

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, AUGUST 7, 2025
REGULAR MEETING – 6:00 P.M.**

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

II. PLEDGE OF ALLEGIANCE – Vice Chair Selene

III. ROLL CALL

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

ABSENT: Commissioner Curtis Ellmore (excused)

Staff Present: Deputy Community Development Director Jaime Murillo, Assistant City Attorney Yolanda Summerhill, Assistant Planner Jerry Arregui, and Department Assistant Jasmine Leon

IV. PUBLIC COMMENTS – None

V. REQUEST FOR CONTINUANCES – None

VI. CONSENT ITEMS

ITEM NO. 1 MINUTES OF JULY 3, 2025

Recommended Action: Approve and file.

Chair Harris opened public comment. There were none.

Secretary Langford requested editing his comments in Item No. 3 from “Port Carlow Place and Port Tiffin Place” to “Port Carlow Circle and Port Tiffin Circle” for accuracy, noting that the Commission’s decision is being appealed to the City Council.

Motion made by Vice Chair Salene and seconded by Secretary Langford to approve the meeting minutes of July 3, 2025, as amended.

AYES: Gazzano, Langford, Reed, Rosene, and Salene

NOES: None

ABSTAIN: Harris

ABSENT: Ellmore

ITEM NO. 2 MINUTES OF JULY 17, 2025

Recommended Action: Approve and file.

Chair Harris opened public comment.

Jim Mosher reported he submitted written revisions to the Commission for both the July 3, 2025, and July 17, 2025, minutes.

Chair Harris closed public comment.

Motion made by Chair Harris and seconded by Vice Chair Salene to approve the meeting minutes of July 17, 2025, as amended by Jim Mosher.

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

VII. PUBLIC HEARING ITEMS

ITEM NO. 3 ZENK RESIDENCE (PA2025-0057) **Site Location: 2830 Bayview Drive**

Summary:

A request for a coastal development permit to demolish an existing single-unit dwelling and construct a new 5,413-square-foot, three-story, single-unit dwelling with a 707-square-foot, attached, three-car garage and a 2,446-square-foot subterranean basement. The project also includes landscape, hardscape, drainage improvements, and site walls. A variance from Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code is required to allow the residence to be constructed with the following deviations:

- a) Encroachment of 5 feet into the required 20-foot front setback along Heliotrope Avenue for the basement and first floor;
- b) Encroachment of 6 feet into the required 10-foot rear setback for the basement, first, and second floor;
- c) Encroachment of 15 feet into the required 35-foot front third-floor step back;
- d) Encroachment of 19 feet into the required 25-foot rear third-floor step back; and
- e) Exceed the gross floor area limit by 1,675 square feet.

Recommended Actions:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. 2025-015 approving the Coastal Development Permit and Variance filed as PA2024-0057.

Assistant City Attorney Yolanda Summerhill reported Commissioner Ellmore is recusing from this item due to a real property interest.

Assistant Planner Jerry Arregui used a PowerPoint presentation to present the project location, zoning and surrounding land uses, project description, history of the lot, existing conditions, and requested deviations needed. He reported that this item was originally heard at the November 21, 2024, Planning Commission meeting, where the item was continued to provide the applicant time to address concerns about the setback along Heliotrope Ave. He concluded his presentation by summarizing the project, and addressing the public comments received in support and in opposition to the proposed project.

In response to Secretary Langford's inquiry, Assistant Planner Arregui clarified that the second floor has a 20-foot setback along Heliotrope Avenue, so there is no variance request for the second floor.

In response to Commissioner Rosene's inquiry, Deputy Community Development Director Jaime

Murillo clarified that the Zoning Code prohibits parking in driveways that are less than 20 feet in length, so the new design's 15-foot driveway is not included in how the project meets its parking requirements.

In response to Commissioner Reed's inquiry, Assistant Planner Arregui clarified that, originally, all the lots on the block faced Heliotrope Avenue with a 20-foot front setback, which was carried over from the original district maps.

All Commissions reported no ex Parte communications.

Chair Harris opened the public hearing.

Brandon Lindsay of Brandon Architects stated the applicant's team listened to the neighbors following the first Commission hearing and took their feedback into consideration with the new design. He cited as an example how views from a neighboring house stressed the importance of having the 20-foot second-floor setback, while the first floor's sightlines were less important because trees already interfere with the view down Heliotrope Avenue. He reported that the only concerns from the neighbors who changed their minds to support the new design stemmed from the wording of the variances, adding that they explained it to as many neighbors as possible prior to this hearing.

Mr. Lindsay stated that the new design fits well on Heliotrope Avenue after extensive redesign work to address concerns raised at the previous Commission hearing.

In response to Chair Harris' inquiry, Mr. Lindsay confirmed that he agrees with the recommended Conditions of Approval.

Robert Stayner reported that he lives across the site and has not had any communication with the applicant. He noted the square footage of the project has increased from the plan at the original hearing and expressed concerns about whether the sloped lot can accommodate such a large structure or if grading will be necessary. He encouraged the Commission to deny approval.

Mr. Mosher expressed concerns about justifying a variance based upon FARs in the area because the City has instead used a Floor Area Limit standard for many years. He clarified that FAR is typically used for non-residential buildings. He echoed Secretary Langford's comments from the previous hearing about the 10-foot rear setback being unclear. He stated that a FAR-based argument cannot justify why the 20-foot setback along Heliotrope Avenue can be relieved. He noted that other corner lots in the area are narrower than this one, and this lot additionally benefits from having a grade of 8 feet above street level.

Ben Roth stated this project does not impact his home directly as a Fernleaf Avenue resident, but it does impact his community. He reported that when he rebuilt his home, he complied with a larger setback than the original dwelling had because it helped his neighbors with their views and added that he was happy to do this out of neighborly goodwill. He stated that not having a 20-foot first-floor setback on this project gives to the applicant but takes away from others, while setting a bad precedent.

Mr. Lindsay corrected Mr. Mosher to note that the front setback one lot over, on Heliotrope Avenue, from the project site is only 15 feet, extending for five lots, making it not a continuous 20-foot setback along Heliotrope Avenue and making this variance request not out of context. He stated that the applicant is not asking for privilege but rather correcting old lot layouts to meet how the area has adapted over time. He emphasized how the applicant carefully considered the community's input.

Deputy Community Development Director Murillo clarified that the plans would undergo a

thorough plan check review, including by the City's building engineers, for compliance with all applicable codes to ensure safety. He clarified that FAR was used only as a tool in this instance to assess the impact of the larger setbacks on the subject property and to compare the proposed project's FAR to that of other properties in the neighborhood. He confirmed that the project is in full compliance with the Zoning Code's height limit.

In response to Chair Harris' inquiry, Deputy Community Development Director Murillo confirmed that his reference to a safety review is related to matters raised during the public hearing connected to the slope.

Assistant City Attorney Summerhill clarified that variances are based upon each unique circumstances of properties. She added that this item would not set a precedent for all properties because the variances would be approved for this specific property's circumstances.

Chair Harris closed the public hearing.

Commissioner Rosene noted that this is a discretionary hearing and special configurations, such as this lot's orientation, are taken into consideration. He commended the applicant for listening to the Commission's feedback at the previous public hearing and incorporating this feedback into the new design. He lauded the design and stated his support for the project.

Secretary Langford stated that the variance request is only being heard because of the lot's orientation based on decisions made by a developer 75 years ago. He stated, while the setback on Heliotrope Avenue makes sense, allowing for variances on the end and side treats the property like an end unit. He noted the setbacks on Bayview Drive are only a few feet deep, so the house could be built closer to Bayview Drive. He stated that he would like to protect the Heliotrope Avenue setback but be willing to compromise on the other setbacks.

Chair Harris expressed his sympathies for the Heliotrope Avenue neighbors who came to the previous public hearing in large numbers with a negative reception. He reported that the City accepted the lot's orientation many years ago, so it is irrelevant if it aligns with his tastes. He stated the setbacks should align with the lot's orientation and noted that the applicant has been responsive to the neighbors' concerns, citing the second-story setbacks as an example. He expressed his support for the project, adding that the applicant has addressed the commission's concerns.

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

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

VIII. STAFF AND COMMISSIONER ITEMS

ITEM NO. 4 MOTION FOR RECONSIDERATION - None

ITEM NO. 5 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 21st meeting will

include two public hearings, both for restaurants, and the September 4th meeting will have a public hearing for the Snug Harbor Surf Park.

Mr. Mosher reported that the Airport Land Use Commission met earlier today to discuss the Snug Harbor Surf Park. He added that it is unusual for the Airport Land Use Commission to meet and make a recommendation on an item before the Planning Commission meets to make a recommendation for the City Council. He pondered how having the Airport Land Use Commission's recommendation or lack thereof could impact the Planning Commission, with the hearing sequence reversed from the normal order. He noted that the housing overlays for the current Regional Housing Needs Allocation cycle are still pending before the California Coastal Commission and encouraged the Commission to get a better understanding of why it may be taking so long to be approved.

ITEM NO. 6 REQUESTS FOR EXCUSED ABSENCES

Commissioner Rosene reported he will not be able to attend the August 21st meeting.

IX. ADJOURNMENT – With no further business, Chair Harris adjourned the meeting at 6:44 p.m.

The agenda for August 7, 2025, Planning Commission meeting was posted on Friday, August 1, 2025, at 9:17 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, August 1, 2025, at 9:15 a.m.

Tristan Harris, Chair

Jonathan Langford, Secretary