



## **CITY OF NEWPORT BEACH COMMUNITY DEVELOPMENT DEPARTMENT PLANNING DIVISION ACTION REPORT**

**TO:** CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION

**FROM:** Jaime Murillo, Community Development Director

**SUBJECT:** Report of actions taken by the Zoning Administrator, and/or Community Development Director for the week ending January 30, 2026.

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### **ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS JANUARY 29, 2026**

**Item 1:** Main Street Ice Cream Shop Minor Use Permit (PA2025-0103)  
Site Address: 306 Main Street

Action: Approved by Resolution No. ZA2026-004	Council District	1
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**Item 2:** Newport Harbor Farmers Market Coastal Development Permit and Limited Term Permit More than 90 Days (PA2025-0194)  
Site Address: 798 Dover Drive

Action: Approved by Resolution No. ZA2024-005	Council District	3
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**APPEAL PERIOD:** An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

## **RESOLUTION NO. ZA2026-004**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MINOR USE PERMIT FOR A TAKE-OUT SERVICE — FAST CASUAL EATING AND DRINKING ESTABLISHMENT LOCATED AT 306 MAIN STREET (PA2025-0103)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by Christian Velasquez (Applicant), on behalf of the operator Mina Awad, concerning property located at 306 Main Street and legally described as Block 11 of the Balboa Tract (Property) requesting approval of a minor use permit.
2. The Applicant proposes an ice cream shop (Take-Out Service – Fast Casual) within an existing 610-square-foot commercial suite. The project includes an interior tenant improvement to the existing suite. No late hours (after 11:00 p.m.) or alcohol sales are proposed as part of this application (Project).
3. The Property is designated Mixed-Use Vertical (MU-V) by the General Plan Land Use Element and is located within the Mixed-Use Vertical (MU-V) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Mixed-Use Vertical (MU-V), and it is located within the Mixed-Use Vertical (MU-V) Coastal Zoning District. The Project will not result in an increase in required parking from the previous retail use. Therefore, a coastal development permit (CDP) is not required for the Project.
5. A public hearing was held on January 29, 2026, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. This Project is exempt from the California Environmental Quality Act (CEQA) under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Class 1 exemption authorizes minor alterations of existing structures involving negligible or no expansion of use. In this case, the Project is an ice cream shop that involves alterations to the interior floor plan of an existing commercial space with no expansion in floor area. Therefore, the Class 1 exemption is applicable.

### SECTION 3. REQUIRED FINDINGS.

By Section 20.52.020 (Conditional Use Permits and Minor Use Permits) of the Newport Beach Municipal Code, the following findings and facts in support of such findings are set forth:

Finding:

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

Facts in Support of Finding:

1. The Land Use Element of the General Plan designates this Property as Mixed-Use Vertical (MU-V) which is intended to provide for the development of properties for mixed-use structures that vertically integrate housing with retail uses including retail, office, restaurant, and similar nonresidential uses. In this case, the Project is converting an existing retail store into an ice cream shop within a two-story mixed-use building. Therefore, the Project is consistent with the intent of the MU-V Land Use Element. Additionally, the Property is also surrounded by similar and complementary uses such as retail sales and other eating and drinking establishments.
2. The Property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Property is located within the Mixed-Use Vertical (MU-V) Zoning District. Table 2-8 of NBMC Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) allows a Take-Out Service—Fast Casual use subject to approval of a minor use permit, if within 100 feet of a residential zoning district. A Take-Out Service—Fast Casual use is defined as an establishment that sells food or beverages, with the exception of alcohol, primarily for off-site consumption, where customers order and pay for food at either a counter or service window and up to a maximum of up to 20 seats including seats in interior areas and seats in outdoor dining areas are provided for on-site consumption of food or beverages. In this case, the Project is proposing a take-out service ice cream shop, and while 20 seats are permitted, no seating is currently proposed. A minor use permit is required because the Property is 30 feet westerly from a residential zoning district.
2. The Property does not have on-site parking available for the Project. Therefore, the Property is considered legal, nonconforming due to insufficient parking. The Project is utilizing a space previously occupied by a retail store which carried a parking rate of one space per 250 square feet of gross floor area. In comparison, the Project would also require an off-street parking rate of one space per 250 square feet of gross floor area

for a Take-Out Service – Fast Casual use. Pursuant to NBMC Sections 20.38.060 and 21.38.060 (Nonconforming Parking), a use with nonconforming parking may be changed to a new use allowed in that coastal zoning district without requiring additional parking provided no intensification or enlargement (e.g., increase in floor area, or lot area) occurs, and the new use requires a parking rate of no more than one space per 250 square feet of gross building area. Additionally, the Project has an identical parking rate of one space per 250 square feet of gross floor area and is not increasing the existing gross floor area. Therefore, additional parking and a CDP are not required.

3. As conditioned, the Project will comply with NBMC Section 20.48.090 (Eating and Drinking Establishments) which specifies standards for eating and drinking establishments. While the Project is not proposing seating, the Project shall be limited to a maximum of 20 seats for use by patrons.
4. The Property is located in the Balboa Village Parking Management Overlay District. Pursuant to NBMC Section 20.28.030 (D)(1)(d)(Required Off-Street Parking) no off-street parking shall be required for this Project.

Finding:

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

Facts in Support of Finding:

1. The Project is compatible with the existing and allowed uses in the area, which consists of a mix of residential and commercial uses such as retail sales, and eating and drinking establishments. The Property is located among other commercial uses along Main Street and East Bay Avenue within a two-story mixed-use building. Residential uses are located behind the Property along East Bay Avenue.
2. The Project includes tenant improvement of an existing 610-square-foot commercial suite. The size of the existing suite will not increase as part of this Project.
3. The Applicant will be responsible in ensuring that trash is stored within the building, and thereby preventing any odor or related issues for the adjacent properties.
4. The Project's hours of operation are limited to 10:00 a.m. to 10:00 p.m. daily. No late hours are requested as a part of this application. These hours of operation will minimize any disturbance to residences near the property.
5. Fact 2 in Support of Finding B is hereby incorporated as reference.

Finding:

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

Facts in Support of Finding:

1. The Property is 3,600 square feet in area, square in shape, and on the corner of Main Street and East Bay Avenue. The Property is surrounded by other commercial uses in the area, and pedestrian access is available at the front of the Property along Main Street and at the side of the Property along East Bay Avenue.
2. The Fire Department reviewed the Project to ensure adequate public and emergency vehicle access is provided.
3. The Public Works Department, Building Division, and Fire Department have reviewed the application. The Project is required to obtain all applicable permits from the City Building and Fire Departments and must comply with the most recent, City-adopted version of the California Building Code.

Finding:

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

Facts in Support of Finding:

1. The Project will add an additional take-out dessert option to Main Street on Balboa Peninsula and will occupy a commercial suite that previously operated as retail.
2. The Project includes limited hours, no alcohol service, and is limited to a maximum of 20 indoor seats. The Project meets the parking requirement pursuant to NBMC Section 21.38.060 (Nonconforming Parking) and is not anticipated to create a significant impact or increase in demand for on-street parking in this area.
3. The Project has been reviewed and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment. Based on the NBMC requirements and the proposed conditions of approval, the Project will not result in a detriment to the surrounding community.

4. The Applicant is required to obtain Health Department approval prior to opening for business, and to comply with the California Building Code to ensure the safety and welfare of customers and employees within the establishment.

SECTION 4. DECISION.

**NOW, THEREFORE, BE IT RESOLVED:**

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves Minor Use Permit No. PA2025-0103 subject to the conditions outlined in Exhibit A, which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or a call for review is filed with the Community Development Director by the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

**PASSED, APPROVED, AND ADOPTED THIS 29<sup>TH</sup> DAY OF JANUARY, 2026.**



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Liz Westmoreland, AICP, Zoning Administrator

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

*(Project-specific conditions are in italics)*

**Planning Division**

1. The Project shall be in substantial conformance with the approved site plan and 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 be caused the revocation of this Minor Use Permit.
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. *The hours of operation for this establishment shall be limited to the hours of 10:00 a.m. to 10:00 p.m. daily.*
6. This Minor Use Permit may be modified or revoked by the Zoning Administrator if determined that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
7. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require an amendment to this Minor Use Permit or the processing of a new Minor Use Permit may be required.
8. A copy of the Resolution, including conditions of approval Exhibit “A” shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
9. 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.

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10. 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. The maximum noise shall be limited to no more than depicted below for the specified periods unless the ambient noise level is higher:
  11. Should the Property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
  12. Construction activities shall comply with Section 10.28.040 of the Newport Beach Municipal Code, which restricts hours of noise-generating construction activities that produce noise to between the hours of 7:00 a.m. and 6:30 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
  13. No outside paging system shall be utilized in conjunction with this establishment.
  14. Trash shall be stored within the building, thereby preventing any odor or related issues for the adjacent properties. Storage of trash shall be screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies.
  15. Trash receptacles for patrons shall be conveniently located inside of the establishment; however, not located on or within any public property or right-of-way.
  16. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
  17. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10:00 p.m. and 7:00 a.m. on weekdays and Saturdays and between the hours of 10:00 p.m. and 9:00 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
  18. Storage outside of the building in the front or at the rear of the property shall be prohibited.
  19. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
  20. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Newport Beach Municipal Code Section 20.54.060 (Time Limits and Extensions).



21. 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 **306 Main Street Ice Cream Shop including, but not limited to, Minor Use Permit (PA2025-0103)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

#### **Fire Department**

22. The Applicant shall provide illuminated exit signage at the entrance door of the tenant space.
23. The Applicant shall provide a minimum of a 2A-10BC fire extinguisher within the tenant space.

#### **Building Division**

24. *A building permit shall be required for change of use and/or occupancy.*
25. An accessible path of travel from public right of way shall be required per 11B-202.4.

#### **Public Works Department**

26. No encroachments shall be permitted within the public right of way including but not limited to outdoor dining, signs, or display items.

## **RESOLUTION NO. ZA2026-005**

### **A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A LIMITED TERM PERMIT AND COASTAL DEVELOPMENT PERMIT TO AUTHORIZE THE OPERATION OF A WEEKLY FARMERS MARKET LOCATED AT 798 DOVER DRIVE (PA2025-0194)**

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

#### **SECTION 1. STATEMENT OF FACTS.**

1. An application was filed by William Troutman of the Vital Tide Foundation (Applicant) concerning property located at 798 Dover Drive and legally described as a portion of Parcel 1 of Parcel Map 98-121, Page 31-33 of Book 303, Official Records of Orange County, California (Property).
2. The Applicant requests a 12-month duration Limited Term Permit (LTP) and Coastal Development Permit (CDP) to allow for the temporary operation of a weekly farmers market. The market will feature a maximum of 25 vendors staged within a portion of the Newport Harbor Lutheran Church (NHLC) surface parking lot with all temporary infrastructure to be removed at the end of each market. A total of 150 on-site parking spaces will serve the market, with 100 spaces available to customers and 50 spaces reserved for vendors and market operators. The market will operate on Saturdays from 8 a.m. to 2 p.m., outside of worship hours, with additional holiday markets in the month of December, on Sunday afternoons (Project).
3. The Property is categorized as Private Institutions (PI) by the Land Use Element of the General Plan and it is located within the Newport Harbor Lutheran Church (PC2) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Private Institutions 0.0 - 0.30 FAR (PI-A) and it is located within the Newport Harbor Lutheran Church (PC2) Coastal Zoning District.
5. A public hearing was held on January 29th, 2026, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

#### **SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.**

1. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15304 under Class 4 (Minor Alterations to Land) 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 4 exemption authorizes minor temporary uses of land having negligible or no permanent effects on the environment, including carnivals, sales of Christmas trees, etc. The Project involves the use of an existing parking lot for a temporary farmers market with temporary infrastructure that will be removed at the end of each market session.
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.

#### Limited Term Permit

In accordance with Section 20.52.040(G) (Limited Term Permits – Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

#### Finding:

- A. *The operation of the requested 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 LTP will allow for the temporary operation of a weekly farmers market for a term of up to 12 months. Condition of Approval No. 10 accounts for the applicable city and coastal appeal periods and establishes the duration of the market from February 23, 2026, through February 23, 2027.
2. The market will be permitted to operate from 8 a.m. to 2 p.m. on Saturdays, with setup occurring at 8 a.m. and opening for customers at 9 a.m. Additional holiday markets will be permitted in the month of December, on Sunday afternoons, from 12 p.m. to 5 p.m. Condition of approval No. 7 ensures these hours include setup and breakdown times.
  - The Property is categorized as Private Institutions (PI) by the Land Use Element of the General Plan and is located within the Newport Harbor Lutheran Church (PC2) Zoning District. The PC-2 zoning district allows the use of on-site parking areas for temporary community services and special events that are accessory to the primary institutional use, subject to the approval of a Special Event Permit. The proposed Project involves the operation of a farmers market within the existing parking lot, which is an accessory community service use consistent with the intent and purpose of the PC-2 zoning designation. Approval of a Limited Term Permit would authorize the temporarily

recurring operation of the farmers market, without requiring the applicant to obtain a separate Special Event Permit for each occurrence.

3. Surrounding land uses include single unit residential dwellings zoned PC 43 (Upper Castaways) adjacent to the south and east, Bob Henry Park to the north, and General Office uses to the west. The nearby residential areas will not be negatively impacted as the farmers markets occur outside of sensitive hours and Condition of Approval No. 6 prevents music and amplified sound.

Finding:

- B. 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 2.95 acres, fairly flat, and has been developed with a church since 1967 pursuant to Use Permit No. 1231. The Property regularly hosts large gatherings of people for Sunday worship services.
2. The market will be located within an approximately 18,000-square-foot cul-de-sac parking area located at the rear of the Property. A portion of the lot will be cordoned off as a pedestrian-only market area with a maximum of 25 vendor stalls.
3. All activities are confined to paved areas, minimizing potential impacts to surrounding properties. Five port-a-potties and eight 55-gallon trash cans will be in place for customer and vendor use at each market. All participating vendors are responsible for managing the waste generated by their stall, and the market operator will have a designated market volunteer (Site Monitor) responsible for checking the fill levels of receptacles and replacing liners of trash cans as necessary. The Site Monitor will also be responsible for performing a final sweep of the Property during the break down of each market to clean up any errant trash.
4. Condition of Approval No. 27 prohibits the market from staging materials and parking offsite, ensuring that the adjacent surface parking for Castaways Park is unaffected by the project.
5. The Project has been reviewed by the Building Division, Public Works Department, and Fire Department. All suggested conditions of approval are provided in Exhibit A.

Finding:

- C. 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 bounded by Dover Drive, Castaways Park and parking lot, Castaways Lane, and a gated residential community. The layout of the site allows for vehicles to enter and exit from Castaways Lane. The parking lot provides sufficient internal vehicle circulation and staging areas.
2. The Property is served by Dover Drive and Castaways Lane, which have sufficient capacity to support Sunday church services. The Project is not anticipated to generate excessive traffic beyond what already exists for Sunday services.
3. Condition of Approval No. 24 prohibits vehicle queuing within the public right-of-way, preventing hazards or inconveniences to the public.

Finding:

*D. 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.*

Facts in Support of Finding

1. Vehicular access to the Property is provided via Castaways Lane. Volunteers and directional signage will manage traffic flow during market operations and will ensure efficient circulation.
2. The market operator expects approximately 300 attendees per market, with an average stay of between 30 and 45 minutes. Each parking space can be turned over multiple times, ensuring all guests can be accommodated onsite.
3. The market operates in the church parking lot during hours that do not coincide with the church's primary parking demand. The market operates from 8 a.m. to 2 p.m. on Saturdays and, during December only, from 12 p.m. to 5 p.m. on Sundays. As a result, the market and church uses have distinct and differing peak parking demands, which reduces the potential for traffic and parking impacts.

Finding:

*E. 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 Property is categorized as Private Institutions (PI) by the Land Use Element of the General Plan. The PI Category is intended to provide areas for privately owned facilities that serve the public, including places for religious assembly, private schools, health care,

cultural institutions, museums, yacht clubs, congregate homes and comparable facilities. The Project is consistent with the PI Category as the market serves the public.

2. Fact 3 in support of Finding A hereby incorporated by reference.
3. The site is not located within a specific plan area.

### **Coastal Development Permit**

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

Finding:

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

Facts in Support of Finding:

1. Pursuant to Section 21.52.035(D) (Projects Exempt from Coastal Development Permit Requirements - Special and Temporary Events) of the NBMC, the proposed activity requires a CDP, as it would occur between Memorial Day weekend and Labor Day. Pursuant to 21.52.035(D)(6), a CDP is also required when a new event which has not previously received a CDP will be held in a given location.
2. The market complies with all applicable Local Coastal Program (LCP) development standards. The market will only use temporary infrastructure, is located entirely within private property, and does not contain any unique features that could permanently degrade the visual quality of the coastal zone.
3. The project site is not located adjacent to a coastal view road or a designated coastal viewing point, as identified in the Coastal Land Use Plan (CLUP). The closest coastal view road is East Coast Highway, approximately 1,500 feet south of the Property and the closest coastal viewpoint is from Castaways Park, approximately 350 feet to the southeast. The market will not be visible from a designated viewpoint, as the parking area is landward of the viewpoint and behind substantial foliage.
4. The Property is located approximately 550 feet north of the Newport Harbor and is separated by Castaways Park and single unit dwellings in between. The Property is adjacent to several trails designated in the CLUP, but these trails would remain fully open and unobstructed during market hours. The market is a neighborhood-serving use and does not rely on Castaways Park or its trails as part of its operation. The market would not block trailheads, access points, signage, or pathways used by the public to reach coastal resources.
5. The Property is not within an Environmentally Sensitive Habitat Area (ESHA), wetland, or sandy beach.

6. The Property is not located in an area in which the California Coastal Commission retains direct permit review or appeal authority.

Finding:

*G. 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 adjacent to Castaways Park and is between the nearest public road and the sea. Section 21.30.A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project is a temporary weekly farmers market that is ancillary and complementary to the religious institution. The Project does not result in increased demand on public coastal access or recreation opportunities and is designed and sited so as not to block or impede existing public access opportunities.
2. The nearest coastal access point is available from Lower Castaways Park, approximately 1,500 feet south of the Property. The Project does not include any features that would obstruct coastal access. The Property is adjacent to several trails designated in the CLUP, but these trails would remain fully open and unobstructed during market hours. The market is a neighborhood-serving use and does not rely on Castaways Park or its trails as part of its operation. The market would not block trailheads, access points, signage, or pathways used by the public to reach coastal resources. Since the project does not interfere with public access, recreational opportunities, or visibility of coastal resources, it would not affect the availability or quality of coastal access provided by Castaways Park.

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 15304 under Class 4 (Minor Alterations to Land) 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 Limited Term Permit and Coastal Development Permit filed as PA2025-0194, 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 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 29<sup>TH</sup> DAY OF JANUARY 2026.**



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Liz Westmoreland, AICP, Zoning Administrator



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

1. *The project shall be in substantial conformance with the submitted project description, waste management plan, parking management plan, and approved site 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 Limited Term Permit.
4. *All proposed signs shall be in conformance with the provisions of the Newport Harbor Lutheran Church (PC 2) Zoning District.*
5. *No overnight storage of vendor materials is permitted on-site. Temporary infrastructure such as K-Rail style barricades may be stored on-site if not impacting required parking.*
6. *No amplified music or sound is permitted.*
7. *Operational hours are restricted to 8 a.m. to 2 p.m. on Saturdays and from 12 p.m. to 5 p.m. on Sundays in December. Set up shall occur in the first operational hour of each session and breakdown shall occur in the last hour of each session.*
8. This Limited Term 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.
9. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require subsequent review and approval by the Planning Division and may require an amendment to or the processing of a new permit.
10. *This Limited Term Permit shall expire twelve (12) months from the date of end of the coastal appeal period anticipated to end, by February 23, 2026, unless an extension of up to one (1) additional period of twelve (12) months is granted by the Zoning Administrator in compliance with Section 20.54.060 (Time Limits and Extensions). A letter requesting the extension shall be submitted to the Planning Division no later than thirty (30) days prior to the expiration date of this permit.*

11. 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.
12. 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.
13. No outside paging system shall be utilized in conjunction with this market.
14. *The Project shall not operate during other church activities that require use of on-site parking spaces identified for use by the Project customers or vendors.*
15. Trash receptacles for patrons shall be conveniently located both inside and outside of the market, however, not located on or within any public property or right-of-way.
16. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
17. The applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
18. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.
19. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 (Planning and Zoning) of the NBMC.
20. 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 **Newport Harbor Farmers Market including, but not limited to the Limited Term Permit and Coastal Development Permit filed as PA2025-**

**0194.** 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 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 Department**

21. A special event tent permit issued by the Newport Beach Fire Department shall be obtained prior to operation of the market. Applicant shall re-apply prior to expiration to keep the farmers market operational.
22. Fire Department Lanes shall remain unobstructed.
23. Fire extinguishers shall be required throughout the market tent area at 75-foot intervals.

### **Public Works Department**

24. Site operations shall not impact the public right-of-way. Vehicles shall not be staged, stored, or queued in the public right-of-way at any time.
25. Water-filled barricades, or substantial barricades subject to the approval of the City Traffic Engineer, shall be positioned across the vehicle entrance to the farmers market with a maximum 4-foot gap for pedestrians
26. The proposed circulation signage shall be located entirely on private property.
27. Customers, employees, and vendors shall be prohibited from parking within the public right-of-way and parking areas in nearby public parks.

### **Building Department**

28. A building permit shall be required for any temporary structure more than 120 square feet in area.
29. Dining surfaces and work surfaces shall be 28" to 34" above the adjacent finish floor elevation.
30. All exiting paths and public walkways shall provide a minimum of 48" of unobstructed clearance.
31. Accessible routes, including under canopies and other overhead structures shall maintain a minimum clear height of 80".

32. All electrical distribution lines shall be in good working order and shall be protected from pedestrian and vehicular traffic and shall accommodate accessibility.
33. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
34. An accessible path to all functional areas shall be provided.
35. Access to restrooms shall be provided at all times.
36. Accessible parking stalls shall not be used for seating areas when onsite parking is provided.
37. Detectable warnings shall be required for crossing pedestrian paths or pedestrian pathways adjacent to a vehicular way where no physical barrier is provided for separation.