



CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

FROM: Jaime Murillo, Acting Community Development Director

SUBJECT: Report of actions taken by the Zoning Administrator and/or Community Development Director for the week ending September 12, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS SEPTEMBER 11, 2025

Item 1: Rodriquez Residence Coastal Development Permit (PA2025-0071)
Site Address: 427 Harbor Island Drive

Action: Approved by Resolution No. ZA2025-055	Council District	5
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Item 2: Sundays Coffee and Co. Minor Use Permit (PA2025-0115)
Site Address: 408 31st Street

Action: Approved by Resolution No. ZA2025-056	Council District	1
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Item 3: Annual Review of Pacific View Memorial Park Development Agreement (PA2025-0096)
Site Address: 3500 Pacific View Drive

Action: The Zoning Administrator received and filed the annual report and found that Pacific View Memorial Park is in good faith compliance with the terms of the Development Agreement.	Council District	7
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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.

RESOLUTION NO. ZA2025-055

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 THREE-STORY, SINGLE-UNIT DWELLING AND ATTACHED GARAGE LOCATED AT 427 HARBOR ISLAND DRIVE (PA2025-0071)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brandon Architects, with respect to property located at 427 Harbor Island Drive, and legally described as Lot 5 of Tract 3283, requesting approval of a coastal development permit (CDP).
2. A request for a CDP to allow the demolition of an existing single-unit dwelling and construction of a new three-story 6,584-square-foot, single-unit dwelling with an attached 760-square-foot three-car garage. The project includes reinforcement and raising of the existing bulkhead. Additionally, the project includes landscape, hardscape, and drainage facilities. The project complies with all applicable development standards and no deviations are requested. All improvements authorized by this CDP will be located on private property.
3. The subject property is designated RS-D (Single Unit Residential Detached) by the General Plan Land Use Element and is located within the R-1 (Single-Unit Residential) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan category is RSD-A (Single Unit Residential Detached) (0.0-5.9 DU/AC) and it is located within the R-1 (Single-Unit Residential) Coastal Zoning District.
5. A public hearing was held on September 11, 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, Article 19 of 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. The Class 3 exemption includes the demolition and construction of limited numbers of new, small structures, including one single-family residence. The project consists of the

demolition of an existing single-unit dwelling and construction of a new three-story 6,584-square-foot, single-unit dwelling with an attached 760-square-foot 3-car garage.

3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The project location 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 proposed development complies with applicable residential development standards including, but not limited to, floor area limitation, setbacks, height, and parking.
 - a. The maximum floor area limitation is 10,506 square feet and the proposed floor area is 7,344 square feet.
 - b. The proposed development provides the minimum required setbacks, which are 10 feet along the front property line adjacent to Harbor Island Drive, 20 feet along the waterfront, and 4 feet along each side property line.
 - c. The highest guardrail is 24 feet from the established grade and the highest ridge is no more than 29 feet from the established grade, which complies with the maximum height requirements.
 - 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 more than 4,000 square feet of habitable floor area.
2. The neighborhood is predominantly developed with two-story, single-unit dwellings with scattered one- and three-story single-unit dwellings. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development.
3. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by PMA Consulting, Inc. dated March 4, 2025, for the project. The maximum bay water elevation is 7.7 feet North American Vertical Datum of 1988 (NAVD 88) and may exceed the current top of bulkhead elevation of 9.22 feet NAVD 88 during high tide or storm events.

The report analyzes future sea level rise scenarios assuming a 3.2-foot increase in the maximum water level over the next 75 years (i.e., the life of the structure). Therefore, the sea level is estimated to reach approximately 10.9 feet NAVD 88 (the likely range for sea level rise over the 75-year design life of the structure based on low-risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update).

4. On March 23, 2021, the City Council approved updated Waterfront Project Design Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities. The guidelines require that any structure permitted within the years 2021 through 2025 must have a minimum bulkhead elevation of 10.9 feet (NAVD 88) with a design for adaptability elevation of 14.4 feet NAVD 88. The project has been conditioned to raise the bulkhead to an elevation of 10.9 feet NAVD 88. PMA Consulting, Inc. has confirmed the bulkhead can be raised up to 14.4 feet NAVD 88 if needed and in compliance with the updated guidelines.
5. Once the existing bulkhead is reinforced and raised per the report's recommendations, flooding, wave run-up, and erosion will not significantly impact this property over the proposed 75-year economic life of the development. Flood shields (sandbags and other barriers) can be deployed across the openings to protect and prevent flooding to the structure. The finished floor elevation of the proposed single-unit dwelling is 9.35 feet NAVD 88, which complies with the minimum 9.00-foot NAVD 88 elevation standard. The report concludes that the proposed project will be safe from flooding hazards for the next 75 years with the reinforced and raised bulkhead. Therefore, the project has been conditioned to raise the bulkhead up to 10.9 feet NAVD 88.
6. Under NBMC Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection), the property owner will be required to agree with the City waiving any potential right to protection to address situations in the future in which the development is threatened with damage or destruction by coastal hazards (e.g., waves, erosion, and sea level rise). The Waiver of Future Protection is included as a condition of approval that will need to be satisfied before the final building inspection.
7. The property owner will also be required to acknowledge any hazards present at the site and unconditionally waive any claim to damage or liability against the decision authority, consistent with NBMC Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards). The Acknowledgement of Coastal Hazards is included as a condition of approval that will need to be satisfied before the issuance of building permits.
8. The property is in an area known for the potential of seismic activity and liquefaction. All projects are required to comply with the California Building Code (CBC) and Building Division standards and policies. Geotechnical investigations specifically addressing liquefaction are required to be reviewed and approved before the issuance of building permits. Permit issuance is also contingent on the inclusion of design mitigation identified in the investigations. Construction plans are reviewed for compliance with approved investigations and CBC before building permit issuance.

9. The property is adjacent to coastal waters. Under Section 21.35.030 (Construction Pollution Prevention Plan) of the Municipal Code, a Construction Pollution Prevention Plan (CPPP) is required 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. A CPPP has been provided, and construction plans and activities will be required to adhere to the CPPP.
10. Under Municipal Code Section 21.35.050 (Water Quality and Hydrology Plan), 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/WQMP) is required. A WQHP/WQMP has been prepared for the project by Forkert Engineering & Surveying, Inc. dated April 3, 2025. The WQHP/WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, the use of a LID approach to retain the design storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs.
11. Proposed landscaping complies with Implementation Plan Section 21.30.075 (Landscaping). 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 that invasive species are not planted.
12. The project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the Coastal Land Use Plan. The nearest coastal viewpoint is located approximately 250 feet East of the project site along a sidewalk area with view decks and steps, which overlooks Promontory Bay along Bayside Drive. The project is not visible from this public viewpoint due to existing landscaping and residential structures located adjacent to the viewpoint. Similarly, the nearest coastal view road segment is located along Bayside Drive, which is not adjacent to the property. These areas offer localized, limited views of the harbor and several dwellings. Views are oriented to the bay and properties along the southeast side of the street, where the row of residences impedes visibility to the subject property. The proposed single-family residence complies with all applicable Local Coastal Program (LCP) development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Additionally, the project does not contain any unique features that could degrade the visual quality of the coastal zone.
13. The proposed three-story design is consistent with the existing neighborhood pattern of development containing one-, two-, and some scattered three-story dwellings, and will not affect the existing, limited views afforded from Bayside Drive. The project will replace an existing single-unit dwelling with a new single-dwelling unit that complies with all applicable development standards, including the third-floor setbacks. Notably the project exceeds the minimum required 15-foot third floor setbacks along the bay and street property lines (as measured from the setback lines). The third floor is designed to provide a setback of approximately 34 feet from the front setback line along the street and 28 feet from the front setback line along the bay. In addition, there is a two-foot third floor setback from the side setback line from the north property line and approximately a 36-foot third floor setback from the side setback line to the south property line where the requirement is a 2 -foot third floor setback from

the side setback line. The project presents the opportunity to enhance views by updating an older structure with a new building with an updated design. All structures within the front setback areas along the bay and street would be limited to 42 inches in height, ensuring that the bay and street does not appear to be walled off. The front of the proposed residence, which is visible from the bay and the rear of the proposed residence which is visible from the street, contain substantial architectural treatment and visual interest, in keeping with the design guidelines of the Zoning Code. The new structure would comply with the required setbacks, including modulation of volume with architectural articulation and on the bay and Harbor Island Drive side. Therefore, the project does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts on existing public views.

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.*

Facts in Support of Finding:

1. The project site is located between the nearest public road and the sea or shoreline. Implementation Plan Section 21.30A.040 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 standard R-1 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. While Bayside Drive is the first public road paralleling the sea and the project site is located between Bayside Drive and the Harbor, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities. The nearest lateral access is located less than 200 feet east of the property near the intersection of Harbor Island Drive and Bayside Drive. Harbor Island Drive does not contain an outlet. Public access points with lateral access are also provided to the south parallel to Beacon Bay, where there is a public beach along the Bay. The project would not impact 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 and the exceptions do not apply.

2. The Zoning Administrator of the City of Newport Beach hereby approves Coastal Development Permit (PA2025-0071), 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 11TH DAY OF SEPTEMBER 2025.



Benjamin M. Zdeba, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**Planning Division

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 final building permit inspection, an agreement in a form approved by the City Attorney between the property owner and the City shall be executed and recorded waiving rights to the construction of future shoreline protection devices to address the threat of damage or destruction from waves, erosion, storm conditions, landslides, seismic activity, bluff retreat, sea level rise, or other natural hazards that may affect the property, or development of the property, today or in the future. The agreement shall be binding against the property owners and successors and assigns.*
3. *Prior to the issuance of a building permit, the property owner shall submit a notarized signed letter acknowledging all hazards present at the site, assuming the risk of injury or damage from such hazards, unconditionally waiving any claims of damage against the City from such hazards, and to indemnify 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 the development. This letter shall be scanned into the plan set before building permit issuance.*
4. 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.
5. This Coastal Development Permit does not authorize any development bayward of the private property.
6. 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.

7. 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.
8. 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.
9. 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.
10. 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.
11. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
12. The project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
13. 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.
14. 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 property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.

15. *Prior to the issuance of building permits, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
16. *Prior to the issuance of building permits, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
17. *Prior to 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.*
18. *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.*
19. 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.
20. 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 Holidays.
21. 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 Newport Beach Municipal Code.
22. *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.*
23. 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.
24. This Coastal Development Permit (PA2025-0071) 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 Newport Beach Municipal Code, unless an extension is otherwise granted.
25. 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 **Rodriguez Residence, including but not limited to, Coastal Development Permit (PA2025-0071)**. 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.

Building Division

26. The building site is located in a special flood hazard area (SFHA) AE8, established in FIRM dated March 21, 2019. The top of slab to be set at one foot above the Base Flood Elevation (BFE) of 8.0 feet NAVD88. In no case shall the slab elevation be below 9.0 feet NAVD88, or, as required by Planning Department using North American Vertical Datum 1988 (NAVD88).
27. The project shall conform to the requirement for buildings and structures in SFHA AE8 and have the lowest floor elevated above the BFE plus 1 foot for a design flood elevation (DFE). (R301.2.4 and R301.2.4.1 as amended NBMC 15.05.100. See tables 2-1 & 4.1 ASCE24).
28. The project shall meet all the requirements of the SFHA AE. When the top of garage floor slab is lower than the base flood elevation (BFE), garage walls must be supported over concrete curbs with top of curb one foot above the BFE (NAVD88). See "Lowest floor" regarding restriction on garage slab not allowed below grade. NBMC 15.50.050 Definitions.
29. The project shall meet all the requirements of the SFHA AE. Exterior wood stairs shall be supported over concrete curbs with top of curb one foot above the BFE (NAVD88). All other stairs below BFE (NAVD88) must be concrete except in a VE zone.

Public Works Department

30. The Project shall reconstruct the concrete curb, gutter and sidewalk panels along the Harbor Island Drive frontage per City Standards.
31. The Project shall install a new sewer clean out on the existing sewer lateral per City Standard 406.
32. The Project shall install a new ADA compliant driveway per City Standard 163.

33. The Project shall comply with the City's sight distance requirement in City Standard 110L.
34. No encroachments are allowed within the limits of the Public Utility Easement and Public Use Easement.

Fire Prevention Division

35. A residential fire sprinkler system complying with 2022 NFPA 13D shall be required to be installed.

RESOLUTION NO. ZA2025-056

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A MINOR USE PERMIT FOR A FOR A NEW TAKE-OUTSERVICE FAST CASUAL RESTAURANT LOCATED AT 408 31ST STREET (PA2025-0115)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Joshua Stephanoff (Applicant), with respect to property located at 408 31st Street, and legally described as Lot 27, Block 331, Section 4, of the Lancasters Addition to Newport Beach (Property), requesting approval of a minor use permit.
2. The Applicant proposes to operate a new take-out service, fast casual eating and drinking establishment (Sundays Coffee & Co.) within an existing, approximately 1,200-square-foot, two-story commercial building. The Applicant proposes minor tenant improvements to convert the space from a retail clothing store into a coffee shop with a patio, coffee bar area, customer seating area, and bathroom on the upper floor and a lounge area on the ground floor. The coffee shop will have a maximum of 20 seats, inclusive of all seating areas. The proposed hours of operation are from 7 a.m. to 2 p.m. and from 5 p.m. to 10 p.m. daily, with no alcohol service proposed (Project).
3. The Property is located within the Mixed-Use Cannery Village and 15th Street (MU-CV/15TH ST) Zoning District and the General Plan Land Use Element category is Mixed-Use Horizontal (MU-H4).
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Water Horizontal (MU-H) and it is located within the Mixed-Use Cannery Village and 15th Street (MU-CV/15TH ST) Coastal Zone District. The Project does not increase the parking requirement and therefore is not considered an intensification of use that would require a coastal development permit.
5. A public hearing was held on September 11, 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) 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. The exceptions to this categorical exemption under Section 15300.2 are not applicable.

2. The Class 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The Project involves alterations to the interior floor plan of an existing commercial space with no expansion in floor area and no increase in parking demand. Therefore, the Project is a negligible intensification of use and 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 categorizes this Property as MU-H4 (Mixed-Use Horizontal). Table LU 1 (Land Use Plan Categories) of the Land Use Element specifies that the MU-H4 category is intended to establish the character of a distinct and cohesively developed district or neighborhood containing multi-family residential with clusters of mixed-use and/or commercial buildings in such locations as the interior parcels of Cannery Village and 15th Street on the Balboa Peninsula. The Project is for a coffee shop, which is a commercial use, and will serve nearby residents and complement the land uses of the surrounding community. Therefore, the Project is consistent with the MU-H4 designation.
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 in the Mixed-Use Cannery Village and 15th Street (MU-CV/15th ST) Zoning District. The Property is abutted to the rear by an approximately 14-foot-wide alley with mixed-use properties beyond. Table 2-8 (Allowed Uses and Permit Requirements) of Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) of the NBMC allows for a take-out service, fast casual eating and drinking establishment within 100 feet of residential uses, subject to the approval of a minor use permit (MUP).
2. There are three uncovered parking spaces on-site, accessed from the rear alley. The spaces are proposed to be restriped and reconfigured without a change in the number of spaces, to meet the current code requirements listed in Section 20.40.070

(Development Standards for Parking Areas) of the NBMC. The Property was developed prior to current zoning code requirements and is considered legal nonconforming for parking.

3. Section 20.38.060 (Nonconforming Parking) of the NBMC allows a change of use on sites with nonconforming parking. Section 20.38.060 specifies that an existing use 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.
4. Pursuant to Table 3-10 (Off-Street Parking Requirements) of Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC, the parking requirement for a take-out service fast casual, eating, and drinking establishment is one space required per every 250 square feet of gross floor area. As the Project does not constitute an intensification in parking demand nor does it propose any enlargement, no additional parking is required.
5. The Project will comply with zoning code standards for eating and drinking establishments, specific to the take-out service fast casual land use classification as provided in 20.48.090 (Eating and Drinking Establishments) of the NBMC. This includes a maximum of 20 seats, no alcohol service, and no late hours. Conditions of Approval No. 4, 5 and 6 regulate hours of operation, alcohol service, and number of seats. These conditions help ensure that the restaurant operates per the aforementioned characteristics.

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 can be accessed by pedestrians and cyclists from 31st Street. Direct vehicle access to the Property is provided from the alley. Street parking is also available near the main entrance fronting 31st Street.
2. 31st Street is developed with a mix of uses including residential, retail, office, and eating and drinking establishments. The Project is compatible with the mix of existing and allowed uses in the immediate area due to its similar hours of operation and being of a convenience nature located in a high-turnover, pedestrian-focused area.
3. The proposed hours of operation are from 7a.m. to 2p.m. and from 5p.m. to 10p.m., daily. Condition of Approval No. 4 limits the allowed hours of operation from 7a.m. to 10p.m., daily, which allows for flexibility and minimizes the potential for disturbances to surrounding land uses.

4. A trash enclosure is not currently provided on-site. Conditions of Approval No. 23 and 24 require the operator construct and maintain a new trash enclosure such that odors are controlled appropriately and that all waste and dumpsters are screened.

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 located on the western end of 31st Street, near the corner of Newport Boulevard and 31st Street. There is heavy vehicular traffic and pedestrian activity on Newport Boulevard. The proposed coffee shop is not anticipated to result in increased vehicular or pedestrian activity, as the restaurant is a take-out operation of a convenience nature. Many of the restaurant patrons will likely be residents, employees of nearby businesses, or visitors already parked in one of the several parking lots within this area of the Balboa Peninsula. In support of this, the Applicant provided observational counts of a similar operation, Alta Coffee, to show how many patrons arrived and which mode of travel they used. The observational counts showed that on a Monday morning from 7:30 a.m. to 11:30 a.m., 68 percent of 93 total patrons walked to the location.
2. The Newport Beach Fire Department (NBFD) has reviewed the Project to ensure adequate public and emergency vehicle access is provided. NBFD accepted the Project as proposed and provided two recommended Conditions of Approval; No. 37 regarding exit signage and No. 38 requiring that the lounge door remain unlocked while the business is operating.
3. The tenant improvement required to convert the space from a retail business to a take-out restaurant shall require a building permit and shall comply with all Building, Public Works, and Fire Codes.
4. The site is physically suitable for the proposed coffee shop, given its location, shape, and size, which previously accommodated retail use which has comparable operating characteristics such as access, parking, and circulation.

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 additional food and beverage options to the neighborhood and provide an economic opportunity for the property owner to update the tenant space. The Project includes conditions of approval to help ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. Condition of Approval No. 22 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.
2. The Applicant is required to obtain Health Department approval prior to opening for business and comply with the California Building Code (CBC) to ensure the safety and welfare of customers and employees.

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 the minor use permit filed as PA2025-0115 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 20 (Planning and Zoning) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 11TH DAY OF SEPTEMBER, 2025.

Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT “A”**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan and 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. Material violation of any of those laws in connection with the use may be cause for revocation of this Minor Use Permit.
4. *The hours of operation for the establishment shall be limited to 7 a.m. through 10 p.m., daily.*
5. *The sale, service, or consumption of alcohol shall not be permitted unless a new use permit is approved.*
6. *The maximum number of seats allowed shall be twenty (20).*
7. *No outdoor seating beyond the designated patio area shown on the approved plans is permitted without an amendment to this minor use permit or the approval of a limited term permit.*
8. *All signs shall be in conformance with the provisions of Chapter 20.42 (Sign Standards) of the NBMC.*
9. *Employees of the restaurant shall not use the alley as a break area or smoking area.*
10. *Drop-off and pick-up of employees shall be prohibited within the alley.*
11. *Three parking spaces shall be maintained on site. Parking spaces in a tandem configuration shall be prioritized for use by employees. In the event that the spaces are not occupied by employees, they may be made available for customer or public use. The Applicant shall implement appropriate signage and/or management practices to communicate and enforce this prioritization and to ensure efficient use of on-site parking.*
12. This Minor Use Permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.

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13. 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 property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
 14. *Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require subsequent review by the Planning Division and may require an amendment to this minor use permit or the processing of a new minor use permit.*
 15. 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.
 16. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if 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 may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
 17. 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.
 18. 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.
 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 7a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
 20. No outside paging system shall be utilized in conjunction with this establishment.
 21. 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.
 22. 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.

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23. *All trash shall be stored within a commercial trash bin with a solid lid kept closed at all times. The commercial trash bin(s) shall be stored within a dedicated trash enclosure on a concrete pad with three walls and a self-latching gate. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.*
 24. The Applicant shall further 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). If necessary, the frequency of refuse collection shall be increased to prevent an overflow of trash and/or recycling on-site.
 25. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10p.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. Delivery vehicles shall not park or idle in the alley adjacent to the site.
 26. Storage outside of the building shall be prohibited, with the exception of the required commercial trash enclosure.
 27. 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.
 28. 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 the leasing agent.
 29. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless 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 **Sundays Coffee & Co. including, but not limited to, the Minor Use Permit filed as PA2025-0115**. 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 City's costs, attorneys' fees, and damages 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

- 30. The Applicant is required to install a new sewer cleanout on the existing sewer lateral, per City Standard 406.
- 31. No outdoor dining shall be permitted within the public right-of-way.

Building Division

- 32. The Applicant is 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 CBC. The construction plans must meet all applicable State Disabilities Access requirements.
- 33. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
- 34. Hall widths shall comply with 11B-403.5. of the CBC.
- 35. An accessible path of travel from public right of way to the tenant space shall be required.
- 36. Interior spaces with one exit or exit access doorway shall comply with table 1006.2.1 of the CBC.

Fire Department

- 37. The Applicant is required to provide illuminated exit signage at all doors.
- 38. The lounge door shall be arranged to have no means of locking while the restaurant is open for business.