

**NEWPORT BEACH PLANNING COMMISSION MINUTES  
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE  
THURSDAY, APRIL 2, 2026  
SPECIAL MEETING – 6:00 P.M.**

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

II. **PLEDGE OF ALLEGIANCE** – Commissioner Ellmore

III. **ROLL CALL**

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

ABSENT: Commissioner Michael Gazzano

Staff Present: Community Development Director Jaime Murillo, Acting Deputy Community Development Director Ben Zdeba, Assistant City Attorney Yolanda Summerhill, Deputy Public Works Director Jim Houlihan, Civilian Investigator Wendy Joe, Senior Planner Joselyn Perez, Assistant Planner Melinda Whelan, Administrative Assistant Clarivel Rodriguez, and Department Assistant Beatriz Avila

IV. **PUBLIC COMMENTS** – None

V. **REQUEST FOR CONTINUANCES** – None

VI. **CONSENT ITEMS**

**ITEM NO. 1 MINUTES OF MARCH 19, 2026**

**Recommended Action:** Approve and file

Chair Harris opened public comment, and there was none.

**Motion** made by Chair Harris and seconded by Vice Chair Salene to approve the meeting minutes of March 19, 2026, with Jim Mosher's edits.

AYES: Harris, Reed, Rosene, and Salene

NOES: None

ABSTAIN: Ellmore, Langford

ABSENT: Gazzano

VII. **PUBLIC HEARING ITEMS**

**ITEM NO. 2 KONPA NIKKEI RESTAURANT (PA2025-0152)**  
**Site Location: 3333 East Coast Highway**

**Summary:**

A request to convert an existing 700-square-foot take-out service – fast casual eating and drinking establishment to a full-service restaurant with a Type 41 (On Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license. There is no outdoor dining area and no changes are proposed to the existing floor plan. The proposed hours of operation are 11 a.m. to 10 p.m., daily. The applicant is not proposing late hours (after 11 p.m.), live

entertainment, or dancing. Also included is a request to waive the required parking related to upgrading the restaurant from take-out service to full service. Since the property is within the Coastal Zone and the applicant is proposing adjustments to the required off-street parking, a coastal development permit is also required. If approved, Use Permit No. UP2008-006 (PA2008-048) would be superseded.

**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, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2026-011 approving the Conditional Use Permit and Coastal Development Permit filed as PA2025-0152 (Attachment No. PC 1).

Senior Planner Joselyn Perez reported that she is presenting on behalf of consultant planner Kelly Ribuffo, who prepared the staff report. She reviewed the project location, surrounding land uses, and the existing development at the project site. She noted that the building was developed prior to current code requirements for onsite parking, is nonconforming, and that businesses within the building use the nearby parking lot on Marigold Avenue. She continued that the existing restaurant opened in 2025 and has already completed a tenant improvement, so no construction is proposed.

Senior Planner Perez reported that the applicant is requesting the addition of a Type 41 Alcoholic Beverage Control License, which would reclassify the restaurant from a takeout service to a full-service restaurant. She added that the reclassification would increase the parking requirement by four spaces. She explained that because the building does not provide onsite parking, a CUP and CDP are required to waive the increase. She then gave an overview of the applicant provided Parking Study that demonstrated nearby parking is always available, even at peak demand times.

Senior Planner Perez stated that the use is appropriate for zoning, it is compatible with surrounding uses, that the parking study was accepted by the City Traffic Engineer, that the Newport Beach Police Department has provided Conditions of Approval, and there are no impacts to coastal resources. She reviewed the notable conditions and concluded with revisions to the Resolution, including combining Conditions of Approval Nos. 8-9 into a single condition to implement the recommendations of the Parking Management Plan and modifying Condition of Approval No. 10 as it was written as a standard condition for projects requiring off-site parking.

Commissioner Rosene stated that Condition of Approval No. 23 is not applicable and should be removed.

Senior Planner Perez agreed that Condition of Approval No. 23 can be removed.

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

Chair Harris opened the public hearing.

In response to Chair Harris' inquiry, the applicant confirmed that they agree to the recommended Conditions of Approval.

Jim Mosher theorized that the applicant is anticipating additional business with the ABC License, so the parking demand may be higher than what was surveyed.

Chair Harris closed the public hearing.

**Motion** made by Commissioner Rosene and seconded by Commissioner Reed to approve the item with staff's recommended modifications to Conditions of Approval Nos. 8-10, and the removal of Condition of Approval No. 23.

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

**ITEM NO. 3 RESIDENCES AT 1500 QUAIL (PA2025-0163)**  
**Site Location: 1500 Quail Street**

**Summary:**

A request to authorize the development of a 100-unit, for-sale residential townhome community on an existing office site at 1500 Quail Street. The proposed development includes the demolition of the existing office building and construction of three- and four-bedroom townhomes ranging from 1,591 to 1,876 square feet. The development includes a two-car garage for each unit and 31 uncovered guest parking spaces for a total of 231 on-site parking spaces. The 100 units will be distributed within 24 buildings, with units arranged in three-, four-, five-, and six-unit buildings. The buildings have a maximum structure height of approximately 39 feet above established grade. The development will include resident-serving amenities including outdoor seating, picnic tables, barbecues, pizza ovens, and game lawn. Additionally, a publicly accessible pedestrian strada improved with landscaping and seating areas is provided along the Quail Street and Westerly Place frontages. Onsite and offsite public improvements, such as upgrading the storm drain, sidewalks, and driveways are included in project implementation. The project as proposed requires the following approvals:

- Major Site Development Review (SDR): Required for any project proposing five or more residential units with a tract map. The SDR also allows for deviations from four objective design standards pursuant to Section 20.48.185 (Multi-Unit Objective Design Standards) of the Newport Beach Municipal Code (NBMC); and
- Vesting Tentative Tract Map (VTTM): To allow for an airspace subdivision of the individual residential units on a 4.77-acre parcel, pursuant to Chapter 19.12 (Tentative Map Review) of the NBMC

**Recommended Actions:**

1. Conduct a public hearing;
2. Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code (PRC) Section 21080.66 (enacted through Assembly Bill 130) because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2026-012 approving the Major Site Development Review and Vesting Tentative Tract Map, filed as PA2025-0163 (Attachment No. PC 1).

Assistant Planner Melinda Whelan reported that this item is for the Residences at 1500 Quail at a property located at the corner of Westerly Place and Quail Street, currently developed with a multi-story office building and surface parking. She added that the site is within the Newport Place Planned Community and within the HO-1 Housing Overlay zoning district. She stated that the project will demolish the existing office building to construct 100 for-sale residential townhomes

to be arranged in 24 detached three-story buildings approximately 39 feet in height. She noted that there will be three-and four-bedroom units with two-car garages and waste storage within the garages. She added that a private street will run through the center of the project with a public strada along Quail Street and Westerly Place that will improve walkability.

Assistant Planner Whelan reported that the project requires a Major Site Development Review (SDR) for having five or more units with four requested deviations from Objective Design Standards, a Vesting Tentative Tract Map (VTTM) for the sale of individual units, and a statutory exemption from the California Environmental Quality Act (CEQA) through Assembly Bill 130. She stated that the project complies with all HO-1 development standards, including being well below the maximum height of 55 feet and providing more common open space and parking than required. She added that the site includes three amenity areas and improves street frontages with the publicly accessible strada. She noted that the daily trips will be significantly less than the existing offices, and the minimum density requirement is met. She presented renderings of the development, noting that landscaping screens the private driveways from the street.

Assistant Planner Whelan noted that the project meets the intent of the Multi-Unit Objective Design Standards in the four areas where a deviation is requested, including a 1-foot reduction in the height of the first and middle floors and exceeding the number of recesses. She added that staff assessed potential hazards due to proximity to John Wayne Airport (JWA) and being subject to the Airport Environs Land Use Plan (AELUP), adding that it does not require review by the Airport Land Use Commission (ALUC). She added that the applicant has obtained a No Hazard determination from the Federal Aviation Administration (FAA).

Assistant Planner Whelan reported that the VTTM is for condominium purposes and includes an In-Lieu Park Dedication Fee of \$48,987 per unit, yielding about \$4.9 million, and about \$2.2 million worth of Development Impact Fees. She reported that the Quail Street storm drain will be upgraded to 36 inches with an easement for pedestrian connectivity to potential future residential development at 1301 Dove Street.

Assistant Planner Whelan reported that the project was found to be exempt from CEQA under AB 130, meeting all requirements. She stated that tribal consultation was concluded on January 19, 2026, with tribal monitoring conditions for two consulting tribes included in the Resolution.

In response to Commissioner Reed's inquiry, Assistant Planner Whelan stated that there is no public parking along Westerly Place and Quail Street.

In response to Chair Harris' inquiry, all Commissioners except for Vice Chair Salene reported having ex parte communications with the applicant and/or their representative.

Chair Harris opened the public hearing.

Lincoln Property Company Executive Vice President Parke Miller stated that this project has changed over time and commended the City's staff for its assistance.

In response to Chair Harris' inquiry, Mr. Miller confirmed that the applicant agrees to the recommended Conditions of Approval.

Mr. Mosher stated that the design looks institutional with so many similar-looking buildings. He noted that the project has no requirement for affordable housing despite being in the Newport Place Planned Community, referencing a discussion about the area's affordable housing requirements at the Commission's March 19 meeting. He stated that this parcel was not included in the affordable housing requirements because it is within the 65-dBA contour that the City was

using for planning when the housing overlay zone was added to the site in 2006. He noted that the 65 dBA contour just touches the corner of the property but added that it is based on theory and not fact because JWA does not measure the noise in this location. He stated that the project not producing any affordable housing units is problematic, as the City tries to reach its Regional Housing Needs Allocation (RHNA) figures while running out of potential housing development site capacity.

Acting Deputy Community Development Director Ben Zdeba noted that, as part of the Housing Element Annual Progress Report, the City continues to track its affordable housing development and remaining capacity, adding that the City has an adequate buffer to reach its RHNA numbers even if this project is approved.

Chair Harris closed the public hearing.

**Motion** made by Commissioner Ellmore and seconded by Secretary Langford to approve the item as presented.

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

**VIII. STUDY SESSION**

**ITEM NO. 4 DISCUSSION OF HOA AUTHORITY (PA2026-0054)  
 Site Location: Citywide**

**Summary:**

Based on the March 5 request of Secretary Langford, City staff will provide an overview of recent state laws that restrict HOA authority. They will also explain how this new legislation limits the ability of the Planning Commission and Community Development Department to impose conditions on HOA-related projects.

**Recommended Actions:**

1. Discuss and provide input or direction to staff.

Assistant City Attorney Yolanda Summerhill reported that Secretary Langford requested this item at the March 5<sup>th</sup> meeting due to recent State laws regulating Covenants Conditions & Restrictions (CC&Rs), and the limitations they place on potential Conditions of Approval the Commission could apply in the future.

Assistant City Attorney Summerhill reported that Assembly Bill (AB) 1150 removed restrictive covenants on commercial property that prohibit residential development. She added that, within the past five years, there have been three applicable bills related to Accessory Dwelling Units (ADU), with Senate Bill (SB) 897 removing Homeowners Association (HOA) CC&Rs that “effectively prohibit” ADUs, SB 976 permanently removing the owner-occupancy requirement for ADUs, and AB 1033 stating that CC&Rs cannot override duly authorized separate conveyance of ADUs if permitted by local ordinance. She added that SB 770 removed prohibitions or unreasonable restrictions on Electric Vehicle (EV) charging stations in common-interest developments, with AB 1410 forbidding HOAs from prohibiting peaceful assembly in common areas and penalizing residents for certain noncommercial speech.

Assistant City Attorney Summerhill reported that common Conditions of Approval by the City related to HOAs and CC&Rs are forcing garages to be used for vehicles, prohibiting residents from parking in guest spaces, and prohibiting any parking within the Bonita Canyon Sports Park's parking lot. She added that there have also been approved Conditions of Approval requiring HOAs to monitor the use of home offices, HOA notifications in mixed-use projects of residential impacts related to things like noise and late hours, and CC&Rs notifying owners of required fire and life safety inspections.

Assistant City Attorney Summerhill concluded that the Commission and the Community Development Department are not imposing Conditions of Approval that run afoul of State laws.

Secretary Langford stated that this presentation has been helpful as they continue to review and approve Conditions of Approval for projects to ensure that HOAs can legally enforce what they are being asked to do.

In response to Chair Harris' inquiry, Assistant City Attorney Summerhill confirmed that Code Enforcement officials can cite HOAs for what is in the Newport Beach Municipal Code (NBMC). She added that there is recent legislation limiting the amount of money an HOA can cite a resident, but it does create a parallel enforcement track.

Chair Harris stated that it is good to know that the City can also enforce matters such as garage parking.

Chair Harris opened public comment.

Mr. Mosher stated that this understanding was that the Study Session was to be focused on the new law limiting what an HOA can do to enforce policy violations by its residents. He stated that a one-time fine of \$100 is an insufficient amount of clout for an HOA to properly enforce things included in Conditions of Approval.

Chair Harris closed public comment.

Chair Harris closed the Study Session.

**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**

Commissioner Reed reported that residents around Dover Drive and Cliff Drive have asked him about the timeline to have a stop sign installed at the top of the hill on Cliff Drive, referencing the Dover Townhomes project approved by the Commission on February 5, where the concept was discussed. He requested that staff follow up at the next meeting about the timing and needed mechanisms to make the installation happen.

Deputy Public Works Director Jim Houlihan reported that Traffic Engineer Kevin Riley requested that staff count cars and study speeds on this stretch of Cliff Drive. He stated that he was unsure where they are in the process but noted that staff is compiling the requisite background information.

Community Development Director Jaime Murillo reported that the next meeting will include the updated General Plan, a CDP and Variance for a residence, and a CUP for an assembly use. He added that Traffic Engineer Riley will have an update in response to Commissioner Rosene's March 19 meeting request regarding on-street parking adjacent to the Ziani community. He added he will also speak with Traffic Engineer Riley about an update on the Cliff Drive stop sign. He reported that the Commission's decision to deny the staff approval for 2350 Bristol St. driveway access at the March 19 meeting has been appealed to the City Council.

Mr. Mosher stated that the California Coastal Commission has scheduled a hearing on April 17 for the City's Housing Element Implementation Program's amendments. He noted that the Commission will have a lot of studying to do before approving the General Plan updates on April 23, as it contains about 100 goals and 600 policies. He noted that the Newport, Together website has a March draft of the General Plan which is more updated than the January draft that the Commission saw during its Study Session at the last meeting. He added that the website also has a draft of the Implementation Program but does not yet have a copy of the Glossary.

#### **ITEM NO. 7 REQUESTS FOR EXCUSED ABSENCES**

Commissioner Rosene stated that he cannot attend the April 23<sup>rd</sup> meeting.

- X. **ADJOURNMENT** – With no further business, Chair Harris adjourned the meeting at 6:45 p.m.

**The agenda for the April 2, 2026, Planning Commission meeting was posted on Friday, March 27, 2026, at 3:50 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, March 27, 2026, at 3:43 p.m.**

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Tristan Harris, Chair

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Jonathan Langford, Secretary