



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 March 27, 2026.

ZONING ADMINISTRATOR PUBLIC HEARING ACTIONS MARCH 26, 2026

- Item 1: Annual Review of Hoag Memorial Hospital Presbyterian Development Agreement (PA2025-0046)
Site Address: 1 Hoag Drive
Action: The Zoning Administrator found that the Hoag Memorial Hospital Presbyterian is in good faith compliance with the terms of the Development Agreement. Council District 2
- Item 2: Camp James Limited Term Permit (More than 90 Days) and Coastal Development Permit (PA2025-0224)
Action: Approved by Resolution No. ZA2024-014 Council District 4
- Item 3: Meadows Residence Coastal Development Permit (PA2025-0200)
Site Address: 2412 Mesa Drive
Action: Approved by Resolution No. ZA2025-015 Council District 3
- Item 4: Emami Residence Coastal Development Permit (PA2025-0173)
Site Address: 355 Via Lido Soud
Action: Approved by Resolution No. ZA2025-016 Council District 1
- Item 5: Amalfi Minor Use Permit (PA2025-0210)
Site Address: 401 Newport Center Drive Suite A104
Action: Approved by Resolution No. ZA2025-017 Council District 5

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. ZA2026-014

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A LIMITED TERM PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A TEMPORARY SUMMER CAMP LOCATED AT 1131 BACK BAY DRIVE (PA2025-0224)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Phillip Ravenna of the Newport Dunes Marina and Resort (Applicant) on behalf of Camp James (Operator), with respect to property located at 1131 Back Bay Drive and legally described as Record of Survey RS_095_39-43 (Property).
2. The Property is located on approximately 100 acres of State tidelands in the Upper Newport Bay held in trust by the County of Orange and leased to the Applicant. The Property, known as the Newport Dunes Waterfront Resort & Marina (Newport Dunes), is currently developed with a variety of uses including a 427-slip marina, clubhouse, and marina support facilities, a 387-space recreational vehicle park with support facilities, various dry boat storage areas, a restaurant, boat launching facilities, various surface parking lots, and beach day use facilities.
3. The Applicant requests a limited term permit (LTP) and coastal development permit (CDP) to allow the operation of an outdoor summer camp for children on a portion of the Newport Dunes Property for more than 90 days. The camp will operate on weekdays, from June 8, 2026, through August 14, 2026, and again from June 7, 2027, through August 13, 2027. The camp will operate between the hours of 8:30 a.m. and 4:30 p.m. and will offer recreational programming including drama, dance, martial arts, sports, swimming, boating, and nature education to approximately 400 children per week. The camp will use a combination of temporary facilities and facilities that are already onsite. All temporary structures and amenities specific to the camp will be removed at the conclusion of this permit. No permanent improvements to the Property are proposed (Project).
4. On April 24, 2025, the Zoning Administrator approved the LTP and CDP filed as PA2025-0003 to allow the camp to operate at the Newport Dunes from June 9, 2025, through August 15, 2025. The proposed operation for the 2026 and 2027 seasons are the same as those previously approved for the 2025 season, with no changes to the scope, duration, or nature of the camp activities.
5. The Property is categorized as Parks and Recreation (PR) by the Land Use Element of the General Plan and is located within the Newport Dunes Planned Community (PC48) Zoning District.

6. The Property is located within the coastal zone. The Coastal Land Use Plan category is Parks and Recreation (PR) and it is located within the Newport Dunes Planned Community (PC48) Coastal Zoning District.
7. The PC48 District does not have an adopted planned community development plan; however, land uses, and development standards are established pursuant to the Newport Dunes settlement agreement (Settlement Agreement) as adopted by the City Council on July 10, 2012.
8. A public hearing was held on March 26, 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 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 is for minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes. This includes minor temporary uses of land having negligible or no permanent effects on the environment including but not limited to carnivals or sales of Christmas trees. The Project is for a temporary outdoor summer camp over two summer seasons and will use both temporary facilities and temporary structures resulting in no permanent effects on the environment. Therefore, the Class 4 exemption is applicable.
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 – Finding and Decision) of the NBMC, the findings and facts in support of such findings are set forth as follows:

Finding:

- A. *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 LTP will allow the operation of the outdoor summer camp over two summer seasons on the Newport Dunes property for a total term of 100 days (i.e. more than 90 days). Condition of Approval No. 2 establishes the duration of the camp from June 8, 2026, through August 14, 2026, and again from June 7, 2027, through August 13, 2027. The Project will provide additional childcare options and an educational opportunity which serve as an additional amenity for the community.
2. Condition of Approval No. 3 limits the hours of operation for the Project to weekdays, between 8:30 a.m. and 4:30 p.m. These daytime hours help reduce the potential for noise and traffic impacts to the surrounding residential uses during the early morning, evenings, and weekends.
3. The Project will use combination of temporary facilities and facilities that are already onsite. The Property currently has a portable office, portable restrooms, a portable stage, portable storage bins and tables. The Project will set up temporary canopies and activities for children including a mini-golf course and a portable basketball court on an existing concrete slab. All temporary structures and amenities specific to the Project will be removed at the conclusion of this LTP. No permanent improvements to the Property are proposed.
4. Condition of Approval No. 11 requires the Operator to have trash receptacles conveniently located around the camp and ensure the public beach and premises are maintained free of trash and debris.
5. The Property is bounded to the west by the Bayside Village Mobile Home Park, to the north by the Back Bay and marina slips with single-unit dwellings beyond, to the east by a multi-unit senior living complex, Back Bay Drive, and the Hyatt hotel beyond, and to the south by Coast Highway with multi-unit dwellings beyond. Back Bay View Park abuts the Property to the southeast. The nearest residential properties are the mobile homes, located approximately 1,000 feet east of the Project. The Project is separated from the mobile home park by a boat storage lot, two surface parking lots, and a block wall. Due to the Project's location on the Property, intervening distance, and proposed operations, the Project is not expected to be detrimental to surrounding land uses.

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 an irregular “U” shaped parcel, approximately 100 acres in area, and is developed with the Newport Dunes complex. The Project is situated on a small portion of the Property’s public beach, near northwestern point of the “U” shape. The specific Project site is bounded to the north by the marina parking lot, to the east and south by a pedestrian trail and public beach, and to the west by a dry boat storage area (Project Site). The Project Site will occupy approximately 1.4 acres, or less than 2%, of the Property. Based on the Property’s large size and small footprint of the Project Site, there is adequate area on the Property for the proposed outdoor camp.
2. While the Project is not in operation, the Project Site is part of the public beach. The Project is not anticipated to impact the normal operations to the Newport Dunes or impact usage of the public beach due to the small footprint of the Project Site on the Property.
3. Fact 5 in support of Finding A are hereby incorporated by reference.

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 accessed through Bayside Drive, a two-lane street that is approximately 40 feet wide. Bayside Drive leads into the Property and provides access to two parking lots serving the Project.
2. The camp operated successfully during the 2025 season and did not generate any Code Enforcement action. The City did receive one complaint regarding traffic conditions on Bayside Drive. However, after review by the Public Works Department, no follow-up action was warranted. To ensure transparency, cooperation, and positive community relations, Camp James maintains ongoing communication with nearby residents regarding their operations.
3. Bayside Drive has been improved within the last five years to better accommodate pedestrians, cyclists, and vehicle traffic, including the installation of additional speed limit signs, bike warning signs, crosswalk indicators, and expanded red-curbed areas. Based on these improvements, Bayside Drive is adequately improved to accommodate the volume of traffic generated by the use and provide a safe environment for all roadway users.
4. The Project offers an hour and a half range for regular drop-off and pick-up times to reduce traffic congestion. Students may be picked up at any time of the day, and outside of PM peak hours, further reducing traffic congestion that may occur with the operation of a summer camp.

5. The Public Works Department has reviewed the Project and has no objections, subject to the appropriate conditions of approval. Condition of Approval No. 26 has been included which requires that student drop-off and pick-up occur onsite, and not within the public right-of-way.

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; and*

Facts in Support of Finding:

1. The Property has several surface parking lots throughout. The nearest paved parking lot serves the marina and includes 486 parking stalls. The Applicant has committed to reserving 60 parking spaces within the marina parking lot for use by the Project staff. The Applicant has indicated that there is sufficient on-site parking to accommodate the Project.
2. There is an additional gravel parking lot located on the Property, adjacent to the Project Site. The gravel lot will provide a designated space outside of the public right-of-way for the pick-up and drop-off of students. The gravel parking lot provides approximately 150 parking spaces which can be used for parents, visitors, and any unanticipated or overflow parking demand generated by the Project.
3. Based on the Project's temporary nature and available onsite parking spaces, the Project is not anticipated to impact the normal operations of the Newport Dunes or be a nuisance to the nearby residential uses.
4. Fact 4 in Support of Finding C is hereby incorporated by reference.

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 Land Use Element of the General Plan categorizes this Property as Parks and Recreation (PR). Table LU 1 (Land Use Plan Categories) of the Land Use Element specifies that the PR category applies to land used or proposed for active public or private recreational use. Examples of appropriate uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The Project is for a temporary outdoor summer camp located within the Newport Dunes which provides recreational opportunities for children. The Project is therefore consistent with the General Plan designations.
2. Policy NR 16.6 (Water-Related Education and Research within Upper Newport Bay) of the Natural Resources Element of the General Plan promotes facilities in and around the

Upper Newport Bay to adequately serve as water quality and estuarine education and research programs. The Project is for a temporary outdoor summer camp in the Upper Newport Bay where children are introduced to marine education and participate in boating and other aquatic activities. The Project is, therefore, consistent with Policy NR 16.6.

3. The Settlement Agreement which serves as the zoning document for the Property and lists uses which are specifically allowed and prohibited on the Property. None of the specified allowed or prohibited uses are similar to the Project. While the Settlement Agreement does not specially preclude the Project or similar land uses, the Property is designated as PR by the General Plan which directly aligns with the Project's intent to provide additional recreational opportunities. Allowing a temporary outdoor camp for children at this Property also directly aligns with the intended use of the Property, which is a place for outdoor recreation and education.
4. The Property 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), the Project is not exempt from obtaining a CDP because the Project would occur between Memorial Day weekend and Labor Day and occupy a portion of a public sandy beach. Therefore, approval of a CDP is required for the Project.
2. The Land Use and Development Element of the Coastal Land Use Plan (CLUP) categorizes this Property as Parks and Recreation (PR). The PR category applies to land used or proposed for active public or private recreational use. Examples of appropriate uses include parks (both active and passive), golf courses, marina support facilities, aquatic facilities, tennis clubs and courts, private recreation, and similar facilities. The Project is for a temporary outdoor summer camp located within the Newport Dunes and provides recreational opportunities for children. The Project is therefore consistent with the CLUP designation.
3. Policy 2.1.7-1 (Newport Dunes) of the CLUP intends to protect, and if feasible, expand and enhance, the variety of recreational and visitor-serving uses with emphasis on lower cost uses. The Project is for a temporary outdoor summer camp which provides recreational opportunities for children within the Newport Dunes. The Project is, therefore, consistent with Policy 2.1.7-1.

4. The Property is located within the PC48 Coastal Zoning District which does not have an adopted planned community development plan; however, land uses and development standards are established pursuant to the Settlement Agreement.
5. The Project Site is located within the immediate vicinity of various designated coastal views, as identified in the CLUP. The nearest coastal viewpoint is approximately 1,600 feet to the south, at Back Bay View Park. Site investigation revealed that the Project is visible from Bay View Park. The tallest temporary improvement proposed, a canopy, is only 12 feet tall and would not exceed the height of the marina clubhouse beyond. Because the improvements are small in height, bulk, and scale, and are temporary, the Project is not anticipated to block views of the Back Bay, the bluffs beyond, or degrade the visual quality of the coastal zone.
6. There are additional viewpoints within proximity of the Project including West Cliff Park, approximately 1,700 feet to the north, and both Castaways and Lower Castaways Park approximately 3,000 feet to the west. The Project is generally not visible from these viewpoints due to the substantial distance from the Project and intervening structures including the Newport Dunes Marina club house, landscaping, and the Bayside Village Mobile Home Park.
7. The Property is located adjacent to Coast Highway and Back Bay Drive which are designated as coastal view roads by the CLUP. The Project is visible from portions of both Coast Highway and Back Bay Drive. Because the improvements are small in height, bulk, and scale, and because they are temporary, the Project is not anticipated to block views of the Back Bay, the bluffs beyond, or degrade the visual quality of the coastal zone.

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 of shoreline of any body of water located within the coastal zone.*

Facts in Support of Finding:

1. The Property is located between the nearest public road and the shoreline. Section 21.30A.040 (Determination of Public Access/ Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project is for a temporary outdoor camp at the Newport Dunes and facilitates access to coastal recreational opportunities and coastal education to children. The Project itself does not increase the demand for public access or recreational opportunities but instead enhances the existing public access and recreational opportunities located on the Property.
2. While the CLUP does not identify any designated beach access locations at the Property, there are several beach access locations on the Property and around the central lagoon. The Project is located within a small portion of the Property and does not include any features that would obstruct access along the Newport Dunes public walkway trail or any

of the nearby beach access locations that are maintained as part of the Settlement Agreement.

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 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 PA2025-0224, 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 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 Local Coastal Program and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF MARCH 2026



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"

CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

Planning Division

1. The Project shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval, except as modified by applicable conditions of approval.
2. *The Project shall be permitted on the Property, on weekdays, between June 8, 2026, through August 14, 2026, and June 7, 2027, through August 13, 2027. Operation of the Project outside of this duration is prohibited without prior review and approval by the Planning Division and/or the potential processing of a new LTP and CDP.*
3. *The Project shall be permitted to operate between the hours of 8:30 a.m. and 4:30 p.m. on weekdays during the approved timeframe.*
4. *The Property shall be cleaned of all debris, litter, amenities and temporary structures and amenities specific to the Project, within 30 days of the expiration of the LTP.*
5. *The Project shall not impede public access to the adjacent public path which facilitates public access to the beach.*
6. The Project is subject to all applicable City ordinances, policies, and standards, unless specifically waived or modified by the conditions of approval.
7. 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.
8. All noise generated by the Project shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.
9. 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.
10. The Property shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the 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 Project Site is excessively illuminated.

11. *The Operator shall install trash receptacles conveniently located around the Project Site and ensure the public beach and premises are maintained free of trash and debris.*
12. 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).
13. Prior to the operation of the Project, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
14. To the fullest extent permitted by law, the 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 **Camp James** including, but not limited to the **Limited Term Permit and Coastal Development Permit filed as PA2025-0224**. 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

15. *Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.*
16. *An accessible path of travel to all functional areas shall be provided.*
17. *Access to restrooms shall be provided at all times.*
18. *Accessible parking stalls shall not be used for seating areas when onsite parking is provided.*
19. *Detectable warnings shall be required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier is provided to separate the two.*

20. *A minimum of 5% accessible seating shall be provided at tables and counters with knee clearances of at least 27 inches high, 30 inches wide, and 19 inches deep.*
21. *The tops of dining surfaces and work surfaces shall be 28 to 34 inches above the finished floor.*
22. *All exiting paths shall be a minimum of 48 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.*
23. *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*
24. *Accessible routes, including under canopy(ies) and other overhead improvements shall maintain a minimum clear height of 80 inches.*
25. *All electrical distribution lines shall be in good working order and shall be protected from pedestrian and vehicular traffic and shall accommodate accessibility.*

Public Works Department

26. *The Applicant and/or Operator shall ensure that camper drop-off and pick-up areas do not occur within the public right-of-way.*

RESOLUTION NO. ZA2026-015

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A COASTAL DEVELOPMENT PERMIT TO DEMOLISH AN EXISTING SINGLE-UNIT DWELLING AND CONSTRUCT A NEW TWO-STORY, SINGLE-UNIT DWELLING WITH A COMBINATION OF ATTACHED AND DETACHED GARAGES PROVIDING FOUR ENCLOSED PARKING SPACES LOCATED AT 2412 MESA DRIVE (PA2025-0200)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Kollin Altomare Architects (Applicant), on behalf of Robert and Sandy Meadows (Owners), concerning property located at 2412 Mesa Drive and legally described as Parcel 2 of Book 21, Page 8 of Parcel Maps of the County of Orange, California (Property).
2. The Applicant requests a coastal development permit (CDP) to allow the demolition of an existing single-unit dwelling and detached garages, and the construction of a new, two-story, 8,382-square-foot single-unit dwelling with a 612-square-foot attached garage, a 1,342-square-foot detached garage, and a detached 72-square foot pool bathroom. The request also includes additional appurtenances such as walls, fences, patios, hardscape, drainage devices and landscaping. 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 Land Use Element of the General Plan and is located within the Santa Ana Heights Specific Plan/Residential Equestrian (SP-7/REQ) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Single Unit Residential Detached – (0.0 - 5.9 DU/AC) (RSD-A) and it is located within the Santa Ana Heights Specific Plan/Residential Equestrian (SP-7/REQ) Coastal Zoning District.
5. On January 14, 2021, the Zoning Administrator approved Coastal Development Permit No.CD2020-134 (PA2020-225) for the demolition of an existing single-unit dwelling and construction of a new three-story single-unit dwelling. However, the CDP has expired as it was not exercised within 24 months from the date of approval, and no extension was requested by the Owners. Therefore, a new CDP is required.
6. A public hearing was held on March 26, 2026, 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. This exemption allows for the construction or conversion of up to three single-unit dwellings under Class 3. The Project consists of the demolition of one single-unit dwelling and the construction of a new single-unit dwelling, therefore the Class 3 exemption is appropriate.
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 which include setbacks, height and parking.
 - a. The Property is within the SP-7/REQ Coastal Zoning District which does not have floor area limitations. The Project's proposed gross floor area is 10,408 square feet.
 - b. The Project complies with the minimum required setbacks which are 20 feet along the front property line abutting Mesa Drive, 25 feet from the rear property line, and 5 feet along each side property line.
 - c. The Project's highest ridge is 34 feet 6 inches above the average established grade and complies with the maximum 35-foot height requirement.
 - d. The Project provides two separate two-car garages for a total of four enclosed spaces, complying with the minimum three-car garage parking requirement for single-unit dwellings with more than 4,000 square feet of habitable floor area.

2. The neighborhood is predominantly developed with one- and two-story, single-unit dwellings. The proposed design, bulk, and scale of the development are consistent with the existing neighborhood pattern of development.
3. Pursuant to Section 20.90.190(E)(1) (Santa Ana Heights Specific Plan) of the NBMC, an extended equestrian trail is planned along the southern side of Mesa Drive, from its current terminus near Cypress Street, to the Mesa Drive street end. The Project is required to grade the existing parkway to a 2% maximum cross slope to accommodate the future trail. Final design of the right-of-way shall be reviewed and approved by the Public Works Department.
4. The Property is located approximately 500 feet from the Upper Newport Bay. The Property is separated from the Upper Newport Bay (the nearest body of water) by several residences and public trails. The finished floor elevation of the first floor of the proposed structure is 64.00 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.
5. Pursuant to Section 21.30.030(C)(3)(i)(iv) (Natural Landform and Shoreline Protection) of the NBMC, 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 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 Section 21.30.015(D)(3)(c) (General Site Planning and Development Standards) of the NBMC. Both requirements are included as conditions of approval that will need to be satisfied prior to the issuance of building permits for construction.
6. 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.
7. Pursuant to Section 21.35.030 (Construction Pollution Prevention Plan) of the NBMC, a Construction Erosion Control Plan was provided to implement temporary Best Management Practices (BMPs) during construction to minimize erosion and sedimentation and to minimize pollution of runoff and coastal waters derived from construction chemicals and materials.
8. Pursuant to Section 21.35.040 (Post-Development Runoff Plan) of the NBMC, the project design addresses post construction 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.

9. Pursuant to Section 21.35.050 (Water Quality and Hydrology Plan) of the NBMC, due to the Project containing more than 2,500 square feet of impervious surface area and its proximity to receiving waters, a Water Quality Management Plan (WQMP) is required for the Project. A preliminary WQMP was prepared by BKF Engineers, dated, September 14, 2020 and updated March 19, 2021. The WQMP includes a polluted runoff and hydrologic site characterization, a sizing standard for Best Management Practices (BMPs), the use of a Low Impact Development (LID) approach to retain the storm runoff volume on-site, and documentation of the expected effectiveness of the proposed BMPs.
10. 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 that invasive species are not planted.
11. The Property is not adjacent to a Coastal View Road, or Coastal Viewpoint as identified in the CLUP. The nearest coastal viewpoint is Bayview Park, which is 418 feet west of the Property. This park is accessible to the public from the street end of Mesa Drive and provides views of the back bay. From Bayview Park, the Property is not within the viewshed of the Upper Newport Bay. While the Property may be within the viewshed of other distant public viewing areas, the Project complies with all applicable LCP development standards and maintains a building envelope consistent with the existing neighborhood pattern of development. Therefore, the Project 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.*

Fact in Support of Finding:

1. The Property is located between the nearest public road and the sea. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement and the Project's impact and be proportional to the impact. In this case, the Project replaces an existing single-unit dwelling located in Santa Ana Heights with a new single-unit dwelling. 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.
2. The Property abuts the Upper Newport Bay, a nature and ecological preserve with many public recreation opportunities. Public trails intended for bicyclists, pedestrians and equestrians are located downslope from the Property and are accessible from University Drive and the Mesa Drive street end. The Project does not include any features that would impact public access opportunities.
3. A future equestrian trail is proposed along Mesa Drive. While the equestrian trail is not considered a coastal access point, the trail will lead to access to Upper Newport Bay

through the Mesa Drive street end and Bayview Park. Additionally, the Project is conditioned to grade the existing parkway to a 2% maximum cross slope to accommodate the future equestrian trail, which will facilitate public access to the Upper Newport Bay.


4. Vertical and lateral access to the coast is available in proximity to the Property, through the pedestrian and biking trails accessible from the Mesa Drive street end. The Project is designed and sited (appropriate height, setbacks, etc.) so as not to block or impede public access opportunities.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15303 under Class 3 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 filed as PA2025-0200 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 NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF MARCH 2026.



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. *Prior to the issuance of a building permit, the Applicant shall submit a final construction erosion control plan. The plan shall be subject to review and approval by the Building Division.*
3. *Prior to the issuance of a building permit, the Applicant shall submit a final drainage and grading plan. The plan shall be subject to review and approval by the Building Division.*
4. *Prior to the issuance of a building permit, a copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans.*
5. *Prior to the issuance of a building permit, the Applicant shall submit a final landscape and irrigation plan. These plans shall incorporate drought-tolerant plantings, non-invasive plant species, and water-efficient irrigation design. The plans shall be approved by the Planning Division.*
6. *Prior to the issuance of a building permit, the final WQHP/WQMP shall be reviewed and approved by the Building Division. The implementation shall comply with the approved CPPP and WQHP/WQMP and any changes could require separate review and approval by the Building Division.*
7. *Prior to the issuance of a building permit, the Applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.*
8. *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.*
9. The Applicant is responsible for compliance with the Migratory Bird Treaty Act (MBTA). In compliance with the MBTA, grading, brush removal, building demolition, tree trimming, and similar construction activities shall occur between August 16 and January 31, outside of the peak nesting period. If such activities must occur inside the peak

nesting season from February 1 to August 15, compliance with the following is required to prevent the taking of native birds under MBTA:

- A. The construction area shall be inspected for active nests. If birds are observed flying from a nest or sitting on a nest, it can be assumed that the nest is active. Construction activity within 300 feet of an active nest shall be delayed until the nest is no longer active. Continue to observe the nest until the chicks have left the nest and activity is no longer observed. When the nest is no longer active, construction activity can continue in the nest area.
 - B. It is a violation of state and federal law to kill or harm a native bird. To ensure compliance, consider hiring a biologist to assist with the survey for nesting birds, and to determine when it is safe to commence construction activities. If an active nest is found, one or two short follow-up surveys will be necessary to check on the nest and determine when the nest is no longer active.
- 10. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) shall be implemented before and throughout the duration of construction activity as designated in the Construction Erosion Control Plan.
 - 11. The discharge of any hazardous materials into storm sewer systems or receiving waters shall be prohibited. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. A designated fueling and vehicle maintenance area with appropriate berms and protection to prevent spillage shall be provided as far away from storm drain systems or receiving waters as possible.
 - 12. Debris from demolition shall be removed from work areas each day and removed from the project site within 24 hours of the completion of the project. Stockpiles and construction materials shall be covered, enclosed on all sites, not stored in contact with the soil, and located as far away as possible from drain inlets and any waterway.
 - 13. 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.
 - 14. 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.
 - 15. Revisions to the approved plans may require an amendment to this CDP or the processing of a new CDP.
 - 16. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.

17. 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.
18. This CDP 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.
19. *This CDP does not authorize fencing or improvements that would impede access to the existing 30-foot easement area.*
20. 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.
21. 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 6:30 p.m., Monday through Friday, and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays, or Holidays.
22. 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.
23. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by the current property owner or agent.
24. This CDP 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.
25. To the fullest extent permitted by law, the applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to the City's approval of **Meadows Residence including but not limited to, the Coastal Development Permit filed as PA2025-0200**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes

of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages, which the City incurs in enforcing the indemnification provisions outlined in this condition. The Applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

Public Works Department

26. The Applicant shall obtain approval from the Coast Mesa Sanitary District (CMSD). Approved plans shall be incorporated into the plan check submittal.
27. Public right-of-way shall be graded to 2% max slope from the property line toward the top of curb per City Standard.
28. The Project shall coordinate with the City's Public Works Department regarding the planned trail along the Mesa Drive frontage. Final design of the right-of-way shall be reviewed and approved by the Public Works Department during the plan check submittal.
29. All improvements within the public right-of-way shall be installed per City Standard.

Building Division

30. Drainage water from a newly graded or re-graded site shall be directed from a privately owned property directly to the public drainage system. Drainage water from a newly graded or re-graded site shall not drain across a property line onto another property without a recorded drainage easement on the adjacent property per Section 15.10.120.E.(2) of the NBMC.
31. Drainage shall be diverted away from the bluffs or steep slopes (2:1 slopes or greater) wherever practical per Section 15.10.120 (Drainage and Terracing) of the NBMC.
32. The building and pool setback from the top of slope shall comply with 1808.7.1 and 1808.7.3 of the California Building Code.
33. An approval of an easement from the Orange County Public Works Department shall be obtained for cross-lot drainage.

Fire Department

34. A residential fire sprinkler shall be required for all proposed structures and required to comply with the 2025 National Fire Protection Agency (NFPA) 13D.
35. One unobstructed minimum 36-inch passageway from the front to the rear of the property shall be required for emergency access.

36. A Knox key switch at the motor gate shall be provided for Newport Beach Fire Department (NBFD) emergency access.
37. Driveway shall comply with the NBFD guideline C.01 for widths, overhead clearances, and turnaround requirements.

RESOLUTION NO. ZA2026-016

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 355 VIA LIDO SOUD (PA2025-0173)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Brittany Oakes of Brandon Architects (Applicant) on behalf of Dion Emami (Owner), with respect to property located at 355 Via Lido Soud, and legally described as Lot 921 of Tract 907 (Property), requesting approval of a coastal development permit.
2. The Applicant requests a coastal development permit (CDP) to allow the demolition of an existing single-unit dwelling and the construction of a new 3,942-square-foot, two-story, single-unit dwelling with attached 697-square-foot three-car garage, for a total floor area of 4,639 square feet. The Project includes landscape, hardscape, drainage and accessory structures. 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 Property is categorized Multiple Residential (RM) by the General Plan Land Use Element and is located within the Multiple Residential (RM) Zoning District.
4. The Property is located within the coastal zone. The Coastal Land Use Plan (CLUP) category is Multiple Unit Residential (RM-E) - (30.0 – 39.9 DU/AC) and it is located within the Multiple Residential (RM) Coastal Zoning District.
5. A public hearing was held on March 26, 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. The 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 exempts the demolition and construction of limited numbers of new, small, structures including construction of up to six dwelling units in urbanized areas. The proposed project consists of the demolition of one single-unit dwelling and the

construction of a new 3,942-square-foot, two-story, single-unit dwelling with an attached 697-square-foot, three-car garage in the RM Coastal Zoning District. The project is consistent with the Class 3 exemption.

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 5,856 square feet and the proposed floor area is 4,639 square feet including the attached 697-square-foot garage.
 - b. The Project provides the minimum required setbacks, which are 4 feet from the front property line adjacent to the street, 3 feet from each side's property line, and 0 feet from the rear property line abutting an approximately 55-foot-deep stretch of beach.
 - c. The highest flat element is less than 28 feet from the established grade (11.46 feet per the North American Vertical Datum of 1988 (NAVD 88) and the highest ridge is approximately 24 feet from established grade, which complies with the maximum height limit of 28 feet for flat elements and 33 feet for a sloped roof.
 - d. The Project provides a three-car garage, meeting the minimum two-car garage requirement for a single-family dwelling with less than 4,000 square feet of habitable floor area.
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. A Coastal Hazards Report and Sea Level Rise Analysis (SLR Report) was prepared for the Project by PMA Consulting, Inc. dated August 1, 2025. The SLR Report states that the current maximum bay water elevation is 7.7 feet NAVD 88 and may exceed the proposed finished floor elevation of 11.89 feet NAVD 88 during high tide or storm events. The SLR 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 (likely) to 6.7 feet (very unlikely). Therefore, the SLR Report states that the sea level is estimated to reach approximately 10.9 to 14.4 feet NAVD 88, - (the likely range for sea level rise over 75-year design life of the structure based on low-risk aversion estimates for sea level rise provided by the State of California, Sea Level Rise Guidance: 2018 Update). However, based on the latest adopted State of California Sea Level Rise Guidance 2024 Science and Policy Update, the sea level is estimated to only reach approximately 10.5 to 12.2 feet NAVD 88 (the likely range for sea level rise over 75-year design life of the structure. The SLR Report used for the Project anticipates more severe sea level rise than the 2024 guidance and still concludes that the structure will not be subject to flooding over its economic lifetime. Furthermore, the SLR Report states that block walls built along the property lines could be constructed to 14.4 NAVD 88 and sufficient to protect the Project in the event that Medium High-Risk Aversion estimates hold true.
4. The finish floor elevation of the proposed single-unit dwelling is at a minimum elevation of 11.98 feet NAVD 88, which complies with the minimum 9.0-foot NAVD 88 elevation standard.
5. 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.
6. 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.
7. The 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.
8. 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.

9. 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 August 20, 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.
10. Proposed landscaping complies with Section 21.30.075 (Landscaping) of the NBMC. Condition of Approval No. 8 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.
11. The Property 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 the Lido Island Bridge, approximately 1,743 feet northwest of the Property and across the Lido Channel. The nearest coastal view road segments are located along West Coast Highway, approximately 1,935 feet north of the Property. These areas offer views of the bay. The proposed project replaces an existing single-unit dwelling with a new single-unit dwelling that complies with all applicable Title 21 (Local Coastal Program Implementation Plan) development standards and maintains a building envelope consistent with the existing and anticipated neighborhood pattern of development. The Property is not visible from the nearest coastal viewpoint or coastal view road segment due to intervening structures, and ultimately the Project should blend into the skyline and does not have the potential to degrade the visual quality of the Coastal Zone or result in significant adverse impacts on existing public views.
12. The Project will replace an existing single-unit dwelling with a new single-dwelling unit that complies with all applicable development standards in the NBMC, and is consistent with the existing neighborhood pattern of development. The Property fronts the bay and can be viewed from the water. The Property has a 0-foot front yard setback along the bay, but the design voluntarily provides a setback of 8 feet and 9 inches, which prevents the proposed residence from appearing walled off. The Project presents the opportunity to enhance views by updating an older structure with a new building and updated design. Glass elements and masonry proposed for the front and rear elevations indicate a high-quality design. 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 Property is located between the nearest public road and the sea or shoreline. Section 21.30A.040 (Determination of Public Access/Recreation Impacts) of the NBMC requires that the provision of public access bear a reasonable relationship between the requirement, 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 a RM 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 pedestrian access. The nearest coastal access is less than 40 feet northwest of the Property, via a Lido Isle Community Association Park fronting Via Lido Soud. The Project would not impact coastal access opportunities.
3. While Via Lido Soud is the first public road paralleling the sea and the Property is located between Via Lido Soud 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 the 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 (PA2025-0173), subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 21 Local Coastal Implementation Plan of the NBMC. Final action taken by the City may be appealed to the Coastal Commission in compliance with Section 21.64.035 (Appeal to

the Coastal Commission) of the City's certified LCP and Title 14 California Code of Regulations, Sections 13111 through 13120, and Section 30603 of the Coastal Act.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF MARCH 2026.



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 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 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.*
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 the 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 the 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 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.*
10. *Should future bay water elevations reach the Finished Floor Elevation of 11.98 feet (NAVD 88), on-site block walls shall be constructed to be adaptable to an elevation of 14.4 feet (NAVD 88), in compliance with the City of Newport Beach Waterfront Project Guidelines and Standards, Harbor Design Criteria Commercial & Residential Facilities.*
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).
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 Property 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 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.

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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 **Emami Residence including, but not limited to, Coastal Development Permit (PA2025-0173)**. 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. Exterior wall and opening protection shall comply with the CBC.

Public Works Department

32. All improvements within the public right of way shall be installed per the applicable City Standard.

RESOLUTION NO. ZA2026-017

A RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF NEWPORT BEACH, APPROVING A MINOR USE PERMIT FOR A FOR A NEW TAKE-OUT SERVICE FAST CASUAL RESTAURANT WITH A TYPE 41 (ON-SALE BEER AND WINE – EATING PLACE) ABC LICENSE LOCATED AT 401 NEWPORT CENTER DRIVE SUITE A104 (PA2025-0210)

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Steve Rawlings (Applicant), with respect to property located at 401 Newport Center Drive Suite A104, and legally described as Parcel 2 of Newport Beach Lot Line Adjustment No. 87-3 (Property), requesting approval of a minor use permit.
2. The Applicant proposes to operate a new take-out service, fast casual eating and drinking establishment (restaurant) with a Type 41 (On-Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license within an existing 1,073-square-foot suite previously used as a restaurant with no alcohol sales. The tenant space is located within the Atrium Food Court of the Fashion Island mall. The Applicant proposes minor tenant improvements, including customer-facing counter space with built-in electrical outlets and new floor sinks within the service area. No seating is proposed within the tenant suite. Seating is and will remain available within the common Atrium Court area. As no seating is provided within the suite, the use complies with the maximum 20 seats permitted for the take-out service, fast casual eating and drinking eating land use. The proposed hours of operation are from 7 a.m. to 11 p.m. daily (Project).
3. The Property is categorized as CR (Regional Commercial) by the General Plan Land Use Element and is located within the PC56 (North Newport Center Planned Community) Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on March 26, 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 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 to existing structures involving negligible or no expansion of use. The Project involves minor alterations to the interior floor plan of an existing restaurant space with no expansion in floor area and no increase in parking demand. Therefore, the Project is a negligible intensification of use and the Class 1 exemption is applicable.

SECTION 3. REQUIRED FINDINGS.

Alcohol Sales

In accordance with Section 20.48.030 (Alcohol Sales) of the NBMC, the Zoning Administrator shall consider the following findings prior to the approval of a new or amended alcohol sales establishment:

Finding

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

Facts in Support of Finding

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

- i. *The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.*
 - a. The Property is in an area the Newport Beach Police Department (NBPD) has designated as Reporting District (RD) 39. RD 39 is bordered to the north by San Joaquin Hills Road, to the east by MacArthur Boulevard, to the south by East Coast Highway, and to the West by Jamboree Road. 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 California Department of Alcoholic Beverage Control (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. RD 39 is considered a higher crime area, as compared to other RDs within the City. The RD 39 crime count for 2024 is 552, which is 393 percent over the citywide average of 112 crimes per RD. The higher crime rate is largely attributable to the concentration of commercial land uses and the high ratio of nonresidential to residential uses. For example, neighboring RDs, 43 and 47, are primarily residential with few commercial uses. As a result, they have a significantly lower number of crimes (34 and 73, respectively).
 - b. The NBPD has reviewed the Project and has no objection to the addition of a Type 41 ABC license, subject to appropriate conditions of approval which have been incorporated into Exhibit "A" of this Resolution. These conditions include provisions such as the requirement that all owners, managers, and employees selling alcoholic beverages shall undergo and complete a certified training program in responsible methods and skills for selling alcoholic

beverages, a prohibition on live entertainment, and no games or contests requiring or involving the consumption of alcoholic beverages.

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

a. Compared to the adjacent RDs, RD 39 had a higher percentage of alcohol-related crimes in 2024. The higher number of crimes is to be expected given that the crime figure includes driving under the influence, public intoxication and liquor law violations. These are crimes associated with commercial establishments. RD 43 and 47, which are primarily residential, are unlikely to have similar crime incidents. The alcohol-related crimes of RD 39 were higher than that of adjacent RDs, however the difference was not substantial enough to warrant objection from the NBPD.

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.

a. The Property is located with the Atrium food court of Fashion Island. The food service use relies upon adjacent common areas of the mall for its customer seating areas. Fashion Island does not abut any sensitive land uses and is separated from other structures and uses by parking lots, a busy roadway and other commercial uses. Residential uses are permitted in the northern sections of PC56; however, the Property is separated from the nearest residential use by over 1,000 feet. There are no day care centers, hospitals, parks, places of worship or schools within the mall. While some minors are expected to be present at the mall, the mall is intended to attract a variety of users and not specifically minors.

b. Restaurants with incidental alcohol service are common within the mall and the addition of an ABC license is not anticipated to alter the operational characteristics of the food service use such that it becomes detrimental to the area.

c. Condition of Approval No. 21 prohibits the proposed land use from operating as a bar or tavern which should help ensure compatibility with the surrounding businesses. Late hours are not proposed as part of this project nor are they allowed by this use permit.

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

a. There are several other restaurants within the mall. These include Fleming's Steak House, True Food Kitchen, Red O, Sushi Roku, RH Ocean Grill, Great Maple, Cucina Enoteca Back Bay Tavern at Whole Foods Market, JOEY Newport Beach, Ocean 48, R+D Kitchen and others. Generally, these restaurants operate with either a Type 41 or a Type 47 (On-Sale General) ABC license. There is no evidence suggesting that these uses have been detrimental to the surrounding vicinity. Additionally, there is no evidence to suggest that the approval of a new Type 41 ABC license would create any new objectionable conditions.

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

- a. No objectionable conditions are presently occurring at the Property.
- b. Approving the Project will allow the restaurant to diversify its offerings as a convenience to its patrons. The NBPD acknowledges the inclusion of alcohol to a food service use is a privilege; however, 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 are maintained and that a healthy environment for residents and businesses is preserved.

Minor Use Permit

In accordance with Section 20.52.020(F) (Findings and Decision) of the NBMC, the following findings and facts in support of such findings for a use permit 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 Land Use Element of the General Plan categorizes the project site as Regional Commercial (CR). The CR designation is intended to provide areas appropriate for retail, entertainment, service, and supporting uses that serve both local and regional residents. Typically, this land use category is integrated into multi-tenant developments that contain one or more “anchor” uses to attract customers. Fashion Island is the largest retail center in Newport Beach with multiple anchor tenants. A food service use with alcoholic beverage sales is a supportive use to the overall shopping destination. The Project will ultimately serve both residents of the city and regional residents alike, which is consistent with land uses in the CR land use category.
2. Land Use Element Policy LU 6.14.1 Fashion Island [“CR” designation] is intended to provide the opportunity for an additional anchor tenant, other retail, and/or entertainment and supporting uses that complement, are integrated with, and enhance the economic vitality of existing development. A maximum of 213,257 square feet of retail development capacity specified by Table LU2 (Anomaly Locations) may be reallocated for other permitted uses in Newport Center, provided that the peak hour vehicle trips generated do not exceed those attributable to the underlying retail entitlement. The Project does not include the addition of floor area, an increase in the number of seats, or the transfer of development capacity to the project site. The Project adds an ABC license which results in additional menu choices for customers that would otherwise already be visiting the mall to shop and dine. The project is not expected to result in increased traffic.
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 of this Zoning Code and the Municipal Code.*

Facts in Support of Finding

1. Fashion Island is the primary retail hub within Newport Center and is developed with retail, dining, and commercial entertainment uses. Permitted uses for Fashion Island include uses in support of the existing retail, dining and commercial entertainment uses. Fashion Island is intended to be a vibrant regional retail and entertainment center and a day/evening destination with a wide variety of uses that will serve visitors, residents and employees of the area. A restaurant with alcoholic beverage sales is consistent with the purposes of the Fashion Island Sub-Area of PC56.
2. Eating and drinking establishments are a use that is allowed by right within the Fashion Island Sub-Area of PC56. The Property previously operated as a restaurant without alcohol sales. Since the Applicant seeks to add an ABC license now, a minor use permit for the on-site sale and consumption of alcohol is required.
3. No exterior physical improvements are proposed as part of this Project. Therefore, no development standards from PC56 are applicable at this time.

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. Fashion Island is developed around an internal pedestrian network and surrounded by parking lots, which buffer the mall from adjoining office, entertainment or residential areas. The Project should have no interaction with the surrounding uses in the vicinity and therefore should be compatible.
2. Fact (iv)(a) in support of Finding A is hereby incorporated by reference.

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 Project includes the addition of an ABC license with no other changes to the previous land use. There is no addition of floor area associated with the Project. The size of the kitchen does not change as part of the project nor is there an increase in the number of seats.
2. Fashion Island is an existing development that is adequately served by utilities and can be accessed by emergency vehicles.

3. Fashion Island features a shared parking pool provided through on-site surface parking lots and parking structures. Adequate parking is provided, and the site is accessible from public streets and internal drive aisles. Public services, including police, fire, and utilities, are currently available and sufficient to serve the use without the need for additional infrastructure improvements. There should be no noticeable change in parking demand as a result of this Project, as it provides additional eating and drinking options for customers that would otherwise already be visiting the mall to shop and dine.

Finding

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

Facts in Support of Finding

1. The tenant space has previously operated without alcohol sales and has been proven to be non-detrimental to the surrounding businesses. Including alcoholic beverage options with a new menu and operator is not expected to change this, given the included conditions of approval from the NBPD.
2. The Project was reviewed by the NBPD, Fire Department, Building Division, and Public Works Department. There were no ongoing issues identified as part of their review.
3. The new food service establishment with a Type 41 ABC License should have a positive impact on the area. The use will serve both local shoppers and visitors to Fashion Island, which promotes economic activity in an area that the General Plan intends to be busy with a variety of commercial uses.
4. The Project 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 within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots of the restaurant, during business hours, if directly related to the patrons of 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 pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit filed as (PA2025-0210), subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

PASSED, APPROVED, AND ADOPTED THIS 26TH DAY OF MARCH 2026.



Benjamin M. Zueba, AICP, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

1. The development shall be in substantial conformance with the approved site plan and floor plans stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. Any change in operational characteristics, expansion in area or other modification to the approved plans, may require an amendment to this Use Permit or the processing of a new Use Permit.
3. *The hours of operation for the restaurant shall be limited from 7 a.m. to 11 p.m., daily.*
4. The Project is subject to all applicable City ordinances, policies and standards unless specifically waived or modified by the conditions of approval.
5. The Applicant shall comply with all federal, state and local laws. A material violation of any of those laws in connection with the use may be cause for revocation of this Use Permit.
6. This Use Permit may be modified or revoked by the Zoning Administrator should they determine that the proposed uses or conditions under which the use is being operated or maintained are detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the property is operated or maintained so as to constitute a public nuisance.
7. The operator of the facility shall be responsible for the control of noise generated by the subject facility including, but not limited to, noise generated by patrons, food service operations and mechanical equipment. All noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC. Pre-recorded music may be played in the tenant space, provided exterior noise levels outlined below are not exceeded. The noise generated by the proposed use shall comply with the provisions of NBMC Chapter 10.26.
8. 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.
9. No outside paging system shall be utilized in conjunction with this establishment.

10. All trash shall be stored within the building or within dumpsters stored in a trash enclosure with three walls, a self-latching gate, and a decorative solid roof for aesthetic and screening purposes.
11. 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.
12. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for the daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
13. 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).
14. 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.
15. 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.
16. 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.
17. 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.

Police Department

18. The approval is for an eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 41 license, in conjunction with the restaurant as the principal use of the facility.
19. All owners, managers and employees must abide by all requirements and conditions of the Alcoholic Beverage License.

20. 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. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. 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.
21. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the NBMC.
22. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall always maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
23. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
24. There shall be no live entertainment or dancing allowed on the premises.
25. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
26. There shall be no reduced-price alcoholic beverage promotions after 9 p.m.
27. Alcohol service shall cease by 11 p.m., daily.
28. *The Operator shall serve alcoholic beverages (beer and wine) in their original containers, or containers that significantly differ in appearance from containers utilized by nonalcoholic beverage items, or by any other restaurant in the Atrium Court at Fashion Island.*
29. Food service from the regular menu shall be made available to patrons until closing.
30. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
31. 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.

32. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks, is prohibited (excluding charges for prix fixe meals).
33. Strict adherence to maximum occupancy limits is required.
34. The Applicant shall maintain a security recording system with 30-day retention and make those recordings available to police upon request.
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.
36. No off-sales of alcohol shall be permitted.
37. 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 **Amalfi Restaurant** including, but not limited to, **Minor Use Permit (PA2025-0210)**. 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, 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.