



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 October 17, 2025.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS OCTOBER 16, 2025

Item 1: Gray Residence Coastal Development Permit (PA2025-0193)
Site Address: 1245 Blue Gum Lane

Action: Approved by Resolution No. ZA2025-060	Council District	3
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Item 2: Foreman Residence Coastal Development Permit (PA2025-0089)
Site Address: 836 Via Lido Nord

Action: Approved by Resolution No. ZA2025-061	Council District	1
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Item 3: O'Brien Residence Coastal Development Permit (PA2025-0116)
Site Address: 1624 West Ocean Front

Action: Approved by Resolution No. ZA2025-062	Council District	1
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Item 4: Chaupain Bakery Minor Use Permit and Staff Approval (PA2025-0073)
Site Address: 2622 San Miguel Drive

Action: Approved by Resolution No. ZA2025-063	Council District	7
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COMMUNITY DEVELOPMENT DIRECTOR OR ZONING ADMINISTRATOR ACTIONS (Non-Hearing Items)

Item 1: The Bungalow Restaurant Temporary Outdoor Dining Tent (PA2025-0156)
Site Address: 2441 East Coast Highway

Action: Approved	Council District	6
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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. ZA2025-060

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING COASTAL DEVELOPMENT PERMIT TO CONSTRUCT A SINGLE-STORY ADDITION TO AN EXISTING SINGLE-UNIT RESIDENCE WITH AN ATTACHED 2-CAR GARAGE LOCATED AT 1245 BLUE GUM LANE (PA2025-0193)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Danielle Duryea and Kaveh Arbab (Applicant), concerning property located at 1245 Blue Gum Lane and legally described as Lot 3 of Tract No. 9620 (Property), requesting approval of a coastal development permit (CDP).
2. The Applicant requests a CDP for the construction of a 668-square-foot first-floor addition to an existing 2,582-square-foot single-unit residence with an attached 476-square-foot two-car garage. 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 (Project).
3. The Property is categorized as Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located in the Westcliff Grove Planned Community (PC22) Zoning District.
4. The Property is located in the coastal zone. The Coastal Land Use Plan category is Single Unit Residential Detached – (0.0 – 5.9 DU/AC) (RSD-A) and it is located within the Westcliff Grove Planned Community (PC22) Coastal Zoning District. Since the Property is located between the sea and first public road paralleling the sea and the project includes an increase of floor area that exceeds 10% of the existing floor area, a CDP is required.
5. A public hearing was held on October 16, 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 15301, Division 6, Chapter 1, Guidelines for Implementation of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) because it has no potential to have a significant effect on the environment.
2. Class 1 exempts repair, maintenance, and minor alterations of existing public or private structures, including additions to existing structures. The Project consists of a 668 square-foot addition on the first floor to an existing single-story, single-unit residence.

SECTION 3. REQUIRED FINDINGS.

By Section 21.52.015 (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.*

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 lot coverage is 60% (5,048 square feet of the 8,413-square-foot lot) and the proposed lot coverage is 55% (4,605 square feet), which includes roof overhangs and eaves.
 - b. The Project complies with the minimum required setbacks, which are 20 feet along the front property line abutting Blue Gum Lane, 5 feet along each side property line, and 10 feet along the rear property line.
 - c. The PC22 development standards require single-unit residences to provide a two-car garage. The Project is compliant with the minimum two-car garage parking requirement.
2. The neighborhood is predominantly developed with one and two-story, single-unit residences. The proposed design, bulk, and scale of the Project are consistent with the existing neighborhood pattern of development.
3. The Project is located on an inland property in a developed area approximately 1,544 feet from the Upper Newport Bay. The Property is separated from the bay by several rows of residences and streets such as Cape Andover and Castaways North. The finished floor elevation of the first floor of the proposed structure is 85.53 feet based on the North American Vertical Datum of 1988 (NAVD88), which complies with the minimum 9.0-foot NAVD88 elevation standard for new structures. The identified distances from the coastal hazard areas coupled with the 85.53 NAVD 88 finish floor elevation will help to ensure the Project is reasonably safe for the economic life of the structure.
4. The Property is not located on the shoreline, nor is it located within 100 feet of coastal waters. The Project design 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.

5. The Project does not include any proposed landscaping; therefore, the Project complies with Newport Beach Municipal Code (NBMC) Section 21.30.075 (Landscaping).
6. The Property 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 Westcliff Park, which sits approximately 1800 feet southwest of the Property. In addition, there are several coastal viewpoints on the pedestrian/bike trail that is adjacent to Newport Back Bay and is accessible through Blue Gum Lane, Grove Lane, and Santiago Drive. Several other coastal viewpoints are also available through Castaways Park, which is approximately 1,680 feet southwest of the Property. The surrounding viewpoints throughout the pedestrian/bike trail, Westcliff Park, or Castaways Park are not visible from the site. 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. Therefore, the Project 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. Implementation Plan Section 21.30A.040 requires that the provision of public access bears a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project is a 668-square-foot addition to an existing single-unit residence located in PC22. 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. Vertical access to the bay is available adjacent to the site off Blue Gum Lane, Grove Lane, and Santiago Drive, where each street provides public access to an existing pedestrian/bike trail along the bluff. Lateral access is available on the same trail which is also accessible using Castaways Park. The Project does not include any features that would obstruct access along these routes.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. 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 1 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 Coastal Development Permit No. PA2025-0193, 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 16TH DAY OF OCTOBER, 2025.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

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. 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.
3. 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.
4. 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.
5. Debris from demolition shall be removed from work areas each day and removed from the Property 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.
6. 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.

7. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
8. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
9. 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.
10. 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.
11. *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.*
12. *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.*
13. 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.
14. 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, and 8:00 a.m. and 6:00 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays, or Holidays.
15. 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.
16. 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.
17. This Coastal Development Permit No. PA2025-0193 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.

18. 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 **Gray Residence including but not limited to, Coastal Development Permit No. PA2025-0193**. 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.

RESOLUTION NO. ZA2025-061

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 AND ATTACHED TWO CAR GARAGE LOCATED AT 836 VIA LIDO NORD (PA2025-0089)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Gavin Frieauf of Brandon Architects (Applicant) on behalf of Anne Foreman (Owner) with respect to property located at 836 Via Lido Nord, and legally described as Lot 340 of Tract 907, requesting approval of a coastal development permit.
2. The Applicant requests a coastal development permit (CDP) to allow the demolition of an existing 4,418 square-foot, two-story, single-unit dwelling and the construction of a new 3,886 square-foot, two-story, single-unit dwelling with an attached 513 square-foot, attached, two-car garage. The project includes landscape, hardscape, drainage, and accessory structures. The project also includes reinforcing the existing bulkhead with adaptability for future sea level rise. The project complies with all development standards and no deviations are requested. All improvements authorized by this CDP will be located on private property.
3. The subject property is categorized Single Unit Residential Detached (RS-D) by the General Plan Land Use Element and is located within the Single-Unit Residential (R-1) Zoning District.
4. The subject property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Single Unit Residential Detached (RSD-C) - (10.0 – 19.9 DU/AC) and it is located within the Single-Unit Residential (R-1) Coastal Zoning District.
5. A public hearing was held on October 16, 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 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 modifications are made to 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 an existing 4,418 square-foot, two-story, single-unit dwelling and the construction of a new 3,886 square-foot, two-story, single-unit dwelling and an attached 513 square-foot two-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.

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 5,176 square feet and the proposed floor area is 4,202 square feet including the attached 513 square-foot garage.
 - b. The Project provides the minimum required setbacks, which are four feet from the front property line adjacent to the street, three feet from each side's property line, and 10 feet from the second front property line abutting the Bay.
 - c. The highest guardrail is less than 24 feet from established grade (26.81 feet per the North American Vertical Datum of 1988 (NAVD 88) and the highest ridge is no more than 29 feet from established grade, which complies with the maximum height requirements.
 - d. The Project provides a two-car garage, meeting the minimum two-car garage requirement for a single-family residence with less than 4,000 square feet of habitable floor area.

- e. The proposed lowest finished floor elevation of the new residence is 12.54 feet NAVD 88, which complies with the minimum 9.0-foot top of slab elevation requirement for interior living areas of new structures.
2. The neighborhood is predominantly developed with two-story single-unit dwellings. The proposed design, bulk, and scale of the development is consistent with the existing neighborhood pattern of development.
3. The development fronts the bay and is protected by a bulkhead. A bulkhead conditions report was prepared by PMA Consulting, Inc. dated April 28, 2025. The report concluded that the bulkhead is in generally good condition with minor cracks, but no noticeable evidence of distress. The conditions report asserts that the bulkhead is required to protect the principal structure and with the proposed maintenance of the bulkhead, it is reasonable to assume that the bulkhead will last another 75 years.
4. A Coastal Hazards Report and Sea Level Rise Analysis was prepared for the Project by PMA Consulting, Inc. dated April 28, 2025. The current maximum bay water elevation is 7.7 feet NAVD 88 and may exceed the existing top of bulkhead elevation of 12.09 feet during high tide or storm events. The report analyzes future sea level rise scenarios assuming an increase in the maximum water level over the next 75 years (i.e., the life of the structure) of about 3.20 feet, resulting in a projected water elevation of 10.9 feet NAVD 88. However, based on the latest adopted Sea Level Rise Guidance: 2024 Update provided by the State of California, the sea level is estimated to reach approximately 12.6 feet NAVD 88 (the likely range for sea level rise over 75-year design life of the structure based on intermediate-high risk aversion estimates). The existing bulkhead shall be maintained to ensure that flooding, wave runup, and erosion will not significantly impact this property over the proposed 75-year economic life of the development. Additionally, the bulkhead shall be constructed to be adaptable to an elevation of 14.4 feet NAVD 88 to protect the Project as necessary.
5. 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 bulkhead 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 proposes to remove and replace the concrete deck on top of the bulkhead to be rebuilt at 12.09 NAVD 88 with a design for adaptability elevation of 14.4 NAVD 88 in compliance with the City of Newport Beach waterfront Project Design Guidelines and Standards.
6. The finish floor elevation of the proposed single-unit dwelling is at a minimum elevation of 12.54 feet NAVD 88, which complies with the minimum 9.0-foot NAVD 88 elevation standard.
7. 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 prior to the issuance of a building permit. 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 prior to building permit issuance.

8. Pursuant to NBMC Section 21.30.030(C)(3)(i)(iv) - (Natural Landform and Shoreline Protection), the Owner will be required to enter into an agreement 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 recorded prior to a final building inspection.
9. 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) – (Waterfront Development - Development Standards). The Acknowledgement of Coastal Hazards is included as a condition of approval that will need to be recorded prior to the issuance of building permits.
10. The property is located adjacent to coastal waters. Pursuant to Section 21.35.030 (Construction Pollution Prevention Plan) of the NBMC, 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.
11. Pursuant to NBMC 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 preliminary Water Quality Management Plan (WQMP) is required. The preliminary WQMP was prepared by Toal Engineering, Inc. dated April 11, 2025. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for BMPs, use of an LID approach to retain the design storm runoff volume on site, and documentation of the expected effectiveness of the proposed BMPs. Construction plans will be reviewed for compliance with the approved WQHP prior to building permit issuance.
12. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. Condition of approval no. 9 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.
13. The project site is not located adjacent to a coastal view road, public access way, or Coastal Viewpoint as identified in the CLUP. The nearest coastal viewpoint is from Castaways Park, approximately 2,900 feet northeast of the property. Similarly, the nearest coastal view road segments are located along West Coast Highway. These areas offer views of the bay with the Pacific Ocean beyond. Properties along the northern side of Lido Isle are within the general viewshed of these areas.
14. The Project will replace an existing single-unit dwelling with a new single-dwelling unit that complies with all applicable development standards and is consistent with the existing neighborhood pattern of development. The Project presents the opportunity to enhance

views by updating a structure built in 2001 with a new building and updated design. Glass elements and masonry proposed for the front and rear elevations indicate a high-quality design. The Property fronts the bay and can be viewed from the water. All structures within the front setback area along the bay are limited to 42 inches in height, ensuring that the bay does not appear to be walled off. The Project will not affect existing views afforded from the identified viewing areas and does not have the potential to degrade the visual quality of the coastal zone or result in significant adverse impacts to 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. 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, the project's impact, and be proportional to the impact. In this case, the project includes the demolition of a single-unit dwelling and the reconstruction of a single-unit dwelling on an R-1 zoned lot. Therefore, the project does not involve a change in land use, density or intensity that will result in increased demand on 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. Coastal access is currently provided and will continue to be provided by Lido Isle Community Association parks around the outer perimeter of Lido Island. The parks grant pedestrians bay views. The nearest coastal access is less than 230 feet west of the property, via the Lido Isle Community Association Park at the street end of Via Waziers. The project would not impact coastal access opportunities.
3. While Via Lido Nord is the first public road paralleling the sea and the project site is located between Via Lido Nord and the bay, the project will not affect the public's ability to gain access to, use, and/or view the coast and nearby recreational facilities.

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 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 (PA2025-0089), 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 16TH DAY OF OCTOBER, 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, 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 a 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 a final building permit inspection, the existing seawall shall be reinforced and capped to 12.09 feet (NAVD88) and capable to be raised up to 14.4 feet (NAVD88), in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities.*
4. *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 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 development. The letter shall be scanned into the plan set prior to building permit issuance.*
5. *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.*
6. *Prior to the issuance of a building permit, the applicant shall submit a final construction erosion control plan. The plan shall be subject to the review and approval by the Building Division.*
7. *Prior to the issuance of a building permit, the applicant shall submit a final drainage and grading plan. The plan shall be subject to the review and approval by the Building Division.*
8. *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.*

9. *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.*
10. *Prior to issuance of a building permit, the final WQHP/WQMP shall be reviewed and approved by the Building Division. Implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
11. This approval does not authorize any new or existing improvements (including landscaping) on California Coastal Permit Jurisdiction, State tidelands, public beaches, or the public right-of-way. Any improvements located on tidelands, submerged lands, and/or lands that may be subject to the public trust shall require a coastal development permit (CDP) approved by the California Coastal Commission (CCC). Before the issuance of building permits, the applicant shall provide a copy of said CDP or CDP waiver or documentation from the CCC that subject improvements are not subject to the permit requirements of the Coastal Act and/or not located within the permit jurisdiction of the CCC.
12. No demolition or construction materials, equipment debris, or waste, shall be placed or stored in a location that would enter sensitive habitat, receiving waters, or a storm drain 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.
13. This coastal development permit does not authorize any development seaward of the private property.
14. 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 pursuant to 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 (1) or two (2) short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.

15. 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.
16. 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.
17. 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. Stock-piles 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.
18. Trash and debris shall be disposed in proper trash and recycling receptacles at the end of each construction day. Solid waste, including excess concrete, shall be disposed in adequate disposal facilities at a legal disposal site or recycled at a recycling facility.
19. Revisions to the approved plans may require an amendment to this coastal development permit or the processing of a new coastal development permit.
20. The project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
21. 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 Coastal Development Permit.
22. 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 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.
23. All landscape materials and irrigation systems shall be maintained in accordance with 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.
24. Construction activities shall comply with Section 10.28.040 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.

25. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control) of the NBMC and other applicable noise control requirements of the NBMC.
26. 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.
27. 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.
28. 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 **Foreman Residence including, but not limited to, Coastal Development Permit (PA2025-0089)**. 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.

Fire Department

29. The proposed single-unit dwelling shall be equipped with an automatic fire sprinkler system per Fire Department requirements.
30. At least one unobstructed walkway with a minimum 36-inch width shall be provided from the front to the back of the property for emergency access.

Building Division

31. In no case shall the top of slab elevation be below 9.0 feet NAVD88.
32. The bottom of flood vent openings must be within 1 ft. of the adjacent exterior grade.
33. The top of flood vent openings shall be below the Design Flood Elevation.
34. All exterior wood stairs shall be supported over concrete curbs with a top of curb one foot above the Base Flood Elevation.

Public Works

35. No encroachments shall be permitted within the four-foot-wide utility easement, including but not limited to foundations and roof overhangs.

RESOLUTION NO. ZA2025-062

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING DUPLEX AND CONSTRUCT A NEW THREE-STORY SINGLE-UNIT DWELLING WITH AN ATTACHED ACCESSORY DWELLING UNIT AND ATTACHED TWO-CAR GARAGE LOCATED AT 1624 WEST OCEAN FRONT (PA2025-0116)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by John Walz (Applicant), concerning property located at 1624 West Ocean Front and legally described as Lot 12 of Block 16 of Section B Newport Beach Tract (Property), requesting approval of a coastal development permit (CDP).
2. The Applicant requests a CDP to demolish an existing 3,049-square-foot duplex and construct a new three-story 2,738-square-foot single-unit dwelling with a 485-square-foot garage and an attached 928-square-foot accessory dwelling unit (ADU). 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. All improvements authorized by the CDP are within private property (Project).
3. The Property is designated Two Unit Residential (RT) by the General Plan Land Use Element 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 (CLUP) category is Two Unit Residential (RT-D) and it is located within the Two-Unit Residential (R-2) Coastal Zoning District.
5. A public hearing was held on October 16, 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

modifications 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 an existing duplex and the construction of a new 2,738-square-foot single-unit dwelling with a 485-square-foot two-car garage and an attached 928-square-foot ADU.

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 (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 floor area limitation is 4,488 square feet and the proposed floor area is 4,151 square feet.
 - b. The Project provides the minimum required setbacks, which are 12 feet from the property line along West Ocean Front and three feet from each side property line. There is no setback from the rear property line along the alley.
 - c. The highest flat roof element does not exceed the maximum 24 feet from the established grade, which is 11.46 feet per the North American Vertical Datum of 1988 (NAVD 88) and the highest sloping roof does not exceed 29 feet from the established grade, which complies with the maximum height requirements.
 - d. The Project includes garage parking for a total of two vehicles, complying with the minimum two-car garage parking requirement for single-unit dwellings with less than 4,000 square feet of habitable floor area. Pursuant to subsection 20.48.200.F.8(d)(ii) and 21.48.200.F.8(d)(ii) of the NBMC, a walking route was included into the project's plan set to demonstrate that additional parking for the ADU is not required if the Property is half a mile away from nearest major transit stop. Staff confirmed that the property is indeed within the half-mile distance.

2. A Coastal Hazards Report and Sea Level Rise Analysis was prepared by Skelly Engineering, dated April 14, 2025, for the Project. The report utilizes the latest adopted Sea Level Rise Guidance: 2024 Update provided by the State of California and concludes that the Project is reasonably safe from shoreline erosion due to the lack of waves or wakes that can erode sand from the beach. The report also concludes that the Project will be reasonably safe from future sea level rise, assuming an increase from 1.3 feet (likely scenario) to 4.5 feet (unlikely scenario) which accounts for future extreme ocean water level in the range of 9.0 feet NAVD 88 to 12.2 feet NAVD 88. The finished floor elevation of the first floor of the proposed structure is 12.17 feet NAVD 88, which complies with the minimum 9.0-foot NAVD 88 elevation standard for new structures and is above the “likely” maximum future ocean water elevation. Overall, the report concludes that the Project will not be affected by the projected 75-year sea level rise due to its distance from the shoreline.
3. 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.
4. The Property is located 470 feet from the Mean High-Water Line of the ocean. A Construction Pollution Prevention Plan (CPPP) 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.
5. 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) is required. A preliminary WQHP has been prepared for the Project by Total Engineering, Inc. dated, December 4, 2023. The WQHP 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 WQHP shall be reviewed and approved by the Building Division during plan check.
6. 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.
7. The Project is not located near Coastal Viewpoint or Coastal View Road as identified in the Coastal Land Use Plan (CLUP). The nearest coastal viewpoint is Veterans Memorial

Park, approximately 600 feet northeast of the Property. This viewpoint is not visible from the Property. Therefore, the Project would not obscure views from these public areas.

8. As a beachfront property, the front elevation will be visible from the beach. While the Property only requires a nine-foot front setback, the Project provides a setback of approximately 12 feet. This enlarged setback area helps enhance the visual quality of the coast as viewed through the 17th Street street-end from West Balboa Boulevard, as well as from the West Ocean Front Boardwalk and beach beyond. The Project also complies with all applicable LCP development standards, including all third-floor standards of the NBMC which limits the size and location of the third floor. Therefore, the Project is not anticipated to 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 bears 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 duplex located on a standard R-2 lot with a new single-unit dwelling and attached accessory dwelling unit. 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 located near a Public Beach Access point as identified in the CLUP. Vertical access to the beach is available at the 16th and 17th Street end from West Balboa Boulevard. The Property is located adjacent to the West Ocean Front boardwalk, which serves as lateral access and provides a path along the beach for pedestrian and bicycle use. The Project does not include any features that would obstruct access along these routes.
3. The Property provides vehicular access from 16th and 17th Street as well as West Ocean Front Alley, which is not proposed to change with the Project.

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 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 No. PA2025-0116 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 16TH DAY OF OCTOBER, 2025.



Benjamin M. Zdeba, 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 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 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. *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.*
5. *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.*
6. *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.*
7. *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.*
8. *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.

9. *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.*
10. This approval does not authorize any new or existing improvements (including landscaping) on California Coastal Permit Jurisdiction, State tidelands, public beaches, or the public right-of-way. Any improvements located on tidelands, submerged lands, and/or lands that may be subject to the public trust shall require a coastal development permit (CDP) approved by the California Coastal Commission (CCC). Before the issuance of building permits, the applicant shall provide a copy of said CDP or CDP waiver or documentation from the CCC that subject improvements are not subject to the permit requirements of the Coastal Act and/or not located within the permit jurisdiction of the CCC.
11. 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.
12. This Coastal Development Permit does not authorize any development seaward of the private property.
13. 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.

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14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. Revisions to the approved plans may require an amendment to this Coastal Development Permit or the processing of a new coastal development permit.
 19. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
 20. 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.
 21. 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.
 22. 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.
 23. 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.

24. 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.
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 the current property owner or agent.
26. 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.
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 the City's approval of **O'Brien Residence including but not limited to, Coastal Development Permit (PA2025-0116)** 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.

Fire Division

28. A residential fire sprinkler system complying with 2022 NFPA13D shall be required.
29. A minimum 36-inch unobstructed walk path from the front to the rear of the Property shall be required for emergency access.

Public Works Division

30. The existing wall and pilasters within the West Ocean Front right of way shall be removed, and a sidewalk installation to match the existing Ocean Front walkway shall be required.
31. A new sewer clean out on the existing sewer lateral per City Standard 406 shall be required.
32. No encroachments within the alley right of way, including foundation, shall be permitted.

RESOLUTION NO. ZA2025-063

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, SUPERSEDING USE PERMIT NO. UP2001-002 AND APPROVING A MINOR USE PERMIT AND STAFF APPROVAL TO ADD A TYPE 41 (ON-SALE BEER AND WINE – EATING PLACE) ALCOHOL BEVERAGE CONTROL (ABC) LICENSE AND WAIVE A PORTION OF THE REQUIRED OFF-STREET PARKING FOR AN EXISTING EATING AND DRINKING ESTABLISHMENT LOCATED AT 2622 SAN MIGUEL DRIVE (PA2025-0073)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kevin Hufford (Applicant) on behalf of Irvine Company (Owner) concerning the property located at 2622 San Miguel Drive and legally described as Parcel 1 as shown on a map recorded in Book 119, Page 49 of Parcel Maps in the office of the Orange County Recorder (Property).
2. The Applicant requests a minor use permit (MUP) to allow an existing eating and drinking establishment (Restaurant) within the Newport Hills Shopping Center to add a Type 41 (On-Sale Beer and Wine – Eating Place) California Department of Alcohol Beverage Control (ABC) License. The Restaurant's hours of operation will be reduced from between 6:00 a.m. and 12:00 a.m. to between 6:00 a.m. and 9:00 p.m., daily, thereby eliminating late-hour operations (i.e., after 11:00 p.m.). There are no physical alterations to the Restaurant proposed. A Staff Approval is also required to waive 33 parking spaces, 9.4% of the total parking requirement for the entire shopping center, to reauthorize the restaurant and account for the gradual loss of parking spaces over time due to Americans with Disabilities Act upgrades (Project). Approval of this Project will supersede Use Permit No. UP2001-002.
3. The Property is categorized as Neighborhood Commercial (CN) by the General Plan Land Use Element and is located within the Commercial District of the Harbor View Hills (PC 3) Planned Community.
4. On April 5, 2001, the Planning Commission approved Use Permit No. UP2001-002 (UP2001-002) for a restaurant to operate late hours but without allowance for the sale of alcohol. Section VIII(A) (Commercial Area 14 – Permitted Uses) of PC 3 indicates that restaurants shall be allowed within the commercial district as specified within Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC). Table 2-5 (Allowed Uses and Permit Requirements) of Section 20.20.020 (Commercial Zoning District and Land Uses and Permit Requirements) of the NBMC specifies that restaurants with alcohol sales and without late hour operations are allowed in all commercial zoning districts subject to the approval of a MUP. As the Project will

eliminate late hour operations, it is eligible for consideration by the Zoning Administrator and consideration by the Planning Commission is not required.

5. Section 20.40.110(D) (Adjustments to Off-Street Parking Requirements) of the NBMC allows the Community Development Director to reduce the number of required parking spaces by a maximum of 20%. However, Section 20.50.30 (Multiple Permit Applications) of the NBMC requires that multiple applications for the same project be processed concurrently and be reviewed and approved, modified or denied by the highest review authority, which in this case is the Zoning Administrator.
6. The Property is not located within the coastal zone.
7. A public hearing was held on October 16, 2025, online via zoom. A notice of the time, place, and purpose of the hearing was given in accordance with Chapter 20.62 (Public Hearings) of 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 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 (Existing Facilities) exemption authorizes minor alterations of existing structures with no or negligible expansion in use. The Project adds a Type 41 ABC license to an existing restaurant and does not involve any physical alterations to the tenant space, resting in a negligible expansion of use. Therefore, the Class 1 exemption is applicable.
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.

Alcohol Sales

In accordance with Section 20.48.030(C)(3) (Alcohol Sales-Required Findings) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

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

In finding that the Project is consistent with Section 20.48.030 (Alcohol Sales) of the NBMC, the following criteria must be considered:

1. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
 - a. The Property is located in an area the Newport Beach Police Department (NBPD) has designated as Reporting District 52 (RD 52). A majority RD 52 encompasses residential properties, apart from the Newport Hills Shopping Center. It is abutted to the west by RD 51 and RD 53, to the south by RD 66, to the east by RD 61, and to the north by RD 54.
 - b. The NBPD is required to report offenses of Part One Crimes combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the ABC. Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report – criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. The RD 52 crime count for 2024 is 24, which is 79% below the citywide average of 112 crimes per RD. The crime count for RD 52 is also lower than that of RD 51, RD 54 and RD 66.
 - c. The NBPD has reviewed the Project. Based on the location and limited operational characteristics, the NBPD has no objections to the Type 41 (On-Sale Beer and Wine – Eating Place) ABC License, subject to appropriate conditions of approval, which are included in Exhibit “A” attached to this resolution.
 - d. Operational conditions of approval recommended by NBPD include, but are not limited to, the requirement to prohibit the Restaurant from operating as a bar, tavern, cocktail lounge, or nightclub and a closing hour of 9 p.m. to ensure compatibility with the surrounding residential uses and to minimize alcohol-related impacts such as noisy patrons and DUI.
2. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
 - a. RD 52 was not reported to ABC as a high crime area and has lower crime as compared to other reporting districts in the City. The highest volume of crime in this area is theft. The highest volume arrest in the area is DUI. DUI, public intoxication, and liquor law violations account for 33% of arrests in RD 52. However, pursuant to the Section 23958.4 of the California Professional and Business Code (PBC), RD 52 does not meet the legal criteria for undue concentration pertaining to crime.

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- b. According to the NBPB memorandum, there was one call for service to the Property in 2024; however, no arrests, crimes, or citations reported.

3. *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.*

- a. The nearest residential properties are located to the south and east of the Property; however, the Restaurant is oriented to the north towards the shopping center parking lot and is separated from the residences by over 200 feet. Additionally, the residential community is situated approximately 20 feet above the shopping center.
- b. The nearest parks are Bonita Canyon Sports Park West, located approximately 600 feet northwest of the Restaurant and across Ford Road, and San Miguel Park located approximately 2,100 feet south of the Restaurant. The nearest church and school use is the St. Mathews Church and St. Mathews Montessori School, located approximately 600 feet north of the Restaurant, across Ford Road. The Newport Beach California Temple and Church of Jesus Christ of Latter-day Saints are both located approximately 1,200 feet north of the Restaurant across Bonita Canyon Drive. The Project is otherwise not located near other religious facilities, daycare centers, parks, recreational facilities, schools, or other similar uses that attract minors.
- c. The Restaurant is not anticipated to be detrimental to the community because of the large distances from sensitive land uses. Additionally, the Restaurant shall be required to comply with all conditions of approval recommended by the NBPB.

4. *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*

- a. There are four active ABC Licenses within RD 52 which are held by two businesses also located within the shopping center. Taco Rosa restaurant holds a Type 47 (On-Sale General – Eating Place) and a Type 58 (Caterer Permit) ABC License, and Pavilions grocery store holds a Type 21 (Off-Sale General) and a Type 86 (Instructional Tasting) ABC License. Taco Rosa is considered a bona fide eating and drinking establishment and is not defined as bar, lounge, or night club by the NBMC.
- b. The Property is within Census Tract 626.45 which has a total of eight active on-sale ABC Licenses. The Census Tract encompasses an area much larger than RD 52 and also includes the Newport Coast Shopping Center and a population of approximately 6,033 residents. This represents a per capita ratio of one license per every 754 residents. Orange County has a per capita ratio of one license for every 822 residents. Because the subject census tract exceeds the ratio of on-sale ABC Licenses to population for the County, the area is deemed to have an

undue concentration of alcohol licenses. The NBPD does not anticipate any increase in crime or alcohol-related incidents with the approval of this Project given the limited operational characteristics and a reduced closing time of 9 p.m.

5. *Whether or not the proposed amendment will resolve any current objectionable conditions.*

- a. No objectionable conditions currently exist within the shopping center. Based on ABC records, Pavilion's and Taco Rosa have operated on the Property with ABC Licenses since 1987 and 2004, respectively, and have not had operating issues, complaints related to alcohol and have maintained their respective licenses in good standing with ABC. The history of uses with alcohol sales within the shopping center suggests that adding a Type 41 ABC License will not cause objectionable conditions.
- b. The Project has been reviewed and conditioned to 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 establishment. Operational conditions of approval recommended by the NBPD relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol related impacts.

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:

B. *The use is consistent with the General Plan and any applicable Specific Plan.*

Facts in Support of Finding:

1. The Property is categorized as Neighborhood Commercial (CN) by the Land Use Element of the General Plan. Table LU1 (Land Use Plan Categories) of the Land Use Element specifies that the CN category is intended to provide areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to primarily serve the needs of and maintain compatibility with residential uses in the immediate area. The Project will add a Type 41 ABC License to an existing restaurant which will enhance the menu offerings and better serve the surrounding neighborhood. Therefore, the Project is consistent with the CN categorization
2. The Project is consistent with the following General Plan Land Use Element Policies:

- a. Land Use Policy LU 2.1 (Resident-Serving Land Uses): Accommodate 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 Restaurant will add a Type 41 ABC License to further develop the dining experience for residents of the surrounding community while not including any expansion in floor area.

- b. Land Use Policy LU 5.2.2 (Buffering Residential Areas): Commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts.

The Project will add alcohol service to the Restaurant through a Type 41 ABC License and proposes an earlier closing hour of 9 p.m. The reduction in closing hour from 12 a.m. to 9 p.m. should help ensure greater compatibility with nearby residential properties located adjacent to the shopping center as operational noise will cease earlier.

- c. Land Use Policy 6.20.1 (Primary Uses) of the Land Use Element aims to accommodate neighborhood-serving uses that complement existing development.

The Restaurant will continue to complement the existing mix of neighborhood-serving uses within the Newport Hills Shopping Center and the Type 41 ABC License, offering expanded menu options, will enhance the dining experience for residents, workers and visitors to the City.

3. The Property is not a part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Property is located in the Commercial District of the Harbor View Hills (PC 3) Planned Community. PC 3 intended to provide areas appropriate for retail, service, office, medical and dental and general commercial facilities necessary to support the Harbor View Hills community. The Project will add a Type 41 ABC License to an existing restaurant, which will enhance the menu offerings and will better serve the surrounding residential community. The Project is therefore consistent with the intent of the Commercial District of PC 3.
2. Section VIII(A) (Commercial Area 14 – Permitted Uses) of PC 3 provides that restaurants shall be allowed within the commercial district as specified within Title 20 (Planning and Zoning) of the NBMC. Table 2-5 (Allowed Uses and Permit

Requirements) of Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements) of the NBMC specifies that restaurants with alcohol sales and without late hour operations are allowed in all commercial zoning districts subject to approval of a MUP.

3. The existing use permit for the Restaurant, UP2001-002, authorized up to 730 square feet of net public area (NPA). Parking requirements in place at the time required onsite parking be provided at a ratio of one space per 40 square feet of NPA, resulting in a 19-space requirement ($730 \text{ sq. ft. NPA} / 40 = 18.25$, rounded up). UP2001-002 waived seven of the 19 required parking spaces.
4. On May 23, 2023, the City Council adopted Ordinance No. 2023-6 which further updated commercial parking requirements in Title 20 (Planning and Zoning) of the NBMC, including those for restaurants. The new standard requires one parking space per 100 square feet of gross floor area (GFA). As a result, the parking requirement for the Restaurant increased from 19 to 26 spaces ($2,600 \text{ sq. ft. GFA} / 100 = 26$), creating a larger parking deficit.
5. Since the approval of UP2001-002, there have been changes to the shopping center tenant mix and a reduction in total number of spaces available within the shopping center parking lot due to mandatory parking lot restriping related to Americans with Disabilities Act (ADA) upgrades. The shopping center currently requires 350 parking spaces, inclusive of the Project, and only provides 317 parking spaces, and is considered nonconforming. Therefore a 33 space, or a 9.4%, parking waiver is required to reauthorize the restaurant's use based on current parking requirements.
6. All facts in support of Finding I are hereby incorporated by reference.

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 Property is located at the intersection of Ford Road and San Miguel Drive. It is bounded by Ford Road to the north with Bonita Canyon Sports Park and St Mathew's Church beyond, multi-unit residences to the east, single-unit residences to the south, and San Miguel Drive to the west with single-unit residences beyond.
2. The Project is within the Newport Hills Shopping Center. The shopping center is developed with two, single-story, multi-tenant buildings, one single-tenant commercial building, a single-tenant service station and a 317-space shared surface parking lot. The shopping center includes a diverse mix of tenants, including retail uses, a grocery store, a bank, a dental office, a veterinary clinic and a service station.

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3. The NBPd has reviewed the request for a Type 41 ABC License for the Restaurant and has no objections subject to specific conditions of approval. Condition of Approval Nos. 28 and 30 which prohibits the Restaurant from operating as a bar, tavern, cocktail lounge or nightclub and prohibits any live entertainment or dancing. These conditions will help ensure compatibility with the surrounding uses and minimize alcohol-related impacts such as noisy patrons and DUI.
 4. Condition of Approval No. 8 establishes allowable hours of operation from 6 a.m. to 9 p.m., daily. The proposed hours are consistent with other uses on the Property, including the Pavilions grocery store, which operates from 6 a.m. to 10 p.m., daily. The proposed hours of operation represent a reduction from those authorized by Use Permit No. UP2001-002, which permitted a closing time of 12 a.m., daily.
 5. Although the Restaurant is located within proximity of residential uses, the Restaurant is oriented toward the shared parking lot and away from the residential properties. Additionally, the Restaurant is separated from the residential properties by more than 200 feet and does not include any outdoor dining. Therefore, the Restaurant is not expected to negatively impact the adjacent residential properties through adding alcohol service.
 6. A restaurant has operated within this suite since 2001 with no significant or notable operational issues. The current restaurant operator has occupied the suite since 2024. The historic compatibility of a restaurant in this location suggests future compatibility, including the addition of beer and wine, will be maintained.

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.*

Facts in Support of Finding:

1. The Property is located within an existing shopping center and is adequately served by existing public services and utilities. The tenant space underwent upgrades in 2024 for the current Restaurant operator and does not require any physical improvements to implement the Project.
2. Existing vehicular and pedestrian access points to the Property from San Miguel Drive and Ford Road will be maintained, providing adequate public and emergency vehicle access.
3. The Applicant is required to obtain ABC approval prior to engaging in the sale of alcoholic beverages to help ensure the safety and welfare of customers and employees within the Restaurant.

Finding:

- F. Operation of the use at the proposed location 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, 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 allow the Applicant to provide additional menu options for its patrons and is not anticipated to endanger, jeopardize, or otherwise constitute a hazard to the public.
2. The Property currently provides a total of 317 on-site parking spaces. The Project includes Condition of Approval No. 9 which affords the Community Development Director, Public Works Director, or the City Traffic Engineer the ability to require parking mitigation measures if parking is determined to be a public nuisance to surrounding properties.
3. The Project includes conditions of approval to help minimize potential conflicts with the surrounding land uses as much as possible. Condition of Approval No. 14 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.
4. All facts in support of Finding A are hereby incorporated by reference.
5. Facts 3, 4 and 6 in support of Finding D is hereby incorporated by reference.

Staff Approval for Parking Waiver

In accordance with Section 20.40.110(D) (Adjustments to Off-Street Parking Requirements) of the NBMC, the Community Development Director may authorize a reduction of off-street parking by a maximum of 20% using a combination of the following:

Finding:

- G. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available*

Fact in Support of Finding:

A parking study was not used as justification for the reduction in parking.

Findings:

- H. *On-Site Bicycle Facilities. Required non-residential off-street parking may be reduced where there is a demonstrated use of bicycles as a mode of transportation. The Director may reduce the number of required parking spaces by one space for every three bicycle parking spaces provided on the same site they serve, up to 5% of the total requirement in compliance with the following conditions:*
- a. The applicant has provided sufficient evidence to substantiate that there exists a demand for bicycle parking; and*
 - b. The bicycle parking spaces are located completely within the private property they serve.*
 - c. An additional 5% reduction may be allowed when enhanced end-of-trip facilities are provided on the same site they serve, including, but not limited to, showers and locker facilities.*

Fact in Support of Findings:

While on-site bicycle facilities were not used as justification for the parking waiver, there is an onsite bike rack on the Property.

Findings:

- I. *Space for Shared Mobility. Required nonresidential off-street parking may be reduced by up to 10% in compliance with the following conditions:*
- a. Exclusive of curb space needed for emergency access purposes (e.g., a fire lane), the development includes at least 20 linear and contiguous feet of on-site dedicated curb-space located entirely on private property; or*
 - b. There is one off-street parking space designated and with proper signage for the use of shared-mobility vehicles and/or pick-up/drop-off located on private property and on the same site it is intended to serve.*

Facts in Support of Findings:

1. The Property currently has four designated parking spaces for use by pick-up patrons located within the shared parking lot. Condition of Approval No. 7 requires the Applicant to maintain the signage indicating that the parking spaces are reserved for pick-up patrons.
2. The Community Development Director is satisfied that the designated pick-up parking spaces for use by patrons of the shopping center are sufficient to waive 33 parking spaces, or a 9.4% of the parking requirement for the shopping center.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project 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 and Staff Approval filed as PA2025-0073, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
3. This resolution supersedes Use Permit No. UP2001-002, which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.
4. 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 16TH DAY OF OCTOBER, 2025.



Benjamin M. Zieba, 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 floor plan, 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 approval.
4. The approval shall expire and become void 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.
5. This approval may be modified or revoked by the Zoning Administrator should they determine 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.
6. Any major change in operational characteristics, expansion in area, or modification to the approved plan shall require subsequent review by the Planning Division and may require an amendment to or the processing of a new use permit.
7. *The Owner shall maintain signage indicating that parking spaces are reserved for pick-up patrons*
8. *Hours of operation shall be limited to between 6 a.m. to 9 p.m., daily.*
9. *If in the opinion of the Community Development Director, Public Works Director, or the City Traffic Engineer, the Property is generating greater parking demand than anticipated and is creating a parking nuisance, additional parking mitigations measures may be required.*
10. No outside paging system shall be utilized in conjunction with this establishment.
11. All noise generated by the restaurant shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.

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12. All proposed signs shall comply with the signage standards as specified in the Commercial District of the Harbor View Hills (PC 3) Planned Community and Chapter 20.42 (Signs) of the NBMC.
 13. The Property 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 Property is excessively illuminated.
 14. 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.
 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 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. 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.
 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. Graffiti shall be removed within 48 hours of written notice from the City.
 18. 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 (Water and Sewers) of the NBMC, including all future amendments (including Water Quality related requirements).
 19. Storage outside of the building in the front or at the rear of the Property shall be prohibited, with the exception of the required trash container enclosure.
 20. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 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 Use Permit.

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21. 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.
 22. 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.
 23. Prior to the sale of any alcoholic beverages, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
 24. 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 **Chaupain Bakery including, but not limited to, the Minor Use Permit and Staff Approval filed as PA2025-0073**. 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

25. The ABC License shall be limited to Type 41 (On Sale Beer and Wine – Eating Place). Any substantial change in the ABC License type shall require subsequent review and potential amendment of this Minor Use Permit.
26. The Restaurant operator shall comply with all federal, state, and local laws, and all conditions of the ABC 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.
27. 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 3 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.

28. This Restaurant shall not be permitted to operate as a bar, tavern, cocktail lounge or nightclub as defined by the NBMC.
29. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
30. Live entertainment and dancing shall be prohibited.
31. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
32. Food service from the regular menu shall be made available to patrons until closing.
33. The business operator or owner 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.
34. 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.
35. 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.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
100 Civic Center Drive, P.O. Box 1768, Newport Beach, CA 92658-8915
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ZONING ADMINISTRATOR ACTION LETTER

Subject: The Bungalow Restaurant Temporary Outdoor Dining Tent (PA2025-0156)
▪ Limited Term Permit (Less Than 90 Days)

Site Location: 2441 East Coast Highway

Applicant: Louie Feinstein, The Bungalow Restaurant LLC

Legal Description: Lot 5 and 6 of Block B, Tract No. 470

On **October 16, 2025**, the Zoning Administrator approved a limited term permit (less than 90 days) to allow a temporary outdoor dining tent within the rear private parking lot area of the property at 2441 East Coast Highway (Property). The temporary outdoor dining tent is approximately 600 square feet in size with 14 tables and 40 total seats. As approved, it will be in place for less than 90 days and is permitted to operate from November 25, 2025, to January 2, 2026, to accommodate the holiday season. The Zoning Administrator's approval is based on the following findings and is subject to all conditions of approval thereafter.

I. LAND USE AND ZONING

- **General Plan Land Use Plan Category:** CC (Corridor Commercial)
- **Zoning District:** CC (Commercial Corridor)
- **Coastal Land Use Plan Category:** CC-B (Corridor Commercial – 0.0 - 0.75 FAR)
- **Coastal Zoning District:** CC (Commercial Corridor)

II. FINDINGS

In accordance with Section 20.52.040 (Limited Term Permits) of the Newport Beach Municipal Code (NBMC), the following findings and facts in support are set forth:

Finding:

- A. *This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) under Class 1 (Existing Facilities) and Class 3 (New Construction or Conversion of Small Structures);*

Fact in Support of Finding:

1. The Class 1 exemption includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities,

mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 3 exemption includes a store, motel, office, restaurant, or similar structure not involving the use of significant amounts of hazardous substances, not exceeding 2,500 square feet in floor area or 10,000 square feet in floor area in urbanized areas zoned for such use. This project includes a temporary 600-square-foot expansion of the outdoor dining area within an existing restaurant, all within the existing parameters noted for these Class exemptions and will not have a significant effect on the environment.

Finding:

- B. *The operation of the limited duration use at the location proposed and within the time period specified 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 requested limited duration use;*

Facts in Support of Finding:

1. The Limited Term Permit will allow a temporary outdoor dining tent in the private parking lot of The Bungalow Restaurant for less than 90 days, as conditioned (from November 25, 2025, to January 2, 2026). The temporary outdoor dining tent would serve as additional outdoor seating for restaurant guests during the holiday season and is fully located on private property.
2. As conditioned, the operation of the temporary outdoor dining tent is limited to the hours between 11:30 a.m. and 9:00 p.m., daily. This limited operation serves to help reduce any potential undue noise and traffic for surrounding residents.
3. The temporary outdoor dining tent is approximately 600 square feet. Existing residences are located south and west of the parking lot, between Carnation and Begonia Avenue. It will have plastic walls and windows, which will serve as a physical barrier that both screens the visibility and provides a barrier between patrons and non-patrons.
4. The proposed operation of the temporary outdoor dining tent includes alcohol service. As conditioned, it shall be operated in compliance with the applicable State Department of Alcoholic Beverage Control (ABC) requirements.
5. An identical temporary outdoor dining tent was previously permitted through Emergency Temporary Use Permit No. UP2020-065 and Emergency Coastal Development Permit No. CD2020-073 and later extended through Limited Term Permit No. XP2021-012 and Coastal Development Permit No. CD2021-041, which allowed for the outdoor dining tent to operate between July 23, 2020, and December 31, 2022. Since that time, the Applicant has pursued installation and use of the outdoor dining tent during the holiday season. Most recently, on October 10, 2024, the Zoning Administrator approved the outdoor dining tent to operate between

November 25, 2024 and January 2, 2025, through the Limited Term Permit filed as PA2024-0147.

6. The restaurant operates with Use Permit Nos. UP1778 and UP2016-020. As conditioned, all applicable conditions of approval from UP1778 and UP2016-020 shall be adhered to for this temporary outdoor dining tent, unless otherwise modified by the conditions of approval contained herein. No use of amplified sound or live entertainment shall be permitted within the temporary outdoor dining tent.

Finding:

- C. *The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;*

Facts in Support of Finding:

1. The Property is 8,123 square feet and moderately slopes up towards East Coast Highway. The restaurant has been in operation since 1976, with outdoor dining initially added in 1996, and expanded in 2016. As demonstrated in the provided site plan (Attachment No. ZA 3), there is adequate area to accommodate the expanded dining tent without impacting pedestrian circulation and coastal access.
2. The Property is located on the northeasterly corner of East Coast Highway and Carnation Avenue. Across East Coast Highway is a gas station at 2546 East Coast Highway, and residential uses are located further east. To the south, across Carnation Avenue, is Avila's El Ranchito restaurant and other retail and personal services. A private parking lot is located immediately south of the Property, and the Property is bounded to the west by other commercial uses. The temporary outdoor dining tent will not impede use and enjoyment of the properties in the area and will instead add to the ambiance and quaint character of Corona del Mar during the holiday season.
3. The temporary outdoor dining tent will occupy six standard parking spaces. No traffic or site circulation issues were experienced during the previous operation of the temporary outdoor dining tent. The temporary outdoor dining tent will be erected in the same location as the previous tent; therefore, traffic or site circulation issues are not anticipated.
4. The proposal of the temporary tent has been reviewed by the City's Police Department and Code Enforcement Division. Both of which did not have any significant concerns about the requested limited term permit. Additionally, the tent has been reviewed by the City's Fire Department, Building Division, and Public Works Department. All applicable conditions of approval have been included as a part of this approval.

Finding:

- D. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;*

Facts in Support of Finding:

1. The Property is located at the corner of East Coast Highway and Carnation Avenue. Vehicular access to the parking lot is provided from Carnation Avenue and is not impacted by the proposed temporary structure.
2. The restaurant provides eight on-site parking spaces for patrons and the remainder of parking is provided through use of off-site parking spaces as authorized by Use Permit No. UP1778. The temporary loss of six on-site parking spaces is not anticipated to negatively impact circulation as there is adequate parking available in the near vicinity of the restaurant.

Finding:

- E. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the Zoning Administrator; and*

Facts in Support of Finding:

1. A restaurant has operated at the Property since 1976. The existing on-site surface parking lot has historically provided only a fraction of the parking needed to serve the restaurant, with most of the parking provided through an off-site parking agreement with properties located at 2101 East Coast Highway and 711 Carnation Avenue.
2. Fact 5 in Support of Finding B is hereby incorporated by reference.

Finding:

- F. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.*

Facts in Support of Finding:

1. The General Plan land use category for this site is Corridor Commercial (CC). The CC Category is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The expanded outdoor dining use is accessory to the existing food service use with outdoor dining, will be used for a limited duration on-site and

will not impede use of the site consistent with the CC Category. Outdoor dining is a use that tends to foster additional pedestrian activity.

2. The Property is located within the Coastal Zone. However, the project does not require a coastal development permit because the proposed temporary outdoor dining tent is: (1) requested for the duration of the holiday season and, as such, the temporary event will not occur on or between Memorial Day weekend and Labor Day; (2) the event will not occupy any portion of a public sandy beach; (3) there is no potential for adverse effect of sensitive coastal resources; (4) an admission fee will not be charged; (5) it does not involve permanent structures or structures that involve grading or landform alteration for installation; and (6) the temporary use previously received a coastal development permit (CD2020-073 and CD2021-041) and will be held in the same location, at a similar season, and for a shorter duration, with operating and environmental conditions substantially the same as those associated with the previously approved event.
3. The Property is not located within a specific plan area.

III. CONDITIONS OF APPROVAL

1. *All conditions of approval from Use Permit No. UP2016-020 and UP No. 1778 shall be adhered to unless specifically modified by the following set of conditions.*
2. The development shall be in substantial conformance with the approved site plan except as noted in the following conditions.
3. Anything not specifically approved by this Limited Term Permit is prohibited and must be addressed by a separate and subsequent review.
4. *Smoking shall be prohibited in the temporary patio and its surrounding area.*
5. *The exterior of the temporary outdoor dining tent shall be maintained free of trash, 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.*
6. *The temporary outdoor dining tent area shall not exceed 600 square feet.*
7. *The site 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 may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.*
8. *The temporary outdoor dining tent is permitted at the Property for a duration between November 25, 2025, and January 2, 2026. Operation of the temporary tent outside*

of this duration is prohibited. Subsequent to the expiration of this Limited Term Permit, the applicant shall remove the tent, clean, and restore the site to previous conditions within 30 days after expiration.

9. *Hours of operation of the temporary outdoor dining tent shall be between 11:30 a.m. and 9:00 p.m., daily.*
10. *No temporary or permanent structures, other than the placement of tables and chairs as shown on the approved site plan, shall be constructed or placed within the Temporary Patio. Temporary heat lamps, shade awnings, and lighting shall be permitted.*
11. *The temporary outdoor dining tent shall be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements.*
12. *There shall be no use of amplified sound or live entertainment in the temporary outdoor dining tent.*
13. *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 NBMC to require such permits.*
14. *The temporary outdoor dining tent shall not obstruct the public right-of-way. Patrons shall be prohibited from standing or waiting within the public right-of-way on Carnation Avenue.*
15. *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 NBMC.*
16. *Should the temporary outdoor dining tent become a detriment to the public health, comfort, convenience, safety, and general welfare of the peace and quiet of the neighboring properties and their inhabitants, this permit may be revoked.*
17. *The Community Development Director may impose whatever reasonable conditions are deemed necessary to assure that the temporary outdoor dining tent is compatible with adjoining uses and does not result in significant negative impacts to the health, safety, peace, comfort and the welfare of persons residing or working in the general vicinity.*
18. *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 the **Village Inn Outdoor Dining Patio** including, but not limited to the **Limited Term Permit No. filed as PA2025-0060**. 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.

Building Division

19. A building permit shall be obtained for a temporary structure that is more than 120 square feet.
20. The tops of dining surfaces and work surfaces shall be 28 inches to 34 inches above the finished floor.
21. All building exits shall remain free and clear of any obstacles that would impede exiting from a building or suite and accessing the nearest public right-of-way.
22. Accessible routes, including under canopy(ies) and other overhead improvements shall maintain a minimum clear height of 80 inches.
23. All electrical distribution lines shall be in good working order and shall be protected from pedestrian and vehicular traffic and shall accommodate accessibility.
24. The temporary outdoor dining tent shall provide not less than 5percent accessible seating at tables and counters with knee clearance of at least 27 inches high, 30 inches wide, and 19 inches deep.
25. All exiting paths shall be a minimum 48 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.
26. All areas used for temporary commercial or institutional use shall be accessible to disabled persons.
 - a. An accessible path to all functional areas shall be provided.
 - b. Access to restrooms shall be provided at all times.
 - c. Accessible parking stalls shall not be used for seating areas when on-site parking is provided.
 - d. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier are provided to separate the two.

Public Works Department

27. K-rail or water-filled barricades shall be placed along the adjacent parking stalls and drive aisles surrounding the proposed outdoor dining tent structure. K-rail or water-filled barricades shall not encroach into the required parking stall dimensions or drive aisle dimensions.
28. Valet drop-off/pick-up operation shall not impact the drive aisle or public right-of-way. Valet staff shall prevent vehicle queuing with the adjacent street or alley right-of-way.
29. The temporary outdoor dining tent shall not impact access to any utilities, including cleanouts, meters, vaults, handholds, etc. The structure shall provide adequate clearance to all overhead power lines and Southern California Edison (SCE) structures.

Fire Department

30. The applicant shall obtain a Special Event Permit from the Fire Prevention Division.
31. The temporary outdoor dining tent and any sidewalls shall be State Fire Marshal certified and labeled.
32. An occupant load sign shall be posted when occupancy is for 50 or more patrons.
33. Smoking in the temporary outdoor dining tent shall be prohibited and no smoking signs shall be posted on-site.
34. Certified fire extinguishers shall be mounted on-site of the temporary outdoor dining tent.
35. Illuminated exit sign(s) shall be mounted on-site of the outdoor dining tent per the NBFD.
36. The temporary outdoor dining tent shall not block fire protection appliances and hydrants.
37. The temporary outdoor dining tent shall not hinder exiting pathways or exits from adjoining structures.
38. Open flame or other devices emitting flame, fire or heat or any flammable or combustible liquids, gas, charcoal, or other cooking device or any other unapproved device (including heating devices) shall not be permitted inside or located within 20 feet of the tent while open to the public.

39. Any temporary electrical equipment (i.e. spider boxes, wires) shall be properly protected and in good condition.
40. The temporary outdoor dining tent shall provide a clear path of egress from the structure that is at 44 inches. The tent shall not obstruct exiting from the structure.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within 14 days following the date the action or decision was rendered unless a different period of time is specified by the Municipal Code. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:


Cameron Younger, Planning Technician

Approved by:


Benjamin M. Zdeba, AICP, Zoning Administrator

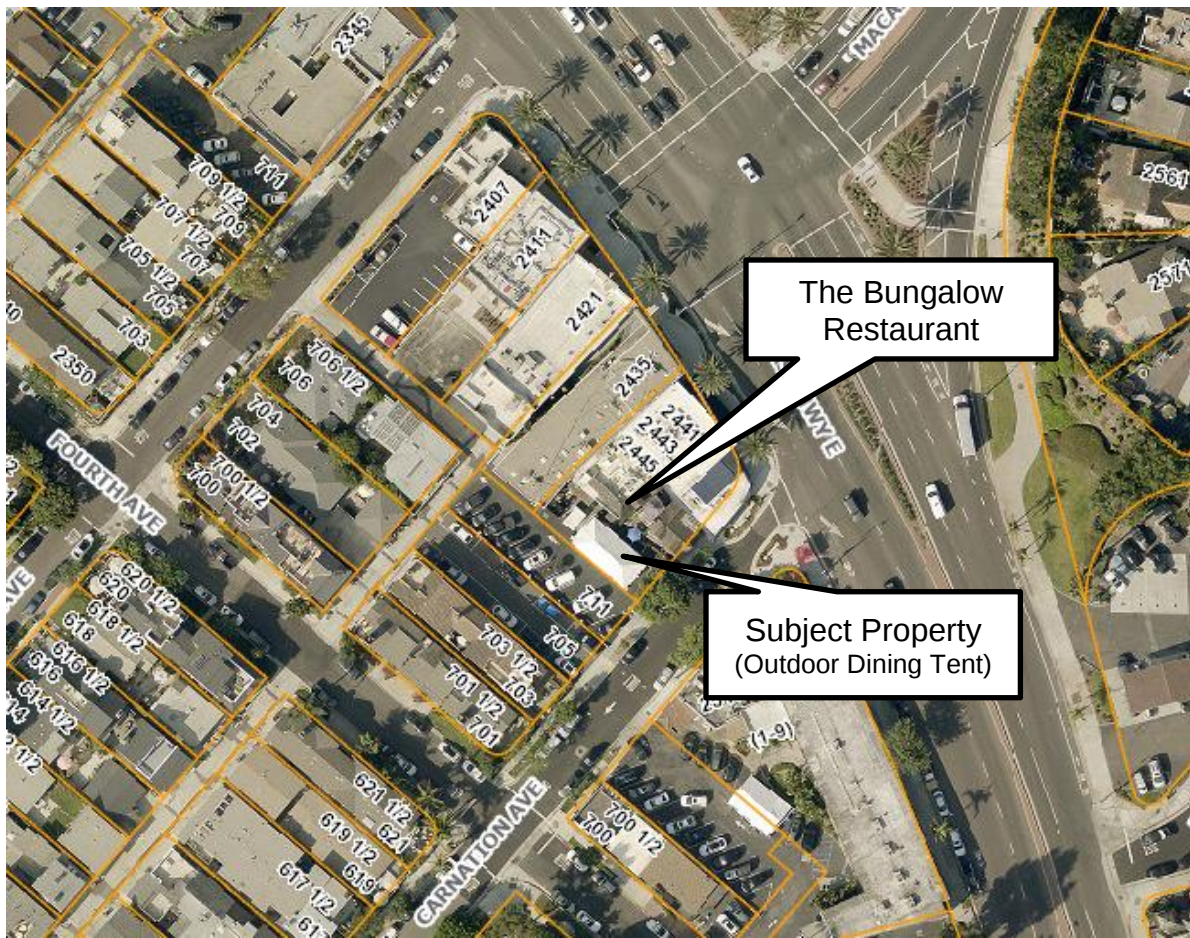
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Attachments: ZA 1 Vicinity Map
 ZA 2 Applicant's Project Description
 ZA 3 Site Plan

Attachment No. ZA 1

Vicinity Map

VICINITY MAP



Limited Term Permit (PA2025-0156)

2441 East Coast Highway

Attachment No. ZA 2

Applicant's Project Description

The Bungalow Restaurant LLC

Project Description

From 11/25/2025 to 1/2/2026 the Bungalow Restaurant will put up a tent for temporary restaurant dining in our private parking lot.

It is a covered tent with walls and plastic windows, it will hold 40 guests with 14 tables. The tent will take up 6 parking spaces

Attachment No. ZA 3

Site Plan

Valet Parking Spaces in Off-Site Parking Garage

Note: These spaces are no longer shared during the day as "The Bungalow" serves dinner only.

ALLEY

ALLEY

(e) trash enclosure

EXISTING br PARKING REMAINS

Valet Service to Off-Site Parking
THE BUNGALOW RESTAURANT
Handicapped restrooms
See SHF A5

COAST HIGHWAY

Prop Line

Prop Line

Prop Line

Sidewalk

Prop Line

Golden Spoon

ADD NEW ACCESSIBLE HANDICAPPED AGE-ADJUSTED SIGN TO EXISTING SIGN & LETTERING FOR TITLE "A" SECTION 11200.0 AND NOTE "UNAUTHORIZED VEHICLE SIGN PER SECTION 11200.0 AND NOTE AT RIGHT. RESTRICT HANDICAPPED PARKING SPACE AND SIDE SIDE STRIPED LOADING AREA.

30' TO PROP LINE

CARNATION AVENUE

NEW HANDICAPPED ACCESS AT GRADE TO LOWER SEATING AREA SEE FLOOR PLAN & ELEVATION, SHF A2

EXISTING CONTINUOUS HANDICAPPED AND GENERAL CUSTOMER ACCESS TO MAIN ENTRY UPPER LEVEL SEA AND HANDICAPPED BATHROOMS

NEW BACK PATIO COVER OVER EXISTING SEATING AREA

SITE PLAN

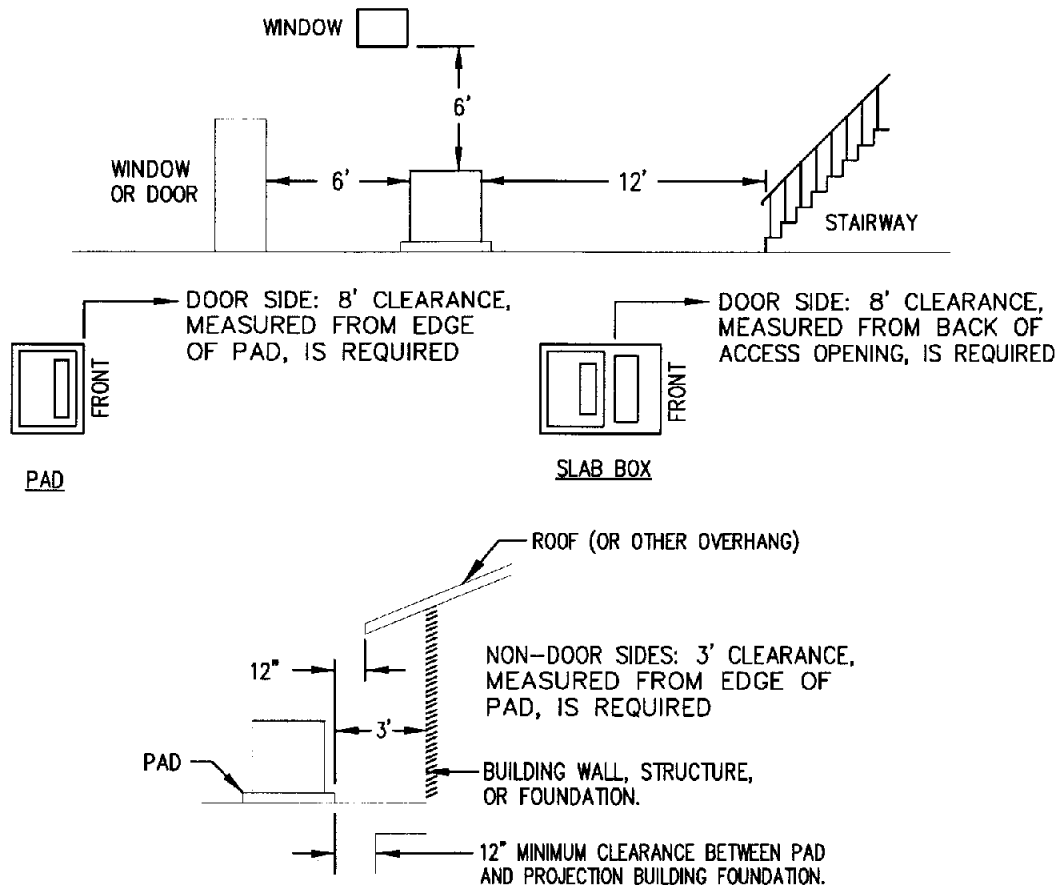
1/2" = 15'



Building

1. Any areas used for temporary commercial or institutional use shall be accessible to disables persons
 - An accessible path to all functional area shall be provided
 - Access to restrooms shall be provided
 - Accessible parking stalls shall not be used for seating areas when onsite parking is provided
 - Detectable warnings are required when pedestrian paths cross or adjacent to a vehicular way where no physical barrier are provided to separate the two
2. All exiting paths shall be a minimum 36 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear
3. Assessable seating at tables or counters shall provide knee clearance of at least 27 inches high, 30 inches wide and 19 inches deep
4. The tops of dining surface and work surfaces shall be 28 inches to 34 inches above the finished floor

MINIMUM CLEARANCES FOR PADMOUNTED TRANSFORMERS SEE DDS-3, 3-40



NOTES:

1. AN 8' MINIMUM CLEARANCE IS REQUIRED ON DOOR SIDE OF TRANSFORMER FOR OPERATION. THIS AREA MUST REMAIN CLEAR OF ALL OBSTRUCTIONS INCLUDING, BUT NOT LIMITED TO, SHRUBS, TREES, GATES, FENCES, WALLS, SIGNS AND POLES.
2. PAD-MOUNTED TRANSFORMERS SHALL NOT BE LOCATED IN FRONT OF DOORS, STAIRWAYS, BENEATH WINDOWS THAT CAN BE OPENED, OR WHERE THEY WILL OBSTRUCT THE VISION OF VEHICULAR TRAFFIC
3. PAD-MOUNTED TRANSFORMERS SHALL BE LOCATED AT LEAST THE MINIMUM DISTANCE AWAY FROM BUILDINGS OR OTHER STRUCTURES TO ENSURE ADEQUATE SPACE FOR OPERATING, TO MINIMIZE VIBRATION HUMS, AND TO MEET FIRE SAFETY REQUIREMENTS.
4. A CLEAR PASSAGEWAY OF 12 FEET MINIMUM SHALL BE AVAILABLE AT ALL TIMES, IMMEDIATELY ADJACENT TO ONE SIDE OF THE TRANSFORMER TO PROVIDE AN ACCESSIBLE ROADWAY FOR TRANSFORMER MAINTENANCE. THIS PASSAGEWAY SHALL BE DESIGNED TO MEET H-20 (20-TON) CONSTRUCTION.
5. TRANSFORMER STRUCTURES WILL NORMALLY BE INSTALLED ONLY IN NONTRAFFIC AREAS. TRANSFORMER PROTECTION IS REQUIRED WHEN COMPANY EQUIPMENT IS EXPOSED TO TRAFFIC. THIS PROTECTION MAY BE IN THE FORM OF BARRIERS, BARRICADES, OR CURB. A CURB MUST HAVE A MINIMUM HEIGHT OF 6 INCHES AND BE AT LEAST 6 INCHES THICK AND ITS FRONT FACE LOCATED 60 INCHES MINIMUM FROM THE EQUIPMENT FOUNDATION.

**SOUTHERN CALIFORNIA EDISON
TRANSMISSION AND DISTRIBUTION BUSINESS UNIT**

Approved Decals

June 8, 2020

6

UNDERGROUND SERVICE ALERT

Contact USA

Dial 811 or 800-422-4133

www.digalert.org/contact

For Underground Locating
Two Working Days Before You Dig

D16: Rev. 05/28/20

7

D16

34

STRUCTURAL CALCULATIONS

20' x 30' 2" OD PIPE TENT

FOR

**PACIFIC TENT AND EVENT
TEMECULA PROMENADE MALL PARKING LOT
40820 WINCHESTER RD.
TEMECULA, CA 92591**

INSTALL DATE: 10/03/24

STRIKE DATE: 10/07/24

SUBJECT:

SHEET NO:

Disclaimer	1
Tent Structural Calculations	2-6
Tent Layout Diagrams	9-11
Reaction Diagram	12



Job No.: UT-1017-24

Date: 10/10/24

Prepared By: J. L. ...

Checked By: J. L. ...

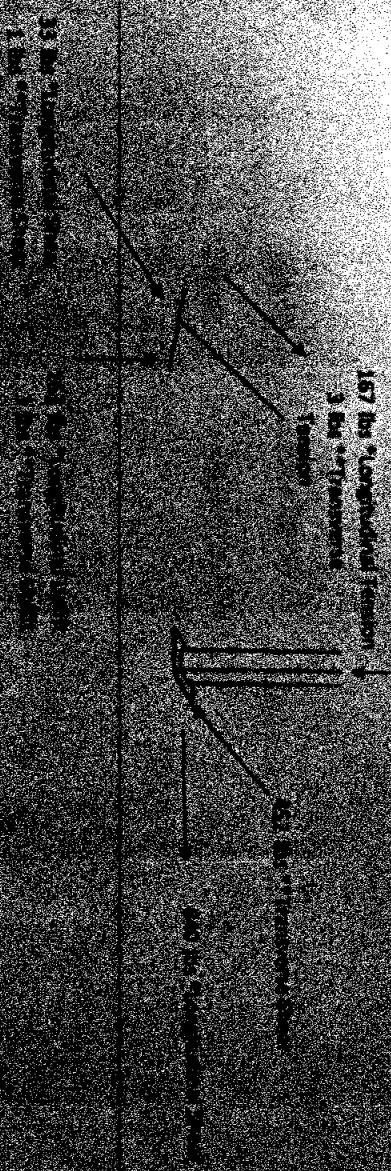
Transverse Uplift
 Load Comb.: 0.6D+0.6W2
 Uplift= 0.0016 Kips per the down

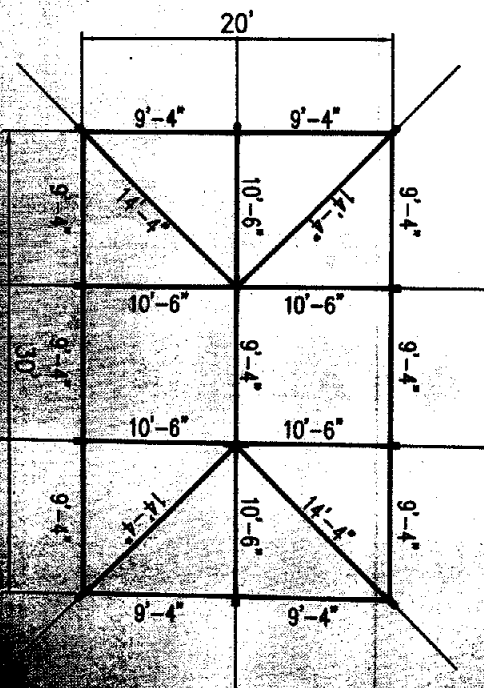
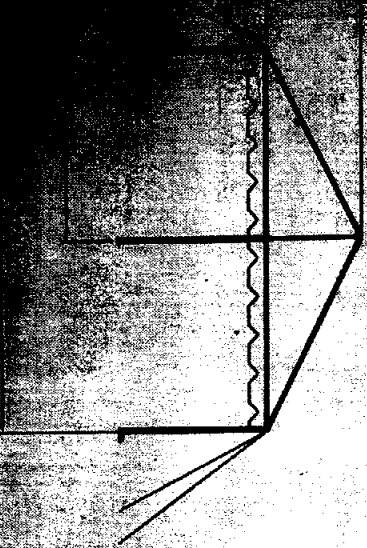
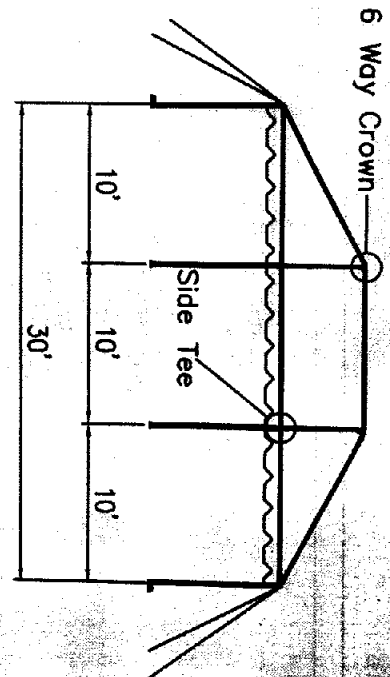
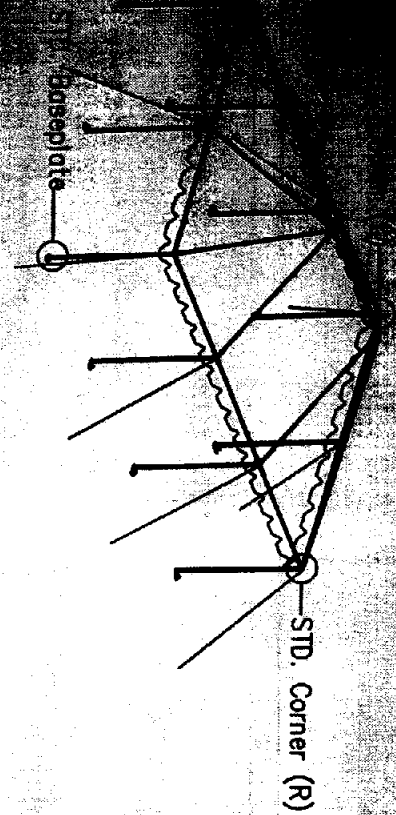
Longitudinal Shear
 Load Comb.: D+0.6W
 $V = 0.320$ Kips per leg

Longitudinal Uplift
 Load Comb.:
 Uplift= 0.082 Kips per the down

Tent: 20' x Tent
 Span: 20 ft
 Bay width: 10 ft
 Wind Speed: 95 mph
 EXPOSURE B

CODE: 2022 CBC, ASCE 7-16
 APPLICATION: SHORT TERN MENTAL
 FACTOR OF SAFETY: 2





20' x 30' STANDARD FRAME TENT

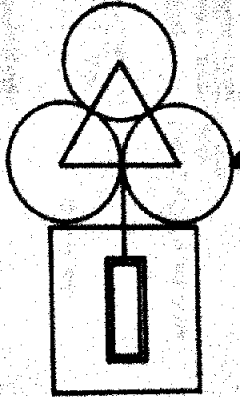
Double the RAM



ZTEC TENTS
DESIGN & PRODUCTION
2885 COLUMBIA ST. TORRANCE, CA 90503
(800) 228-2887 • FAX (310) 281-1722

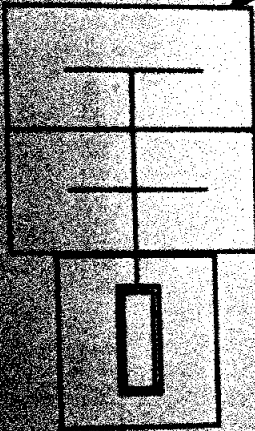
ALL DATA AND INFORMATION CONTAINED
HEREIN IS CONFIDENTIAL AND UNCLASSIFIED
AND ALL RIGHTS THEREIN ARE RESERVED.
NO PART OF THIS DOCUMENT MAY BE
REPRODUCED OR TRANSMITTED IN ANY
FORM OR BY ANY MEANS, ELECTRONIC
OR MECHANICAL, INCLUDING PHOTOCOPYING,
RECORDING, OR BY ANY INFORMATION
STORAGE AND RETRIEVAL SYSTEM, WITHOUT
PERMISSION IN WRITING FROM THE
U.S. GOVERNMENT PRINTING OFFICE.

MINIMUM OF (3) 55 GAL.
WATER BARREL(S) OR
MINIMUM WEIGHT OF
1125 LBS



OR

MINIMUM OF (2) 6'
WATER K-RAIL OR
MINIMUM WEIGHT
OF 1125 LBS



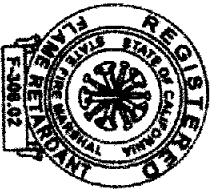
SECTION A.1

NOTE:
1. WHEN MULTIPLE BARRELS ARE REQUIRED, WATER
BARRELS MUST BE STRAPPED TOGETHER SO THEY ACT AS
ONE UNIT.

2. BARREL(S) MUST SIT ON PLATE ATTACHED TO BASE OF
LEG OR USE ADDITIONAL STRAP TO SECURE BARREL(S) TO
BASE OF LEG, TYP.

3. IT IS THE RESPONSIBILITY OF THE OWNER TO VERIFY
BARRELS REMAIN FULL THROUGHOUT USE. TO ENSURE FULL
ANCHORAGE CAPACITY, FAILURE TO DO SO MAY LEAD TO
INSUFFICIENT BALLASTING OF THE TENT.

TENT LEG



REGISTERED

ISSUED BY

APPLICATION
CONCERN NO.

CONVENTIONAL TENTS & AWNINGS

6416 Western Ave.

Whittier, CAL 90606

F-306.02

Date Treated Or
Manufactured

January 2023

This is to certify that the materials described on the bottom hereof have been flame-retardant treated (or inherently nonflammable)

FOR Amazing Tents

ADDRESS

23461 Riddge Rout Dr.

CITY

Laguna Hills

STATE

CA 92653

Certification is hereby made that: (Check "a" or



(A) The articles described on the bottom of this Certificate have been with a flame-retardant Chemical approved and registered by the State Fire Marshal and that the application of said Chemical was done in conformance with the laws of the State Of California and the rules and Regulations of the State Fire Marshal.

Name of chemicals used

Chem. Reg. No.

Method of application



(B) The articles described on the bottom hereof are made from a flame-resistance fabric or material Registered and approved by the State Fire Marshal for such use.

Trade name of flame-resistance fabric or material used

PVC Vinyl

Reg. No.

F-306.02

The Flame Retardant Process Used

WILL NOT
(will or will not)

Be Removed By Washing

Jesse Romo

By

N/A

Name of Applicator or production Superintendent

Title

Control No.

7258

1 ea. 20X30 Canopy

Customer Order No.

70' White Sidewall

Customer Invoice

7258

Yards Or Quantity

210

Yards

Color

White

Style

B/O

Date Processed

January 2023