



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 February 13, 2026.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS FEBRUARY 12, 2026

Item 1: Main Street Chronic Tacos Minor Use Permit (PA2025-0218)
Site Address: 301 Main Street

Action: Approved by Resolution No. ZA2026-006	Council District	1
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Item 2: Sage Hill School Sign Modification Permit (PA2025-0161)
Site Address: 20402 Newport Coast Drive

Action: Approved by Resolution No. ZA2026-007	Council District	7
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APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.

RESOLUTION NO. ZA2026-006

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A MINOR USE PERMIT TO ALLOW A TYPE 41 (ON-SALE BEER AND WINE – EATING PLACE) ABC LICENSE FOR AN EXISTING RESTAURANT LOCATED AT 301 MAIN STREET (PA2025-0218)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Daniel Biello on behalf of Chronic Tacos (Applicant), with respect to property located at 301 Main Street, legally described as Lot 7 of Block 9 of the Balboa Tract (Property), requesting approval of a minor use permit.
2. The Applicant requests a minor use permit (MUP) to allow the addition of a Type 41 (On-Sale Beer and Wine Eating Place) Alcoholic Beverage Control (ABC) license to an existing 1,741-square-foot restaurant (Food Service - no late hours) which consists of 470 square feet of customer seating area, a serving-counter area, and kitchen area. The existing hours of operation, from 10 a.m. to 8 p.m., Monday through Thursday, and 9 a.m. to 10 p.m., Friday through Sunday, are proposed to remain.
3. The Property is categorized as Visitor Serving Commercial (CV) by the General Plan Land Use Element and is located within the Commercial Visitor-Serving (CV) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan category is Visitor Serving Commercial (CV-A) and is located within the Commercial Visitor-Serving (CV) Coastal Zoning District.
5. A coastal development permit (CDP) is not required as the Project proposes to add a Type 41 ABC license for alcohol sales at an existing restaurant. The Project does not include an expansion of floor area nor results in an increase in required parking. Therefore, a CDP is not required.
6. A public hearing was held on February 12, 2026, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

2. This exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The proposed Project involves the addition of a Type 41 ABC license to sell and serve alcohol and does not include physical changes to the restaurant.

SECTION 3. REQUIRED FINDINGS.

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

Finding

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

Facts in Support of Finding

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
 1. The Project is located within Reporting District (RD) 12, where the number of reported crimes is 1% below the City-wide crime count average of 112. The neighboring RD 11 is 66% below the City-wide crime count average. In comparison to the adjacent Reporting Districts, RD 12 is found to have a lower number of crimes reported, and therefore, a lower concentration pertaining to crime. Additionally, RD 12 contains a large number of mixed-use, commercial, and tourist-serving nonresidential uses, including other eating and drinking establishments that serve residents and visitors of the area. The intent of the zoning designations in this commercial area, as well as the three adjacent reporting districts, is to provide various commercial and retail uses to support the surrounding residential areas and visitor destinations. Beach areas have a higher concentration of land uses and, therefore, tend to have a higher crime rate than other areas in the City.
 2. The Newport Beach Police Department (NBPD) has reviewed the proposed request and has no objection to the proposed 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.
- ii. *The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
 1. Based on the latest statistics from the NBPD, the crime count in RD 12 is 111, which is 1% under the City-wide crime count average of 112. The highest volume crime in RD 12 is theft/larceny, while the highest volume of arrests in the area is related to miscellaneous offenses. DUI, Public Intoxication, and liquor law

violations make up 18% of arrests in this reporting district. In comparison, the figure for neighboring RD 11 is 35%, RD 13 is 22%, and RD 15 is 41%. Due to the lower number of alcohol-related crimes, calls for service, and arrests reported in RD 12, the area does not have a higher concentration pertaining to crime in comparison to the aforementioned reporting districts. Of the 38 reporting districts in the City, the NBPD reported 10 of those districts to ABC as high crime areas for 2024. RD 12 is not considered a high crime area. Furthermore, the area is considered one of the more attractive tourist areas in the City due to the proximity to the beach, which results in a higher number of alcohol-related calls for service, crimes and arrests.

iii. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.

1. The Project is in a commercial zoning district which allows for areas appropriate for accommodations, services, and goods intended to primarily serve visitors of the City. The nearest recreational facilities, the beach and the Balboa Pier, are located approximately 600 feet to the south of the Property. The existing restaurant is located on the ground level of a commercial development and is adjacent to existing commercial, retail, office, and food service uses.
2. The proposed hours of operation will remain from 10 a.m. to 8 p.m., Monday through Thursday, and 9 a.m. to 10 p.m. Friday through Sunday. Conditions of approval are included (including a closing time of 10 p.m., daily per Condition of Approval No. 7) to help minimize negative impacts that the Project may have to surrounding land uses and ensure that the restaurant is compatible with the surrounding community.

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

1. The restaurant is in close proximity to several establishments with alcohol licenses on the Balboa Peninsula, including Harborside Restaurant, Balboa Saloon, and Class of '47. Statistics provided by the NBPD indicate an over-concentration of alcohol licenses within RD 12. However, the Project's proximity to other establishments does not raise a concern due to the characteristics of the use. The Project has a relatively small dining area and proposes to maintain its existing operating hours (with no late hours).
2. The per capita ratio of one license for every 146 residents is lower than the average Citywide ratio. While the restaurant is in close proximity to other establishments selling alcoholic beverages, the physical and operational characteristics of the existing Restaurant would make the expanded alcoholic beverage sales in conjunction with its food-service operation appropriate at this location.

- v. *Whether or not the proposed minor use permit will resolve any current objectionable conditions.*
1. There are no current objectionable conditions related to alcohol sales. The service of alcohol beverages with the existing food service will provide convenience to customers. The NBPD has no objections to the Project.
 2. The Project has been reviewed and conditioned to help ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the NBMC is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the restaurant. Operational conditions of approval recommended by the Police Department relative to the sale of alcoholic beverages will ensure compatibility with the surrounding uses and minimize alcohol-related impacts. Condition of Approval No. 27 is included to ensure that all employees serving alcohol will be required to complete a certified training program in responsible methods and skills for selling alcoholic beverages, as required by the State of California.
 3. Offering alcohol service will complement the food service and provide convenience to customers. The NBPD has no objections to the operation given the established hours of operation, proposed Type 41 ABC License, and location of the existing use. Conditions of Approval Nos. 12 and 16 limit objectionable conditions related to noise and trash from the establishment.

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 General Plan land use category for the Property is Visitor Serving Commercial (CV), which is intended to provide accommodations, goods, and services intended to primarily serve visitors to the City of Newport Beach.
2. The existing restaurant is in a distinct commercial area along the intersections of Main Street and Bay Avenue. While the tenant space is approximately 150 feet east from a residential neighborhood, it is oriented towards Bay Avenue and Main Street and away from the residential area to the east. The proposed alcohol sales would provide a new food and beverage option for residents, as well as for visitors to the area. For these reasons, the proposal is consistent with the CV land use category of the General Plan.

3. The existing restaurant is complementary to the surrounding commercial uses, which include various restaurants, a bakery and small retail stores. It also provides a service to residents and visitors traveling to the nearby Balboa Pier and Peninsula Park.
4. The Property is not part of a specific plan area.

Finding:

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

Facts in Support of Finding:

1. The Property is located in the Commercial Visitor-Serving (CV) Zoning District, which is intended to provide for areas appropriate for accommodations, goods, and services intended to serve primarily visitors to the City. Pursuant to NBMC Section 20.20.020 (Commercial Zoning Districts Land Uses and Permit Requirements), food service, eating and drinking establishments with alcohol service and no late hours (after 11:00 p.m.) are permitted subject to the approval of a minor use permit.
2. The existing restaurant operates under Use Permit No. UP3042, which was approved on September 26, 1983. The use permit changed the previous retail use to a restaurant, incorporating tables for sit-down patrons. The addition of alcohol sales will not affect compliance with conditions established by the existing minor use permit. All applicable conditions of approval have been incorporated herein.
3. The Property is located in the Balboa Village Parking Management Overlay District, which establishes the parking management programs necessary to adequately serve the parking needs of the area. Additionally, the overlay does not require parking for any new non-residential uses. Although the restaurant use is existing, there is no existing on-site parking which serves the Property. No additional parking is required as a result of the Project. An adequate supply of parking is available in Municipal parking lots located at 600 and 608 East Balboa Boulevard to serve the subject business and surrounding uses.

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 in the Balboa Village Parking Management Overlay District, which establishes the parking management programs necessary to adequately serve the parking needs of the area. Additionally, the overlay does not require parking for any new non-residential uses. Although the restaurant use is existing, there is no existing on-site parking which serves the Property. No additional parking is required as a result

of the Project. An adequate supply of public parking is available in Municipal parking lots located at 600 and 608 East Balboa Boulevard to serve the subject business and surrounding uses.

2. The existing restaurant is compatible with the existing and allowed uses in the area, which consist of retail commercial and residential developments.
3. The Applicant is proposing to maintain current hours of operation between 10 a.m. to 8 p.m., Monday through Thursday, and 9 a.m. to 10 p.m., Friday through Sunday. Condition of Approval No. 7 has been included to limit hours of the establishment to close no later than 10 p.m.
4. The Applicant has an existing agreement with the City to utilize existing dumpsters on City-owned property at 208 Washington Street. All trash shall be stored in the existing trash enclosure area within dumpsters. The restaurant shall maintain its agreement with the City for trash storage at this location, per Condition of Approval No. 16.

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 on the intersection of Main Street and Bay Avenue. It is approximately 132 feet north of East Balboa Boulevard which is a busy commercial corridor with heavy vehicular traffic and pedestrian activity. The proposed alcohol sales are not expected to result in increased vehicular and pedestrian activity that would negatively affect access.
2. The existing restaurant is currently operating in a commercial tenant space that is served by all necessary utilities. The introduction of on-sale alcohol sales is not anticipated to create any issues with current utility service providers.
3. The Fire Department has reviewed Project to ensure adequate public and emergency vehicle access is provided and does not have any concerns.
4. All proposed site and tenant improvements must comply with the NBMC and any other applicable regulations for permits to be issued.

Finding:

- F. Operation of the use at the proposed location 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.*

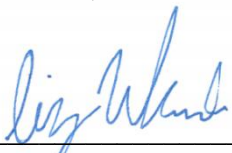
Facts in Support of Finding:

1. The Project has been reviewed by all applicable City departments, and this resolution includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The business 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 restaurant.
2. The NBPD has reviewed the Project, has no objections, and has provided conditions of approval which are incorporated into this Resolution. The Project is not expected to have a negative impact on the community and police services.
3. Compliance with the NBPD standards related to noise, lighting and other performance standards will help ensure that the Project will be compatible with the surrounding area.
4. The Project includes limited hours of operation. Additionally, there is no increased parking requirement with the addition of alcohol service. Based on an evaluation against the requirements of the NBMC, the proposed use will not result in detriment to the surrounding community.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves minor use permit No. PA2025-0218 subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This resolution supersedes Use Permit No. 3042, which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF FEBRUARY 2026.

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 floor plan stamped with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this use permit.
4. *This minor use permit shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the Newport Beach Municipal Code, unless an extension is otherwise granted.*
5. *No outdoor seating is permitted without further review and may require an amendment to this minor use permit or the processing of a new use permit.*
6. *Live entertainment and dancing shall be prohibited at the premises.*
7. *The restaurant shall open no earlier than 9 a.m. and shall close no later than 10 p.m., daily.*
8. 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.
9. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require subsequent review and approval of the Planning Division. Depending on the nature of the request, an amendment to this minor use permit or the processing of a new use permit.
10. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
11. 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.

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 Newport Beach Municipal Code (NBMC).
13. 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.
14. 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 a.m. and 6 p.m., Monday through Friday. Noise-generating construction activities are not allowed on Saturdays, Sundays, or Holidays.
15. No outside paging system shall be utilized in conjunction with this establishment.
16. All trash shall be stored within dumpsters located on City-owned property at 208 Washington Street. The dumpsters shall be stored in the existing trash enclosure area. The restaurant shall maintain its agreement with the City for trash storage at this location. If the agreement is discontinued, the Applicant or operator shall find a suitable replacement location for trash storage, subject to the approval of the Community Development Director.
17. Trash receptacles for patrons shall be conveniently located inside of the establishment, not located on or within any public property or public right-of-way.
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, including all future amendments (including Water Quality related requirements).
19. 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 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.
20. 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.
21. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, 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.

22. The Applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements. Approval from the Orange County Health Department is required prior to the issuance of a building permit.
23. 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 **Chronic Tacos Alcohol Sales including, but not limited to Minor Use Permit No. PA2025-0218**. 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 Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City's costs, attorney's fees, and damages which the City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Police Department

24. The Alcoholic Beverage Control License shall be limited to a Type 41 (On-Sale Beer and Wine – Eating Place), or a Type 47 (On-Sale General - Eating Place), subject to the approval from the NBPD and Community Development Director.
25. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training must be updated every three years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days of approval. Records of each owner's manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
26. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
27. The sale of alcohol for consumption off the premises is prohibited.

28. Patrons shall be required to show valid identification to verify age at the point of sale for alcohol.
29. No person under the age of 21 shall sell or deliver alcoholic beverages.
30. A sign indicating “No Alcohol Beyond this Point” should be posted near the interior exit.
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 Applicant 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. 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, and debris 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.
36. 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.
37. The applicant shall maintain a security recording system with a 30-day retention and make those recordings available to police upon request

RESOLUTION NO. ZA2026-007

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA APPROVING A MODIFICATION PERMIT FOR AN INCREASE IN SIGN AREA LOCATED AT 20402 NEWPORT COAST DRIVE (PA2025-0161)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by CAA Planning (Applicant) on behalf of Sage Hill School (Owner), with respect to property located at 20402 Newport Coast Drive, and legally described as Parcel 1 of Parcel Map No. 97-200 (Property)
2. The Applicant requests a modification permit to authorize the installation of an internally illuminated wall sign on the rear of an existing accessory structure (scoreboard) at Sage Hill School. The modification permit is required to allow a sign area of 183 square feet, where Chapter 20.42 (Sign Standards) of the Newport Beach Municipal Code (NBMC) allows a maximum area of 50 square feet (Project).
3. The Property is categorized as Private Institutions (PI) by the Land Use Element of the General Plan and located within the Private Institutions (PI) Zoning District. The Property is also located within the Coyote Canyon Area (HO-5) subarea of the Housing Opportunity (HO) Overlay Zoning District.
4. The Property is not located within the Coastal Zone.
5. A public hearing was held on February 12, 2026, online via Zoom. A notice of the time, place, and purpose of the hearing was given in accordance with the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15311 under Class 11 (Accessory 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 Class 11 exemption applies to projects that include the construction or replacement of minor structures such as on-premise signs accessory to (or appurtenant to) existing commercial, industrial, or institutional facilities. The proposed sign is incidental and accessory to the existing school use. The Project will not intensify or alter the use. Therefore, the Class 11 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.

Modification Permit

Pursuant to Section 20.42.120 (Comprehensive Sign Program) of the NBMC, deviations to sign area greater than 30 percent are subject to the approval of a modification permit. In accordance with Section 20.52.050 (Modification Permits) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

- A. *The requested modification will be compatible with existing development in the neighborhood.*

Facts in Support of Finding:

1. The Property is located within the Private Institutions (PI) Zoning District, which is intended to provide areas appropriate for privately owned facilities that serve the public, including private schools. The Property is developed with a private school known as Sage Hill School which serves 9th through 12th grade students.
2. The Property is abutted to the south by open space and a portion of the closed Coyote Canyon Landfill beyond, to the west by Newport Coast Drive and the main portion of the closed Coyote Canyon Landfill beyond, to the north and east by State Highway 73, with the City of Irvine beyond. The surrounding area is largely undeveloped and is part of the Central Subregion of the Natural Communities Conservation Plan/Habitat Conservation Plan (NCCP/HCP) for the Central and Coastal Subregions of Orange County. The nearest residential community within the City is located approximately 2,800 feet to the southwest, across Newport Coast Drive, and is not within the line of sight of the Project.
3. The Property has approximately 1,100 feet of frontage along Newport Coast Drive, which is a major 6-lane undivided roadway with a speed limit of 60 miles per hour.
4. The Project is proposed on the rear side of the existing baseball field scoreboard. The scoreboard is located approximately 350 feet from the right-of-way due to an intervening, open space, parcel. The scoreboard measures approximately 499 square feet, with a height of 19 feet, 9 inches and a width of 25 feet, 3 inches. The rear of the scoreboard is unfinished, with visible structural support members. The unfinished area will be covered with an exterior grade, dark, canvas material. A 183-square-foot, internally illuminated, sign

identifying the school will be installed on center, and will cover approximately 36% of the rear surface of the scoreboard.

5. Due to the large scale of the surrounding infrastructure and open space, the requested increase in sign area will provide identification signage that is appropriately sized for visibility from Newport Coast Drive without dominating or diminishing the open space character of the area.
6. The Project will not appear abrupt or out of context given its installation at an existing school campus on an existing scoreboard.

Finding:

- B. The granting of the modification is necessary due to the unique physical characteristic(s) of the property and/or structure, and/or characteristics of the use.*

Facts in Support of Finding:

1. Fact 3 in Support of Finding A is hereby incorporated by reference.
2. The nearest commercial development with identification signage is the Newport Coast Shopping Center, located south of the Property at the corner of Newport Coast Drive and San Joaquin Road. The shopping center abuts the public right-of-way which allows for the installation of identification signage adjacent to the roadway. The short distance from the roadway ensures visibility to motorists and cyclists. In this case, the increased area of the sign is necessary due to the substantial distance between the Property and the right-of-way. The Project is proportional to the Property frontage and is visible to motorists and cyclists traveling along Newport Coast Drive.
3. Sage Hill has an athletics program where the campus regularly hosts a high volume of visiting student athletes, families, and spectators from outside the local area. The school has existing monument signs located at the signalized intersection of Newport Coast Drive and the entrance road to the school. The existing signs have a low profile and are subdued, providing limited wayfinding and no advance notice to motorists exiting the State Highway 73 approximately 1,500 feet to the north. The Project will allow for clearer identification of the school from the public right-of-way, assisting first-time visitors in safely identifying the campus during busy athletic events, and reducing the likelihood that motorists miss the left-turn access which would require continuing an additional 600 feet southbound to make a U-turn at the next signalized intersection.

Finding:

- C. The granting of the modification is necessary due to practical difficulties associated with the property and that the strict application of the Zoning Code results in physical hardships that are inconsistent with the purpose and intent of the Zoning Code.*

Facts in Support of Finding:

1. The Property is located within the PI Zoning District. The NBMC groups PI along with Open Space (OS), Parks and Recreation (PR), and Public Facilities (PF) as “Special Purpose Zoning Districts.” All special purpose zoning districts are subject to the same design standards for permanent signs. The maximum sign area allowed for a wall sign within these districts is 50 square feet whereas the maximum sign area within a commercial zoning district is 75 square feet. Development within these Special Purpose Zoning Districts may range from parks and open space to schools. School uses appear and function more similarly to commercial use than parks or open spaces and therefore can be granted larger signage allowances without being inconsistent with the intent of the Zoning Code. The strict application of the Zoning Code limits the sign area to a maximum of 50 square feet, which would not provide for adequate identification of the school given the large distances from the Property to the right-of-way.
2. The purpose and intent of Chapter 20.42 (Sign Standards) of the NBMC is to provide users with adequate identification while preserving and enhancing the community’s appearance. The regulation of sign area is to ensure that signage does not overwhelm the frontage and create clutter. The Project will enhance the community’s appearance by replacing the view of an unfinished scoreboard backing along Newport Coast Drive with a high quality canvas material and the identification signage will be made from durable materials. Additionally, the Project will not overwhelm or create signage clutter as the nearest sign visible to the right-of-way is approximately 900 feet south of the proposed sign location.
3. Due to the large distance between the Project location and Newport Coast Drive and the high speeds of travel, an increased sign area is necessary to address the reduced visibility and readability for passing motorists.

Finding:

- D. *There are no alternatives to the modification permit that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants, the neighborhood, or to the general public.*

Fact in Support of Finding:

1. There are no buildings located along the perimeter of the Property that face Newport Coast Drive that would provide an opportunity for signage. Installation of a sign on the rear of the scoreboard allows for use of an existing structure and prevents the installation of any additional structures to face Newport Coast Drive.

Finding:

- E. *The granting of the modification would not be detrimental to public health, safety, or welfare, to the occupants of the property, nearby properties, the neighborhood, or the City, or result in a change in density or intensity that would be inconsistent with the provisions of this Zoning Code.*

Facts in Support of Finding:

1. Fact 4 in Support of Finding A is hereby incorporated by reference.
2. Fact 2 in Support of Finding C is hereby incorporated by reference.
3. This approval will allow for an increase in area for a wall sign, which will not result in a change in intensity or density of the school.
4. The Property is not visible from any coastal view roads or public viewpoints identified in Figure NR3 (Coastal Views) of the Natural Resources Element of the General Plan
5. The Property is adjacent to the NCCP/HCP, the closed Coyote Canyon landfill which is also located within HO-5 subarea and may support future housing, and within proximity of State Highway 73. To ensure there are no lighting impacts to the adjacent area, Condition of Approval No. 5 requires a photometric study to be prepared prior to building permit issuance for the installation of the sign.
6. Condition of Approval No. 6 prohibits the sign from being illuminated after 11 p.m., daily.
7. To ensure the sign is not excessively illuminated, Conditional of Approval No. 7 requires a nighttime inspection to be scheduled with the Code Enforcement Division. Additionally, Condition of Approval No. 8 requires the sign to include a dimmer, ensuring that there is the ability to reduce sign illumination.
8. Should the illumination prove to be a nuisance, Condition of Approval No. 9 authorizes the Community Development Director to order the dimming of light sources or other remediation upon finding that the sign is excessively illuminated.
9. The proposed sign area will cover less than half of the scoreboard, is proportional to the large amount of the Property's frontage, is oriented to be primarily visible to travelers on Newport Coast Drive without spillover into the NCCP area. Based on the NBMC sign illumination requirements and proposed conditions of approval, the Project is not anticipated to negatively impact or be detrimental to occupants of the property, nearby properties, the neighborhood, or the City.

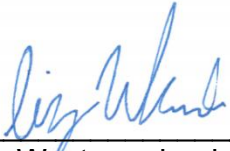
SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project exempt from the California Environmental Quality Act pursuant to Section 15311 under Class 11 (Accessory Structures) of the CEQA Guidelines, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment. The exceptions identified in Section 15300.2 do not apply.

2. The Zoning Administrator of the City of Newport Beach hereby approves the Modification Permit filed as PA2025-0161, 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 City Clerk in accordance with the provisions Chapter 20.64 (Appeals) of the NBMC. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

PASSED, APPROVED, AND ADOPTED THIS 12TH DAY OF FEBURARY, 2026.



Liz Westmoreland, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

1. The Project shall be in substantial conformance with the approved site plan, elevations, and sign details stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
2. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Modification Permit.
4. *Prior to installation, a building permit shall be obtained.*
5. *Prior to the issuance of a building permit, the Applicant shall prepare a photometric study for approval by the Planning Division. The study shall show that light spill over shall not exceed 1-foot candle at all property lines.*
6. *Signage illumination shall be prohibited after 11 p.m., daily.*
7. *Prior to building permit final inspection, the Applicant shall schedule a nighttime inspection with the Code Enforcement Division.*
8. *Building permit plans shall include a dimmer within the design of the sign to allow for a reduction in illumination.*
9. The sign shall not be excessively illuminated in accordance with the provisions of Section 20.42.060.H (Illuminated Signs and Lights) of the NBMC. If in the opinion of the Community Development Director 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 sign is excessively illuminated.
10. This Modification 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.

11. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans prior to issuance of the building permits.
12. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
13. 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.
14. 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 **Sage Hill School Sign** including, but not limited to the **Modification Permit filed as PA2025-0161**. 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.