

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, JUNE 19, 2025
REGULAR MEETING – 6:00 P.M.**

I. **CALL TO ORDER** - 6:02 p.m.

II. **PLEDGE OF ALLEGIANCE** – Vice Chair Harris

III. **ROLL CALL**

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

ABSENT: None

Staff Present: Assistant City Manager Seimone Jurjis, Deputy Community Development Director Jaime Murillo, City Attorney Jose Montoya, City Traffic Engineer Brad Sommers, Senior Planner Joselyn Perez, Associate Planner Oscar Orozco, Assistant Planner Daniel Kopshever, Administrative Assistant Clarivel Rodriguez, and Department Assistant Jasmine Leon

IV. **PUBLIC COMMENTS** - None

V. **REQUEST FOR CONTINUANCES** - None

VI. **CONSENT ITEMS**

ITEM NO. 1 MINUTES OF MARCH 6, 2025

Recommended Action: Approve and file

Motion made by Commissioner Langford and seconded by Vice Chair Harris to approve the meeting minutes of March 6, 2025, as amended to incorporate suggested modifications by Jim Mosher.

AYES: Ellmore, Harris, Langford, Lowrey, Reed, Rosene, and Salene

NOES: None

ABSTAIN: None

ABSENT: None

VII. **PUBLIC HEARING ITEMS**

ITEM NO. 2 UPTOWN NEWPORT DEVELOPMENT AGREEMENT, THIRD AMENDMENT (PA2025-0010)

Site Location: P4321 Jamboree Road

Summary:

Amendment to Section 4.5 (Light Industrial Land Uses) of Uptown Newport Development Agreement No. DA2012-003 (DA) to extend the allowable term of existing light industrial land uses currently operating as TowerJazz Semiconductor (TowerJazz) located within future Phase 2 of Uptown Newport Planned Community (PC-58). The request is for an additional 3.5 years, from March 12, 2027, to September 12, 2030.

Recommended Actions:

1. Conduct a public hearing;

2. Find that all significant environmental concerns for the proposed project have been adequately addressed in previously certified Environmental Impact Report No. ER2012-001 (SCH No. 2010051094), First Addendum No. ER2012-001, and Second Addendum No. ER2020-001; and
3. Adopt Resolution No. PC2025-009 approving Uptown Newport Development Agreement No. DA2012-003, Third Amendment.

Deputy Director of Community Development Jaime Murillo reported the Item is a straightforward request to amend the Development Agreement (DA) between the City and the Uptown Newport Planned Community's developers. He added the request is for an extension of the allowable operation of TowerJazz because the DA originally assumed the facility would cease operations in 2027 to allow for Phase 2 development. He added delays have led to this request to extend operations until 2030. He noted this is the only requested change to the DA and no corresponding changes to other documents are needed. He stated staff recommends the Commission adopt the Resolution recommending approval to the City Council.

All seven Commissioners reported no ex parte communications have occurred with the applicant.

Chair Rosene opened the public hearing.

Applicant Bill Shopoff made himself available for questions, but the Commission had none.

Jim Mosher inquired whether the DA needs to be extended because the entitlements stay with the property for 15 years. He pondered if it would be permissible for the applicant to allow the DA to lapse.

Uptown Newport resident John Lee stated his objections to the Item due to the noise generated from the power plant's semiconductor and its ongoing existence diminishing their property's value in a residential planned community.

Uptown Newport resident David Edelman agreed with Mr. Lee's comments. He added part of the community benefits promised by the developer have been deferred due to the proposal. He called for a reasonable quid pro quo for the mitigation of the benefits.

Mr. Shopoff stated it is most likely the plant will only be operating for the next two years and discussions continue with TowerJazz's operator being sensitive to the products produced there and its employees. He stated the Environmental Analysis points to an offset of the issues raised by residents with its conclusion of no adverse environmental impacts from the extension.

Chair Rosene closed the public hearing.

Deputy Director of Community Development Murillo addressed Mr. Mosher's comments by noting the DA allows vested development rights to the developer but also provides vested benefits to the City so it is important to keep the DA in place.

In response to Secretary Salene's inquiries, Deputy Director of Community Development Murillo clarified the initial term of the DA is 15 years with two built-in five-year extensions. He added if the City did not extend the DA, the vested rights would disappear. He confirmed the extensions in the DA go beyond the 3.5 years being requested as it was signed in 2013. Mr. Shopoff confirmed the DA can be extended until 2038 and added he has full intention of doing this. He added they have already met most of the criteria for an extension.

Motion made by Secretary Salene and seconded by Commissioner Ellmore to approve Item No. 2 as recommended.

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

ABSTAIN: None
ABSENT: None

ITEM NO. 3 VERIZON FAUX TREE TELECOM FACILITY (PA2025-0024)
Site Location: 1024 Irvine Avenue (within the service area behind the shopping center, adjacent to Rutland Road)

Summary:

A request for a conditional use permit to construct a new wireless telecommunications facility in the back-of-house service area of the Westcliff Plaza Shopping Center. The proposed facility's antennas and antenna supports will be concealed within the canopy of a 60-foot-tall faux eucalyptus tree. As proposed, the supporting equipment for the facility will be ground-mounted and screened from view by a new 8-foot-tall block wall. To accommodate the proposal, existing landscaping within the proposed equipment area will be removed, an existing trash enclosure will be reconfigured, and a 4-foot-wide sidewalk will be added to provide access to the equipment area. Due to the installation type (i.e., freestanding) and the request for additional height pursuant to Section 20.49.050 (General Development and Design Standards) subsection (C) of the Newport Beach Municipal Code (NBMC), the proposed facility requires Planning Commission review.

Recommended Actions:

1. Conduct a public hearing;
2. Find the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant impact on the environment; and
3. Adopt Resolution No. PC2025-010 approving the Conditional Use Permit filed as PA2025-0024.

Assistant Planner Daniel Kopshever reported the Item is for the Verizon Faux Tree telecommunications facility's Conditional Use Permit (CUP). He added the facility is in the Westcliff Plaza Shopping Center at 1024 Irvine Ave. He added the site is in a Commercial Neighborhood (CN) Zone which allows for a freestanding wireless telecom facility. He noted condominiums and apartments are adjacent to the site along Rutland Road. He added there are 1,000 feet between the location and Mariners Elementary School.

Assistant Planner Kopshever reported the project is a 60-foot freestanding faux eucalyptus telecom facility and will also include a reconfigured and expanded trash and equipment enclosure. He added it will have eight-foot block walls around the ground-mounted equipment along with a new sidewalk and replacement landscaping. He reported the antennas will be mounted 52 feet above grade which is the minimum height required to provide coverage.

Assistant Planner Kopshever stated the project requires a CUP as a Class 4 facility and the applicant is requesting a height increase necessary to provide service. He reported the CUP findings include the tower being allowed in the CN Zone, that it is compatible with allowed vicinity uses, is a suitable size, and can operate compatibly within the neighborhood. He noted that Ficus and eucalyptus trees exist in the area reaching up to 40 feet in height making the faux tree tower visually compatible. He reported on the expected gap in Verizon's coverage that would result after the expected decommissioning of Verizon's current Fashion Island tower at 2001 Westcliff Drive.

Assistant Planner Kopshever reported the receipt of written public comments expressing concerns about health and safety. He stated the applicant submitted a Radio Frequency (RF) Exposure Report showing the tower is within the safety limits. He added the Telecommunications Act of 1996 prevents local governments from regulating the placement of wireless communications facilities based on the environmental health effects of RF emissions.

In response to Vice Chair Harris' inquiries, Assistant Planner Kopshever confirmed both the Commission and City staff cannot take perceived negative health impacts from RF emissions into consideration. He stated he did not get a projected timeframe from the City Arborist of when neighboring trees will reach their expected full height of 40 feet. He added there will be no additional tree trimming needs according to the applicant.

In response to Chair Rosene's inquiries, Assistant Planner Kopshever clarified the CUP would be required for a Class 4 facility regardless of its height, however, an allowance for additional height is also part of the application.

Vice Chair Harris disclosed having ex parte communications with a representative of the property owner.

Chair Rosene opened the public hearing.

Eric Meurs, speaking on behalf of the applicant, clarified the Fashion Island confusion, noting it is a relic of the United States government's earliest RF site naming conventions and something he was also originally confused by since neither their current tower nor this proposed one is located at Fashion Island. He added the lease is expiring on the existing site at 1501 Westcliff Dr., potentially leaving the area with no Verizon coverage at all in an area of the City where Verizon's competitors already provide better service.

Mr. Meurs reported that they considered other area locations for the tower before selecting the proposed site, including one in the City of Costa Mesa. He added all sites considered are either adjacent to residential or across the street from residential development.

In response to Commissioner Langford's inquiry, Mr. Meurs clarified the new tower would replace the existing tower and include new C-band technologies along with current services.

In response to Vice Chair Harris' inquiry, Mr. Meurs reported an explored site option adjacent to the Chase Bank on Irvine Ave. was rejected because the tower would have gone into the shopping center's required setback.

In response to Chair Rosene's inquiries, Mr. Meurs confirmed aesthetic concerns helped lead the applicant to the proposed location. He added rooftops of the area's commercial buildings were considered but they are about 30 feet high, and it was deemed infeasible to build another 30 feet on top of them.

Alison Burchette, a resident living within 500 feet of the proposed tower site and parent of Mariners Elementary School students, expressed concerns about health issues related to RF emissions, noting the minimum height requirement exists due to health concerns. She reported RF emissions are listed as a Class 1B carcinogen. She expressed doubts the eucalyptus trees near the site will ever grow higher than their current 28 feet. She decried the applicant for looking at too few potential sites before picking this site close to a school and encouraged them to consider a site near Sprouts Farmers Market in Costa Mesa. She encouraged the Commission to deny the application.

Mr. Mosher noted this matter would have gone to the Zoning Administrator had a less intrusive structure been involved and other applications have included a more detailed analysis of other sites considered but not selected. He questioned if the expiring lease on the current tower could be renewed. He noted the light poles at Newport Harbor High School's athletic fields are the tallest structures in the area and contemplated if they could be a good host for the antennas. He expressed concerns the tower is designed to look like a different variety of eucalyptus trees than its neighbors.

Chair Rosene closed the public hearing.

Deputy Director of Community Development Murillo clarified a Condition of Approval relative to aesthetics stipulates the tower will look like a eucalyptus tree. He added staff can strike “eucalyptus” from the specific condition and say merely “trees.” He added staff will conduct a final inspection to ensure consistency with the plans.

In response to Chair Rosene’s inquiries, Mr. Meurs stated their landlord is very particular about the tower’s aesthetics and they have several identical towers on their properties in the City of Irvine. He added the simulated bark is textured and the leaves are slightly different shades of green, yellow, and black for a more natural look. He confirmed this tower will use the best-looking products he has.

In response to Secretary Salene’s inquiries, Mr. Meurs confirmed the picture of the tower near Harbor Christian Church on Irvine Ave. included in their submitted materials is a Verizon tower. He confirmed this tower is too far north to adequately cover the entire area in question.

Vice Chair Harris acknowledged no one wants a tower so close to their homes, but added they are found everywhere, and everyone wants their phone to work. He noted they are restricted from addressing RF concerns and added the applicant is doing what they can to address aesthetics. He added no alternative sites make sense. He moved to approve the item.

Commissioner Ellmore agreed their hands are tied from a health standpoint. He added the site selection was proper. He seconded the motion.

Chair Rosene expressed his sympathies to the nearby residents because the tower is ugly and likely comes with health issues, noting he cannot vote based upon them.

Motion made by Vice Chair Harris and seconded by Commissioner Ellmore to approve Item No. 3 as amended.

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

ITEM NO. 4 6805 SEASHORE LLC RESIDENCE (PA2024-0123)
Site Location: 6805 Seashore Drive

Summary:

The Applicant requests a coastal development permit to demolish an existing single-unit dwelling and construct a new 2,411-square-foot, three-story, single-unit dwelling with a 420-square-foot attached two-car garage. Additionally, the applicant requests a variance to allow the Project to exceed the third-floor area limit by approximately 37 square feet, and encroach approximately 1 foot, 7 inches into the front third-floor 15-foot step back and 1 foot, 6 inches into the rear third-floor 15-foot step back.

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 impact on the environment; and
3. Adopt Resolution No. PC2025-011 approving the Coastal Development Permit and Variance filed as PA2024-0123.

Permit to demolish an existing single-unit dwelling and construct a new one. He added there is also a request for a Variance allowing for the third floor to exceed the area limit by 37 square feet, an encroachment of one foot, seven inches into the front third-floor 15-foot step back, and an encroachment of one foot, six inches into the rear third-floor 15-foot step back. He added there is no request for a Coastal Variance because Newport Beach Municipal Code Title 21 does not specifically outline these third-floor standards. He reported the project site is in a Two-Unit Residential (R-2) Zoning District.

Associate Planner Orozco reported the lot, originally established in 1911, has a unique configuration and shape as the original lot was split creating a depth of 45 feet in a square shape whereas lots in this area are typically closer to 75 feet of depth in a longer and narrower rectangle. He detailed the Municipal Code’s standards for third floors and where the project’s plans would encroach on its limits. He added the intention of the Municipal Code is to limit mass, bulk, and scale, whereas this project’s design is looking to center the third floor. He noted staircases serving the third floor are exempt from the step-back limits.

Associate Planner Orozco noted the maximum permissible area for the third floor per Municipal Code is 218 square feet, equaling 15% of the buildable area and the project is aiming for 255 square feet – accounting for 17.5% of the buildable area. He added the applicant has built open volume into their design through openings on the second floor to account for the additional volume on the third floor. He concluded the project achieves the intent of the Code by sandwiching the third floor into the center of the site so as not to be as intrusive from the street.

Associate Planner Orozco reported a Coastal Development Permit requires an analysis of impacts on views and coastal access. He noted West Newport Park does not have coastal views so there are no impacts created by the project, and it also does not provide coastal access.

All seven Commissioners reported no ex parte communications have occurred with the applicant.

Chair Rosene opened the public hearing.

Mr. Mosher stated he has no opinion on the design but noted this is not a unique lot as it relates to a Variance because there are many square lots in the area around the project site. He added a better explanation for the potential Variance is the lot’s shape was unanticipated when the Code was written.

Deputy Director of Community Development Murillo agreed with Mr. Mosher’s assessment of the intent of the Code applying to typical narrow lots, as the lot existed before it was divided into a square shape. He added the basis of the Variance is the lot being unusually shaped within the context of the entire City.

Chair Rosene closed the public hearing.

Motion made by Commissioner Lowrey and seconded by Secretary Salene to approve Item No. 4 as recommended.

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

VIII. DISCUSSION ITEMS

ITEM NO. 5 SNUG HARBOR SURF PARK (PA2024-0069)
Site Location: 3100 Irvine Avenue

Summary:

This is a study session item with no action to be taken. The proposed project would remove all existing improvements within the approximately 15.38-acre center portion of the Newport Beach Golf Course (i.e., driving range, pro shop, restaurant and bar, and three holes of golf) to allow for the redevelopment of the site into approximately five acres of surfing lagoons and associated improvements. The lagoons would be surrounded by viewing platforms, seating, warming pools, and a spa. The project includes the construction of a three-story amenity clubhouse building with a reception area, surf academy, fitness facility, yoga center, administrative offices, staff areas, locker rooms, retail store, restaurant, coffee and snack bar, and basement level surfboard storage, golf cart storage, golf starter shack, maintenance area, and mechanical equipment storage totaling approximately 50,341 square feet of net floor area. Also proposed is the construction of a two-story athlete accommodation building with 20 rooms and approximately 9,432 square feet of net floor area. The total project development intensity would be 59,772 net square feet and would be served by 351 parking spaces. Existing access to the golf course holes identified as the front six and the back nine would be maintained.

Recommended Actions:

1. Discuss and provide input to staff

Commissioner Langford recused himself from the item because the park would be located on property owned in part by his employer.

Senior Planner Joselyn Perez used a PowerPoint presentation to provide the project location, zoning and land use, existing site conditions, proposed project, and necessary approvals including a General Plan Amendment to increase the development limit of Anomaly No. 58, a Conditional Use Permit, a Modification Permit, a Major Site Developmental Review, and an Environmental Impact Report (EIR). She provided an overview of the California Environmental Quality Act and summarized the Draft EIR findings for the project, noting that the City is currently in the 45-day public review period for the Draft EIR which will end on July 7th. She concluded her presentation with a timeline for future public hearings on the project.

In response to Vice Chair Harris' inquiries, Senior Planner Perez confirmed there will be a cart path connecting the two remaining portions of the golf course. She deferred details about golf course operations to the applicant, adding they intend to cover this in their presentation.

CAA Planning, Inc. Chief Executive Officer Shawna Schaffner, speaking for the applicant, used a PowerPoint presentation to summarize the intent of the project and the surf park's operational characteristics. She presented a video detailing how the park will fit within the Newport Beach Golf Course layout and highlighted the proposed wave technology, the architectural design of the amenity clubhouse, and the site landscaping plan. Ms. Schaffner reported on how the golf course will continue to function with 15 holes split over northern and southern portions and added the clubhouse will have basement-level golf cart storage. She stated the applicant has met with the Newport-Mesa Unified School District's golf coaches to discuss expanded access for high school teams. She reported on the applicant's year-long community outreach efforts.

Chair Rosene stated this is not a public hearing and there will be no vote conducted so he encouraged public comments to focus on the project's substance as opposed to opinions in support or opposition.

Chair Rosene opened the public hearing.

Mike Smith expressed concerns regarding the noise from John Wayne International Airport both from regular air traffic and during wind events, the cost of golf increasing, inquired about the length of the lease agreement to maintain golf operations on the remaining portions of the course, and asked the potential cost of surfing sessions. He reported the City Council has

requested permission from the California Coastal Commission to put a residential overlay over holes 3-8 and inquired about the long-term land use for the southern portion of the course, mentioning rumors of a Costco Wholesale store despite the lack of appropriate zoning.

Benny Hallock expressed his opposition to the project, adding the Draft EIR is deficient. He expressed his skepticism about the southern portion of the golf course not being targeted for residential development, noting it is not mentioned in the Draft EIR and CEQA would prohibit breaking up a larger project into smaller ones.

Chair Rosene closed the public hearing.

Commissioner Ellmore lauded the design and its incorporation of coastal elements for community consistency.

Commissioner Lowrey noted he will be off the Commission before the item is voted on but added he is impressed by how the project keeps golf while also providing the new surf park. He commended the aesthetics.

Chair Rosene encouraged staff to verify the established grade, commented on the architecture, encouraged the applicant to improve their printed work's imagery and to be more descriptive of the type of wave machine to be used in the lagoons. He noted the bar shown in the video and questioned if the golf course's current liquor license would be transferred.

Vice Chair Harris stated he would like to see more clarity about the pathway for golfers going between sides of the course. He expressed concerns about the scale of certain project elements, including walls, and impact to sightlines .

Chair Rosene called for a better depiction of the retaining walls in the drawings.

Deputy Director Murillo acknowledged the comments provided by the Commissioners enables staff to clarify items in future staff reports and added that the Draft EIR provides better renderings reflecting site topography and street perspectives.

IX. STAFF AND COMMISSIONER ITEMS

ITEM NO. 6 MOTION FOR RECONSIDERATION

None

ITEM NO. 7 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 there is a 27-unit townhome development on the July 3rd Planning Commission Agenda. He stated the lawsuit between the City and the Newport Beach Stewardship Association and Still Protecting Our Newport was decided yesterday with the judge siding with the City. He acknowledged it is Commissioner Lowrey's last meeting and presented him with a Certificate of Recognition on behalf of the Community Development staff.

Commissioner Lowrey stated his eight years on the Commission have gone by quickly. He thanked those who presented projects and thanked current and past Commissioners for their collegiality. He commended the City's Planning staff, noting they exceed the quality of planners he sees from other jurisdictions in his outside work. He thanked his family.

ITEM NO. 8 REQUESTS FOR EXCUSED ABSENCES

Vice Chair Harris requested an excused absence for July 3.

- X. **ADJOURNMENT** – With no further business, Chair Rosene adjourned the meeting at 7:37 p.m.

The agenda for June 19, 2025, Planning Commission meeting was posted on Thursday, June 12, 2025, at 5:06 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 Thursday, June 12, 2025, at 5:32 p.m.

Mark Rosene, Chair

David Salene, Secretary

DRAFT