

Attachment D

Planning Commission Meeting Minutes

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, JUNE 19, 2025
REGULAR MEETING – 6:00 P.M.**

I. CALL TO ORDER - 6:02 p.m.

II. PLEDGE OF ALLEGIANCE – Vice Chair Harris

III. ROLL CALL

PRESENT: Chair Mark Rosene, Vice Chair Tristan Harris, Secretary David Salene, Commissioner Curtis Ellmore, Commissioner Jonathan Langford, Commissioner Lee Lowrey, Commissioner Greg Reed

ABSENT: None

Staff Present: Assistant City Manager Seimone Jurjis, Deputy Community Development Director Jaime Murillo, Deputy City Attorney Jose Montoya, City Traffic Engineer Brad Sommers, Senior Planner Joselyn Perez, Associate Planner Oscar Orozco, Assistant Planner Daniel Kopshever, 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 MARCH 6, 2025

Recommended Action: Approve and file

Motion made by Commissioner Langford and seconded by Vice Chair Harris to approve the meeting minutes of March 6, 2025, as amended to incorporate suggested modifications by Jim Mosher.

AYES: Ellmore, Harris, Langford, Lowrey, Reed, Rosene, and Salene

NOES: None

ABSTAIN: None

ABSENT: None

VII. PUBLIC HEARING ITEMS

ITEM NO. 2 UPTOWN NEWPORT DEVELOPMENT AGREEMENT, THIRD AMENDMENT (PA2025-0010)

Site Location: P4321 Jamboree Road

Summary:

Amendment to Section 4.5 (Light Industrial Land Uses) of Uptown Newport Development Agreement No. DA2012-003 (DA) to extend the allowable term of existing light industrial land uses currently operating as TowerJazz Semiconductor (TowerJazz) located within future Phase 2 of Uptown Newport Planned Community (PC-58). The request is for an additional 3.5 years, from March 12, 2027, to September 12, 2030.

Recommended Actions:

1. Conduct a public hearing;
2. Find that all significant environmental concerns for the proposed project have been adequately addressed in previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001, and Second Addendum No. ER2020-001; and
3. Adopt Resolution No. PC2025-009 approving Uptown Newport Development Agreement No. DA2012-003, Third Amendment.

Deputy Director of Community Development Jaime Murillo reported the Item is a straightforward request to amend the Development Agreement (DA) between the City and the Uptown Newport Planned Community's developers. He added the request is for an extension of the allowable operation of TowerJazz because the DA originally assumed the facility would cease operations in 2027 to allow for Phase 2 development. He added delays have led to this request to extend operations until 2030. He noted this is the only requested change to the DA and no corresponding changes to other documents are needed. He stated staff recommends the Commission adopt the Resolution recommending approval to the City Council.

All seven Commissioners reported no ex parte communications have occurred with the applicant.

Chair Rosene opened the public hearing.

Applicant Bill Shopoff made himself available for questions, but the Commission had none.

Jim Mosher inquired whether the DA needs to be extended because the entitlements stay with the property. He pondered if it would be permissible for the applicant to allow the DA to lapse.

Uptown Newport resident John Lee stated his objections to the Item due to the noise generated from the semiconductor factory's power plant and its ongoing existence diminishing their property's value in a residential planned community.

Uptown Newport resident David Edelman agreed with Mr. Lee's comments. He added part of the community benefits promised by the developer have been deferred due to the proposal. He called for a reasonable quid pro quo for the mitigation of the benefits.

Mr. Shopoff stated it is most likely the plant will only be operating for the next two years and discussions continue with TowerJazz's operator being sensitive to the products produced there and its employees. He stated the Environmental Analysis points to an offset of the issues raised by residents with its conclusion of no adverse environmental impacts from the extension.

Chair Rosene closed the public hearing.

Deputy Director of Community Development Murillo addressed Mr. Mosher's comments by noting the DA allows vested development rights to the developer but also provides vested benefits to the City so it is important to keep the DA in place.

In response to Secretary Salene's inquiries, Deputy Director of Community Development Murillo clarified the initial term of the DA is 15 years with two built-in five-year extensions. He added if the City did not extend the DA, the vested rights would disappear. He confirmed the extensions in the DA go beyond the 3.5 years being requested as it was signed in 2013. Mr. Shopoff confirmed the DA can be extended until 2038 and added he has full intention of doing this. He added they have already met most of the criteria for an extension.

Motion made by Secretary Salene and seconded by Commissioner Ellmore to approve Item No. 2 as recommended.

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

ITEM NO. 3 VERIZON FAUX TREE TELECOM FACILITY (PA2025-0024)
Site Location: 1024 Irvine Avenue (within the service area behind the shopping center, adjacent to Rutland Road)

Summary:

A request for a conditional use permit to construct a new wireless telecommunications facility in the back-of-house service area of the Westcliff Plaza Shopping Center. The proposed facility's antennas and antenna supports will be concealed within the canopy of a 60-foot-tall faux eucalyptus tree. As proposed, the supporting equipment for the facility will be ground-mounted and screened from view by a new 8-foot-tall block wall. To accommodate the proposal, existing landscaping within the proposed equipment area will be removed, an existing trash enclosure will be reconfigured, and a 4-foot-wide sidewalk will be added to provide access to the equipment area. Due to the installation type (i.e., freestanding) and the request for additional height pursuant to Section 20.49.050 (General Development and Design Standards) subsection (C) of the Newport Beach Municipal Code (NBMC), the proposed facility requires Planning Commission review.

Recommended Actions:

1. Conduct a public hearing;
2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant impact on the environment; and
3. Adopt Resolution No. PC2025-010 approving the Conditional Use Permit filed as PA2025-0024.

Assistant Planner Daniel Kopshever reported the Item is for the Verizon Faux Tree telecommunications facility's Conditional Use Permit (CUP). He added the facility is in the Westcliff Plaza Shopping Center at 1024 Irvine Ave. He added the site is in a Commercial Neighborhood (CN) Zone which allows for a freestanding wireless telecom facility. He noted condominiums and apartments are adjacent to the site along Rutland Road. He added there are 1,000 feet between the location and Mariners Elementary School.

Assistant Planner Kopshever reported the project is a 60-foot freestanding faux eucalyptus telecom facility and will also include a reconfigured and expanded trash and equipment enclosure. He added it will have eight-foot block walls around the ground-mounted equipment along with a new sidewalk and replacement landscaping. He reported the antennas will be mounted 52 feet above grade which is the minimum height required to provide coverage.

Assistant Planner Kopshever stated the project requires a CUP as a Class 4 facility and the applicant is requesting a height increase necessary to provide service. He reported the CUP findings include the tower being allowed in the CN Zone, that it is compatible with allowed vicinity uses, is a suitable size, and can operate compatibly within the neighborhood. He noted that Ficus and eucalyptus trees exist in the area reaching up to 40 feet in height making the faux tree tower visually compatible. He reported on the expected gap in Verizon's coverage that would result after the expected decommissioning of Verizon's current Fashion Island tower at 2001 Westcliff Drive.

Assistant Planner Kopshever reported the receipt of written public comments expressing concerns about health and safety. He stated the applicant submitted a Radio Frequency (RF) Exposure Report showing the tower is within the safety limits. He added the Telecommunications