

# **Attachment No. PC 1**

Draft Resolution with Findings and Conditions

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## RESOLUTION NO. PC2026-\_\_

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT TO ALLOW A COMMERCIAL EVENT FACILITY WITHIN AN EXISTING OFFICE BUILDING KNOWN AS ROGUE COLLECTIVE AT 852 AND 858 PRODUCTION PLACE WITH OFF-SITE PARKING LOCATED AT 828 PRODUCTION PLACE (PA2023-0103)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

#### SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Matt Barnes (“Applicant”), concerning the properties located at 828, 852, and 858 Production Place, and legally described as Lots 23, 24, and 29 of Tract 3145 (“Property”).
2. The Applicant requests a Conditional Use Permit (“CUP”) to use 750 square feet of an existing 10,000-square-foot professional office building for hosting commercial events (i.e., an assembly use)(“Project”). The assembly use will host small to mid-sized events including workshops, classes, networking functions, nonprofit fundraisers, corporate gatherings, and similar community-oriented activities. The Project includes five off-site parking spaces at 828 Production Place (“Off-site Parking”), secured through a parking agreement. These spaces will supplement the 17 spaces available on the Property to event attendees and employees, ensuring adequate parking for the proposed assembly use.
3. The Property is designated General Industrial (IG) by the General Plan Land Use Element and is located within the Industrial (IG) Zoning District.
4. The subject property is not located within the coastal zone; therefore, a coastal development permit is not required.
5. A public hearing was held on April 23, 2026, in the Council Chambers at 100 Civic Center Drive, Newport Beach. A notice of the time, place, and purpose of the hearing was given in accordance with Government Code Section 54950 *et seq.* (Ralph M. Brown Act) and Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code (“NBMC”). Evidence, both written and oral, was presented to and considered by, the Planning Commission at this hearing.

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

1. The 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 includes the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Class 1 exemption includes interior or exterior alterations such as interior partitions, plumbing, and electrical conveyances as well as additions to existing structures of up to 10,000 square feet. The Project includes the establishment of a 750 square-foot assembly use within an existing professional office building. Therefore, the Class 1 exemption is applicable.

### SECTION 3. REQUIRED FINDINGS.

#### Conditional 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:

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

Facts in Support of Finding:

1. The General Plan land use category for the Property is General Industrial (IG), which is intended to provide appropriate areas for a wide range of moderate to low intensity industrial uses (e.g., light manufacturing and research and development) and limited accessory commercial and office uses. The Project includes a commercial event space within an existing professional office building. This will provide an additional commercial service for employees in the vicinity and residents and visitors to the City consistent with the General Plan land use category for the Property.
2. The Project is consistent with the following General Plan Land Use policies applicable to the Project:
  - a. ***Land Use Policy LU 2.4 (Economic Development).*** *Accommodate use that maintain or enhance Newport Beach’s fiscal health and account for market demands, while maintaining and improving the quality of life for current and future residents.*

The Project complies with Policy LU 2.4 by providing the City with a new commercial event space that will serve local businesses, community groups, and visitors. The event space is located within an existing professional office building and complements the mix of commercial uses along Production Place. The Project also contributes to the ongoing revitalization of the area by introducing a flexible gathering space that can support small to mid-size events, workshops, and community-oriented activities. In addition, the Project will generate employment opportunities and provide a nearby venue option

for future residents of the planned residential development to the north. The Applicant has secured off-site parking at a nearby property approximately 250 feet to the east, ensuring that all required parking is provided in close proximity to the site and that the Project remains fully compliant with City standards.

- b. ***Land Use Policy LU 5.3.6 (Parking Adequacy and Location).*** *Require that adequate parking be provided and is conveniently located to serve tenants and customers. Set open parking lots back from public streets and pedestrian ways and screen with buildings, architectural walls, or dense landscaping.*

The Project complies with Policy LU 5.3.6 by providing the required number of parking spaces through the provision of off-site parking. Although the on-site parking supply is limited due to the existing building configuration, the applicant has obtained access to five off-site parking spaces at 828 Production Place, which satisfies the City's parking requirements for the 750-square-foot commercial event space. Of these spaces, up to three will be used by staff for the events, leaving the remaining 2spaces available for event attendees.

The off-site parking lot is within a short walking distance of the Property (approximately 250 feet) and is conveniently located to serve guests without creating circulation conflicts. Event operations occur primarily during weekend evening hours and weekends, which offset the daytime operational hours of surrounding commercial and office uses along Production Place. This staggered demand further reduces the potential for parking conflicts and ensures adequate parking availability consistent with Policy LU 5.3.6.

- c. ***Noise Policy N 4.2 (New Uses).*** *Require that new uses such as restaurants, bars, entertainment, parking facilities, and other commercial uses where large numbers of people may be present adjacent to sensitive noise receptors obtain a use permit that is based on compliance with the noise standards in Table N3 and the City's Municipal Code.*

The Project is located entirely within the existing building, minimizing noise-related concerns, and the Applicant is conditioned to comply with all applicable City noise regulations. The Project is also conditioned to limit the hours of operation between 5:00 p.m. to 11:00 p.m., Monday through Thursday, 5:00 p.m. to 12:00 a.m., on Friday and 8:00 a.m. to 12:00 a.m., Saturday and Sunday. Together, these measures ensure that the Project maintains compatibility with surrounding land uses.

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

Finding:

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

Facts in Support of Finding:

1. The Property is located within the Industrial (IG) Zoning District which is intended to provide appropriate areas for a wide range of moderate to low intensity industrial uses (e.g., light manufacturing and research and development) and limited accessory commercial and office uses. The Project includes a 750 square foot commercial event space within an existing professional office building. The Project is consistent with this designation as it is for the establishment of an assembly use, which is an allowed use for the Property with the approval of a use permit.
  
2. The Applicant proposes improvements to the interior of the building, which would bring the existing professional office building into compliance with current Building and Fire codes. In addition, conditions of approval have been included to ensure that trash is stored within the building or within dumpsters and that trash receptacles for patrons are conveniently located inside of the Project.
  
3. The Project is required to provide a total of 22 parking spaces (1 space per 35 square feet used for assembly purposes;  $750/35 = 22$  spaces). The Applicant will provide 17 parking spaces onsite. Although the Property cannot accommodate the full parking requirement onsite, the Applicant has secured an off-site parking agreement for five spaces, the remaining required spaces at a property located approximately 250 feet to the east on Production Place. This off-site parking arrangement satisfies the City's parking provisions and ensures that all required parking is provided in close proximity to the Project, thereby maintaining compliance with the Zoning Code. The required facts in support of findings for Offsite Parking are provided under Findings F through I below.

Finding:

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

Facts in Support of Finding:

1. The Property consists of one single-story office building totaling approximately 10,000 square feet. The Property abuts Production Place to the south and is surrounded by other commercial office uses and industrial uses to the east, north, and west. A commercial event space within the existing building is compatible with the land uses permitted within the surrounding development such as office, industrial, and retail.
  
2. The hours of operation for the Project are between 5:00 p.m. and 11:00 p.m., Monday through Thursday, 5:00 p.m. through 12:00 a.m. Friday, and 8:00 a.m. through 12:00 a.m., Saturday and Sunday. The operational hours of the various commercial and office uses located along Production Place are typical daytime hours, which offset the Project and reduces the potential for parking and noise related concerns. Similarly, the Project will not operate at the same time as the existing professional office uses in the building,

which operates during typical daytime hours Monday through Friday. The Project's commercial event space hours are compatible with the off-site lot.

3. The project is conditioned to prohibit dancing and to ensure the venue does not operate as a bar, lounge, or nightclub, maintaining its function strictly as an assembly and meeting facility. Although live entertainment would be allowed as an accessory use during events, the Project will be required to comply with the City's noise regulations reducing any potential issues. The Police Department has reviewed the Project and does not have concerns regarding the proposal.

Finding:

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

Facts in Support of Finding:

1. The Project includes on-site parking spaces as well as off-site parking spaces that meet the required parking. Once the 17 on-site parking spaces are filled, the patrons will use the five off-site parking spaces located at 828 Production Place via Production Place along the front of the property. No valet is proposed as part of the Project. If valet service is proposed in the future, a valet plan would be required and would be subject to review by the City Traffic Engineer and Community Development Director pursuant to Condition of Approval No. 40.
2. The commercial event space will occupy an existing commercial building that is serviced by all necessary utilities. The building will be modified to accommodate the Project. The design, location, shape, size, and operational characteristics of the use are compatible with the existing commercial uses in the surrounding area.
3. Adequate public and emergency vehicle access is provided from Production Place, and public services and utilities are provided on-site. The Project, including the proposed off-site parking, has been reviewed by the Public Works Department, City Traffic Engineer, and Fire Department to ensure adequate public and emergency vehicle access is provided and there are no concerns with the Project's use.
4. The tenant improvements to the Property will comply with all Building, Public Works, and Fire Codes. All City ordinances and all conditions of approval will be complied with.

Finding:

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

Facts in Support of Finding:

1. The commercial event space will provide a service to the surrounding area by providing a place of assembly as a public convenience to the surrounding businesses, residents, and visitors to the area. This will provide an economic opportunity for the business owner to operate.
2. The Project includes conditions of approval to ensure that potential conflicts are minimized to the greatest extent possible. The 750 square foot commercial event space is located inside the existing professional office building and not proposed to operate outside of the building. The Property is also located in an industrial zone near commercial and industrial uses and does not abut a residential zoning district.
3. While future residential development (the Monrovia Townhomes project) is anticipated on the property to the north under the City's Housing Opportunity Overlay Zone, the event space is fully enclosed within the building, which significantly reduces potential noise-related concerns. In addition, and as conditioned, the Applicant will be required to comply with all applicable City noise regulations to ensure that noise levels remain within allowable limits.
4. A condition of approval is included requiring a Special Events Permit for any event or promotional activity outside the normal operating characteristics of the proposed use. Examples include, but are not limited to, outdoor live entertainment, modified hours for the assembly use, or on-site media broadcasts.
5. The Project has been reviewed by Public Works, Building, and the Fire Prevention Division and includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. Conditions of approval are included from the Public Works Department to prohibit vehicles from backing up, unloading/loading, or queuing into the public right-of-way including over the sidewalk and public street. The Project operator is also required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance in parking areas, sidewalks, and areas surrounding the Property and adjacent properties during business hours, if directly related to the patrons of the establishment.
6. Fact 4 in Support of Finding D is hereby incorporated by reference.

***Off-Site Parking***

In accordance with Section 20.40.100(B) (Off-Site Parking) of the NBMC, approval of a CUP shall be required for a parking facility or any portion of required parking that is not located on the same site it is intended to serve, subject to the following findings and facts in support of such findings are set forth:

Finding:

- F. The parking facility is located within a convenient distance to the use it is intended to serve.*

Facts in Support of Finding:

1. The off-site parking lot is located approximately 250 feet away at 828 Production Place and is accessed along Production Place at the front of the Property. There is a public sidewalk that extends from 828 Production Place to 858 Production Place.
2. The off-site parking lot for the Project will be provided through a partnership with Beach Riot, which is an existing professional office located 250 feet east of the Property at 828 Production Place. Beach Riot will make five parking spaces available to the Project after 5:00 p.m. Monday through Friday and the full day Saturday and Sunday. Rogue Collective staff will utilize up to three of these spaces, leaving the remaining spaces for event attendees.
3. While the Project does not include valet services, as conditioned, all event participants will receive clear, pre-formatted parking instructions depicting the location of the off-site lot and the designated spaces available. On-site parking spaces will be used first before directing guests to the 828 Production Place parking lot.

Finding:

*G. On-street parking is not being counted towards meeting parking requirements.*

Facts in Support of Finding:

The commercial space is limited to 750 square feet and requires a total of 22 parking spaces. 17 parking spaces are provided on-site, and five parking spaces are provided off-site approximately 250 feet east of the Property. Although on-street parking is available along Production Place, the Project does not include a waiver of parking spaces nor does the off-site operation rely on any on-street parking.

Finding:

*H. Use of the parking facility will not create undue traffic hazards or impacts in the surrounding area.*

Facts in Support of Finding:

The off-site parking spaces will be accessed via Production Place approximately 250 feet east of the Property and is not expected to impact traffic on Production Lane. The use of the off-site parking is not anticipated to create undue traffic hazards or impacts on the surrounding areas given the proximity of the offsite parking lot and parking demand for the Project. The Project will be served by both the on-site and off-site parking lots which would provide the total required 22 parking spaces. Lastly, the Project will generate fewer than 300 average daily trips and no traffic study is required pursuant to Chapter 15. 40 (Traffic Phasing Ordinance).

Finding:

- I. *The parking facility will be permanently available, marked, and maintained for the use it is intended to serve.*

Facts in Support of Finding:

1. The off-site parking is located on a site with an existing professional office that operates during typical daytime hours, and the parking lot consists of five striped parking spaces that are maintained for the office use. The five striped parking spaces at 828 Production Place will be made available for the Project. The Project's hours of operation are between 5:00 p.m. and 11:00 p.m., Monday through Thursday, 5:00 p.m. to 12:00 a.m., Friday, and 8:00 a.m. through 12:00 a.m. Saturday and Sunday, and are not anticipated to overlap with the hours of operation of the office use at the Property or off-site parking location.
2. Condition of Approval No. 7 is included to ensure a parking agreement or covenant is recorded between the owner or operator of the Project and the off-site location to guarantee the availability of the required off-street parking spaces. Additionally, should the off-site parking spaces become unavailable, the condition will require the owner to provide substitute parking, reduce the size of the operation in proportion to the parking spaces lost, or obtain a parking reduction pursuant to Section 21.40.110 (Adjustments to Off-Street Parking Requirements) of the NBMC.

SECTION 4. DECISION.

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

1. The Planning Commission of the City of Newport Beach hereby finds this Project is categorically exempt from the California Environmental Quality Act under Section 15301 under Class 1 (Existing Facilities), of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Planning Commission of the City of Newport Beach hereby approves PA2023-0103, subject to the conditions outlined in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal is filed with the City Clerk by the provisions of Title 20 Planning and Zoning, of the NBMC.

**PASSED, APPROVED, AND ADOPTED THIS 23<sup>rd</sup> DAY OF APRIL, 2026.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Tristan Harris, Chair

BY: \_\_\_\_\_  
Jon Langford, Secretary

**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. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. The Applicant shall comply with all federal, state, and local laws. A material violation of any of those laws in connection with the use may be caused the revocation of this Use Permit.
4. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require an amendment to this Conditional Use Permit or the processing of a new permit.
5. Use Permit No. PA2023-0103 shall expire unless exercised within 24 months from the date of approval as specified in Section 20.54.060 (Time Limits and Extensions) of the NBMC unless an extension is otherwise granted.
6. *The Applicant or Property Owner shall maintain the minimum required parking spaces for the use pursuant to Section 20.40.040) of the NBMC for the benefit of customer and employee parking.*
7. *A parking agreement or covenant, in a form approved by the City Attorney and the Director that guarantees the availability of the required off-site parking at an approved off-site location shall be recorded with the County Recorder’s Office against the Property. The agreement or covenant shall require the owner or operator of the Project to immediately notify the Director of any change of ownership or use of the property where the required off-site parking is located, or changes in the use or availability of the required off-site parking, or of any termination or default of the agreement between the parties. Upon notification that the private lease agreement for the required off-site parking has terminated or the required off-site parking is otherwise unavailable for the use authorized by this Conditional Use Permit (PA2025-0057), the Director shall establish a reasonable period of time in which one of the following shall occur. 1) Substitute parking acceptable to the Director, or 2) the size or intensity of use authorized by this Conditional Use Permit is reduced in proportion to the parking spaces lost, or 3) the owner or operator of the project must obtain a parking reduction pursuant to NBMC Section 20.40.110 rendering the required off-site parking unnecessary.*

8. *The operator of the event space shall provide adequate and clear parking instructions for event attendees including the location of the off-site parking lot. The operator shall not direct attendees to park in public parking spaces.*
9. *The Applicant shall obtain a "Daily License" from the California Department of Alcoholic Beverage Control (ABC) for any event at which alcohol will be sold or offered. If the Applicant elects to pursue any ABC license type other than a Daily License (including on-sale or off-sale license), an amendment to this Conditional Use Permit may be required.*
10. *The hours of operation for the Project shall be limited to 5 p.m. to 11 p.m., Monday through Thursday, 5 p.m. to 12 a.m., on Friday and 8 a.m. to 12 a.m., Saturday through Sunday.*
11. *Dancing is prohibited and the use shall not operate as a bar, lounge, or nightclub as defined in Chapter 20.70 (Definitions) of the NBMC. Accessory live entertainment is permitted as part of the events.*
12. *Strict adherence to maximum occupancy limits is required.*
13. This Use Permit may be modified or revoked by the Planning Commission should they determine that the proposed uses or conditions under which it is being operated or maintained are detrimental to the public health, welfare, or materially injurious to property or improvements in the vicinity or if the property is operated or maintained to constitute a public nuisance.
14. Any change in operational characteristics, expansion in the area, or other modification to the approved plans, shall require Planning Division review and may necessitate an amendment to this Use Permit or the processing of a new Use Permit.
15. A copy of the Resolution, including conditions of approval Exhibit "A" shall be incorporated into the Building Division and field sets of plans before issuance of the building permits.
16. The site shall not be excessively illuminated based on the luminance recommendations of the Illuminating Engineering Society of North America, or, in the opinion of the Director of Community Development, the illumination creates an unacceptable negative impact on surrounding land uses or environmental resources. The Director may order the dimming of light sources or other remediation upon finding that the site is excessively illuminated.
17. Before 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.
18. All noise generated by the proposed use shall comply with the provisions of Chapter 10.26 (Community Noise Control), under Sections 10.26.025 (Exterior Noise Standards)

and 10.26.030 (Interior Noise Standards), and other applicable noise control requirements of the NBMC.

19. Except as required for egress, all windows and doors facing the adjacent property to the rear shall remain closed to reduce noise levels.
20. Should the property be sold or otherwise come under different ownership, any future owners or assignees shall be notified of the conditions of this approval by either the current business owner, property owner or leasing agent.
21. 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, and 8 a.m. and 6 p.m. on Saturday. Noise-generating construction activities are not allowed on Sundays, or Holidays.
22. No outside paging system shall be utilized in conjunction with this establishment.
23. Trash receptacles for patrons shall be conveniently located inside of the establishment.
24. All trash shall be stored within the building or within dumpsters stored in the trash enclosure (if available), except when placed for pick-up by refuse collection agencies. 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).
25. Storage outside of the building in the front or at the rear of the Property shall be prohibited, with the exception of the trash container on pick-up days.
26. 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.
27. The exterior of the business shall be always maintained free of litter and graffiti. The owner or operator shall provide for daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
28. 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.
29. Storage outside of the building in the front or at the rear of the property shall be prohibited, except for the required trash container enclosure.

30. Except as modified by applicable conditions of approval, 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.
31. 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 Rogue Collective Conditional Use Permit including, but not limited to, PA2023-0103. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit, or proceeding whether incurred by the applicant, City, and/or the parties initiating or bringing the such proceeding. The applicant shall indemnify the City for all the City's costs, attorneys' fees, and damages that which City incurs in enforcing the indemnification provisions outlined in this condition. The Applicant shall pay to the City upon demand any amount owed to the City under the indemnification requirements prescribed in this condition.

**Fire Department**

32. *Prior to occupancy of the assembly use, the Applicant shall install a fire sprinkler system in accordance with NFPA 13 Standard per CFC 903.2.1.1.*
33. *Prior to occupancy of the assembly use, the Applicant shall install a fire alarm system per NFPA72 and 2022 CFC 907 for the proposed occupant load of 402.*
34. All interior finishes, decorations, etc. shall comply with Chapter 8 of the 2022 CFC.

**Building Division**

35. The applicant is required to obtain all applicable permits from the City's Building Division and Fire Department. The construction plans must comply with the most recent, City-adopted version of the California Building Code. The construction plans must meet all applicable State Disabilities Access requirements.
36. Allowable Building Area shall comply for non-separated occupancy per Chapter 5 of California Building Code.
37. *Prior to building permit issuance, the Applicant shall obtain a covenant and agreement via a Certificate of Compliance between 858 and 852 Production place to allow opening and non-rated wall along property line.*

- 38. Plumbing fixtures shall comply with CPC Table 422.1.
- 39. Provide accessible path of travel from public right of way and parking to the space (11B-202.4 CBC 2022).
- 40. The Project shall comply with Section 1030.2 of the California Building code for assembly occupancy.

**Public Works Department**

- 41. *No valet shall be permitted as part of the proposed Conditional Use Permit, unless a valet operation plan is submitted and approved by the City Traffic Engineer and the Community Development Director.*
- 42. *All guests and employees shall park on-site or at the off-site parking location. Guests and employees are prohibited from parking within the public right-of-way.*
- 43. *The Applicant shall prohibit any back up or queueing of vehicles within the public right-of-way, including over the sidewalk and public street.*
- 44. *All loading and unloading shall occur on-site and be prohibited from the public right-of-way.*