

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, MARCH 6, 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 Mark Rosene, Vice Chair Tristan Harris, Secretary David Salene, Commissioner Curtis Ellmore, Commissioner Jonathan Langford, Commissioner Lee Lowrey, and Commissioner Greg Reed

ABSENT: None

Staff Present: Assistant City Manager Seimone Jurjis, Deputy Community Development Director Jaime Murillo, Assistant City Attorney Yolanda Summerhill, City Traffic Engineer Brad Sommers, Police Investigator Wendy Joe, Associate Planner Oscar Orozco, Principal Planner Liz Westmoreland, Assistant Planner Melinda Whelan, 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 JANUARY 23, 2025

Recommended Action: Approve and file

Jim Mosher suggested that in future meeting minutes the motions be more specific about the actions taken by the Planning Commission.

Motion made by Vice Chair Harris and seconded by Commissioner Ellmore to approve the meeting minutes of January 9, 2025.

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

VII. PUBLIC HEARING ITEMS

**ITEM NO. 2 POM & OLIVE RESTAURANT (PA2024-0088)
Site Location: 325 Old Newport Boulevard, Suite 1**

Summary:

A conditional use permit to obtain a Type 41 (On-Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) License for an existing food service, eating and drinking establishment (restaurant) known as “Pom & Olive”. Additionally, the Applicant requests the continuation of a parking waiver of 18 spaces (based on current code standards). No late hours (after 11 p.m.), live entertainment, or dancing is proposed as part of the project. Additionally, no physical changes to the suite or other changes to the existing operational characteristics 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) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2025-005 approving a Conditional Use Permit pursuant to PA2024-0088.

Associate Planner Orozco used a presentation to review the vicinity map, project location, land use, entitlement history, existing/proposed restaurant operations, project request, aerial image of the parking condition, revised resolution in Fact 5 in support of Finding G, and recommendation.

In reply to Commissioner Langford’s inquiry, Deputy Community Development Director Murillo suggested combining conditions two and three and clearer wording for the hours of operation. Commissioner Langford thought it would be helpful to add the word “limited” and not referencing 11 p.m. In reply, Deputy Community Development Director Murillo noted that the condition is intended to provide flexibility. Furthermore, Assistant City Attorney Summerhill stated that there is an existing encroachment agreement with the City, so it would be between the City and applicant related to condition 5.

In reply to Chair Rosene’s inquiring, Deputy Community Development Director Murillo indicated that the record is not clear as to why the previous 2006 approval included a condition of approval prohibiting alcohol sales.

There were no ex parte communications among the Commissioners.

Chair Rosene opened the public hearing.

The applicant indicated having reviewed and agreed to the conditions of approval.

In reply to Vice Chair Harris’ inquiry, the applicant confirmed that the intention of the operating hours is to admit the last customer by 10 p.m. before shutting the doors at 11 p.m.

Jim Mosher noted the action is missing a statement on handwritten page 26 that the Commission approves the new use permit.

Deputy Community Development Director Murillo stated that a provision was inadvertently left out stating the Planning Commission’s approval of the conditional use permit and will be added in the final resolution.

Chair Rosene closed the public hearing.

Motion made by Commissioner Ellmore and seconded by Commissioner Lowrey to approve the item with the amended wording to the hours of operations in the conditions of approval.

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

ITEM NO. 3 NORTH NEWPORT CENTER PLANNED COMMUNITY (PC-56) AMENDMENTS (PA2024-0173)
Site Location: Various locations in the North Newport Center Planned Community (PC-56) and 100 and 190 Newport Center Drive

Summary:

A request to amend the PC-56 Development Plan primarily to allow for the development of additional housing opportunities in alignment with the housing strategy identified by the City's 6th Cycle Housing Element. The Applicant also requests other changes, including increased building height limits for Fashion Island, Block 100, and San Joaquin Plaza, modified open space requirements, additional objective design standards, modified parking standards for residential, updated sign standards, and other minor text changes. The amendments include changing the zoning of 100 and 190 Newport Center Drive from OR (Office-Regional) to PC-56. No construction is currently proposed. Additionally, the Applicant requests approval of a development agreement to vest the development rights in exchange for public benefits including an affordable housing implementation plan (AHIP) that describes the affordable housing obligations. As required by State Law, the project includes a water supply assessment (WSA) to evaluate the City's ability to meet the water needs of future residents of the housing projects. The WSA is required as the project includes more than 500 dwelling units.

Recommended Actions:

1. Conduct a public hearing;
2. Find 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 CEQA Guidelines because the Project is consistent with the previously certified Program Environmental Impact Report (SCH No. 2023060699); and
3. Adopt Resolution No. PC2025-006 recommending City Council approval of the Planned Community Development Plan (PC-56) Amendment, Development Agreement, Affordable Housing Implementation Plan, and Water Supply Assessment for various properties within the PC-56 Zoning District and 100 and 190 Newport Center Drive (PA2024-0173).

Commissioner Langford and Secretary Salene recused themselves due to real property interests.

Principal Planner Westmoreland used a presentation to review the background, Newport Center aerial view, North Newport Center Planned Community as it exists today, Housing Element implementation,

overlay view, proposed amendments, 100 and 190 Newport Center Drive, additional proposed amendments for other changes to PC-56, existing streamlining for projects, proposed streamlining for traffic studies, height changes, development agreement and Affordable Housing Implementation Plan (AHIP), CEQA, Water Supply Assessment (WSA), recommendation, and next steps.

In reply to Vice Chair Harris' question, Assistant City Manager Jurjis indicated that the park recreation fee applies to the last units.

In reply to Chair Rosene's question, Deputy Community Development Director Murillo concurred that the public benefit fee is applicable to units constructed after 2032.

For ex parte communications, all Commissioners except for Commissioner Lowrey spoke with the applicant's representative.

Chair Rosene opened the public hearing.

Shawna Schaffner, CEO of CAA Planning, represented the Irvine Company and used a presentation to outline background information on the Newport Center Planned Community, the purpose of the PC amendment, existing/proposed height limits, Development Agreement updates, and staff recommendation.

In reply to Commissioner Ellmore's inquiry, Ms. Schaffner indicated that the height overlays were not considered during the Planning Commission's agenda item for this matter because the North Newport Center PC is its own legislative zoning document and stands alone for the City's height document and the timing of the application submittal. In reply to his concern for the impact on views, Ms. Schaffner noted extensive and continued outreach by the Irvine Company with surrounding property owners.

In reply to Vice Chair Harris' concern for the parking ratio variance, Ms. Shaffner relayed that the proposal includes a different way to calculate the parking requirement that is based on the Villas of Fashion Island demand and more parking than the City standard.

In reply to Commissioner Ellmore's question, Ms. Shaffner explained the reasoning for a 225-foot increase around the mall.

Jim Mosher expressed concern about the height changes, missing footnotes to the Title 20 table for reserved units by the City, large overlay unit numbers, units added without a green light vote and development agreement, and an amendment for buildings with greater than 30 dwelling units per acre minimum base on page 74.

Joseph Larsen of Rutan & Tucker represented the property owner at 180 Newport Center Drive and stated that collaboration will continue with the interested parties and no objections exist at this time.

Mary Patteral supported the matter.

Meagan Doyle supported housing development in Newport Center.

Principal Planner Westmoreland noted that if the project is adopted then the City will no longer be looking at the overlays for those development standards and will use the planned community for the development standards, identifying City reserved units in the overly is not required in a footnote and will

be identified in a different zoning document, and the 30 plus minimum base density standard is more appropriate for more dense projects.

Chair Rosene closed the public hearing.

Commissioner Ellmore supported the application and welcomed the reinvestment back into Newport Beach by the Irvine Company.

Commissioner Lowrey supported the project and, in reply to his question, Principal Planner Westmoreland confirmed that construction approvals in PC-56 are administrative and do not go through the Planning Commission or City Council unless it is appealed.

In reply to Commissioner Lowrey's concern for litigation that does not match up with the Planning Commission's decision, Assistant City Attorney Summerhill stated that the applicant does not have a specific project with the City, the City does not have any order from a court prohibiting the City from moving forward with the implementation of the Housing Element, and it would be incumbent on the applicant to indemnify and defend the City.

In reply to Chair Rosene's question, Principal Planner Westmoreland confirmed that a future project could be called up to the Planning Commission or City Council and the findings would be the findings in the planned community.

Vice Chair Harris thought the area aligned with the long-term growth vision and expressed his support.

Motion made by Vice Chair Harris and seconded by Secretary Salene to approve the item.

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

VIII. NEW BUSINESS

ITEM NO. 4 **GENERAL PLAN ANNUAL PROGRESS REPORT (PA2025-0008)** **Site Location: Citywide**

Summary:

Annual progress report on the status and implementation of the General Plan and Housing Element as required by State law and General Plan Implementation Program 1.3.

Recommended Actions:

1. Find the preparation, review and submission of the 2024 General Plan Annual Progress Report and Housing Element Report not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15060(b)(2) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly;

2. Review and comment on the 2024 General Plan Progress Report, including the Housing Element Annual Progress Report; and
3. Recommend the City Council review and authorize the submittal of the 2024 General Plan Progress Report to the California Office of Land Use and Climate Innovation (LCI) and the submittal of the Housing Element portion of the Annual Progress Report to the State Department of Housing and Community Development (HCD).

Assistant Planner Whelan used a presentation to review the 2024 annual report, General Plan Update status, 2024 housing production activity and Regional Housing Needs Assessment (RHNA) progress, projects with affordable units that are active in 2024, current Housing Element (HE) implementation program focus, and other HE implementation highlights.

Jim Mosher expressed confusion if the rezoning is complete and concern for meeting the modern income unit quota.

Assistant City Manager Jurjis stated that the City is not obligated to build anything, only to plan for housing, and then let the private market dictate how development occurs.

By a show of hands, all Commissioners supported the General Plan annual progress report.

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

Deputy Community Development Director Murillo announced that the March 20 Planning Commission meeting is cancelled, and likely the April 3 meeting will be as well. He relayed that the local coastal program (LCP) amendment related to the Housing Element overlay opportunity will likely be heard at a summer 2025 California Coastal Commission hearing.

ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES - None

X. ADJOURNMENT - With no further business, Chair Rosene adjourned the meeting at 7:06 p.m.

The agenda for the March 6, 2025, Planning Commission meeting was posted on Friday, February 28, 2025, at 12:00 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 Friday, February 28, 2025, at 12:30 p.m.

Mark Rosene, Chair

David Salene, Secretary