



# NEWPORT BEACH

## City Council Staff Report

November 19, 2024  
Agenda Item No. 18

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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**TITLE:** Revocable License Agreement with Newport Beach Chamber of  
Commerce for Use of Promotional and Branding Materials

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### **ABSTRACT:**

The Newport Beach Chamber of Commerce (Chamber) established a new membership division specific to restaurants to provide training, marketing, access to business consulting, and other support services to owners and managers of Newport Beach dining establishments. To aid in its restaurant marketing efforts, the Chamber has asked the City of Newport Beach to allow it to use the Newport Beach Restaurant Association Business Improvement District's (BID) branding and promotional materials. The BID became inactive in 2021 and the City has maintained its intellectual assets.

Staff recommends approval of a revocable license agreement with the Chamber for its use of the BID's Dine Newport Beach brand and related materials.

### **RECOMMENDATIONS:**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Approve a Revocable License Agreement with the Newport Beach Chamber of Commerce for the use of promotional and branding materials.

### **DISCUSSION:**

The Newport Beach Restaurant Association Business Improvement District became inactive in 2021. Its assets were returned to the BID members and its intellectual property and some marketing materials and promotional items were transferred to the City of Newport Beach. These items included the Dine Newport Beach brand and artwork, access to the BID's social media channels, the DineNB domain name, and some related marketing materials. In 2022, a group comprised of former BID members contacted the City and expressed interest in using the Dine Newport Beach brand and the BID's marketing materials to promote Newport Beach restaurants. City staff and the group's representative discussed entering into an agreement to allow the group to use the BID's intellectual assets, but the plan never came to fruition.

Recently, Chamber President and CEO Steve Rosansky contacted City staff to discuss the Chamber's use of the BID's branding and promotional materials. The Chamber created a membership division specific to restaurants to help market and support Newport Beach dining establishments.

Staff recommends approval of a Revocable License Agreement with the Newport Beach Chamber of Commerce for its use of the BID's intellectual property to support, promote and further Newport Beach's dining industry. There is no fee or term associated with the agreement. If approved, the City would retain the right, title and interest in and to the assets.

**FISCAL IMPACT:**

There is no direct fiscal impact related to this item. The branding and promotional materials were created using Newport Beach Restaurant Association BID funding.

**ENVIRONMENTAL REVIEW:**

Staff recommends the City Council find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

**ATTACHMENT:**

Attachment A – Revocable License Agreement