



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Assistant City Manager/Community Development Director
SUBJECT: Report of actions taken by the Zoning Administrator for the week ending June 27, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS JUNE 26, 2025

- Item 1: Alvarado Residence Coastal Development Permit (PA2025-0034)
Site Address: 127 Shorecliff Road
- | | | |
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| Action: Approved by Resolution No. ZA2025-037 | Council District | 6 |
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- Item 2: Christian Residential Condominiums Tentative Parcel Map and Coastal Development Permit (PA2025-0086)
Site Address: 3601 Lake Avenue
- | | | |
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| Action: Approved by Resolution No. ZA2025-038 | Council District | 1 |
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- Item 3: Gelato Del Mar Minor Use Permit (PA2025-0038)
Site Address: 226 Marine Avenue, Unit A
- | | | |
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| Action: Approved by Resolution No. ZA2025-039 | Council District | 5 |
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- Item 4: Celine Facial Spa Minor Use Permit (PA2024-0233)
Site Address: 326 Marine Avenue, Suite A
- | | | |
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| Action: Approved by Resolution No. ZA2025-040 | Council District | 5 |
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- Item 5: CasaDami Café Minor Use Permit (PA2025-0076)
Site Address: 2210 Newport Boulevard, Suite 101
- | | | |
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| Action: Approved by Resolution No. ZA2025-041 | Council District | 1 |
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APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

Wendy Joe, Civilian Investigator, NBPD (*Telecom - Massage – ABC License*)
Mark Short, Police Sergeant, NBPD (*Massage – ABC License*)

RESOLUTION NO. ZA2025-037

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING SINGLE-UNIT DWELLING AND CONSTRUCT A NEW TWO-STORY SINGLE-UNIT DWELLING WITH AN ATTACHED THREE-CAR GARAGE LOCATED AT 127 SHORECLIFF ROAD (PA2025-0034)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Eric Olsen (Applicant), concerning property located at 127 Shorecliff Road and legally described as Lot 115 of Tact No. 1116 (Property), requesting approval of a coastal development permit (CDP).
2. The Applicant proposes the demolition of an existing single-unit dwelling and construction a 5,025-square-foot two-story single-unit dwelling with an attached 701-square-foot three-car garage. The project also includes the installation of landscaping, hardscaping, and site walls. The project complies with all applicable development standards and no deviations are requested. The CDP authorizes improvements within private property as well as some portions within the public right of way, such as the front yard and driveway (Project).
3. The Property is designated Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1-6000) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Single Unit Residential Detached – (0.0 – 5.9 DU/AC) (RSD-A) and it is located within the Single-Unit Residential (R-1-6000) Coastal Zoning District.
5. A public hearing was held on June 26, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given by the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is categorically exempt pursuant to Title 14 of the California Code of Regulations Section 15303, Division 6, Chapter 3, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 3 (New Construction or Conversion of Small Structures) because it has no potential to have a significant effect on the environment.
2. Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor

modification are made in the exterior of the structures. Class 3 also exempts the demolition of up to three single-unit dwellings and additions of up to 10,000 square feet to existing structures and allows the construction or conversion of up to three single-unit dwellings. In this case, the Project consists of the demolition of one single-unit dwelling and the construction of a new 5,025-square-foot, single-unit dwelling, and attached 701square-foot three-car garage.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

- A. *Conforms to all applicable sections of the certified Local Coastal Program (LCP).*

Facts in Support of Finding:

1. The Project complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum site coverage is 60% (7,825.2 square feet of the 13,042-square-foot lot) and the proposed site coverage is 26.2% (3,420 square feet).
 - b. The Project provides the minimum required setbacks, which are 25 feet along the front property line abutting Shorecliff Road, 6 feet along each side property line, and 6 feet along the rear property line.
 - c. The highest flat roof element does not exceed the maximum 24 feet from the established grade and the highest sloping roof complies with the maximum height requirements. Additionally, the finished floor elevation of the proposed single-unit unit dwelling is 74.50 feet North American Vertical Datum of 1988 (NAVD 88), which complies with the minimum 9.00-foot (NAVD 88) elevation standard for new structures.
 - d. The Project includes garage parking for a total of three vehicles, complying with the minimum three-car garage parking requirement for single-unit dwellings with 4,000 square feet or more of habitable floor area.

2. The neighborhood is predominantly developed with one- and two-story, single-unit dwellings. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
3. The Property is located approximately 300 feet from coastal waters. A Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials. The Project design also addresses water quality through the inclusion of a post-construction drainage system that includes drainage and percolation features designed to retain dry weather and minor rain event runoff on-site. Any water not retained on-site is directed to the City's storm drain system.
4. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, due to the proximity of the development to the shoreline and the development containing more than 75% of impervious surface area, a Water Quality and Hydrology Plan (WQHP) and/or Water Quality and Management Plan (WQMP) is required. A preliminary WQMP has been prepared for the Project by DZN Engineering dated, April 2, 2025. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a Low Impact Development (LID) approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs. The final priority WQMP shall be reviewed and approved by the Building Division during plan check.
5. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. A condition of approval is included that requires drought-tolerant species. Before the issuance of building permits, the final landscape plans will be reviewed to verify invasive species are not planted.
6. The Project is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan (CLUP). The nearest coastal viewpoint is on Inspiration Point Park, which is approximately 1,715 feet west of the Property, and is not visible from the Property. As currently developed, the Property and other residences along Shorecliff Road are not located within the view shed of the park. Additionally, the Property includes a 10-foot easement for storm drain purposes on the eastern side of the property that is improved with a private, gated walkway leading to a small coastal viewing area. This easement was recorded in 1966, and its improvements were made prior to the enactment of the California Coastal Act. Furthermore, the private walkway and viewing area are not considered public access points, as identified in the CLUP. Therefore, the Project complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. The Project also does not contain any unique features that could degrade the visual quality of the coastal zone.

Finding:

- B. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Fact in Support of Finding:

1. The Property is located between the nearest public road and the sea or shoreline. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project replaces an existing single-unit dwelling located on a R-1-6000 lot with a new single-unit dwelling. Therefore, the Project does not involve a change in land use, density, or intensity that will result in increased demand for public access and recreation opportunities. Furthermore, the Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede existing public access opportunities.
2. The Project is not located near a Public Beach Access point as identified in the CLUP. Vertical access to the beach is available approximately 500 feet west of the Property along East Coast Highway and the southern end of Poppy Avenue. The southern end of Poppy Avenue connects to Glen Drive which provides access to an existing pedestrian trail to the beach. Lateral access is also available from Poppy Avenue and Ocean Boulevard through Inspiration Point Park which is approximately 1,715 feet west of the Property. The park is adjacent to a public sidewalk that offers coastal views and connects to Corona Del Mar State Beach through an existing pedestrian walkway. As previously noted in Fact in Support of Finding A(6), the property includes a 10-foot easement for storm drain purposes that is improved with a private, gated walkway leading to a small coastal viewing area. This easement was recorded in 1966, and its improvements were made prior to the enactment of the California Coastal Act. Furthermore, the private walkway and viewing area are not considered public access points, as identified in the CLUP. Given that the Property is located 500 feet away from these public beach access points, the Project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 (New Construction or Conversion of Small Structures) 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.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Coastal Development Permit (PA2025-0034) subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.

3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director by the provisions of Title 21 (Local Coastal Program (LCP) Implementation Plan), of the Newport Beach Municipal Code. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF JUNE, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. *Prior to the issuance of a building permit, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
3. *Prior to the issuance of a building permit, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
4. *Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans.*
5. *Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought-tolerant plantings, non-invasive plant species, and water-efficient irrigation design. The plans shall be approved by the Planning Division.*
6. *Prior to the issuance of a building permit, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
7. *Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.*
8. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter the sensitive habitat, receiving waters, or storm drains or result in impacts to environmentally sensitive habitat areas, streams, the beach, wetlands or their buffers. No demolition or construction materials shall be stored on public property.
9. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:

- A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
- 10. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
 - 11. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
 - 12. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
 - 13. Trash and debris shall be disposed of in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed of in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
 - 14. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
 - 15. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
 - 16. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused by the revocation of this Coastal Development Permit.
 - 17. This Coastal Development Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, and welfare or materially injurious to the Property or improvements in the vicinity or if the Property is operated or maintained to constitute a public nuisance.

18. All landscape materials and irrigation systems shall be maintained by the approved landscape plan. All landscaped areas shall be maintained in a healthy and growing condition and shall receive regular pruning, fertilizing, mowing, and trimming. All landscaped areas shall be kept free of weeds and debris. All irrigation systems shall be kept operable, including adjustments, replacements, repairs, and cleaning as part of regular maintenance.
19. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays or Holidays.
20. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Regulations) of the NBMC and other applicable noise control requirements of the NBMC.
21. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
22. This Coastal Development Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 21.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
23. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the City's approval of **Alvarado Residence, including but not limited to, Coastal Development Permit No. PA2025-0034**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The Applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Public Works Department

24. The proposed driveway shall be constructed per City Standard 162.
25. All existing unpermitted encroachments within the Shorecliff Road public right of way shall be removed.

26. A new sewer clean out on the existing sewer lateral shall be installed per City Standard 406.
27. The proposed decorative encroachments within the Shorecliff Road right of way and storm drain easement shall comply with City Council Policy L-6 and require an encroachment permit and encroachment agreement.
28. Structural encroachments shall not be permitted within the limits of the storm drain easement, except the second-floor roof overhang.
29. Landscaping within the limits of the storm drain easement shall be low growing and shall not impact the existing storm drain.
30. All improvements shall be constructed as required by Ordinance and the Public Works Department.
31. An encroachment permit shall be required for all work activities within the public right of-way.
32. The existing broken and/or otherwise damaged concrete curb and gutter along the Shorecliff Road frontage shall be reconstructed.
33. A new 36-inch box street tree along the Shorecliff Road frontage shall be installed. Species and location shall comply with City Council Policy G-6.
34. Additional reconstruction within the public right of-way could be required at the discretion of the Public Works Inspector if damage has been done to public improvements surrounding the development site by the private construction.

Fire Department

35. A residential fire sprinkler system shall be required and shall comply with NFPA13D.

Building Division

36. The fireplace shall be direct vent, gas, and have sealed combustion which complies with the California Residential Code & California Energy Code.

RESOLUTION NO. ZA2025-038

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A TENTATIVE PARCEL MAP AND COASTAL DEVELOPMENT PERMIT FOR TWO-UNIT RESIDENTIAL CONDOMINIUM PURPOSES LOCATED AT 3601 LAKE AVENUE (PA2025-0086)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Matthew Watson (Applicant) on behalf of Steven Bast (Owner) with respect to property located at 3601 Lake Avenue and legally described as Lots 11 and 12 of Block 136 (Property), requesting approval of a tentative parcel map, and associated coastal development permit (CDP) for condominium purposes.
2. The Applicant requests a tentative parcel map and coastal development permit for a two-unit condominium. A single-unit residence has been demolished, and a new duplex is currently under construction. The tentative parcel map will allow each unit to be sold individually. No waivers of Newport Beach Municipal Code (NBMC) Title 19 (Subdivisions) are proposed. A CDP is required because the property is located in the coastal zone (Project).
3. The Property is designated Two Unit Residential (RT) by the General Plan Land Use Plan and is located within the Two-Unit Residential (R-2) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Two Unit Residential (RT-E – 30.0-39.9 DU/AC) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. On February 11, 2025, the City Council approved a separate CDP for the Property (CDP No. PA2024-0105) to allow for the demolition of an existing single-unit residence and construction of a new 4,218-square-foot duplex with attached garages. The Council also waived City Council Policy L-2 to allow existing vehicular access to remain on 36th Street due to an above-ground utility pole located in the alleyway abutting the rear of the Property.
6. A public hearing was held on June 26, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) 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.

2. The Class 15 exemption allows the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope greater than 20%. The Project is for a two-unit condominium subdivision and will conform to all development standards. Therefore, the Project is eligible for the Class 15 exemption.

SECTION 3. REQUIRED FINDINGS.

Tentative Parcel Map

The Zoning Administrator determined the tentative parcel map is consistent with the legislative intent of the NBMC Title 19 (Subdivisions) and is approved based on the following findings per NBMC Section 19.12.070 (Required Findings for Action on Tentative Maps):

Finding:

- A. *That the proposed map and the design or improvements of the subdivision are consistent with the General Plan and any applicable specific plan, and with applicable provisions of the Subdivision Map Act and this Subdivision Code.*

Facts in Support of Finding:

1. The Tentative Parcel Map is for two-unit residential condominium purposes. The RT and R-2 designations apply to a range of two-unit residential dwelling units such as duplexes and townhomes. The Property was previously developed as a single-unit residence, which has been demolished. A new duplex is currently under construction. The proposed subdivision and improvements will continue to be consistent with the density of the RT and R-2 designations.
2. The Property is not located within a specific plan area.

Finding:

- B. *The site is physically suitable for the type and density of development.*

Facts in Support of Finding:

1. The Property is physically suitable for a two-unit condominium development because it is regular in shape and size. An existing single-unit residence has been demolished, and a new duplex is currently under construction, which complies with all requirements of

the NBMC Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan).

2. The Property provides vehicular access from the alley to the maximum extent, as the existing power pole in the alley obstructs vehicle access to one of the proposed garages under construction. As a result, one of the proposed units will maintain vehicular access from 36th Street, consistent with the garage orientation of the previous single-unit residence as the existing curb opening to allow access will remain in place.
3. The Property is adequately served by all existing utilities to accommodate the two new dwelling units being constructed. The Project does not alter the anticipated utility demand generated from the site.

Finding:

- C. *That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage nor substantially and avoidably injure fish or wildlife or their habitat. However, notwithstanding the foregoing, the decision-making body may nevertheless approve such a subdivision if an environmental impact report was prepared for the project and a finding was made pursuant to Section 21081 of the California Environmental Quality Act that specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.*

Facts in Support of Finding:

1. The Property is located within an existing residential neighborhood that does not contain any sensitive vegetation or habit on-site.
2. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15315 under Class 15 (Minor Land Divisions) of the CEQA Guidelines. Section 2 of this Resolution is hereby incorporated by reference.

Finding:

- D. *That the design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

Facts in Support of Finding:

1. The Project has been conditioned to require public improvements, including the reconstruction of sidewalks, curbs, and gutters along the 36th Street and Lake Avenue frontage and alley, as needed. The utilities will be undergrounded, consistent with Title 19 (Subdivisions) of the Newport Beach Municipal Code (NBMC).
2. The tentative parcel map is for two-unit condominium purposes. All improvements associated with the project will comply with all Building, Public Works, and Fire Codes,

which are in place to prevent serious public health problems. Public improvements will be required of the developer per NBMC Section 19.28.010 (General Improvement Requirements) and Section 66411 (Local agencies to regulate and control design of subdivisions) of the Subdivision Map Act. All ordinances of the City and all Conditions of Approval will be complied with.

Finding:

- E. *That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the decision-making body may approve a map if it finds that alternate easements, for access or use, will be provided and that these easements will be substantially equivalent to ones previously acquired by the public. This finding shall apply only to easements of record or to easements established by the judgment of a court of competent jurisdiction and no authority is hereby granted to the City Council to determine that the public at large has acquired easements for access through or use of property within a subdivision.*

Fact in Support of Finding:

1. The Public Works Department has reviewed the Project and determined that the design of the development will not conflict with easements acquired by the public at large, for access through, or use of the Property within the proposed development because no public easements are located on the Property.

Finding:

- F. *That, subject to the detailed provisions of Section 66474.4 of the Subdivision Map Act, if the land is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 (Williamson Act), the resulting parcels following a subdivision of the land would not be too small to sustain their agricultural use or the subdivision will result in residential development incidental to the commercial agricultural use of the land.*

Facts in Support of Finding:

1. The Property is not subject to the Williamson Act because the subject property is not designated as an agricultural preserve and is less than 100 acres in area.
2. The Property was previously developed for residential use and is located in a Zoning District that permits residential uses.

Finding:

- G. *That, in the case of a "land project" as defined in Section 11000.5 of the California Business and Professions Code: (1) there is an adopted specific plan for the area to be*

included within the land project, and (2) the decision-making body finds that the proposed land project is consistent with the specific plan for the area.

Facts in Support of Finding:

1. California Business and Professions Code Section 11000.5 has been repealed by the Legislature. However, this project site is not considered a “land project” as previously defined in Section 11000.5 of the California Business and Professions Code because the project site does not contain 50 or more parcels of land.
2. The Project is not located within a specific plan area.

Finding:

- H. That, solar access, and passive heating and cooling design requirements have been satisfied in accordance with Sections 66473.1 and 66475.3 of the Subdivision Map Act.*

Fact in Support of Finding:

1. The tentative parcel map and any future improvements are subject to Title 24 of the California Building Code, which requires new construction to meet minimum heating and cooling efficiency standards depending on location and climate. The City’s Building Division enforces Title 24 compliance through the plan check and inspection process.

Finding:

- I. That the subdivision is consistent with Section 66412.3 of the Subdivision Map Act and Section 65584 of the California Government Code regarding the City’s share of the regional housing need and that it balances the housing needs of the region against the public service needs of the City’s residents and available fiscal and environmental resources.*

Fact in Support of Finding:

1. The proposed two-unit condominiums will replace an existing single-unit residence, which is consistent with the R-2 Zoning District and is an increase in residential density. Therefore, the tentative parcel map for condominium purposes will not negatively affect the City in meeting its regional housing need.

Finding:

- J. That the discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the Regional Water Quality Control Board.*

Fact in Support of Finding:

1. The Project wastewater is designed to discharge into the existing sewer system and complies with the Regional Water Quality Control Board (RWQCB) requirements.

Finding:

- K. For subdivisions lying partly or wholly within the Coastal Zone, the subdivision conforms with the certified Local Coastal Program and, where applicable, with public access and recreation policies of Chapter 3 of the Coastal Act.*

Fact in Support of Finding:

1. The Property is located within the coastal zone and a CDP is therefore requested in conjunction with the proposed tentative parcel map. The Project complies with the certified Local Coastal Program (LCP) and public access and recreation policies of Chapter Three of the Coastal Act. The Facts in Support of Findings L and M for the Coastal Development Permit (below) are hereby incorporated by reference.

Coastal Development Permit

In accordance with Section 21.52.015(F) (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings, and facts in support of such findings are set forth:

Finding:

- L. Conforms to all applicable sections of the certified Local Coastal Program.*

Facts in Support of Finding:

1. The Project is for a tentative parcel map for two-unit residential condominium purposes. A single-unit residence has been demolished, and a new duplex is under construction. The duplex conforms to all applicable development standards, including floor area limit, setbacks, height, and off-street parking. The proposed subdivision and improvements are consistent with the density of the R-2 Coastal Zoning District.
2. The Property is not located adjacent to a coastal view road as identified in the Coastal Land Use Plan (CLUP). The Property is located approximately 425 feet from the Newport Island Park, which is the closest public viewpoint as identified by the CLUP. As the Property is southeast of the Rialto with intervening existing development, the Project would not affect views of the water and importantly does not have the potential to degrade the visual quality of the Coastal Zone or to result in significant adverse impacts to any public view.

3. The Property is located in an area known for the potential for seismic activity. All projects are required to comply with the California Building Code and Building Division standards and policies, which includes all required mitigation for seismic hazards.
4. The Project is located approximately 125 feet from the Lower Newport Bay and is not near any natural landforms or environmentally sensitive areas.

Finding:

- M. Conforms to the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:


1. The Property is not located between the nearest public road and the sea or shoreline. As such, it is not necessary to evaluate consistency with the public access and public recreation policies of Chapter 3 of the Coastal Act.
2. The Property is approximately 700 feet from the beach where lateral and vertical coastal access are provided. Approval of the parcel map will not affect public recreation, access, or views.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Sections 15315 under Class 15 (Minor Land Divisions) 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.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Tentative Parcel Map and Coastal Development Permit filed as PA2025-0086, subject to the conditions set forth in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan, of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF JUNE, 2025.



Benjamin M. Zdeba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL****Planning Division**

1. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the Conditions of Approval.
2. After the recordation of the Parcel Map and prior to building permit final inspection, the Applicant shall apply for a building permit for a description change of the subject project development from “duplex” to “condominium.” The development will not be condominiums until this description change permit is final.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be cause for the revocation of this tentative parcel map.
4. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 19 (Subdivisions) and Title 21 of the Newport Beach Municipal Code.
5. Prior to the recordation of the parcel map, an In-Lieu Park Dedication Fee for one additional residential unit shall be paid in accordance with the fee effective at the time of payment.
6. Prior to final inspection of the building permit, a Fair Share Fee for one additional residential unit shall be paid in accordance with the fee effective at the time of payment.
7. Prior to the approval of the final map, a “Purpose Statement” shall be added to the map to clarify that the map is for two residential condominium units and how common areas will be owned.
8. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney’s fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City’s approval of **Christian Residential Condominiums, but not limited to, Tentative Parcel Map and Coastal Development Permit (PA2025-0086)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney’s fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City’s costs, attorney’s fees, and damages that which City incurs in enforcing the indemnification provisions set forth in

this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Public Works Department

9. Prior to the building permit final inspection, a parcel map shall be recorded. The Map shall be prepared on the California coordinate system (NAD83). Prior to recordation of the Map, the surveyor/engineer preparing the Map shall submit to the County Surveyor and the City of Newport Beach a digital-graphic file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The Map to be submitted to the City of Newport Beach shall comply with the City's CADD Standards. Scanned images will not be accepted.
10. Prior to recordation of the parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. Monuments (one inch iron pipe with tag) shall be set on each lot corner unless otherwise approved by the Subdivision Engineer. Monuments shall be protected in place if installed prior to completion of the construction project.
11. All improvements shall be constructed as required by Ordinance and the Public Works Department.
12. An encroachment permit shall be required for all work activities within the public right-of-way.
13. Existing broken and/or otherwise damaged concrete curb, gutter and sidewalk panels along the 36th Street and Lake Avenue frontages, and any damaged concrete panels along the alley frontage shall be reconstructed.
14. All existing overhead utilities shall be undergrounded.
15. A new curb ramp per City standard shall be installed at the corner of 36th Street and Lake Avenue. All walls or other private encroachments shall be removed for the dedication area.
16. Each unit shall be served by its individual water service/meter and sewer lateral/cleanout.
17. All improvements shall comply with the City's sight distance requirement. See City Standard 110-L.
18. In case of damage done to public improvements surrounding the development site by the private construction, additional reconstruction within the public right-of-way shall be required at the discretion of the Public Works Inspector.

Fire Department

19. Prior to the recordation of the parcel map, a NFPA 13D fire sprinkler system shall be provided for each unit, complying the 2022 NFPA 13D standards.
20. Each condominium shall have its own water meter and source to supply the fire sprinkler system.

Building Division

21. Prior to the recordation of the parcel map, separate utility services shall be required for each unit.

RESOLUTION NO. ZA2025-039

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MINOR USE PERMIT FOR A TAKE-OUT SERVICE—FAST CASUAL EATING AND DRINKING ESTABLISHMENT LOCATED AT 226 MARINE AVENUE, UNIT A (PA2025-0038)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Peter Klebanoff (Applicant) concerning property located at 226 Marine Avenue, Unit A, and legally described as Lot 13 of Block 11 of Section 4 of the Balboa Island Tract (Property), requesting approval of a minor use permit.
2. The Applicant proposes a gelato establishment (Take-Out Service—Fast Casual) within an existing 304-square-foot commercial suite. The applicant is proposing minor modifications to the interior of the suite. The sale of alcohol and late-hour operations (after 11:00 p.m.) are not proposed (Project).
3. The Property is located within the Mixed-Use Water (MU-W2) Zoning District and categorized as Mixed-Use Water 2 (MU-W2) by the General Plan Land Use Element.
4. The Property is located within the coastal zone, within the Mixed-Use Water (MU-W2) Coastal Zoning District and the Mixed-Use Water Related (MU-W) Coastal Land Use category. The Project does not result in an increase in parking intensity of the previous use; therefore, a coastal development permit (CDP) is not required for the Project.
5. On May 9, 2023, the City Council approved Ordinance No. 2023-6, amending Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC) related to commercial parking. As a part of the ordinance, the land use category formerly known as “Take-Out Service, Limited”, which allowed for establishments that sells food or beverages primarily for off-site consumption and up to a maximum of six seats, was eliminated and replaced with the land use category “Take-Out Service – Fast Casual,” which is similar to “Take-Out Service, Limited,” except that it allows for a maximum of 20 seats instead of six. The City Council also simultaneously approved Resolution No. 2023-27, authorizing the submittal of the commercial parking amendment of Title 21 (Local Coastal Program Implementation Plan) to the California Coastal Commission. The amendment was approved by Coastal Commission without changes on June 12, 2025, and now requires Council adoption of an ordinance to finalize it. Per Title 20, the Project is categorized as a “Take-Out Service – Fast Casual” use. However, since it is located in the coastal zone, the Project will be regulated as the former Take-Out Service, Limited use (six seats maximum) until the amendment to Title 21 is formally adopted.

6. A public hearing was held on June 26, 2025, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) under 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.
2. The Class 1 exemption authorizes minor alterations of existing structures involving negligible or no expansion of use. The Project is a gelato shop that involves alterations to the interior floor plan of an existing commercial space with no expansion in floor area. Therefore, the Class 1 exemption is applicable.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The Land Use Element of the General Plan designates this Property as Mixed-Use Water (MU-W2) which is intended to apply to waterfront locations in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The Project is a take-out gelato shop with limited interior seating, which is a visitor-serving commercial use on Marine Avenue on Balboa Island. The Property is surrounded by similar and complementary uses such as retail sales, eating and drinking establishment, and professional offices.
2. The Property is not part of a specific plan area.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. The Property is located within the MU-W2 Zoning District. Table 2-9 of NBMC Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) allows a Take-Out Service—Fast Casual use subject to approval of a minor use permit, if within 100 feet of a residential zoning district. A Take-Out Service—Fast Casual use is defined as an establishment that sells food or beverages, with the exception of alcohol, primarily for off-site consumption, where customers order and pay for food at either a counter or service window and up to a maximum of up to 20 seats including seats in interior areas and seats in outdoor dining areas are provided for on-site consumption of food or beverages. As discussed in Statement of Fact No. 5 above, the Project is limited to a maximum of six seats unless that limitation is otherwise amended.
2. The Property has legal, nonconforming residential parking due to having only two available garage parking spaces on site. There is no available parking for commercial use on site. NBMC Section 20.40.040 (Off-Street Parking Spaces Required) requires an off-street parking rate of one space per 250 square feet of gross floor area for a take-out service – fast casual use. The Project is proposed in a vacant tenant space that was previously occupied by a retail use which has the same parking requirement. Pursuant to NBMC Section 21.38.060 (Nonconforming Parking), a use with nonconforming parking may be changed to a new use allowed in that coastal zoning district without providing additional parking, no intensification or enlargement (e.g., increase in floor area, or lot area), and the new use requires a parking rate of no more than one space per 250 square feet of gross building area. The Project has an identical parking rate and does not increase in gross floor area; therefore, no additional parking is required.
3. As conditioned, the Project will comply with NBMC Section 20.48.090 (Eating and Drinking Establishments) which specifies standards for eating and drinking establishments. Additionally, the Project will be conditioned to provide a maximum of six seats for use by patrons as required for the former Take-Out Service, Limited use until the amendment to incorporate Take-Out Service – Fast Casual into Title 21 is adopted and made effective by the City Council.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The Project is compatible with the existing and allowed uses in the area, which consist of residential and commercial uses such as retail sales, eating and drinking establishments, and professional offices. The Property is located among other commercial uses along Marine Avenue with residential uses located directly across the alley behind the Property.

2. The Project includes an interior remodel and alteration of a 304-square-foot commercial suite with approximately 150 square feet proposed as a customer serving area. The size of the existing commercial suite will not increase as part of this Project.
3. The Project will be conditioned to provide adequate trash storage facilities in an enclosed area pursuant to NBMC Section 20.30.120 (Solid Waste and Recyclable Materials Storage), thereby preventing any odor or related issues for the adjacent properties.
4. Fact support of Finding B.2 is hereby incorporated as reference.
5. As conditioned, the hours of operation are from 10:00 a.m. to 10:00 p.m. Sunday to Thursday and 10:00 a.m. to 11:00 p.m. on Friday, Saturday, and holidays. These hours of operation will minimize any disturbance to residences near the property.

Finding:

- D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. The Property is 2,250 square feet in area, rectangular in shape, and located in a commercial area with residential uses to the east across the rear alley. The Property has street access along Marine Avenue and alley access at the rear of the Property. Pedestrian access is available at the front of the Property along Marine Avenue and at the side of the Property along Balboa Avenue.
2. The Fire Department reviewed the Project to ensure adequate public and emergency vehicle access is provided.
3. The Public Works Department, Building Division, and Fire Department have reviewed the application. The Project is required to obtain all applicable permits from the City Building and Fire Departments and must comply with the most recent, City-adopted version of the California Building Code.

Finding:

- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The Project will add an additional take-out dessert option to Marine Avenue and occupy a commercial suite that is currently vacant.
2. The Project includes limited hours, no alcohol service, and is limited to a maximum of six indoor seats, unless the previously discussed parking amendment is adopted and made effective by the City Council. The Project meets the parking requirement pursuant to NBMC Section 21.38.060 (Nonconforming Parking) and there is not anticipated to be a significant impact or increase in demand for on-street parking in this area as a result of this Project.
3. Fact support of Finding C.3 is hereby incorporated as reference.
4. The Project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment. Based on the NBMC requirements and the proposed conditions of approval, the Project will not result in a detriment to the surrounding community.
5. The Applicant is required to obtain Health Department approval prior to opening for business, and to comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under 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.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit PA2025-0038, subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code (NBMC).

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF JUNE, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The Project shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this Minor Use Permit.
4. All proposed signs shall be in conformance with provisions of Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code and any future approved Comprehensive Sign Program.
5. This Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained to constitute a public nuisance.
6. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require review by the Planning Division. An amendment to this Use Permit or the processing of a new Minor Use Permit may be required.
7. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
8. The screening of roof-mounted and ground-mounted mechanical equipment shall be required in all zoning districts at the time of new installation or replacement in conformance with Newport Beach Municipal Code Section 20.30.020 (Buffering and Screening).
9. The Property shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources.

The Director of Community Development may order the dimming of light sources or other remediation upon finding that the Property is excessively illuminated.

10. Before the issuance of a building permit, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
11. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards) and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the Newport Beach Municipal Code (NBMC).
12. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
13. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Federal Holidays.
14. No outside paging system shall be utilized in conjunction with this establishment.
15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from the view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
16. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
17. The Property shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
18. Storage outside of the building in the front or at the rear of the Property shall be prohibited, except for the required trash container enclosure.
19. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.

20. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Minor Use Permit.
21. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
22. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Newport Beach Municipal Code Section 20.54.060 (Time Limits and Extensions).
23. *The allowed hours of operation for this establishment shall be limited to the hours of 10:00 a.m. to 10:00 p.m. Sunday to Thursday and 10:00 a.m. to 11:00 p.m. on Friday, Saturday, and Federal Holidays.*
24. *The sale, service, or consumption of alcohol shall not be permitted.*
25. *A maximum of six interior seats shall be allowed for the Project, until the City's Local Coastal Program Implementation Plan amendment, as approved by the California Coastal Commission, is adopted and made effective by the City Council to allow a different number of interior seats for Take-Out Service— Fast Casual uses.*
26. *Employees of the restaurant shall not use the alley as a break or smoking area.*
27. *Drop-off and pick-up of employees shall be prohibited in the alley.*
28. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Gelato Del Mar including, but not limited to, Minor Use Permit (PA2025-0038)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Building Division

29. *A building permit shall be required for change of use and/or occupancy.*
30. *A turning space at the entrance of the employee side of the counter shall be required.*

RESOLUTION NO. ZA2025-040

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A MINOR USE PERMIT FOR PERSONAL SERVICES, RESTRICTED LAND USE LOCATED AT 326 MARINE AVENUE, SUITE A (PA2024-0233)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Ali Sadeghi (Applicant) concerning the property located at 326 Marine Avenue, Suite A and legally described as Lot 14 of Block 14 of Section 4 of the Balboa Island Tract (Property) requesting approval of a minor use permit (MUP).
2. The Applicant requests to add additional services, including injectables, to an existing skincare establishment. The 740 square-foot tenant space located within an existing mixed-use, multi-tenant, building will be improved to provide reception and waiting area, three treatment rooms, storage closet, and one restroom. The skincare establishment will offer a variety of facial hydration and rejuvenation services and ancillary injectable services and will operate similar to a day spa (i.e., personal services, restricted land use). Services will be offered on a walk-in or appointment basis and up to three employees will be on site at any given time. Proposed hours of operation are from 10:00 a.m. to 6:00 p.m., Sunday through Friday (Project).
3. The Property is categorized as Mixed-Use Water 2 (MU-W2) by the Land Use Element of the General Plan and is located within the Mixed-Use Water (MU-W2) Zoning District.
4. The Property is located within the Coastal Zone. The Coastal Land Use Plan category is Mixed-Use Water Related (MU-W) and is located within the Mixed-Use Water (MU-W2) Coastal Zoning District. The proposed service use does not increase the parking requirement and therefore it is not considered an intensification of use that would require a coastal development permit.
5. A public hearing was held on June 26, 2025, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) under 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. The exceptions to this categorical exemption under Section 15300.2 are not applicable.

2. The Class 1 exemption authorizes minor alterations of existing structures involving negligible or no expansion of use. The Project is to add services to an existing skincare establishment and minor tenant improvement to the suite within an existing mixed-use, multi-tenant, building with no increase in floor area and no intensification of use. Therefore, the Class 1 exemption is applicable.

Minor Use Permit

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The use is consistent with the General Plan and any applicable specific plan.*

Facts in Support of Finding:

1. The Land Use Element of the General Plan categorizes the Property as Mixed-Use Water 2 (MU-W2). Table LU1 (Land Use Plan Categories) of the Land Use Element specifies that the MU-W2 designation applies to waterfront locations in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors. The Project is consistent with the MU-W2 General Plan land use designation as it adds additional services to a personal service use and complements the other uses within the Marine Avenue corridor. The increased offerings provide an additional amenity to the surrounding community and visitors to the City of Newport Beach.
2. Land Use Policy LU2.1 (Resident-Serving Land Uses) of the Land Use Element of the General Plan encourages uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces. The Project diversifies the allowed uses within an existing building which provides an additional service to surrounding residents and is therefore consistent with Land Use Policy LU2.1.
3. The Property is not located within a specific plan area.

Finding:

- B. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code.*

Facts in Support of Finding:

1. The Property is located within the Mixed-Use Water (MU-W2) Zoning District. Similar to the Land Use categorization of Mixed-Use Water 2 (MU-W2), the MU-W2 Zoning District

allows for marine-related uses to be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors. The Project is considered a service use and is therefore consistent with the intent of the MU-W2 Zoning District.

2. Section 20.70 (Definitions) of the NBMC defines personal services, restricted land use as a personal service use that may have a blighting and/or deteriorating effect on surrounding areas and that may need to be dispersed from other similar uses to minimize adverse impacts. The NBMC provides specific examples of personal services, restricted land uses including day spas, healing arts, tanning salons, and body piercing studios. The existing business currently offers a limited menu of skincare services. The Project will increase the amount of services the business offers to include facial hydration and rejuvenation services with ancillary injectable services. With the additional facial services, the business will operate more like a day spa, where a variety of personal services are offered, and would therefore be categorized as personal services, restricted land use.
3. Pursuant to Table 2-9 (Mixed Use Zoning Districts Permit Requirements) of Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) of the NBMC, a personal services, restricted use is permitted within the MU-W2 Zoning District, subject to approval of a MUP.
4. The Property is developed with two commercial suites and two residential units above but only provides four parking spaces. The Property is considered nonconforming for parking.
5. Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC requires an off-street parking rate of one space per 250 square-feet of gross-floor area for personal service uses. Pursuant to NBMC Section 20.38.060 (Nonconforming Parking) a use with nonconforming parking may be changed to a new use allowed in that zoning district without providing additional parking, provided no intensification or enlargement (e.g., increase in floor area, or lot area) occurs, and the new use requires a parking rate of no more than one space per 250 square feet of gross building area. The Project requires a parking rate of one space per 250 square feet of gross floor area and does not increase the gross floor area of the tenant space; therefore, no additional parking is required.

Finding:

- C. *The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity.*

Facts in Support of Finding:

1. The Property is located on the north end of Marine Avenue, near the entrance to Balboa Island. Marine Avenue is a mixed-use corridor that is developed with marine related uses, professional and medical offices, service uses, retail uses, restaurants, and

residential uses. The Project provides a personal service that is compatible with the uses of the surrounding area.

2. Due to the operational characteristics of the skincare establishment, the Project is not anticipated to generate public inconveniences or nuisances such as noise, light, or odors. Furthermore, only three clients and three staff members are expected to be on site at any given time.
3. While the Applicant intends to operate from 10:00 a.m. to 6:00 p.m. Sunday through Friday and closed on Saturday, Condition of Approval No. 12 establishes allowable hours of operations from 8:00 a.m. to 8:00 p.m., daily. Condition of Approval No. 12 is intended to provide flexibility in operating hours to accommodate potential changes in business operations in the future. The conditioned hours of operation are consistent with other uses within the Marine Avenue corridor.
4. The Property is abutted to the rear by the residential neighborhood along Grand Canal. Due to the low impact operating characteristics of the small-scale facial spa business and proposed hours of operation, the Project is expected to be compatible with the nearby residential uses.
5. The Property has trash bins located within the building for the Project. The Project is not anticipated to generate an excessive amount of trash and is anticipated to have refuse needs similar to professional office uses. The skincare establishment will be cleaned daily, and trash will be disposed in the onsite trash bins. Any hazardous materials (e.g. needles) will be disposed of offsite. Condition of Approval No. 18 requires that the trash bins be located flush against the rear wall of the building fronting the alley to prevent encroachment into the alley setback during pickup days.

Finding:

- D. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities.*

Facts in Support of Finding:

1. Marine Avenue and Balboa Island are densely developed with residential, commercial and mixed-use buildings. Due to the density of the island and the high visitation rate, it is anticipated that the main customer base for the service will likely already be on Balboa Island. Therefore, the Project is not anticipated to increase the level of pedestrian or vehicular traffic that is already experienced on Balboa Island.
2. The Property is located within a developed, commercial area and is adequately served by existing public services and utilities.
3. Existing vehicular and pedestrian access points to the Property from Marine Avenue and the alley will be maintained, providing adequate public and emergency vehicle access.

4. Condition of Approval No. 22 requires that delivery vehicles or service vehicles associated with the Project use Marine Avenue rather than park or idle in the alley behind the Property.
5. The Building Division and Fire Department have reviewed the Project and have no concerns with the Project, subject to the appropriate conditions of approval. Condition of Approval No. 25 requires the Applicant to obtain all applicable permits from the City's Building Division and Fire Department, including a building permit for a change in use and/or change of occupancy. This ensures the proposed tenant layout complies with Building and Fire Codes.
- E. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding:

1. The Project adds a low-impact, personal service use to an existing mixed-use, multi-tenant, building. The Project is not anticipated to endanger, jeopardize, or otherwise constitute a hazard to the public.
2. The Project is not authorized to provide accessory massage services. Condition of Approval No. 6 requires an amendment to this MUP should the Applicant propose to add massage services at a later date.
3. The Project has been reviewed and includes conditions of approval to help minimize potential conflicts with the surrounding land uses as much as possible. Condition of Approval No. 13 requires the business operator take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment. Based on the NBMC requirements and the proposed conditions of approval, the Project is not anticipated to be detrimental to the surrounding community.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under 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.

2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit filed as PA2024-0233 subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Chapter 20.64 (Appeals) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF JUNE, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The Project shall be in substantial conformance with the approved floor plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this Minor Use Permit.
4. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to the Property or improvements in the vicinity or if the Property is operated or maintained to constitute a public nuisance.
5. Any change in operational characteristics, expansion in the area, or other modification to the approved plans shall require review by the Planning Division. An amendment to this Minor Use Permit or the processing of a Minor Use Permit may be required.
6. *Massage services are prohibited under this Minor Use Permit. Any provision of massage services, whether incidental or primary to the approved use, shall require subsequent review by the Planning Division and an amendment to this Minor Use Permit.*
7. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Section 20.54.060 (Time Limits and Extensions) of the NBMC.
8. Prior to the issuance of a building permit, a copy of this Resolution including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans.
9. Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.

10. Construction activities shall comply with Section 10.28.040 (Construction Activity – Noise Regulations) of the NBMC, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m. Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays or Holidays.
11. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
12. *The hours of operation shall be limited to between 8:00 a.m. and 8:00 p.m., daily.*
13. The business operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment.
14. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
15. All proposed signs shall be in conformance with the provisions of Chapter 20.42 (Sign Standards) of the NBMC.
16. All lighting shall conform to the standards of Section 20.30.070 (Outdoor Lighting) of the NBMC. The Community Development Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
17. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
18. *All trash shall be stored within the building and screened from the view of neighboring properties, except when placed for pick-up by refuse collection agencies. The Applicant shall ensure that the trash bins are located flush against the rear wall of the building fronting the alley to prevent encroachment into the alley setback during pickup days. The Applicant shall ensure that the trash bins are maintained to control odors. This may include the provision of periodic steam cleaning of the trash bin, if deemed necessary by the Planning Division. Cleaning and maintenance of trash bins shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).*
19. Trash receptacles for patrons shall be conveniently located inside of the establishment.

20. Storage outside of the building in the front or at the rear of the Property shall be prohibited, with the exception of the trash container on pick-up days.
21. Deliveries and refuse collection for the business shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Community Development Director.
22. *Delivery vehicles or service vehicles associated with the Project shall utilize Marine Avenue and shall not park or idle in the alley adjacent to the Property.*
23. *Employees of the business shall not use the alley as a break area or smoking area.*
24. *Drop-off and pick-up of employees shall be prohibited in the alley.*
25. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
26. To the fullest extent permitted by law, applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Celine Facial Spa** including, but not limited to, **the Minor Use Permit filed as PA2024-0233**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages which the City incurs in enforcing the indemnification provisions set forth in this condition. The applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Building Division

27. *The Applicant shall obtain all applicable permits from the City's Building Division and Fire Department, including a building permit for a change in use and/or change of occupancy. The construction plans must comply with the most recent, City-adopted version of the California Building Code.*
28. *An accessible path of travel from parking and public right-of-way to the subject tenant space shall be required per Section 11B-202.4 of the California Building Code (CBC)*
29. *Treatments rooms shall comply with Section 11B-805.4 of the CBC.*

30. *Restrooms shall be accessible per Section 11B-213.2 of the CBC.*
31. *Egress door located at the residential garage shall comply with Section 1010.1.2 of the CBC.*

RESOLUTION NO. ZA2025-041

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT TO ADD A TYPE 47 ALCOHOLIC BEVERAGE CONTROL LICENSE (ON-SALE GENERAL – EATING PLACE) TO AN EXISTING EATING AND DRINKING ESTABLISHMENT LOCATED AT 2210 NEWPORT BOULEVARD, SUITE 101 (PA2025-0076)

THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Chandler Clark of RW Marina and Development Management (“Applicant”), on behalf of Peninsula Village LLC, with respect to property located 2210 Newport Boulevard Suite 101, and legally described as Lot 1 of Tract Map 16594 (“Property”), requesting approval of a minor use permit (MUP).
2. The applicant proposes to allow an existing 932 square-foot with a 368 square-foot outdoor dining patio eating and drinking establishment (Restaurant) to change its Alcoholic Beverage Control (ABC) License from Type 41 (Beer and Wine – Eating Place) to Type 47 (On-Sale General – Eating Place) (“Project”). The Project does not include any physical or other operational changes to the existing Restaurant. The hours of operation will remain 7:00 a.m. to 10:00 p.m., daily. The existing conditional use permit (CUP) and coastal development permit (CDP), filed as PA2024-0074, shall remain in full force and effect.
3. The Property is designated Mixed Use Water 2 (MU-W2) by the General Plan Land Use Element and is located within the Mixed-Use Water 2 (MU-W2) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed Use Water Related (MU-W) and it is located within the Mixed-Use Water 2 (MU-W2) Coastal Zone District.
5. A public hearing was held on June 26, 2025, online via zoom. A notice of time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This project is 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.

2. The Restaurant consists of 306 square feet of interior net public area, a 368-square-foot outdoor dining area, kitchen facilities, indoor storage and washing areas, a restroom, and a covered trash enclosure with gate. The Project involves a request for an operational change (adding full-liquor alcohol sales) and does not involve any physical expansion to the existing Restaurant. Therefore, the Project qualifies for a Class 1 exemption.

SECTION 3. REQUIRED FINDINGS.

In accordance with Section 20.48.030(C)(3) (Alcohol Sales-Required Findings) of the Newport Beach Municipal Code (NBMC), the findings and facts in support of the findings are set forth as follows:

Finding

- A. *The use is consistent with the purpose and intent of Section 20.48.030 (Alcohol Sales) of the Zoning Code.*

Facts in Support of Finding

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*

1. The Restaurant is located within Reporting District (RD) 15, wherein the ABC Crime Count is 548, the highest of the RDs in the City at 389% above the City-wide ABC Crime Count average of 112 crimes reported. The adjacent RDs are RD 12 which has an ABC Crime Count that is 1% below the City-wide average, RD 16 which is 13% above, and RD 25 which is 54% above the City-wide average. Due to the high number of crimes reported in the establishment's RD, the area is found to have an undue concentration pertaining to crime. However, RD 15 contains a large number of visitor and tourist-serving nonresidential uses. Lido Marina Village, Cannery Village, the Newport Boulevard business corridor, and McFadden Square consist of many eating and drinking establishments that serve residents and visitors to the area. The intent of the zoning designations in this beach area, as well as the three adjacent reporting districts, is to provide various commercial and retail uses to support the surrounding residential area and surrounding visitor and tourist-serving destinations. Beach areas have a higher concentration of land uses and, therefore, tend to have a higher crime rate than other areas in the City.
2. The Newport Beach Police Department (NBPD) has reviewed the proposed Project and has no objection to the proposed Type 47 (On-Sale General - Eating Place) ABC License, subject to appropriate conditions of approval, which are included in Exhibit "A" attached to this resolution.

- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*

1. The calls for service and number of arrests are greater than all other Reporting Districts in the City. The highest volume crime in RD 15 is theft/larceny. The highest volume arrest in the area is disorderly conduct. In RD 15, 41% of all arrests are directly attributed to alcohol use: public intoxication, driving under the influence, or liquor law violations. In comparison, that figure is 18% in RD 12, 31% in RD 16, and 34 % in RD 25. Due to the high number of alcohol-related crimes, calls for service, and arrests reported in the Restaurant's RD, the area is found to have an undue concentration pertaining to crime with a clear nexus to alcohol. However, the area is considered one of the more attractive tourist areas in the City, which results in a higher number of alcohol-related calls for service, crimes and arrests.
- iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
1. The Restaurant is located in a mixed-use zoning district which allows for residential uses when intermixed with nonresidential uses and is currently improved with a mixed-use development. The nearest recreational facilities, the beach and the Newport Pier, are located approximately 520 feet to the southwest of the Property. The 19th Street/Bay Avenue beach and Marina Park are approximately 530 feet to the southeast of the Property. The nearest church, Our Lady of Mount Carmel, is located approximately 0.5 miles to the south of the Property along West Balboa Boulevard. The nearest school, Newport Elementary, is located 0.7 miles to the south of the Property along West Balboa Boulevard. The nearest daycare center, Children's Center by the Sea, is approximately 0.6 miles to the south along West Balboa Boulevard. The Restaurant is located on the ground level of mixed-use development and adjacent to existing commercial, retail, office, and food service uses and other similar uses on adjacent properties.
 2. The hours of operation will remain 7:00 a.m. to 10:00 p.m., daily, and conditions of approval are in place to help minimize negative impacts that the Project may have to surrounding land uses, which ensures that the Restaurant is compatible with the surrounding community.
- iv. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*
3. The Restaurant is in close proximity to several establishments with alcohol licenses on the Balboa Peninsula including Woody's Wharf, The Crab Cooker, and Stag Bar + Kitchen, among others. The RD15 statistics indicate an over concentration of alcohol licenses within this statistical area.
 4. The per capita ratio of one license for every 76 residents is higher than all adjacent districts and the average Citywide ratio. This is due to the higher concentration of commercial land uses, many of them visitor-serving, and lower number of

residential properties in the RD15 area. While the Restaurant is in close proximity to other establishments selling alcoholic beverages, the physical and operational characteristics of the existing Restaurant would make the expanded alcoholic beverage sales in conjunction with its food-service operation appropriate at this location.

5. Due to the type and operation of the Restaurant, which is conditioned to close at 10 p.m., has limited net public areas, and is prohibited by conditions of approval from operating as a bar or lounge, the proximity to other establishments does not appear to create foreseeable concern.
- v. *Whether or not the proposed minor use permit will resolve any current objectionable conditions.*
1. There are no current objectionable conditions related to alcohol sales. The Restaurant serving an expanded menu of alcoholic beverages with food will provide convenience to customers. The NBPD has no objections to the change of ABC License for Restaurant given the established hours of operation, proposed Type 47 ABC License, and location of the existing Restaurant. The conditions of approval listed in the CUP and CDP filed as PA2024-0074 are and will continue to be in place to limit any objectionable conditions at the establishment. Conditions of Approval Nos. 19 and 22 of the CUP filed as PA2024-0074 limit objectionable conditions related to noise and trash from the establishment.
 2. The Project has been reviewed and conditioned to help ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the NBMC is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the Restaurant. Operational conditions of approval recommended by the NBPD relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol-related impacts. Condition of Approval No. 8 is included to ensure that all employees serving alcohol will be required to complete a certified training program in responsible methods and skills for selling alcoholic beverages, as required by the State of California.

Minor Use Permit

In accordance with Section 20.52.020.F (Conditional Use Permits and Minor Use Permits - Findings and Decision) of the NBMC, the findings, and facts in support of such findings for a minor use permit are set forth as follows:

Finding

B. The use is consistent with the General Plan and any applicable specific plan,

Facts in Support of Finding

1. The General Plan designates the site as Mixed Use Water 2 (MU-W2), which is a designation applied to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial, and residential dwelling units on the upper floors.
2. The Restaurant remains part of a mixed-use development that allows residential, office, retail and food service uses, and therefore is consistent with this land use designation.
3. The proposed Type 47 ABC License is consistent with the MU-W2 designation as it is related to the existing commercial food service use and is intended to serve nearby residents, the surrounding community, and visitors to the City of Newport Beach.
4. The subject property is not part of a specific plan area.

Finding

- C. *The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code,*

Facts in Support of Finding

1. The Property is located in the MU-W2 Zoning District. MU-W2 applies to waterfront properties in which marine-related uses may be intermixed with general commercial, visitor-serving commercial and residential dwelling units on the upper floors. The Restaurant is located on the ground floor of a mixed-use development, which consists of residential units located on the floors above the office, retail uses, and two approved food service uses on the ground floor.
2. The existing Restaurant operates under the CUP and CDP filed as PA2024-0074. On October 3, 2024, the Planning Commission approved the CUP and CDP filed as PA2024-0074, to allow the existing Restaurant and sales of alcoholic beverages pursuant to a Type 41 (On-Sale Beer & Wine - Eating Place) with hours of operation from 7:00 a.m. to 10:00 p.m., daily. Both of these applications could be considered by the Zoning Administrator pursuant to Table 5-1 of Section 20.50.020 (Authority for Land Use and Zoning Decision) and Section 21.50.020 (Authority for Decisions) of the NBMC. However, the request included a 23-space parking reduction with a parking management plan, which requires a CUP pursuant to Section 20.40.110.B (Reduction of Required Off-Street Parking) and Section 21.40.110.A (Reduction of Required Off-Street Parking) of the NBMC, and is to be considered by the Planning Commission in compliance with Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the NBMC. As a result, the Planning Commission is the designated review authority for the CUP and CDP filed as PA2024-0074 pursuant to Section 20.50.030 (Multiple Permit Applications) of the NBMC. Conditions from the

existing CUP and CDP will remain with the new MUP, and the net public areas and hours of operation will remain unchanged.

3. The Restaurant is considered a Food Service use with no late hours of operation, pursuant to Table 2-9 (Allowed Uses and Permit Requirements) in Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) of the NBMC, and is a permitted land use subject to the approval of a MUP within the MU-W2 Zoning District. While Section 20.48.030(C)(2)(a) (Alcohol Sales – Substantial Change) of the NBMC requires an amendment to an existing permit when there is a change in type of retail liquor license from the Department of ABC, a MUP is appropriate and consistent with the described NBMC sections to allow the change of ABC License from Type 41 to Type 47 for the existing Restaurant as no other operational or physical changes to the establishment are proposed.

Finding

- D. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*

Facts in Support of Finding

1. The existing 932-square-foot Restaurant consists of 306 square feet of interior net public area, a 368-square-foot outdoor dining area, kitchen facilities, indoor storage and washing areas, a restroom, and a covered trash enclosure. No physical changes are proposed.
2. The hours operation of the existing Restaurant will remain restricted to the hours between 7:00 a.m. and 10:00 p.m., daily. These hours are consistent with the business hours of other uses in the area.
3. The surrounding area contains various retail and visitor serving commercial uses, including restaurants with alcohol service. Adding full-liquor alcohol service to the existing Restaurant by upgrading to a Type 47 ABC License is compatible with the existing and permitted uses within the area.
4. The operational conditions of approval included by the NBPD relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol-related impacts. The Project has been conditioned to ensure that the business remains a restaurant and does not become a bar or tavern. Additionally, dancing or live entertainment is not permitted.
5. The existing common enclosed trash storage area on-site is adequate to accommodate the existing Restaurant, is conveniently located where materials can be deposited and collected, and does not impede the availability of on-site parking.

Finding

- E. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

Facts in Support of Finding

1. The existing Restaurant provides adequate public and emergency vehicle access, public services, and utilities.
2. The site is accessible from both Newport Boulevard to the west and 22nd Street to the south.
3. The Traffic Engineer and Fire Safety Services staff have reviewed and determined that the on-site circulation and access to the mixed-use development to accommodate the Restaurant will continue to function safely and will not prevent emergency vehicle access.

Finding

- F. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, or endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, and safety, or general welfare of persons residing or working in the neighborhood of the proposed use.*

Facts in Support of Finding

1. The existing Restaurant with proposed Type 47 ABC License has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The limited hours reduce impacts to surrounding land uses and sufficient parking is available for the existing Restaurant. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the subject property and adjacent properties during business hours, if directly related to the patrons of the establishment.
2. The outdoor dining patio has been conditioned to provide stanchion and rope barriers to define the alcohol service area.
3. The Food Service, eating and drinking establishment serves the surrounding community in a commercial area designed for such uses. The additional service of alcohol is provided as a public convenience and is not uncommon in establishments of this type. Additionally, the service of an expanded alcohol will provide an economic opportunity for the property owner to maintain a successful business that is compatible with the surrounding community.

4. All owners, managers, and employees selling or serving alcohol are required to complete a Responsible Beverage Service Certification Program, pursuant to Condition of Approval No. 8.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act 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.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. PA2025-0076, subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference. The existing Conditional Use Permit and Coastal Development Permit filed as PA2024-0074 shall remain in full force and effect.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF JUNE, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL****Planning Division**

1. The applicant shall comply with all federal, state, and local laws, and all conditions of the Alcoholic Beverage License. Material violation of any of those laws or conditions in connection with the use is a violation and may be cause for revocation of the use permit.
2. This Minor Use Permit may be modified or revoked by the Zoning Administrator if it is determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
3. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.
4. *Fences, walls, or similar barriers shall serve to define the outdoor dining area, shall meet the minimum requirements required by the Alcoholic Beverage Control License, and shall not constitute a permanent all-weather enclosure. The barrier shall match the approved plan associated with the CUP and CDP filed as PA2024-0074, and shall be in-line with the existing outdoor dining area and shall not obstruct the adjacent public walkway.*
5. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
6. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of CasaDami Café including, but not limited to, Minor Conditional Use Permit (PA2025-0076). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions

outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Police Department

7. *The Alcoholic Beverage Control License shall be limited to a Type 47 (On-Sale General – Eating Place). Any substantial change in the ABC license type shall require subsequent review and potential amendment of the Use Permit.*
8. *All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training must be updated every three years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days of approval. Records of each owner's manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.*
9. *Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.*
10. *The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall at all times maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.*
11. *“VIP” passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks is prohibited (excluding charges for price-fixed meals).*
12. *Strict adherence to maximum occupancy limits is required.*
13. *The applicant shall maintain a security recording system with a 30-day retention and make those recording available to police upon request.*

CONDITIONS FROM PREVIOUS APPROVALS FOR REFERENCE

Conditional Use Permit and Coastal Development Permit Filed as (PA2024-0074)

1. The development shall be in substantial conformance with the approved site plan, floor plans, and building elevations stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. *The interior “net public area” of the café/wine bar shall not exceed 306 square feet.*
4. *The outdoor dining area shall not exceed 368 square feet.*
5. *The height of the boundary wall of the outdoor dining area shall be shown on the approved plans. Fences, walls, or similar barriers shall serve only to define the outdoor dining area and not constitute a permanent all-weather enclosure.*
6. *The existing marina shall be limited to a total of 19 boat slips and a slipway with public-accessible docks for dinghies. The boat slips shall be used as follow:*
7. *The boat slips may be leased to the general public including commercial tenants of the Property, made available to the on-site residents of which may not be subleased, and made available to the public free of charge per the applicant's discretion. This condition shall supersede Condition of Approval Nos. 16.a, 16.b and 16.c of Planning Commission Resolution Nos. 2047 and 2048.*
8. *The slipway located at the center of marina shall be available to the public free of charge at all times.*
9. *No boat slips shall be used for overnight, permanent residence.*
10. *Signage shall indicate the allowed use of the slips. The number, size and location of the signage shall be approved by the Community Development Director.*
11. All proposed signs for the Restaurant shall be in conformance with the approved Comprehensive Sign Program for the project site and provisions of Chapter 20.42 (Signs) of the Newport Beach Municipal Code.
12. Conditional Use Permit and Coastal Development Permit shall expire unless exercised within 24 months from the date of approval as specified in Sections 20.54.060 and 21.54.060 of the Newport Beach Municipal Code unless an extension is otherwise granted.
13. This Conditional Use Permit and Coastal Development Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public

health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.

14. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require an amendment to this Conditional Use Permit and Coastal Development Permit or the processing of a new Conditional Use Permit and Coastal Development Permit.
15. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
16. Before the issuance of a building permit, the applicant shall submit to the Planning Division an additional copy of the approved architectural plans for inclusion in the Conditional Use Permit and Coastal Development Permit file. The plans shall be identical to those approved by all City departments for building permit issuance. The approved copy shall include architectural sheets only and shall be reduced in size to 11 inches by 17 inches. The plans shall accurately depict the elements approved by this Conditional Use Permit and Coastal Development Permit and shall highlight the approved elements such that they are readily discernible from other elements of the plans.
17. Prior to the issuance of building permits, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
18. Prior to the issuance of building permits, Fair Share Traffic Fees shall be paid for the change from general commercial to food service (restaurant) use in accordance with Chapter 15.38 of the Newport Beach Municipal Code. The applicant shall be credited for the reduction in general commercial square footage and the remaining balance shall be charged or credited to the applicant.
19. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 and other applicable noise control requirements of the Newport Beach Municipal Code.
20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
21. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or federal holidays.

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22. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
 23. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
 24. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
 25. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7a.m. on weekdays and Saturdays and between the hours of 10p.m. and 9a.m. on Sundays and federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
 26. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.
 27. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Cade Café/Wine Bar including, but not limited to, Conditional Use Permit and Coastal Development Permit (PA2024-0074). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Fire Department

- 29. Prior to issuance of Certificate of Occupancy, the applicant shall obtain a fire department operational permit for CO2 beverage dispensing.
- 30. Fire sprinkler plans shall be submitted and reviewed by Fire Department.
- 31. Fixed suppression system for cooking operations shall be submitted and reviewed by Fire Department.

Police Department

- 32. The applicant shall comply with all federal, state, and local laws, and all conditions of the Type "41" (On-Sale Beer and Wine Alcoholic Beverage License). A material violation of any of those laws or conditions in connection with the use is a violation and may be caused the revocation of this Use Permit.
- 33. The hours of operation for the Restaurant including outdoor dining patio shall be limited between 7:00 a.m. and 10:00 p.m., seven days a week.
- 34. Food service shall be made available until closing.
- 35. There shall be no reduced priced alcoholic beverages promotions after 9p.m.
- 36. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
- 37. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
- 38. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations, and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26.
- 39. All owners, managers and employees must abide by all laws and conditions of the Alcoholic Beverage License.
- 40. No outdoor sound system, loudspeakers, or paging system shall be permitted in conjunction with this establishment.

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41. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
 42. There shall be no live entertainment or dancing allowed on the premises.
 43. All doors and windows of the facility shall remain closed after 10:00 p.m. except for the ingress and egress of patrons and employees.
 44. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
 45. Petitioner shall not share any profits or pay any percentage or commission to a promoter, or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
 46. Any event or activity staged by an outside promoter or entity, where the applicant, operator, owner or his employees or representatives share in any profits or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.
 47. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
 48. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training program must be updated every three years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

Building Division

49. The applicant shall be required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department shall be required before the issuance of a building permit.

Public Works Department

- 50. The requirements and recommendations of the Parking Management Plan prepared by RK Engineering (dated September 5, 2024) shall be implemented.
- 51. Loading, unloading and deliveries for the entire development shall occur on site at all times. Loading, unloading and deliveries within the public right-of-way shall be prohibited.
- 52. In the event issues/problems arise with the approved Parking Management Plan (i.e., parking queue within the public right-of-way), the applicant shall modify the Parking Management Plan to the satisfaction of the City Traffic Engineer and the Community Development Director. Implementation of the Parking Management Plan shall occur immediately upon approval and direction of the City.
- 53. The valet operation shall be implemented per the Parking Management Plan when the parking structure occupancy reaches 90%.