

Attachment D

March 19, 2026, Planning Commission
Minutes

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, MARCH 19, 2026
REGULAR MEETING – 6:00 P.M.**

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

II. PLEDGE OF ALLEGIANCE – Vice Chair Salene

III. ROLL CALL

PRESENT: Chair Tristan Harris, Vice Chair David Salene, Commissioner Michael Gazzano, Commissioner Greg Reed, Commissioner Mark Rosene

ABSENT: Secretary Jonathan Langford, Commissioner Curtis Ellmore

Staff Present: Community Development Director Jaime Murillo, Acting Deputy Community Development Director Ben Zdeba, City Traffic Engineer Kevin Riley, Assistant City Attorney Yolanda Summerhill, Administrative Assistant Clarivel Rodriguez, Department Assistant Beatriz Avila, Assistant Planner Daniel Kopshever, Associate Planner Oscar Orozco, Newport Beach Police Department Civilian Investigator Wendy Joe

IV. PUBLIC COMMENTS

Charles Schaaf stated that the building at 2424 Southeast Bristol St. was built around the same time as the one in Item No. 2, with driveways onto both Bristol St. and Spruce Ave. , and sign stating that drivers must turn right onto Spruce Ave. He stated that the sign has since been removed, and these right-only turns no longer occur, impacting traffic in his neighborhood.

V. REQUEST FOR CONTINUANCES – None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF March 5, 2026

Recommended Action: Approve and file

Chair Harris opened public comment, and there was none.

In response to Chair Harris' inquiry, Community Development Director Jaime Murillo confirmed receiving written edits from Jim Mosher, adding that staff agrees with his recommendations.

Motion made by Chair Harris and seconded by Vice Chair Salene to approve the meeting minutes of March 5, 2026, with Jim Mosher's edits.

AYES: Gazzano, Harris, Rosene, and Salene

NOES: None

ABSTAIN: Reed

ABSENT: Ellmore, Langford

VII. PUBLIC HEARING ITEMS

**ITEM NO. 2 2350 BRISTOL STREET DRIVEWAY ACCESS (PA2025-0112)
Site Location: 2350 Bristol Street**

Summary:

In accordance with Section 20.54.070 (Changes to an Approved Project) of the Newport Beach Municipal Code (NBMC), the applicant requests a staff approval to allow employee and delivery vehicles to use the existing rear driveway on Zenith Avenue, finding the operation consistent with the original entitlements for the commercial office building, as issued by the Orange County Board of Supervisors on August 20, 1986 (Use Permit No. UP 86-21P and Site Development Permit No. SP 86-52P). Pursuant to Section 20.12.020 (Rules of Interpretation) of the NBMC, the Community Development Director is referring this decision to the Planning Commission to allow for additional notice and engagement of the affected surrounding property owners.

Recommended Actions:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Article 18, Section 15270 (Projects Which Are Disapproved) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2026-008 denying the Staff Approval filed as PA2025-0112.

Assistant Planner Kopshever reported that the site in question is between Bristol St. and Zenith Ave. and within the Santa Ana Heights area annexed by the City in 2003. He reported on the site's development in the 1980s when it was under Orange County's jurisdiction, including multiple iterations of the Zenith Ave. driveway, leading to the ultimate decision for a heavy-duty chain locked and keyed for fire department access. He added that Code Enforcement has had four cases stemming from employees using the driveway, causing six site visits by a code enforcement officer since 2024.

Assistant Planner Kopshever reported that the applicant is requesting a Staff Approval because they interpret the existing Use Permit to already allow for employee and delivery vehicle usage of the driveway on Zenith Ave., and that the applicant has cited traffic safety concerns, nearby properties with two driveways, and an inability for delivery vehicles to use the Bristol St. entry. He reported that the applicant stated that a sign at a neighboring property partially obstructs the view of drivers turning onto Bristol St., but a review by the City's Traffic Engineer found that the sign is not an obstruction if the driver inches forward towards the street. He stated that staff is willing to work with the adjacent property owner to relocate the sign. He added that the applicant expressed safety concerns about the landscaping but noted that it is both low and on the applicant's property, making the landscaping their responsibility.

Assistant Planner Kopshever confirmed that two neighboring commercial properties have secondary exits onto Spruce Ave., which is also a residential street but abuts a four-way stop sign intersection. He agreed that the subject property's eight-foot vertical clearance at its Bristol St. entrance is too short for some delivery vehicles, but not all delivery vehicles.

Assistant Planner Kopshever reported that during the application process, staff issued an incomplete letter requesting additional information such as how community concerns would be addressed, how the gate would operate, and daily employee traffic volume through the gate. He stated that the applicant wanted to move forward with an unchanged application, so this hearing was scheduled. He reported that the applicant has since issued a statement saying that the Zenith Ave. gate has been kept open for over 40 years, but he then displayed multiple Google Earth street-level images taken since 2015 where the gate is closed.

Assistant Planner Kopshever reported that staff found conflicts between this request and the

zoning codes, in addition to the Circulation Plan of the Santa Ana Heights Specific Plan, which focuses on reducing residential traffic. He noted that the County's approved plans for the site called for this entrance to be used specifically for emergency access, adding that reserving the driveway for emergency use is Condition of Approval No. 19 in the Use Permit. He added that staff would also have to settle a conflict brought on by the expansion or changes in the operational characteristics of the use if employee access is granted, because the driveway was designated for emergency access only. He recommended adopting a Resolution to deny approval.

In response to Chair Harris' inquiry, all commissioners reported having no ex parte communications on this item.

Chair Harris opened the public hearing.

Chuck Krolikowski, speaking for the applicant, noted that the site has a multi-story and multi-tenant professional office building that has stood for almost 40 years, adding that the Zenith Ave. driveway access issue has existed for its entire time. He noted that the applicant submitted a letter to the City yesterday stating that they do not feel that they need to ask for approval to use the driveway, as it has operated in its present manner for years. He reported that the applicant initially resisted staff's insistence that they must apply to use the driveway for employees and deliveries but ultimately cooperated. He stated that the applicant is making a good-faith effort to make the property function in an optimal and safe manner.

Mr. Krolikowski stated that not allowing Zenith Ave. driveway access will endanger the community. He noted that the original approvals for the site by the County were vague and did not designate the Zenith Ave. driveway as being exclusively for emergency access. He added that the County, in its approval, found that the project would not create any unusual traffic, adding that the City is not allowed to second-guess the County's findings at the time of approval, which included a determination of being consistent with land use regulations. He clarified that Condition of Approval No. 19 required the applicant to submit details for controlled emergency access, but it does not state that the Zenith Ave. driveway is designated for emergency access only, adding that the County could have included this exclusivity in the Conditions of Approval.

Mr. Krolikowski stated that the City cannot apply its regulations to the uses of the property because it was approved by the County before being annexed. He added that the Certificate of Occupancy's approval assumes that all Conditions of Approval were properly satisfied.

Mr. Krolikowski cited the case of Goat Hill Tavern v. City of Costa Mesa as an analogous legal example providing a long-operating business with a vested right to continue its operations. He stated that non-conformity is another legal issue at play in this application, adding that the City's regulations do not apply because the development was approved by the County. He stated that documentation defines Bristol St. as being a high-speed and high-traffic roadway connecting to State Route 73, noting that it narrows from four lanes to two lanes near the property, and adding that there have been many speeding tickets issued and accidents occurring in the area.

Mr. Krolikowski reported that the property has an eight-foot vertical clearance just 13 feet from the Bristol St. sidewalk, forcing delivery trucks that are often 9-11 feet high and 20-25 feet long to extend out into the sidewalk and force other cars looking to enter the property to queue up on Bristol St. just as it is narrowing from four lanes to two. He added that these stopped delivery trucks also obstruct the vision of drivers exiting the property. He stated that this is unsafe and expressed his shock that it is not addressed in the staff report. He noted that these delivery trucks over 8 feet in height cannot go forward, so they must back up onto Bristol St. after making their deliveries, a safety hazard also not mentioned in the staff report.

Mr. Krolkowski noted that the deliveries and high speeds on Bristol St. make the Zenith Ave. driveway a much safer option for employees. He stated that the difference between this property and the one at 2424 Bristol St. mentioned in Mr. Schaaf's previous public comments is that the latter property does not have an eight-foot overhang. He noted that the 2424 Bristol St. property has enough space for a delivery truck to turn around on site and exit back onto Bristol St., and it also has a second driveway onto Spruce Ave.

Mr. Krolkowski reported that the City conducted a traffic study within the past year that contemplates making Spruce Ave. into a cul-de-sac, along with adding speed bumps on Zenith Ave. He noted that many of the same residents speaking against the applicant's access to Zenith Ave. also spoke against the traffic-calming concepts identified in the Study, directly implying that they are less concerned about traffic safety than they claim to be.

Mr. Krolkowski noted that staff presented different iterations of the project during the original approval process, showing bollards in the driveway that were removed at the request of the then-named Orange County Fire Department (OCFD). He added that a chain and/or gate were also discussed with OCFD, but nowhere in the documentation does the County designate the driveway as being for emergency access only.

Mr. Krolkowski reported that in the last year, there have been dozens of automobile accidents along this stretch of Bristol St., with over 100 moving violations ticketed. He encouraged the Commission to make safety its biggest concern regarding the property's use.

Mr. Krolkowski stated that approving staff's recommendation to deny the application would be an unconstitutional taking of property because property owners have access rights to streets they abut, adding that the property was allowed to build two driveways and has been using both for a long time, creating vested rights according to the Goat Hill Tavern case's legal precedents. He reported that City staff would have approved the applicant's request were it only for deliveries, but the request for employee access triggered this hearing.

In response to Chair Harris' inquiries, Mr. Krolkowski reported that, at times, the current and previous property owners would close the Zenith Ave. driveway gate at night. He could not confirm if there is anything in the original documentation from the County stating that occupants, tenants, or users can use the Zenith Ave. driveway freely. He stated that there is no definitive language declaring either emergency access only or open access for all vehicles. He agreed that the documentation is vague and ambiguous. He agreed that the original phrasing included the phrase "controlled emergency access."

Neal Metler, an employee who works at the subject property, requested approval to continue allowing employees and delivery vehicles to use the Zenith Ave. driveway due to the vehicular hazards of Bristol St., noting the many accidents and high speeds of drivers. He added that, in addition to leaving the property, it is also dangerous to enter it from Bristol St. due to concerns of being struck from behind. He addressed the written public comments on the item, noting that many of the authors live significantly far away from the building. He stated that restricting the Zenith Ave. driveway will not end the traffic safety issue, adding that neighbors could also request speed bumps be installed on Zenith Ave.

Mr. Mosher stated that the applicant has raised valid safety concerns, but this Staff Approval is not the proper way to obtain the relief sought. He noted that the documentation about safety measures between the original developer and the County, such as the possibility of using bollards, shows that the driveway was not intended for free access. He stated that it is unlikely that there is proof that the County inspected a free driveway when issuing the Certificate of Occupancy 40 years ago, contrary to the applicant's claim. He reported that the Santa Ana Heights Specific Plan

was created by the County, and the City had to promise not to change it as a condition of annexation, adding that the Specific Plan continues to require Board of Supervisors approval to be amended, making it relevant here. He reported attending the recent City Council meetings where traffic calming measures in Santa Ana Heights were discussed, adding that a reason cited against making Spruce Ave. a cul-de-sac was emergency access.

Chris Laullon, an employee who works at the subject property, stated that he uses both driveways for reasons of practicality and safety. He added that traffic often backs up to exit the property onto Bristol St., a problem that would be further exacerbated if exiting onto Zenith Ave. was not an option. He stated that only having the high-speed Bristol St. access point is impractical for the site's setup, particularly when larger delivery vehicles are also involved. He encouraged allowing access from Zenith Ave., adding that if an accident impacted the Bristol St. driveway, there would be no other access to or from the property.

Mr. Schaaf, who lives two houses away from the building, reported that State Route 73 was not completed when the building was approved, ending at the Irvine Ave./Campus Dr. exit, while Bristol St. was only two lanes then. He stated that neighborhood residents at the time of approval received letters from the County stating that the Zenith Ave. driveway would be only for emergencies, something implied by the draft of the project that included bollards. He stated that the gate has often been opened the past few years, but in the past was closed most of the time with no more than a pedestrian-sized gap. He noted that 2372 Bristol St. only has a single driveway onto Spruce St. and not two as stated by the applicant. He encouraged the City to investigate the right-turn-only exit at 2424 Bristol St. He stated that the subject building's poor design should not impact his neighborhood and encouraged the applicant to purchase a nearby vacant lot to use for additional parking.

Linda Giedt stated that the misuse of the emergency access point puts residents of her neighborhood at risk. She noted that the building has more employees than parking spaces, so the Zenith Ave. gate must be opened to create additional parking. She stated that exiting the building onto Bristol St. is functionally the same as merging onto Bristol St. from the end of Spruce St. She stated that the applicant is not mentioning the driveway's apron, adding that there are no traffic visibility issues from the apron. She noted that neighboring offices at 2372 Bristol St. and 2382 Bristol St. also only have one driveway. She noted that major delivery companies like United Parcel Service (UPS) and Amazon have alternative methods for delivering to buildings with similar low clearances. She stated that the intent of the annexation agreement's plans was to separate the residential neighborhood from adjacent commercial and professional uses. She encouraged the Commission to deny the application.

Mike Smith, neighborhood resident, agreed with Mr. Schaaf's synopsis of gate use history, including how it has been open more often than ever before over the past few years. He stated that Mr. Krolkowski's assessment of the neighborhood's views on speed bumps is wrong, noting that the neighborhood residents' actual reasoning is well known to groups like the City Council. He reported that employees routinely park on Zenith Ave. when there are events at the building, impacting the neighborhood.

Ann Margaret Tudisco, an employee who works in the subject building, stated that there are limited safe gaps to exit the building onto Bristol St. at a dangerous weaving point so close to State Route 73. She stated that the Bristol St. exit is unsafe, unlike the Zenith Ave. driveway.

Liz Coursey, an employee who works in the subject building, expressed concerns about the safety of the building's steady deliveries. She stated that the Zenith Ave. driveway is the safer option for employees like herself who must often go between her employer's two office locations. She added that clients and guests have reported using the Zenith Ave. driveway because they did not feel

safe slowing down to enter off Bristol St., adding that she has encouraged visitors to enter off Zenith Ave. if they feel uncomfortable with Bristol St.

Subject property owner Maryam Parman reported purchasing the building in 2018, clarifying that her law firm has a second office, so not all the employees listed by Ms. Giedt work at the site. She stated that the safety of her staff and the public is important and that the Bristol St. entrance to the building is not safe. She stated that she is often concerned about being rear-ended while slowing down to turn into the Bristol St. driveway, whereas the speeds are far lower at the Zenith St. driveway. She stated that this hearing should put the City on notice that driving conditions on Bristol St. are dangerous.

An unidentified employee who works in the subject building stated that their safety is more important than an argument over an entrance point. She stated that the employees are careful drivers who have families of their own. She stated that slowing down to enter the property from Bristol St. is concerning for the risk it creates of being hit from behind. She stated that the City should be looking at the driving conditions on Bristol St., rather than employees and vendors using a safer entrance.

Kristal Minetzke noted that the Avrek Law Firm, which is housed in the subject building, specializes in personal injury cases, making them experts in traffic accidents. She stated that, if a personal injury law firm says that the Bristol St. driveway is a safety hazard, then it is. She stated that she works at Avrek's Birch St. location and, when visiting the subject building, feels much safer when exiting on Zenith Ave. due to the merging and speeding traffic on Bristol St.

Patricia Teixeira, an employee who works in the subject building, noted that most of the clients who visit their office are injured and can find it extra difficult to enter from the Bristol St. driveway, potentially leading to another accident.

Rhone Safey, an employee of Avrek's Birch St. office, reported that she visits the Bristol St. office daily and learned very quickly that she should only use the Zenith Ave. driveway out of safety concerns after having multiple near-collisions using the Bristol St. driveway. She added that using Zenith Ave. is not only safer for employees but also for other Bristol St. drivers. She reported that she manages the firm's social media accounts and has received direct messages from clients expressing safety concerns when going to the Bristol St. office. She noted how odd this is when they are a personal injury law firm whose clients were often in car accidents.

Sitlaly Livingstone, an employee working at the subject property, reported that trash collection happens by the Zenith Ave. driveway because it would cause logistical complications if it had to occur by the Bristol St. driveway. She pondered what the plan would be in case of an emergency for staff leaving the building with the Zenith Ave. gate closed. She echoed the concerns of her coworkers about the hazards of entering the property from Bristol St.

Montserrat Sandoval, an employee who works at the subject property, expressed safety concerns about the Bristol St. driveway, adding that she exits the property daily through the Zenith Ave. driveway. She requested keeping the Zenith Ave. driveway open.

Reagan Parker, an employee working at the subject property, stated that she uses the Zenith Ave. entrance due to safety concerns. She pondered how staff would exit during an earthquake if the Zenith Ave. entrance were locked and the building collapsed. She expressed concerns about Bristol St. pedestrians as drivers decelerate to enter the building off a high-speed street.

Elizabeth Yost noted that none of the Avrek employees have addressed the neighborhood's safety. She agreed that people regularly speed down Bristol St. She stated that the El Pollo Loco

restaurant at 2232 Bristol St. gets longer vehicular lines than Avrek and assumed that they would have the same concerns about Bristol St. access. She added that the neighborhood likely has more pedestrians to consider than Bristol St. due to its relatively light foot traffic.

Mr. Krolkowski stated that the employees at the subject property agree that Bristol St. is unsafe due to frequent excessive speeding, with the turning movements particularly impacted when larger delivery vehicles are present. He encouraged the Commission to keep both driveways open for safety, adding that there is no indication of speeding in the neighborhood, due in part to having limited space to accelerate before reaching intersections. He stated that the County's documents are vague and do not specifically state that the Zenith Ave. driveway is only to be used for emergency access. He agreed that there are potential pedestrian safety issues with vehicles using the Bristol St. driveway.

Chair Harris closed the public hearing.

Community Development Director Murillo clarified that staff is attempting to uphold the original County approval, which clearly called for controlled access on Zenith Ave. He noted that Condition of Approval No. 3 calls for a change plan to be submitted if there is a change to the precise plan that was approved, adding that this is the equivalent of a City Staff Approval. He reported that staff was open to allowing delivery vehicle access to the Zenith Ave. driveway and requested a delivery vehicle management plan be submitted, but the applicant instead opted to move forward with a request for full access, which is why staff is recommending denial of the application.

Traffic Engineer Kevin Riley stated that the sign on a neighboring Bristol St. property does not impact the applicant's traffic visibility once the driver inches forward towards Bristol St. He stated that there are many gaps in the Bristol St. traffic allowing for a right-turn out of the driveway. He agreed that the low clearance could be problematic for delivery vehicles, creating a safety concern if they must back out of the driveway. He theorized that few delivery vehicles turning into the driveway are unaccustomed to working around it because companies like Federal Express (FedEx) and UPS use drivers on regular routes familiar with the building.

Assistant City Attorney Yolanda Summerhill stated that the Goat Hill Tavern case is in opposition to this hearing, clarifying that the City of Costa Mesa would first grant temporary permits to test how operations worked. She stated that this application does not interfere with Avrek's business operation. She added that the crux of the matter here is reinforcing a Condition of Approval that she does not feel is unconstitutionally vague. She added that the bollards were proposed to help ensure that the Zenith Ave. driveway would only be used for emergency access, even if the word "only" does not appear in the Conditions of Approval. She stated that the business would not be taken away and Avrek can still operate, so there is no economic interest as it relates to vested rights, adding that this matter is about whether ingress and egress are limited to Bristol St. She added that the City did not receive traffic-related information requests from the applicant to fully inform the staff report's findings.

In response to Vice Chair Salene's inquiries, Traffic Engineer Riley confirmed that no formal traffic study was conducted for this application. He confirmed that the applicant did not request a formal traffic study.

In response to Chair Harris' inquiry, Traffic Engineer Riley confirmed that a traffic study would typically be required for a property if there was a change in use or intensity.

Commissioner Rosene stated that he heard some valid safety issues, but the application was never sufficiently completed to allow staff to properly study them. He stated that a more complete application would be beneficial and pondered whether the item should be continued until the

applicant presents a more complete application with better detail on what is being requested. He stated that the County's language relative to the use of the Zenith Ave. driveway is not vague in any way, shape, or form, and questioned why the gate does not have a better locking mechanism. He added that the valid safety concerns are not relevant to this application as it is presented.

In response to Commissioner Rosene's inquiry, Traffic Engineer Riley stated that he is not aware of any high-level capital improvement plans for this stretch of Bristol St.

Commissioner Gazzano agreed with Assistant City Attorney Summerhill that the County's documentation is not vague as it relates to emergency vehicle only restrictions on the Zenith Ave. driveway, citing several examples, including the contemplated inclusion of bollards. He agreed with Commissioner Rosene that the applicant's safety concerns are not relevant to the application as written. He stated that he is inclined to support the application's denial.

Commissioner Reed stated that it can be difficult to mix residential and commercial properties and agreed with Commissioner Rosene's assessment of the application being incomplete. He agreed that the Bristol St. driveway is not ideal, particularly considering the low clearance. He encouraged the applicant to present a plan for safe deliveries and agreed with his peers that the County's intention of the Zenith Ave. driveway being for emergency access only is clear and should be continued. He agreed that the current situation at the Bristol St. driveway is unsafe and that consideration should be given to a proposal to relocate deliveries, but he supports denying the application as it stands.

Chair Harris agreed with his peers and stated that the intent of the County's plans was clear, adding that the final drawing for the Zenith Ave. driveway includes a heavy chain with a fire lock. He agreed that the safety concerns raised by the applicant and public speakers who work for the law firm are valid, adding that he would welcome a different version of this application. He noted that Bristol St. has changed into more of a highway than when the project was approved in the 1980s but added that Zenith Ave. was intended to demarcate the line between commercial and residential with no traffic flow.

Motion made by Chair Harris and seconded by Commissioner Reed to deny the application.

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

Chair Harris called for a recess at 7:22 p.m. The meeting resumed at 7:26 p.m.

ITEM NO. 3 NEWPORT PLACE PLANNED COMMUNITY DEVELOPMENT PLAN (PA2025-0196)

Site Location: Generally bounded by MacArthur Boulevard, Jamboree Road, Birch Street, and Bristol Street North

Summary:

An amendment to Newport Place Planned Community (PC-11) Development Plan to revise the minimum affordability percentage required within the Residential Overlay (Overlay) from 15% to 6% for for-sale residential projects.