

CITY OF NEWPORT BEACH

City Council Meeting Minutes Regular Meeting October 28, 2025

9I. ROLL CALL – 4:00 p.m.

Present: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Sara J. Weber, Councilmember Erik Weigand

II. INVOCATION – Dave Manne, Pastor Emeritus, Calvary Chapel of Costa Mesa

III. PLEDGE OF ALLEGIANCE – Councilmember Grant

IV. PRESENTATIONS

- Proclaiming October 2025 as Emergency Room Nurses Week

Mayor Stapleton read the proclamation and recognized ER Trauma Nurses — Adrienne Taylor, Stephie Strong, Kaitlyn Prestwood, Cari Sparks, Alyson Mayers, Audrea Donald, Lula Litos, and Priya Sauseda who expressed their gratitude for the recognition.

- History of Newport Coast by Mike Stockstill

Mike Stockstill referenced a PowerPoint presentation and provided history of Newport Coast. He detailed how the land was previously owned by James Irvine II, who sold portions of coastal property but retained the four miles now known as Newport Coast.

V. PUBLIC COMMENTS ON AGENDA AND NON-AGENDA ITEMS

Adam Leverenz presented slides regarding offshore mooring permit language in the Newport Beach Title 17 Harbor Code, noted permittees do not have ownership interest in public tidelands, and emphasized tidelands are public lands.

VI. CITY COUNCIL ANNOUNCEMENTS AND ORAL REPORTS FROM CITY COUNCIL ON COMMITTEE ACTIVITIES

Councilmember Grant:

- Announced a new compost giveaway program in the City beginning on November 17, 2025, and noted that the recent document shredding and e-waste event held on October 18th drew over 500 residents.
- Announced the Bayside Village Marina LLC and Back Bay Landing Bayfront Stabilization and Improvement Project Scoping Meeting to be held on October 29, 2025, at 5:30 p.m. in the Civic Center Community Room.

Mayor Stapleton

- Congratulated the Newport Beach Film Festival on its 26th anniversary.
- Congratulated Recreation & Senior Services Director Sean Levin on a successful Spooktacular Event.
- Congratulated the 13th graduating class of the Newport Beach Foundation's Distinguished Citizen Program.

- Congratulated Fire Chief Jeff Boyles for being named Fire Chief of the Year by the California Fire Chiefs Association and recognized Fire Marshal James Gillespie for receiving the Commitment to Excellence Award.

VII. MATTERS WHICH COUNCILMEMBERS HAVE ASKED TO BE PLACED ON A FUTURE AGENDA (NON DISCUSSION ITEM)

- Consider exploring an Underground Utility Assessment Loan Program to help property owners who face significant financial hardship in paying assessment and private connection costs associated with the creation of future underground utility assessment districts (Submitted by Councilmember Barto).

Approved by a Straw Vote, 7-0.

Mayor Stapleton clarified that amendments had been made to Resolution No. 2025-75 reflected in the Staff Memo regarding Agenda Item No. S21 which was distributed to Council and members of the public.

VIII. PUBLIC COMMENTS ON CONSENT CALENDAR

Mayor Stapleton recognized Harbormaster Paul Blank and Administrative Manager Chris Miller for receiving a grant award for the Surrendered and Abandoned Vessel Exchange (SAVE) Program.

There were no public comments on the Consent Calendar.

IX. CONSENT CALENDAR

READING OF MINUTES AND ORDINANCES

1. Minutes for the October 14, 2025 City Council Meeting

Waive reading of subject minutes, approve as written, and order filed.

2. Reading of Ordinances

Waive reading in full of all ordinances under consideration and direct the City Clerk to read by title only.

ORDINANCES FOR ADOPTION

3. Ordinance Nos. 2025-32 and 2025-33: Amending Titles 20 and 21 of the Newport Beach Municipal Code Establishing the Special Flood Hazard (VE) Overlay

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 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;
- b) Conduct a second reading and adopt Ordinance No. 2025-32, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Revisions to Zoning Code Amendment (PA2018-075) Amending Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code to Establish the Special Flood Hazard Area Overlay for Consistency with the California Coastal Commission's Modifications (PA2018-075);* and
- c) Conduct a second reading and adopt Ordinance No. 2025-33, *An Ordinance of the City Council of the City of Newport Beach, California, Approving an Amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, as Modified by the California Coastal Commission, to Establish the Special Flood Hazard Area Overlay (PA2018-075).*

RESOLUTIONS FOR ADOPTION

- 4. Resolution No. 2025-67: Vacation of Existing Sewer Easement at 124 Kings Place**
 - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
 - b) Adopt Resolution 2025-67, *A Resolution of the City Council of the City of Newport Beach, California, Summarily Vacating Public Sewer Easements at 124 Kings Place (Lot 10 of Block D, Tract 1219) and Directing the City Clerk to Record Same with the County Recorder's Office.*
- 5. Resolution No. 2025-68: Certifying Funding Listed in the Federal Transportation Improvement Program**
 - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
 - b) Adopt Resolution No. 2025-68, *A Resolution of the City Council of the City of Newport Beach, California, Certifying that the City of Newport Beach has the Resources to Fund the Projects in the Federal Transportation Improvement Program for Federal Fiscal Years 2026-27 to 2031-32 and Affirming Its Commitment to Implement All City Projects in the Program.*
- 6. Resolution No. 2025-69: Accepting a Grant from the State of California, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program**
 - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 5060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
 - b) Adopt Resolution No. 2025-69, *A Resolution of the City Council of the City of Newport Beach, California, Accepting a Grant from the State of California, Department of Parks and Recreation, Division of Boating and Waterways for the Surrendered and Abandoned Vessel Exchange Program (SAVE); and*
 - c) Approve Budget Amendment No. 26-029 recognizing \$100,000 in grant revenue from the California Division of Boating and Waterways (13501-431385- 25H13) and appropriating \$100,000 to Account No. 13501-980000-25H13 and \$10,000 to Account No. 10001-980000-25H13 Abandoned Watercraft Abatement.
- S21. Resolution No. 2025-75: Ratifying the Proclamation of the Existence of a Local Emergency, and Declaring that the Local Emergency Shall Remain in Effect Until Terminated by the City Council**
 - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15269(c), 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
 - b) Adopt Resolution No. 2025-75, *A Resolution of the City Council of the City of Newport Beach, California, Ratifying in its Entirety the Proclamation of the Existence of a Local Emergency Issued by the Director of Emergency Services on October 22, 2025, and Declaring that the Local Emergency, Along with all Rules, Orders, and Regulations Issued by the Director of Emergency Services, Shall Remain in Effect Until the Emergency is Terminated by the City Council.*

CONTRACTS AND AGREEMENTS

- 7. San Diego Creek Trash Interceptor - Notice of Completion for Contract No. 7127-5 (17X12)**
 - a) Determine that on July 11, 2023, City Council found the requirement for environmental review under the California Environmental Quality Act (CEQA) is satisfied by Adopting Mitigated Negative Declaration No. ND2018-002(SCH No. 2018081013) for the Newport Bay Water Wheel Project; and
 - b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.

8. **Central Library, OASIS Senior Center and VJ Community Center Carpet Replacement - Notice of Completion for Contract No. 9750-1 (25F02)**
 - a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
 - b) Accept the completed work and authorize the City Clerk to file a Notice of Completion for the project.
 9. **Fiscal Year 2025-26 Citywide Park Fence Rehabilitation - Award of Contract No. 9837-1 to Dash Construction Company, Inc. (25P02)**
 - a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 (maintenance of existing facilities involving no expansion or an existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
 - b) Approve the project plans and specifications;
 - c) Award Contract No. 9837-1 to DASH Construction Company, Inc. for the total bid price of \$392,500 for the Fiscal Year 2025-26 Citywide Park Fence Rehabilitation project, and authorize the Mayor and City Clerk to execute the contract; and
 - d) Establish a contingency of \$39,250 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.
 10. **Fiscal Year 2024-25 Playground Improvements Project - Award of Contract No. 9753-1 to R.E. Schultz Construction, Inc. (25P01)**
 - a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this project has no potential to have a significant effect on the environment;
 - b) Approve the project plans and specifications;
 - c) Find the bid submitted by Western State Builders Inc. to be non-responsive;
 - d) Award Contract No. 9753-1 to R E Schultz Construction, Inc. for the total bid price of \$858,800 for the Fiscal Year 2024-25 Playground Improvements Project, and authorize the Mayor and City Clerk to execute the contract; and
 - e) Establish a contingency of \$90,000 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.
- Motion carried 6-1. Councilmember Weber recused based on interest in her personal residence.**
11. **Cathodic Protection Upgrades Project - Award of Contract No. 9483-2 (24W11)**
 - a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(b), Class 1 (operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment;
 - b) Approve the project plans and specifications;
 - c) Approve Budget Amendment No. 26-035 transferring \$701,593.80 from account 70201931-980000-26W12 and \$1,201,266.08 from account 70201931-980000-16W12 to account 70201931-980000-24W11 for the Cathodic Protection Upgrades Project;
 - d) Award Contract No. 9483-2 to Teichert Energy & Utilities Group, Inc. for the total bid price of \$3,673,467 for the Cathodic Protection Upgrades Project, and authorize the Mayor and City Clerk to execute the contract; and
 - e) Establish a contingency of \$367,000 (approximately 10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

12. Approval of Vehicle Replacement Purchase Orders for Three Pickup Trucks, Four Sedans, and One Van.

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly;
- b) Approve a Purchase Order for three Toyota Tacoma TRD Off-Road 4WD double cab pickup trucks from RP Automotive of Downey, for a total amount of \$160,899.63;
- c) Approve a Purchase Order for four Ford Explorer SUVs from Ken Grody Ford of Redlands, for a total amount of \$159,858.42;
- d) Approve a Purchase order for one E-450 Ford Type B Transit Van from A-Z Bus Sales Inc., for a total amount of \$135,888.17; and
- e) Authorize a contingency of \$22,000 (approximately 5% of total quotes) to cover the cost of unforeseen changes to the current quotes.

13. Fiscal Year 2025-26 Facilities Roofing Project - Award of Contract No. 9860-1 to AME Builders, Inc. (26F02)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment;
- b) Approve the project plans and specifications;
- c) Award Contract No. 9860-1 to AME Builders, Inc. dba AME Roofing for the total bid price of \$423,400 for the Fiscal Year 2025-26 Facilities Roofing Project, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$42,340 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

14. Fiscal Year 2025-26 Citywide Facilities Painting Project - Award of Contract No. 9861-1 to D and T Painting (26F02)

- a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301(d), Class 1 (restoration or rehabilitation of deteriorated facilities involving negligible or no expansion of existing use) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because this project has no potential to have a significant effect on the environment;
- b) Approve the project plans and specifications;
- c) Award Contract No. 9861-1 to D and T Painting for the total bid price of \$224,500 for the Fiscal Year 2025-26 Citywide Painting Project, and authorize the Mayor and City Clerk to execute the contract; and
- d) Establish a contingency of \$22,450 (10% of the total bid) to cover the cost of unforeseen work not included in the original contract.

15. Amendment No. Three to Services Agreement with Harbor Pointe Air Conditioning & Control Systems for Heating, Ventilation and Air Conditioning of City Facilities (Contract No. 9669-1)

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Approve Amendment No. Three to On-Call Maintenance/Repair Services Agreement with Harbor Pointe Air Conditioning & Control Systems, Inc. for On-Call HVAC Maintenance and Repair Services to increase the contract amount by \$700,000, and authorize the Mayor and City Clerk to sign the amendment.

MISCELLANEOUS

16. Grants and Donations Report for the Quarter Ending September 30, 2025

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Receive and file.

17. Planning Commission Agenda for the October 23, 2025, Meeting

- a) Receive and file.

City Clerk Lena Shumway read the titles of the adopted ordinances.

Motion by Mayor Pro Tem Kleiman, seconded by Councilmember Blom, to approve the Consent Calendar, including amendments to Agenda Item No. 1 (Minutes); and noting the recusal of Councilmember Weber on Agenda Item No. 10.

The motion carried 7-0.

X. ITEMS REMOVED FROM THE CONSENT CALENDAR

There were no items removed from the Consent Calendar.

XI. PUBLIC HEARINGS

18. Resolution No. 2025-70: Appeal of Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 located at 100 East Balboa Boulevard (PA2025-0130)

- a) Conduct a de novo public hearing;
- b) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; and
- c) Adopt Resolution No. 2025-70, *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 for the Property Located at 100 East Balboa Boulevard (PA2025- 0130).*

Mayor Stapleton opened the public hearing at 4:37 p.m.

Mayor Stapleton inquired if council members had any ex parte communications to announce.

There were no ex parte communications reported.

Acting Community Development Director Jaime Murillo introduced Assistant Planner Laura Rodriguez, who referenced a PowerPoint presentation regarding Fire Station Number 1 and Balboa Branch Landscape Changes Appeal. She explained that the original Coastal Development Permit (CDP), approved on September 24, 2024, included the removal of two special city landmark trees, including a blue gum eucalyptus. After the CDP was appealed to the California Coastal Commission, City staff collaborated with Commission staff to create a revised landscape plan to address concerns about nesting birds. The revision primarily involved replacing California sycamore trees with Western sycamore trees along Island Avenue and East Bay Avenue, which are more favorable for nesting birds.

Assistant Planner Rodriguez addressed the appellant's claims, noting that the site is not considered an environmentally sensitive habitat area (ESHA), the blue gum eucalyptus is not a rare species or vital to the ecosystem, and there was no evidence of an underground spring at the property.

PUBLIC COMMENT

April Strong urged Council to rebuild the facilities on their current footprint to preserve the tree and green space.

Adam Leverenz questioned the characterization of the tree as "diseased."

Roberta Schmidt supported removing the tree, citing safety concerns about eucalyptus trees.

Don Abrams noted the scarcity of green spaces on the peninsula.

Lisa Clifford spoke in favor of preserving the tree and parklet.

Michelle Silver stressed that residents had consistently spoke in favor of preserving the tree.

Acting Community Development Director Murillo clarified that the tree removal was not the matter before the Council, but rather the specific changes to the landscape plan.

Mayor Stapleton closed the public hearing at 4:50 p.m.

Motion by Councilmember Blom, seconded by Councilmember Weber, to a) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15302 under Class 2 (Replacement or Reconstruction) of the CEQA Guidelines, because this project has no potential to have a significant effect on the environment; and b) Adopt Resolution No. 2025-70, *A Resolution of the City Council of the City of Newport Beach, California, Denying an Appeal and Upholding the Planning Commission's Approval of Minor Changes to Coastal Development Permit No. PA2024-0140 for the Property Located at 100 East Balboa Boulevard (PA2025- 0130).*

The motion carried 7-0

19. Ordinance No. 2025-34: Extending a Temporary Moratorium on New Smoke Shops and Tobacco Retailer Businesses

- a) Conduct a public hearing;
- b) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262, Section 15060(c)(2), Section 15060(c)(3), Section 15305, and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3;
- c) Adopt Ordinance No. 2025-34, *An Urgency Ordinance of the City Council of the City of Newport Beach, California, Extending a Temporary Moratorium on the Establishment and Operation of New Tobacco Retailer Businesses and the Relocation or Physical Expansion of Existing Tobacco Retailer Businesses, Also Known as Smoke Shops*; and
- d) Review, approve, and issue the 10-day report as required by Government Code 65858 for the extension of the temporary moratorium.

Mayor Stapleton opened and closed the public hearing at 4:51 p.m.

Motion by Mayor Pro Tem Kleiman, seconded by Councilmember Weber, to a) Determine this action is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15262, Section 15060(c)(2), Section 15060(c)(3), Section 15305, and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3; b) Adopt Ordinance No. 2025-34, *An Urgency Ordinance of the City Council of the City of Newport Beach, California, Extending a Temporary Moratorium on the Establishment and*

Operation of New Tobacco Retailer Businesses and the Relocation or Physical Expansion of Existing Tobacco Retailer Businesses, Also Known as Smoke Shops; and c) Review, approve, and issue the 10-day report as required by Government Code 65858 for the extension of the temporary moratorium.

The motion carried 7-0

City Clerk Shumway read the title of the adopted ordinance.

20. Resolution Nos. 2025-71 through 2025-74: Overriding Orange County Airport Land Use Commission's Determination of Inconsistency and Approving the Snug Harbor Surf Park at 3100 Irvine Avenue (PA2024-0069)

- a) Conduct a public hearing;
- b) Adopt Resolution No 2025-71, *A Resolution of the City Council of the City of Newport Beach, California, Approving a General Plan Amendment for the Surf Park Project Located at 3100 Irvine Avenue (PA2024-0069);*
- c) Adopt Resolution No 2025-72, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Major Site Development Review, Conditional Use Permit, and Modification Permit to Authorize the Construction and Operation of the Surf Park with Ancillary Uses and Types 47 (On-Sale General Eating Place), 58 (Caterer), and 68 (Portable Bar) Alcoholic Beverage Control Licenses for the Property Located at 3100 Irvine Avenue (PA2024-0069);*
- d) Adopt Resolution No 2025-73, *A Resolution of the City Council of the City of Newport Beach, California, Certifying Environmental Impact Report (State Clearinghouse SCH Number 2024110238), Including a Mitigation Monitoring and Reporting Program and Adopting Findings for the Surf Park Project Located at 3100 Irvine Avenue (PA2024-0069); and*
- e) Adopt Resolution No 2025-74, *A Resolution of the City Council of the City of Newport Beach, California, Finding the Surf Park Project Located at 3100 Irvine Avenue Consistent with the Purposes of the State Aeronautics Act and Overriding the Orange County Airport Land Use Commission's Determination of Inconsistency with the 2008 John Wayne Airport Environs Land Use Plan (PA2024-0069).*

A Staff Memo was provided to Council and members of the public detailing updates to Resolution No. 2025-72 and Resolution No. 2025-74 as well as additional responses to comments.

Mayor Stapleton opened the public hearing at 4:52 p.m.

Mayor Stapleton noted that he met with the applicant and inquired if any other council members had ex parte communications to announce.

Councilmembers Weigand and Barto announced ex parte communications with the applicant and opponents of the project.

Councilmember Grant announced ex parte communications with members of the public and the appellant.

Councilmember Blom recused himself to avoid any appearance of bias, as one of his business partners in a separate venture has a financial interest in the proposed project.

Councilmember Weber announced ex parte communications with the applicant.

Mayor Pro Tem Kleiman announced ex parte communications with the applicant and members of the public.

Acting Community Development Director Jaime Murillo introduced Jocelyn Perez, Senior Planner, who referenced a PowerPoint presentation and presented the Snug Harbor Surf Park Project. She summarized key aspects of the project including project location, project description, land uses, existing site conditions, traffic analysis, water usage, noise impacts, and environmental review.

Shawna Schaffner, Chief Executive Officer of CAA Planning, Inc., representing the applicant, characterized the project as a premier outdoor recreational facility featuring innovative wave technology that will maintain consistency with the Santa Ana Heights Specific Plan, maximize solar energy use, expand tourism, and provide safety in surfing conditions.

Ms. Schaffner clarified that while the project would remove the driving range and three holes of golf, it would facilitate ongoing golf operations on the remaining holes. Schaffner addressed airport compatibility, water usage, energy efficiency, and community benefits including youth programs and lifeguard training opportunities.

Benny Hallock, representing Save the Newport Beach Golf Course, spoke in opposition, describing the golf course as a community resource used by veterans, seniors, and families. He presented petitions with signatures from community members opposed to the project.

Heather Cieslak, representing Newport Bay Conservancy, voiced her concerns regarding the amendment to the General Plan, which would substantially raise the permitted land development, lead to greater water consumption, and restrict native plantings.

PUBLIC COMMENT

Kevin Fitzgerald, Southern California Golf Association, expressed concerns about the lack of clear commitments to preserve golf in the long term, noting that a small golf offering without proper infrastructure support would likely be unsustainable.

Brandon Bercher, Chris Moreno, Jeff Roberts, Chaz Lieber, Paul Burnett, Bill Webb, Craig Atkins, Ryan Gallagher, Patrick Cox, Adam Dearmond, Ned Mar, Brian Melstrom, Dr. John Bussard, Sheila Collins, Dan McDonogh, Paul Burnett, Foster Hoose, Elijah Spyer, Jeff Nelson, Mario Murolovic, Tim Burnam, Scott Watson, Kaleigh Gilchrist, Nick Rigali, Chad Towers, Jason Shelton, Brent Jacobson, and Grant Collins all spoke in favor of the project.

Supporters argued that the project would provide world-class amenities offering consistent wave conditions for training purposes, economic benefits to Newport Beach, opportunities for youth, high school surf teams, and first responders to train safely and advocated for innovative new use of the property while preserving golf.

Brian McLean, emphasized the importance of golf, noting that the sport provides veterans with peace, community, and a sense of purpose and opposed the project.

TK Brimer supported the project's dual offering of golf and surfing facilities and suggested compromising on the issue.

Jana Larson referenced a video during her comment period and spoke against the project.

Thomas Edwards, former Newport Beach mayor, cited concerns regarding land use compatibility to the original intent and recommended to review this matter more.

Varton Perugini, echoed concerns of the opposition and voiced concerns regarding water evaporation, noise, electric use, and suggested Council assess the issues further and consider the effects on the community.

Mike Smith referenced a PowerPoint presentation and voiced disapproval of the project.

Jim Mosher noted the need to certify the environmental impact report prior to overriding ALUC, did not think it was wise to override the Airport Land Use Commission's findings, emphasized fostering cooperation, and questioned land use elements of the project.

Keira Sky, George Leslie, Roberta Schmidt, Autumn Pace, an unidentified speaker, Eric Loman, Don Abrams, Linda Geidt, Heather Caletto, Chris Clark, Wayne Redfern, Pat Finn, Trep Heiming, Olivia Slobodian, and Gary McKee all spoke in opposition of the project.

Opponents of the project cited water usage and affordability concerns, potential noise impacts, inconsistency with Santa Ana Heights Specific Plan's intent to preserve the golf course, and airport area safety concerns.

Following public comments, Councilmember Weber invited the applicant to respond to community concerns.

Shawna Schaffner, CAA Planning, Inc. detailed the facility's water usage and clarified that land use restrictions do not pose an issue.

Councilmember Weigand questioned the community benefits stemming from this project.

Ms. Schaffner further highlighted community benefits including reinvestment in the property, kids' surf camps, consistent surfing conditions for high school sports teams and junior guards, as well as lifeguard and first responder training.

Councilmember Barto asked if outreach to individuals with disabilities could be included in the community benefits program and if native plants could be added to the exterior.

Ms. Schaffner concurred with Councilmember Barto concerning outreach to individuals with disabilities, clarified that the landscape plan has been evaluated by the City, and affirmed the site will include native plant species.

Councilmember Grant sought clarification from staff regarding water usage and evaporation concerns.

Utilities Director Mark Vukojevic confirmed that the City has an abundant water supply, currently pumping 85% of its own groundwater with plans to reach 100% in the coming years. He explained that the City has a water shortage contingency plan with six different levels that would apply to all residential and commercial properties equally during drought conditions and if the need arises.

Mayor Stapleton requested that staff address questions related to land use.

Acting Community Development Director Murillo explained that the general plan designates the site as parks and recreation, which is consistent with the commercial surf park use. He noted that while the specific plan mentions ensuring the long-term viability of the golf course, it doesn't require 18 holes of golf and allows other outdoor recreational uses subject to a conditional use permit.

Councilmember Grant asked for more information on the matter of overriding the Airport Land Use Commission (ALUC) decision and its potential implications regarding liability for the City.

City Attorney Aaron Harp explained that choosing to override the ALUC determination does not impose liability on the City. The legal provision in question serves to exempt the owner of John Wayne Airport from any liability related to the land use decisions that fall under the ALUC's jurisdiction. However, this exemption does not create or transfer liability to any other entity, such as the City. Therefore, while the airport owner is protected from liability in these circumstances,

the City does not assume any additional legal responsibility by choosing to override the ALUC finding.

In response to Councilmember Weigand's question regarding water sources for this facility, Utilities Director Vukojevic noted that the water would be sourced from the City's water wells and provided background on the City's groundwater replenishment system.

Councilmember Weigand requested additional information concerning the General Plan amendment.

Assistant City Manager Seimone Jurjis clarified that the applicant possesses development rights for a maximum of 20,000 square feet and is seeking an additional 39,000 square feet. This request necessitates a General Plan amendment, which is why the project is being submitted for the Council's review.

In their deliberations, council members expressed support for the project based on:

- Property rights of the landowner
- The continuation of golf (15 holes) on the site
- The addition of a world-class recreational amenity
- Economic benefits to the City
- Local investment in the community
- Training opportunities for lifeguards and first responders

Motion by Councilmember Weigand, seconded by Councilmember Weber, to a) Adopt Resolution No 2025-73, *A Resolution of the City Council of the City of Newport Beach, California, Certifying Environmental Impact Report (State Clearinghouse SCH Number 2024110238), Including a Mitigation Monitoring and Reporting Program and Adopting Findings for the Surf Park Project Located at 3100 Irvine Avenue (PA2024-0069)*; b) Adopt Resolution No 2025-74, *A Resolution of the City Council of the City of Newport Beach, California, Finding the Surf Park Project Located at 3100 Irvine Avenue Consistent with the Purposes of the State Aeronautics Act and Overriding the Orange County Airport Land Use Commission's Determination of Inconsistency with the 2008 John Wayne Airport Environs Land Use Plan (PA2024-0069)* c) Adopt Resolution No 2025-71, *A Resolution of the City Council of the City of Newport Beach, California, Approving a General Plan Amendment for the Surf Park Project Located at 3100 Irvine Avenue (PA2024-0069)*; d) Adopt Resolution No 2025-72, *A Resolution of the City Council of the City of Newport Beach, California, Approving a Major Site Development Review, Conditional Use Permit, and Modification Permit to Authorize the Construction and Operation of the Surf Park with Ancillary Uses and Types 47 (On-Sale General Eating Place), 58 (Caterer), and 68 (Portable Bar) Alcoholic Beverage Control Licenses for the Property Located at 3100 Irvine Avenue (PA2024-0069)*; and incorporate Councilmember Barto's comments regarding community benefits and landscaping.

The motion carried 6-0-1, (Councilmember Blom recused).

XII. MOTION FOR RECONSIDERATION – None

XIII. PUBLIC COMMENTS ON CLOSED SESSION

There were no public comments on closed session items.

XIV. CLOSED SESSION - Council Chambers Conference Room

**A. CONFERENCE WITH LABOR NEGOTIATORS
(Government Code § 54957.6): 1 matter.**

Agency Designated Representative: Seimone Jurjis, Assistant City Manager and Jonathan Holtzman, Esq., Negotiators.

Employee Organization: Newport Beach City Employees Association.

**B. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code § 54956.9(d)(1)): 1 matter.**

Newport Coast Community Association v. City of Newport Beach
Orange County Superior Court Case No. 30-2024-01375558-CU-BC-CJC

**C. CONFERENCE WITH LEGAL COUNSEL
ANTICIPATED LITIGATION - INITIATION OF LITIGATION
Government Code § 54956.9(d)(4): 1 matter.**

XV. CLOSED SESSION REPORT

City Attorney Harp reported that regarding Item XIV. B. at the November 4th City Council meeting, Council will consider an amended property maintenance agreement with the Newport Coast Community Association and if approved by the City Council, the City Council has authorized the City Manager to enter into a settlement agreement resolving the litigation.

XVI. ADJOURNMENT

Meeting adjourned at 8:37 pm.

The agenda was posted on the City's website and on the City Hall electronic bulletin board located in the entrance of the City Council Chambers at 100 Civic Center Drive, Newport Beach, on October 23, 2025, at 4:00 p.m.

Joe Stapleton
Mayor

Lena Shumway
City Clerk