comment letter provided by the law firm Adams Broadwell Joseph Cardozo prior to public hearing, and indicated that the comments reflect those already received during the IS/MND public comment period which were adequately responded to in the Response to Comments portion of the IS/MND.

In response to Commissioner Langford's inquiry, Senior Planner Perez confirmed there are no public trails through the area, and the property surrounding the site is owned by the City of Irvine. Assistant City Attorney Summerhill added that there has been some discussion about adding bike and/or pedestrian trails, but it has not been brought to fruition.

All Commissioners reported having no ex Parte communications.

Chair Harris opened the public hearing.

Tyler Henson, Lead Manager of External Affairs for Archaea Energy, reported that they will be partnering with Orange County Waste and Recycling on the Coyote Canyon project, and Archaea is the largest RNG producer in the country. He presented on the company's safety protocols and benefits of RNG being collected from landfill gas, which would otherwise be burnt off. He acknowledged there will be temporary impacts during construction but expressed a commitment to work with the City throughout the process, adding they have already discussed the project with

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Sage Hill School regarding working the site's traffic around school drop-off and pickup times. He presented artist renderings of the completed facility.

In response to Chair Harris' inquiry, Mr. Henson confirmed Archaea agrees with the recommended Conditions of Approval.

In response to Commissioner Reed's inquiries, Mr. Henson reported that construction timelines could range between one and five years, depending on variables including the permitting process. He added they cannot offer a definitive timetable for how long the facility will operate, as it is determined by gas levels.

In response to Secretary Langford's inquiry, Mr. Henson reported Archaea works with the local jurisdictions regarding the look of their site, adding their appearance can vary widely depending primarily on the remoteness of the locations. He expressed a willingness to work with Newport Beach on the facility's outward appearance.

In response to Vice Chair Salene's inquiries, Mr. Henson confirmed he has seen the comment letter from the law firm referenced earlier by Senior Planner Perez and stated City staff's response to the letter is sufficient. He expressed a willingness to put non-interference with school traffic patterns into writing as a Condition of Approval.

Aidan Marshall, speaking on behalf of Orange County Residents for Responsible Development, requested that staff prepare a full Environmental Impact Report (EIR) instead of an MND for CEQA compliance and to protect the health and safety of residents and workers. He stated his organization has responded in writing throughout the process with analysis from air quality and noise consultants agreeing the project would result in significant unmitigated air quality, public health, and noise impacts left unaddressed in the MND. He added that there are also health hazards to analyze and mitigate from a potential emergency at the facility, impacting its safe operation.

Mr. Mosher expressed concerns about the project's thermal oxidizer, including the possibility of it collapsing during an earthquake, and creating potential damage to land owned by the City of Irvine.

Assistant City Attorney Summerhill confirmed staff received the letter submitted by Adams Broadwell Joseph Cardozo and feels the comments had been adequately addressed. She added that there is a CEQA consultant who can further respond.

Senior Engineer and project manager Dina El Chammas Gass, on behalf of PlaceWorks, confirmed that none of the comments in the Adams Broadwell Joseph Cardozo letter are new and have been previously responded to. She noted that the letter states there could be significant and unavoidable impacts, which is incorrect. She added that the off-site consequences analysis prepared for the project showed no significant impacts. She continued that the IS/MND includes a mitigation measure to enact a fuel modification plan to mitigate fire risks. She made note of the need to remove 28 trees at the request of the Newport Beach Fire Department to support the goal of preventing a fire in the facility from spreading beyond its walls or vice versa and mitigating fire risk. She reported the RNG Facility itself will be designed with many monitors and sensors to help ensure its safe operation and mitigate fire risk. Ms. El Chammas Gass noted there was a comment made about noise and added that a Noise Analysis was conducted for this project, which is included in the IS/MND, and sufficiently addresses that comment.

Principal Nicole Vermilion, on behalf of PlaceWorks, clarified that the facility will have a closed system, so there will be no fugitive emissions unaddressed by the air quality permit through the South Coast Air Quality Management District (AQMD). She noted the South Coast AQMD is listed as a responsible agency, so it will have to approve the project along with Newport Beach. She expressed confidence in the conclusions of the MND.

Senior Planner Perez stated, in response to Secretary Langford’s earlier inquiry about the facility’s exterior, staff reviewed both a light blue and camouflage print option for the exterior, with a final design to be determined in plan check. In response to Vice Chair Salene’s earlier inquiry about Sage Hill School, she reported that staff have put a mitigation measure into the MND requiring a traffic control plan sensitive to the school.

Chair Harris closed the public hearing.

Secretary Langford lauded the fact that there have been no incidents in the 30 years of operations by the previous facility, and bringing in newer technology to the new facility. He expressed an interest in the fuel modification plan, noting the NBFD has been doing a great job of removing trees at risk for fire. He requested of the applicant if, in addition to removing the trees, they could landscape to better help shield the walls from traffic on Newport Coast Drive.

**Motion** made by Secretary Langford and seconded by Commissioner Reed to approve the Item as recommended.

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

**VIII. 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**

Deputy Director of Community Development Murillo reported that the August 7th Planning Commission meeting will review the Zenk residence on Bayview Drive in Corona del Mar. He reported that the City has received an appeal of the Ford Road Townhome project approved at the last meeting. He added it was filed by a law firm representing a group titled Save Our Sports Park. He reported that staff is working with the applicant to prepare the matter for City Council review.

**ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES**

Commissioner Reed reported he will not be able to attend the August 7<sup>th</sup> meeting.

Chair Harris congratulated Commissioner Ellmore and his wife on the birth of twin sons.

**IX. ADJOURNMENT –** With no further business, Chair Harris adjourned the meeting at 7:26 p.m.



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**The agenda for July 17, 2025, Planning Commission meeting was posted on Friday, July 11, 2025, at 9:35 a.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 Friday, July 11, 2025, at 9:34 a.m.**

*Tristan Harris*

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Tristan Harris, Chair

*Jonathan Langford*

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Jonathan Langford, Secretary