

October 16, 2025 Agenda Item No. 5

SUBJECT: Chaupain Bakery (PA2025-0073)

Minor Use PermitStaff Approval

SITE LOCATION: 2622 San Miguel Drive

**APPLICANT:** Kevin Hufford, ABC Liquor Consultants

**PLANNER:** Jerry Arregui, Assistant Planner

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## **LAND USE AND ZONING**

• General Plan Land Use Plan Category: Neighborhood Commercial (CN)

• **Zoning District:** Habor View Hills Planned Community, Commercial District (PC 3)

## **PROJECT SUMMARY**

The applicant requests a minor use permit (MUP) to allow an existing restaurant known as Chaupain Bakery located within the Newport Hills Shopping Center to add a Type 41 (On-Sale Beer and Wine – Eating Place) California Department of Alcohol Beverage Control (ABC) License. Hours of operation will be reduced from 6:00 a.m. and 12:00 a.m., daily, to between 6:00 a.m. and 10:00 p.m. daily, thereby eliminating late-hour operations (i.e., after 11:00 p.m.). There are no physical alterations proposed. A Staff Approval is also required to waive 33 parking spaces, 9.4% of the total parking requirement for the entire shopping center, in order to reauthorize the restaurant and account for the gradual loss of parking spaces over time due to Americans with Disabilities Act upgrades. Approval of this project will supersede Use Permit No. UP2001-002.

## **RECOMMENDATION**

- 1) Conduct a public hearing;
- 2) Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. \_ approving the Minor Use Permit and Staff Approval, collectively filed as PA2025-0073 (Attachment No. ZA 1).

## **DISCUSSION**

## Land Use and Development Standards

- The subject property is located at the intersection of Ford Road and San Miguel Drive and within the Newport Hills Shopping Center. The property is located within the Commercial District of the Harbor View Hills (PC 3) Planned Community and is categorized as Neighborhood Commercial (CN) by the Land Use Element of the General Plan.
- The shopping center is developed with two, single-story, multi-tenant buildings, a single-tenant commercial building, a single-tenant service station, and a 317-space shared surface parking lot as shown in Figure 1 below. The shopping center includes a diverse mix of tenants such as Pavilion's grocery store, Bank of America, 76 gas station, Taco Rosa restaurant, dental office, veterinary clinic, and other retail uses.



Figure 1: Oblique aerial image of the Newport Hills Shopping Center

- The property is bounded by Ford Road to the north, multi-unit residences to the east, single-unit residences to the south, and San Miguel Drive to the west with single-unit residences beyond.
- Chaupain Bakery currently operates pursuant to Use Permit No. UP2001-009, which was approved by the Planning Commission in 2001. UP2001-009 authorized a 2,600 square-foot restaurant to operate from 6:00 a.m. to 12:00 a.m., daily, and did not allow for the sale of alcohol.
- The project will add alcohol service to the restaurant through a Type 41 (On Sale Beer and Wine Eating Place) ABC License. The hours of operation will be reduced to between 6 a.m. and 10 p.m. daily, thereby eliminating late hour operations. There are no physical alterations or changes to the floor plan proposed.
- The property is located within the Commercial District of PC 3. Section VIII(A) (Commercial Area 14 Permitted Uses) of PC 3 provides that restaurants are allowed consistent with Title 20 (Planning and Zoning) of the NBMC permitting requirements. Table 2-5 (Allowed Uses and Permit Requirements) of Section 20.20.020 (Commercial Zoning District and Land Uses and Permit Requirements) of the NBMC allows restaurants with alcohol sales and no late hours within all commercial zoning districts subject to approval of a MUP. With the elimination of late hour operations, the project can be considered by the Zoning Administrator through a MUP, rather than returning to the Planning Commission for a Conditional Use Permit.
- Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC provides an
  off-street parking requirement for eating and drinking establishment uses of one
  space for every 100 square feet of gross floor area (GFA). The restaurant is 2,600
  square feet of gross floor area and requires 26 parking spaces (2,600 sq. ft. GFA
  / 100 = 26).
- UP2001-009 authorized 730 square feet of net public area (NPA). Parking requirements at the time required one space per 40 square feet of NPA, resulting in a 19-space requirement (730 sq. ft. NPA / 40 = 18.25, rounded up). UP2001-009 waived seven of the 19 required parking spaces.
- Since the approval of UP2001-009, there have been changes to the tenant mix within the shopping center and a reduction to the number of parking spaces available due to Americans with Disabilities Act (ADA) upgrades. The shopping center currently requires 350 parking spaces but only provides 317 parking spaces as shown in Table 1 below. Therefore a 33 space, or a 9.4%, parking waiver is required to reauthorize the restaurant's use based on current parking requirements (350 spaces 33 waived = 317 space requirement).

Table 1: Shopping Center Parking Demand and Waiver Request

| Business                               | Area<br>(Square Feet)     | Parking Rate  | Parking<br>Required |
|--|---------------------------|---|---------------------|
| Retail & Service                       | 66,722                    | 1 per 250 sq. ft. of<br>gross floor area <sup>1</sup> | 266.88              |
| Taco Rosa                              | 3,466                     | 1 per 100 sq. ft. of<br>gross floor area              | 34.6                |
| Chaupain<br>Bakery (Subject<br>Tenant) | 2,600                     | 1 per 100 sq. ft. of<br>gross floor area              | 26                  |
| 76 Gas Station                         | 1,644 (3 service<br>bays) | 5 per service bay                                     | 15                  |
| Dr. Keith Tams<br>Dentistry            | 1,348                     | 1 per 200 sq. ft. of gross floor area                 | 6.74                |
| Total Required Parking                 |                           |   | 350                 |
| Parking Waiver Requested               |                           |   | 33 (9.4%)           |
| Net Required Parking                   |                           |   | 317                 |
| Existing Onsite Parking                |                           |   | 317                 |

<sup>&</sup>lt;sup>1</sup>The Harbor View Hills Planned Community (PC 3) requires 1 space per 250 square feet of gross floor area for retail and service business

- Section 20.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC allows the Community Development Director to waive up to 10% of the required off-street parking if one off-street parking space is designated with proper signage exclusively for pick-up use (i.e. to-go orders). The shopping center currently has four designated spaces for use by pick-up use.
- The Community Development Director is satisfied that the four designated pick-up spaces are sufficient to waive 33 parking spaces, or 9.4% of the parking requirement for the shopping center. Should it be determined that parking is a nuisance to the surrounding properties, Condition No. 10 allows the Community Development Director, Public Works Director, or the City Traffic Engineer the ability to require additional parking mitigation measures if parking is determined to be a public nuisance to surrounding properties.
- The Newport Beach Police Department (NBPD) reviewed the request to add alcohol service to the restaurant through a Type 41 (On Sale Beer and Wine Eating Place) ABC License and has no objections, subject to specific conditions of approval. The draft resolution, provided as Attachment No. ZA 1, includes all required facts in support of findings for alcohol sales, as well as operational conditions of approval as recommended by the NBPD. Conditions of Approval include, but are not limited to, prohibiting the restaurant from operating as a bar, tavern, cocktail lounge, or night club and a closing hour of 10 p.m.

• If approved, this MUP will supersede UP2001-002. Conditions of Approval from UP2001-002, along with the suggested conditions from the NBPD, have been incorporated into this MUP.

## **ENVIRONMENTAL REVIEW**

This Project has been determined to be categorically exempt under the requirements of the California Environmental Quality Act under Section 15301 under Class 1 (Existing Faclities). The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Class 1 exemption authorizes minor alterations of existing structures involving negligible or no expansion of use. The Project is to add alcohol service to an existing restaurant with no increase in floor area which results in a negligible intensification of use. Therefore, the Class 1 exemption is applicable.

## **PUBLIC NOTICE**

Notice of this application was published in the Daily Pilot, mailed to all owners of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways), including the applicant, and posted on the subject property at least 10 days before the scheduled hearing, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

## **APPEAL PERIOD**:

An appeal may be filed with the Community Development Director within 14 days following the date of action. For additional information on filing an appeal, contact the Planning Division at (949) 644-3200.

Prepared by:

Serry Arregui Assistant Planner

JP/ja

Attachments: ZA 1 Draft Resolution

ZA 2 Vicinity Map

ZA 3 Applicant's Project Description Letter

ZA 4 Project Plans

## Attachment No. ZA 1

Draft Resolution

#### **RESOLUTION NO. ZA2025-##**

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

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

## SECTION 1. STATEMENT OF FACTS.

- 1. An application was filed by Kevin Hufford (Applicant) on behalf of Irvine Company (Owner) concerning the property located at 2622 San Miguel Drive and legally described as Parcel 1 as shown on a map recorded in Book 119, Page 49 of Parcel Maps in the office of the Orange County Recorder (Property).
- 2. The Applicant requests a minor use permit (MUP) to allow an existing eating and drinking establishment (Restaurant) within the Newport Hills Shopping Center to add a Type 41 (On-Sale Beer and Wine Eating Place) California Department of Alcohol Beverage Control (ABC) License. The Restaurant's hours of operation will be reduced from between 6:00 a.m. and 12:00 a.m. to between 6:00 a.m. and 10:00 p.m., daily, thereby eliminating late-hour operations (i.e., after 11:00 p.m.). There are no physical alterations to the Restaurant proposed. A Staff Approval is also required to waive 33 parking spaces, 9.4% of the total parking requirement for the entire shopping center, to reauthorize the restaurant and account for the gradual loss of parking spaces over time due to Americans with Disabilities Act upgrades (Project). Approval of this Project will supersede Use Permit No. UP2001-002.
- 3. The Property is categorized as Neighborhood Commercial (CN) by the General Plan Land Use Element and is located within the Commercial District of the Habor View Hills (PC 3) Planned Community.
- 4. On April 5, 2001, the Planning Commission approved Use Permit No. UP2001-002 (UP2001-002) for a restaurant to operate late hours but without allowance for the sale of alcohol. Section VIII(A) (Commercial Area 14 Permitted Uses) of PC 3 indicates that restaurants shall be allowed within the commercial district as specified within Title 20 (Planning and Zoning) of the Newport Beach Municipal Code (NBMC). Table 2-5 (Allowed Uses and Permit Requirements) of Section 20.20.020 (Commercial Zoning District and Land Uses and Permit Requirements) of the NBMC specifies that restaurants with alcohol sales and without late hour operations are allowed in all commercial zoning districts subject to the approval of a MUP. As the Project will

- eliminate late hour operations, it is eligible for consideration by the Zoning Administrator and consideration by the Planning Commission is not required.
- 5. Section 20.40.110(D) (Adjustments to Off-Street Parking Requirements) of the NBMC allows the Community Development Director to reduce the number of required parking spaces by a maximum of 20%. However, Section 20.50.30 (Multiple Permit Applications) of the NBMC requires that multiple applications for the same project be processed concurrently and be reviewed and approved, modified or denied by the highest review authority, which in this case is the Zoning Administrator.
- 6. The Property is not located within the coastal zone.
- 7. A public hearing was held on October 16, 2025, online via zoom. A notice of the time, place, and purpose of the hearing was given in accordance with Chapter 20.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to and considered by the Zoning Administrator at this hearing.

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

- 1. This Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
- 2. The Class 1 (Existing Facilities) exemption authorizes minor alterations of existing structures with no or negligible expansion in use. The Project adds a Type 41 ABC license to an existing restaurant and does not involve any physical alterations to the tenant space, resting in a negligible expansion of use. Therefore, the Class 1 exemption is applicable.
- 3. The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

## SECTION 3. REQUIRED FINDINGS.

## **Alcohol Sales**

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

#### Finding:

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

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

- 1. The crime rate in the reporting district and adjacent reporting districts as compared to other areas in the City.
  - a. The Property is located in an area the Newport Beach Police Department (NBPD) has designated as Reporting District 52 (RD 52). A majority RD 52 encompasses residential properties, apart from the Newport Hills Shopping Center. It is abutted to the west by RD 51 and RD 53, to the south by RD 66, to the east by RD 61, and to the north by RD 54.
  - b. The NBPD is required to report offenses of Part One Crimes combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the ABC. Part One Crimes are the eight most serious crimes defined by the FBI Uniform Crime Report criminal homicide, rape, robbery, aggravated assault, burglary, larceny-theft, auto theft, and arson. The RD 52 crime count for 2024 is 24, which is 79% below the citywide average of 112 crimes per RD. The crime count for RD 52 is also lower than that of RD 51, RD 54 and RD 66.
  - c. The NBPD has reviewed the Project. Based on the location and limited operational characteristics, the NBPD has no objections to the Type 41 (On-Sale Beer and Wine Eating Place) ABC License, subject to appropriate conditions of approval, which are included in Exhibit "A" attached to this resolution.
  - d. Operational conditions of approval recommended by NBPD include, but are not limited to, the requirement to prohibit the Restaurant from operating as a bar, tavern, cocktail lounge, or nightclub and a closing hour of 10 p.m. to ensure compatibility with the surrounding residential uses and to minimize alcohol-related impacts such as noisy patrons and DUI.
- 2. The numbers of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.
  - a. RD 52 was not reported to ABC as a high crime area and has lower crime as compared to other reporting districts in the City. The highest volume of crime in this area is theft. The highest volume arrest in the area is DUI. DUI, public intoxication, and liquor law violations account for 33% of arrests in RD 52 However, pursuant to the Section 23958.4 of the California Professional and Business Code (PBC), RD 52 does not meet the legal criteria for undue concentration pertaining to crime.

- b. According to the NBPD memorandum, there was one call for service to the Property in 2024; however, no arrests, crimes, or citations reported.
- 3. The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.
  - a. The nearest residential properties are located to the south and east of the Property; however, the Restaurant is oriented to the north towards the shopping center parking lot and is separated from the residences by over 200 feet. Additionally, the residential community is situated approximately 20 feet above the shopping center.
  - b. The nearest parks are Bonita Canyon Sports Park West, located approximately 600 feet northwest of the Restaurant and across Ford Road, and San Miguel Park located approximately 2,100 feet south of the Restaurant. The nearest church and school use is the St. Mathews Church and St. Mathews Montessori School, located approximately 600 feet north of the Restaurant, across Ford Road. The Newport Beach California Temple and Church of Jesus Christ of Latter-day Saints are both located approximately 1,200 feet north of the Restaurant across Bonita Canyon Drive. The Project is otherwise not located near other religious facilities, daycare centers, parks, recreational facilities, schools, or other similar uses that attract minors.
  - c. The Restaurant is not anticipated to be detrimental to the community because of the large distances from sensitive land uses. Additionally, the Restaurant shall be required to comply with all conditions of approval recommended by the NBPD.
- 4. The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.
  - a. There are four active ABC Licenses within RD 52 which are held by two businesses also located within the shopping center. Taco Rosa restaurant holds a Type 47 (On-Sale General Eating Place) and a Type 58 (Caterer Permit) ABC License, and Pavilions grocery store holds a Type 21 (Off-Sale General) and a Type 86 (Instructional Tasting) ABC License. Taco Rosa is considered a bona fide eating and drinking establishment and is not defined as bar, lounge, or night club by the NBMC.
  - b. The Property is within Census Tract 626.45 which has a total of eight active onsale ABC Licenses. The Census Tract encompasses an area much larger than RD 52 and also includes the Newport Coast Shopping Center and a population of approximately 6,033 residents. This represents a per capita ratio of one license per every 754 residents. Orange County has a per capita ratio of one license for every 822 residents. Because the subject census tract exceeds the ratio of onsale ABC Licenses to population for the County, the area is deemed to have an

undue concentration of alcohol licenses. The NBPD does not anticipate any increase in crime or alcohol-related incidents with the approval of this Project given the limited operational characteristics and a reduced closing time of 10 p.m.

- 5. Whether or not the proposed amendment will resolve any current objectionable conditions.
  - a. No objectionable conditions currently exist within the shopping center. Based on ABC records, Pavilion's and Taco Rosa have operated on the Property with ABC Licenses since 1987 and 2004, respectively, and have not had operating issues, complaints related to alcohol and have maintained their respective licenses in good standing with ABC. The history of uses with alcohol sales within the shopping center suggests that adding a Type 41 ABC License will not cause objectionable conditions.
  - b. The Project has been reviewed and conditioned to ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the NBMC is maintained and that a healthy environment for residents and businesses is preserved. The service of alcohol is intended for the convenience of customers dining at the establishment. Operational conditions of approval recommended by the NBPD relative to the sale of alcoholic beverages will help ensure compatibility with the surrounding uses and minimize alcohol related impacts.

#### **Minor Use Permit**

In accordance with Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

## Finding:

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

## Facts in Support of Finding:

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

a. Land Use Policy LU 2.1 (Resident-Serving Land Uses): Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.

The Restaurant will add a Type 41 ABC License to further develop the dining experience for residents of the surrounding community while not including any expansion in floor area.

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

The Project will add alcohol service to the Restaurant through a Type 41 ABC License and proposes an earlier closing hour of 10 p.m. The reduction in closing hour from 12 a.m. to 10 p.m. should help ensure greater compatibility with nearby residential properties located adjacent to the shopping center as operational noise will cease earlier.

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

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

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

#### Finding:

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

## Facts in Support of Finding:

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

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

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

## Finding:

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

## Facts in Support of Finding:

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

- 3. The NBPD has reviewed the request for a Type 41 ABC License for the Restaurant and has no objections subject to specific conditions of approval. Condition of Approval Nos. 29 and 31 which prohibits the Restaurant from operating as a bar, tavern, cocktail lounge or nightclub and prohibits any live entertainment or dancing. These conditions will help ensure compatibility with the surrounding uses and minimize alcohol-related impacts such as noisy patrons and DUI.
- 4. Condition of Approval No. 8 establishes allowable hours of operation from 6 a.m. to 10 p.m., daily. The proposed hours are consistent with other uses on the Property, including the Pavilions grocery store, which operates from 6 a.m. to 10 p.m., daily. The proposed hours of operation represent a reduction from those authorized by Use Permit No. UP2001-002, which permitted a closing time of 12 a.m., daily.
- 5. Although the Restaurant is located within proximity of residential uses, the Restaurant is oriented toward the shared parking lot and away from the residential properties. Additionally, the Restaurant is separated from the residential properties by more than 200 feet and does not include any outdoor dining. Therefore, the Restaurant is not expected to negatively impact the adjacent residential properties through adding alcohol service.
- 6. A restaurant has operated within this suite since 2001 with no significant or notable operational issues. The current restaurant operator has occupied the suite since 2024. The historic compatibility of a restaurant in this location suggests future compatibility, including the addition of beer and wine, will be maintained.

## Finding:

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

## Facts in Support of Finding:

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

#### Finding:

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

## Facts in Support of Finding:

- 1. The Project will allow the Applicant to provide additional menu options for its patrons and is not anticipated to endanger, jeopardize, or otherwise constitute a hazard to the public.
- 2. The Property currently provides a total of 317 on-site parking spaces. The Project includes Condition of Approval No. 9 which affords the Community Development Director, Public Works Director, or the City Traffic Engineer the ability to require parking mitigation measures if parking is determined to be a public nuisance to surrounding properties.
- 3. The Project includes conditions of approval to help minimize potential conflicts with the surrounding land uses as much as possible. Condition of Approval No. 14 requires the business operator take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment. Based on the NBMC requirements and the proposed conditions of approval, the Project is not anticipated to be detrimental to the surrounding community.
- 4. All facts in support of Finding A are hereby incorporated by reference.
- 5. Facts 3, 4 and 6 in support of Finding D is hereby incorporated by reference.

## Staff Approval for Parking Waiver

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

## Finding:

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

## Fact in Support of Finding:

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

## Findings:

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

## Fact in Support of Findings:

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

#### Findings:

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

## Facts in Support of Findings:

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

SECTION 4. DECISION.

## NOW, THEREFORE, BE IT RESOLVED:

- 1. The Zoning Administrator of the City of Newport Beach hereby finds this Project categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment.
- 2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit and Staff Approval filed as PA2025-0073, subject to the conditions set forth in Exhibit "A", which is attached hereto and incorporated by reference.
- 3. This resolution supersedes Use Permit No. UP2001-002, which upon vesting of the rights authorized by this Minor Use Permit, shall become null and void.
- 4. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the Community Development Director in accordance with the provisions of Chapter 20.64 (Appeals) of the NBMC.

PASSED, APPROVED, AND ADOPTED THIS 16TH DAY OF OCTOBER, 2025.

Benjamin M. Zdeba, AICP, Zoning Administrator

## **EXHIBIT "A"**

#### CONDITIONS OF APPROVAL

(Project-specific conditions are in italics)

## **PLANNING DIVISION**

- 1. The Project shall be in substantial conformance with the floor plan, stamped and dated with the date of this approval. (Except as modified by applicable conditions of approval.)
- 2. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
- 3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may cause the revocation of this approval.
- 4. The approval shall expire and become void unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC, unless an extension is otherwise granted.
- 5. This approval may be modified or revoked by the Zoning Administrator should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
- 6. Any major change in operational characteristics, expansion in area, or modification to the approved plan shall require subsequent review by the Planning Division and may require an amendment to or the processing of a new use permit.
- 7. The Owner shall maintain signage indicating that parking spaces are reserved for pickup patrons
- 8. Hours of operation shall be limited to between 6 a.m. to 10 p.m., daily.
- 9. If in the opinion of the Community Development Director, Public Works Director, or the City Traffic Engineer, the Property is generating greater parking demand than anticipated and is creating a parking nuisance, additional parking mitigations measures may be required.
- 10. No outside paging system shall be utilized in conjunction with this establishment.
- 11. All noise generated by the restaurant shall comply with the provisions of Chapter 10.26 (Community Noise Control) and other applicable noise control requirements of the NBMC.

- 12. All proposed signs shall comply with the signage standards as specified in the Commercial District of the Harbor View Hills (PC 3) Planned Community and Chapter 20.42 (Signs) of the NBMC.
- 13. The Property shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, if in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the Property is excessively illuminated.
- 14. The business operator shall take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment.
- 15. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (three walls and a self-latching gate) or otherwise screened from view of neighboring properties, except when placed for pick-up by refuse collection agencies. The trash enclosure shall have a decorative solid roof for aesthetic and screening purposes.
- 16. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
- 17. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter debris and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises. Graffiti shall be removed within 48 hours of written notice from the City.
- 18. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters, if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14 (Water and Sewers) of the NBMC, including all future amendments (including Water Quality related requirements).
- 19. Storage outside of the building in the front or at the rear of the Property shall be prohibited, with the exception of the required trash container enclosure.
- 20. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9:00 a.m. on Sundays and Federal holidays, unless otherwise approved by the Director of Community Development, and may require an amendment to this Use Permit.

- 21. A Special Events Permit is required for any event or promotional activity outside the normal operational characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the NBMC to require such permits.
- 22. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or the leasing agent.
- 23. <u>Prior to the sale of any alcoholic beverages</u>, the applicant shall pay any unpaid administrative costs associated with the processing of this application to the Planning Division.
- 24. To the fullest extent permitted by law, the Applicant shall indemnify, defend and hold harmless the City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of Chaupain Bakery including, but not limited to, the Minor Use Permit and Staff Approval filed as PA2025-0073. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The Applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

## **Police Department**

- 25. The ABC License shall be limited to Type 41 (On Sale Beer and Wine Eating Place). Any substantial change in the ABC License type shall require subsequent review and potential amendment of this Minor Use Permit.
- 26. The Restaurant operator shall comply with all federal, state, and local laws, and all conditions of the ABC License. Material violation of any of those laws or conditions in connection with the use is a violation and may be cause for revocation of the use permit.
- 27. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages within 60 days of hire. This training must be updated every 3 years regardless of certificate expiration date. The certified program must meet the standards of the certifying/licensing body designated by the State of California. The establishment shall comply with the requirements of this section within 60 days of approval.

Records of each owner's manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.

- 28. The Restaurant shall close no later than 10 p.m.
- 29. This Restaurant shall not be permitted to operate as a bar, tavern, cocktail lounge or nightclub as defined by the NBMC.
- 30. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- 31. Live entertainment and dancing shall be prohibited.
- 32. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
- 33. Food service from the regular menu shall be made available to patrons until closing.
- 34. The business operator or owner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
- 35. 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.
- 36. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

## **Attachment No. ZA 2**

Vicinity Map

# **VICINITY MAP**



Minor Use Permit & Staff Approval (PA2025-0073)

**2622 San Miguel Drive** 

## **Attachment No. ZA 3**

Applicant's Project Description Letter

SEFB Company

MUP: 2622 San Miguel Rd., Newport Beach, CA 92660 – On Sale Type 41 Beer/Wine Eating

Place

**Project Description:** 

We are requesting a MUP for a cafe restaurant full service with a type 41 on sale beer & wine eating place license. Issued to restaurants. Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. 2,600 sq ft restaurant. our hours are 6:00 am to 10:00 pm daily. We usually close around 8:00 pm but would like the flexibility in case we are busy to stay open later on weekends.

#### Kevin S. Hufford | President

**ABC Liquor Consultants** 

100 Wilshire Blvd. Ste. 700

Santa Monica, CA 90401

213.600.7355 (O)

818.458.1541 (M)

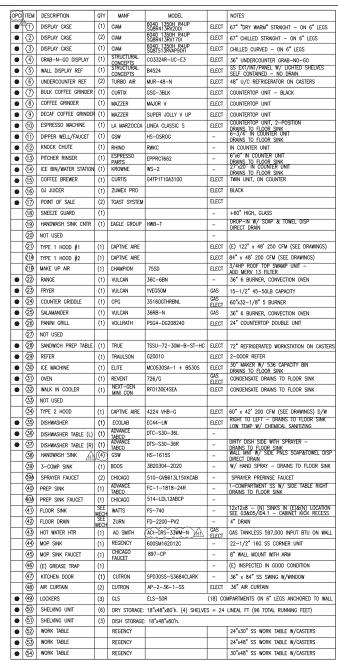
Kevin@abcliquorconsultants.com

www.ABCliquorconsultants.com



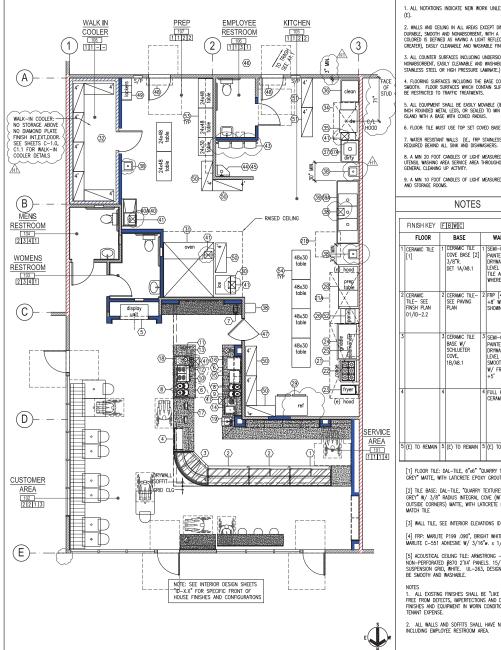
## Attachment No. ZA 4

Project Plans



OPCI = OWNER PROVIDED CONTRACTOR INSTALLED

**EQUIPMENT SCHEDULE** 



1. ALL NOTATIONS INDICATE NEW WORK UNLESS SPECIFICALLY MARKED

2. WALLS AND CEILING IN ALL AREAS EXCEPT DINING AREA SHALL BE DURABLE, SMOOTH AND NONABSORBENT, WITH A LIGHT COLORED (LIGHT COLORED IS DEFINED AS HAVING A LIGHT REFLECTANCE VALUE OF 70% OR GREATER), EASILY CLEANABLE AND WASHABLE FINISH.

3 ALL COLINTER SURFACES INCLUDING LINDERSIDE TO BE DURABLE SMOOTH NONABSORBENT, EASILY CLEANABLE AND WASHABLE FINISH (MAY REQUIRE

4. FLOORING SURFACES INCLUDING THE BASE COVES SHALL BE COMPLETELY SMOOTH FLOOR SLIREACES WHICH CONTAIN SLIP-RESISTANT ACENTS SHALL BE RESTRICTED TO TRAFFIC TREATMENTS.

ALL EQUIPMENT SHALL BE EASILY MOVABLE (IE., ON CASTERS) OR MIN 6 INCH ROUNDED METAL LEGS, OR SEALED TO MIN 4 INCH SOLID MASONRY ISLAND WITH A BASE WITH COVED RADIUS.

6. FLOOR: THE MUST USE TOP SET COVED BASE AT KITCHEN.

7. WATER RESISTANT WALLS (IE., FRP STAINLESS STEEL, CERAMIC TILE) ARE REQUIRED BEHIND ALL SINK AND DISHWASHERS.

8. A MIN 20 FOOT CANDLES OF LIGHT MEASURED 30° A.F.F. IN KITCHEN, UTENSIL WASHING AREA SERVICE AREA THROUGHOUT FACILITY FOR DURING GENERAL CLEANING UP ACTIVITY.

9. A MIN 10 FOOT CANDLES OF LIGHT MEASURED 30" A.F.F. IN RESTROOMS

**NOTES** 

FINISH KEY FIB WC FLOOR BASE WALLS CEILINGS FRAMIC TILE SEMI-GLOSS COVE BASE [2] PAINTED 5/8\* PAINTED 5/8" DRYWALL -LEVEL 4 -DRYWALL -LEVEL 4 DET 1A/A8.1 SMOOTH FINISH TILE ACCENT WHERE OCCUR 2x4 CEILING GRID -TILE - SEE FINSH PLAN 01/ID-2.2 SEE PAVING +8' WHERE SHOWN AS 0.5 SMOOTH/ WASHABLE [5] ARMSTRONG CERAMIC TILE SEMI-GLOSS BASE W/ SCHLUETER "FINE PAINTED 5/8" FISSURED" DRYWALL -COVE. IFVFI 4 BLACK 1B/A8.1 SMOOTH FINISH, ACOUSTIC TILE IN (E) 2x4 CEILING GRID W/ FRP [4] TO SEMI-GLOSS CERAMIC TILE PAINTED DRYWALL SOFFI O/ SERVICE AREA 5 (E) TO REMAIN 5 (E) TO REMAIN 5 5 (E) TO REMAIN 5 (E) TO REMAIN

[1] FLOOR THE DAL-THE 6"v6" "CHARRY TEXTURES" OTO3 "ASHEN. GREY" MATTE, WITH LATICRETE EPOXY GROUT, COLOR TO MATCH TILE

[2] TILE BASE: DAL-TILE, "QUARRY TEXTURES" 6"H. 0T03 "ASHEN GREY" W/ 3/8" RADIUS INTEGRAL COVE (WITH MATCHING INSIDE. OUTSIDE CORNERS) MATTE, WITH LATICRETE EPOXY GROUT, COLOR TO

[3] WALL TILE, SEE INTERIOR ELEVATIONS ID-3.0/3.1

[4] FRP- MARLITE P199 NON" RRICHT WHITE CLASS "A" WITH TRIMS MARLITE C-551 ADHESIVE W/ 3/16"w. x 1/4"d. x 1/2" C/C NOTCH

[5] ACOUSTICAL CEILING TILE: ARMSTRONG — CLEAN ROOM VL — NON-PERFORATED #870 2'X4' PANELS. 15/16" PRELUDE XL SUSPENSION GRID, WHITE: UL-263, DESIGN NO. D216, CEILING SHALL

3

EQUIPMENT / FINISH PLAN

1. ALL EXISTING FINISHES SHALL BE "LIKE NEW" CONDITION AND FREE FROM DEFECTS, IMPERFECTIONS AND DISCOLORING. FINISHES AND EQUIPMENT IN WORN CONDITION SHALL BE REPLACED AT

ALL WALLS AND SOFFITS SHALL HAVE NEW PAINT, TYPICAL INCLUDING EMPLOYEE RESTROOM AREA.

FINSH KEY / NOTES

Renzo J Nakata architects

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ARCHITECT'S STAMP

ONSULTANT'S STAME

1



92660

Newport Beach, **Bakery** San Miguel Dr., haupain

2622

S

Tenant Improvement: C EQUIPMENT /

FINISH PLAN

1/8/24 OCH/NPB SUBMITTAL 2/16/24 OCH RESUBMITTAL 01 2/28/24 PLANNING RESUB 01 2/28/24 BLDG RESUB 01 2/28/24 MECH/PLUMB RESUB 3/26/24 BLDG RESUB 02 A 4/4/24 OCH RESUBMITTAL 02 A 9/18/24 BLDG REVISION 02

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