



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

March 5, 2026
Agenda Item No. 3

SUBJECT: The Nice Guy Restaurant (PA2025-0252)
▪ Conditional Use Permit

SITE LOCATION: 2607 West Coast Highway

APPLICANT: Adam Koral

OWNER: PCH Restaurant and Marina, LLC

PLANNER: Laura Rodriguez, Assistant Planner
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PROJECT SUMMARY

A request for a conditional use permit (CUP) to renovate an existing 5,260-square-foot restaurant space on the waterfront, formerly occupied by *GuacAmigos*, and operate a restaurant known as *The Nice Guy* with a Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control license, late hour operations, and live entertainment. Proposed hours of operation are 11 a.m. to 12 a.m., Monday through Saturday, and 9:30 a.m. to 12 a.m. on Sunday. A CUP is required to authorize a restaurant with alcohol service and late hour operations (defined by the Newport Beach Municipal Code as service provided after 11 p.m.). If this CUP is approved, the restaurant operator will be required to obtain an operator license from the Newport Beach Police Department, as they intend to offer alcoholic beverages for on-site consumption in conjunction with late hour operations and live entertainment. No dancing is proposed. Approval of the project will also supersede the Minor Use Permit filed as PA2023-0119 and Staff Approval No. SA2018-010.

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 the exceptions to this Exemption do not apply; and
- 3) Adopt Resolution No. PC2026-005 approving the Conditional Use Permit filed as PA2025-0252 (Attachment No. PC 1).

VICINITY MAP



GENERAL PLAN



ZONING



LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	Mixed-Use Water 1 (MU-W1)	Mixed-Use Water (MU-W1)	Vacant (formerly GuacAmigos restaurant)
NORTH	Mixed-Use Horizontal 1 (MU-H1)	Mixed-Use Mariners' Mile (MU-MM)	Mariners' Mile Square (retail, fitness facility, offices)
SOUTH	N/A	N/A	Harbor
EAST	MU-W1	MU-W1	Restaurant (The Shamrock Bar and Grill)
WEST	MU-W1	MU-W1	Restaurant (The House)

INTRODUCTION

Project Setting

As shown in the “Vicinity Map” on the preceding page, the subject property is located on the south side of West Coast Highway, within the Mariners’ Mile Corridor and along the waterfront (Project Site). The Project Site is approximately 27,000 square feet and is developed with a 5,260-square-foot, single-story restaurant building originally constructed in 1968. There are commercial slips behind that are accessible from a gate located on the side of the restaurant; however, these slips are not associated with the restaurant operations. Vehicular access to the property is provided from West Coast Highway. The property is developed with 55 diagonal parking spaces and features a “one-way” circulation pattern with vehicles entering from the westerly driveway and exiting through the easterly driveway. Pedestrian access to the site is available from the pedestrian crosswalk at the corner of West Coast Highway and Tustin Avenue. The existing parking lot has landscaping along the front property line, which provides partial screening of parked cars from West Coast Highway. The Project Site is surrounded by other waterfront commercial properties and restaurants such as The Shamrock Bar and Grill, Rusty Pelican, Billy’s At The Beach, and The House.

History

While the building has been vacant since late 2024, it has a longstanding history of operating as a restaurant albeit with various operators and operational characteristics. Past operators include Ancient Mariner Restaurant, Landry’s Seafood House (1994), Joe’s Crab Shack (1997), and, most recently, GuacAmigos (2018).

A chronological summary of the property’s entitlements is provided below:

- On August 20, 1987, the Planning Commission approved Use Permit No. UP3288, which authorized on-site valet parking and the use of compact parking spaces to satisfy the restaurant’s parking requirement.
- On March 19, 1998, the Planning Commission approved Use Permit No. UP3627, which allowed operational changes to the restaurant, including the addition of late hour operations, and live entertainment.
- On January 18, 2019, the Community Development Director approved Staff Approval No. SA2018-010, which allowed an interior remodel of the restaurant and the loss of two parking spaces related to Americans with Disabilities Act (ADA) upgrades. The Staff Approval acknowledged that the restaurant had been operating with a Type 47 (On-Sale General – Eating Place) Alcoholic Beverage Control (ABC) license and continued allowances for late hour operations and live entertainment.

- On July 27, 2020, the Community Development Director approved Emergency Temporary Use Permit No. UP2020-042, which allowed for an 1,836-square-foot outdoor dining patio within the parking lot during the COVID-19 pandemic. The outdoor dining patio has since been removed, and the temporary authorization has expired.
- On October 26, 2023, the Zoning Administrator approved the Minor Use Permit filed as PA2023-0119 authorizing an additional form of live entertainment, consisting of a DJ and/or pre-programmed amplified music. The approval maintained the Type 47 ABC license while eliminating late hour operations.

Project Description

The applicant proposes to renovate the vacant restaurant space and operate *The Nice Guy*, an Italian American-themed restaurant offering a premium dine-in experience with alcohol service ancillary to food service, late hour operations, and live entertainment. The proposed hours of operation are 11 a.m. to 12 a.m., Monday through Saturday, and 9:30 a.m. to 12 a.m. on Sunday. Live entertainment will be offered daily until midnight and may include live music from a piano, a small ensemble, a DJ, or pre-programmed amplified music.¹ Dancing is not proposed.

Interior improvements include a new seating layout, a small stage, lighting, paint, and finishes. The new floor plan will provide approximately 1,184 square feet of dining area, a 140-square-foot bar area, 2,256 square feet of kitchen and back of house area, and approximately 115 square feet designated for live entertainment. The bar configuration will be smaller than the previous configuration with 17 bar seats proposed. The live entertainment stage will be located towards the southern left corner of the restaurant and facing towards the dining area. A floor plan depicting these improvements is provided for review as part of the Project Plans (Attachment No. PC 2).

Exterior improvements include new siding, roofing, stucco, paint, and an entry canopy. No additional square footage is proposed, and both the number of seats and the total occupant load will be decreased. The project will be served with an existing 130-square-foot trash enclosure.

A full project description is available as Attachment Nos. PC 3. A comparison of the previous operational characteristics and the project are listed in Table 1 on the following page.

¹ “Amplified” music is defined by the Newport Beach Municipal Code (NBMC) to mean “*the increase in the degree of sound level of voices or instruments through electronic devices and equipment (e.g., amplifiers, loudspeakers, microphones, etc*”.

Table 1, Operational Characteristics

Operational Characteristic	Existing Allowance	Proposed
Gross Floor Area	5,260 SF	No change
<i>Outdoor Dining Area</i>	N/A	N/A
<i>Total Seats</i>	144 (dining area) 34 (bar seating)	114 (dining area) 17 (bar seating)
Occupancy	196	140
<i>Hours of Operation</i>	11 a.m. to 10:30 p.m., Monday to Thursday 11 a.m. to 11 p.m., Friday Saturday, holidays 9:30 a.m. to 10:30 p.m. on Sunday	11 a.m. to 12 a.m., Monday to Saturday 9:30 a.m. to 12 a.m. on Sunday
<i>Live Entertainment</i>	DJ, pre-programmed amplified music, singing	DJ, piano, small ensemble, or pre-programmed amplified music
<i>Dancing</i>	Waitstaff only, within the interior of the restaurant	Prohibited
<i>Alcoholic Beverage Sales</i>	Type 47 (On-Sale General – Eating Place)	No change
<i>Parking¹</i>	57 spaces required 55 spaces provided	53 spaces required 55 spaces provided

¹ On August 26, 2025, the City Council adopted Ordinance No. 2025-13 to amend the food service parking requirements for Title 21 (Local Coastal Program Implementation Plan) to be consistent with Title 20 (Planning and Zoning) of the NBMC. The land use, “Food service with late hours”, now requires one parking space per 100 square feet of gross floor area.

DISCUSSION

Analysis

General Plan Consistency

The Project Site is categorized as Mixed-Use Water 1 (MU-W1) by the Land Use Element of the General Plan. The MU-W1 designation is applied to waterfront locations along Mariners’ Mile Corridor and intended to provide areas where marine-related, visitor-serving, commercial, and residential uses are allowed. A restaurant is consistent with the MU-W1 land use categorization, as restaurants are both a visitor-serving and commercial use.

While not an exhaustive list, the project is consistent with and in furtherance of the following General Plan Policies:

- ***Land Use Policy LU 5.2.2 (Buffering Residential Areas).*** *Require that commercial uses adjoining residential neighborhoods be designed to be compatible and minimize impacts.*

Although the Project Site is not adjacent to a residential zoning district, residential neighborhoods are located nearby. The nearest residential zoning district is approximately 485 feet north along Tustin Avenue. Residences on Tustin Avenue are not likely to perceive noise from the restaurant, as they are separated from the property by the highly traveled West Coast Highway and intervening structures. Residential properties are also located approximately 800 feet south, across Newport Harbor and on Lido Isle. Several restaurant windows face the harbor. Because noise can travel further distances more efficiently across water, all restaurant windows and doors facing the water are conditioned to remain closed after 10 p.m. to help alleviate potential noise impacts to the nearby properties on Lido Isle.

- ***Land Use Policy 6.19.2 (Bay Fronting Properties).*** *Encourages marine-related and visitor-serving retail, restaurant, hotel, institutional, and recreational uses, with some allowance for residential uses.*

The project will revitalize an existing restaurant space that has been vacant since late 2024. It intends to provide a premium dining experience for visitors and residents of Newport Beach. As the restaurant is located on the waterfront, a new operator will once again attract customers who can enjoy expansive harbor views.

- ***Land Use Policy 6.19.6 (Corridor Identity and Quality)*** *Implement landscape, signage, lighting, sidewalk, pedestrian crossing, and other amenities consistent with the Mariners' Mile Specific Plan District and Mariners' Mile Strategic Vision and Design Plan.*

Land Use Policy 6.19.7 (Architecture and Site Planning). *While a diversity of building styles is encouraged, the form, materials, and colors of buildings located along the harbor front should be designed to reflect the area's setting and nautical history.*

The Mariners' Mile Strategic Vision and Design Plan is intended to provide guidance on appropriate architecture, landscape, and signage that respect the heritage of Mariners' Mile. In this case, the applicant is proposing to replace the exterior façade with grey colored stucco, dark wood trim for exterior doors, and black with white accent-colored awnings. The proposed building color is considered a neutral tone, which is allowed in the design plan. The awnings, which

are encouraged to be dark, create visual interest and contribute to a balanced composition along the building's exterior elevations. Nautical elements, which are consistent with the history and character of Mariners' Mile, are encouraged. The project may use stainless steel, polished chrome, brass, and/or bronze as architectural features to incorporate nautical references. Proposed signage shall be consistent with the plan.

- **Noise Policy N 1.7 (Commercial/Entertainment Uses).** *Limit hours and/ or require attenuation of commercial/ entertainment operations adjacent to residential and other noise sensitive uses in order to minimize excessive noise to these receptors.*

The project will offer live entertainment until midnight, which may include a piano, small ensemble, or DJ with amplified sound. Due to the potential for noise impacts, a Noise Impact Study (Noise Study) was conducted by RK Engineering Group, Inc., dated October 14, 2025. The Noise Study estimated the project's expected noise levels during live music and DJ entertainment and evaluated potential impacts to the residences on Lido Isle, which are the nearest sensitive receptors. The study analyzed projected noise levels during the day, when the restaurant's windows are expected to be open, and at night, when the windows are expected to be closed. Those projected noise levels were compared to standards provided in Section 10.26.025 (Exterior Noise Standards) of the NBMC. The study concluded that the project would not exceed the City's noise level standards nor would it create an increase in significant noise on the property, subject to certain recommendations, such as closing all doors and windows facing the bay after 10 p.m. during any live entertainment. The Noise Study is provided as Attachment No. PC 4.

A full General Plan consistency analysis is available in the Draft Resolution provided as Attachment No. PC 1.

Local Coastal Program

The Project Site is located within the Coastal Zone. It is categorized as Mixed-Use Water Related (MU-W) by the Coastal Land Use Plan (CLUP) and is located within the Mixed-Use Water (MU-W1) Coastal Zoning District. The project is consistent with the CLUP and is an allowed use within the MU-W1 coastal zoning district. Since it is limited to operational changes and remodeling, the project is not considered an intensification of use and a coastal development permit is not required.

Zoning Code

Similar to the MU-W1 categorization in the Land Use Element of the General Plan, the Project Site is zoned Mixed-Use Water (MU-W1). The MU-W1 District applies to

waterfront properties along the Mariners' Mile Corridor in which nonresidential uses and residential dwelling units may be intermixed. Table 2-9 (Allowed Uses and Permit Requirements) in Section 20.22.020 (Mixed-Use Zoning Districts Land Uses and Permit Requirements) of the NBMC allows restaurants with alcohol sales and late hours, subject to the approval of a conditional use permit (CUP). It is important to note that live entertainment is not considered an independent land use, rather it is an operational characteristic of the proposed restaurant that can be permitted through the CUP. Live entertainment is further regulated under Title 5 (Business Licenses and Regulations) of the NBMC. Chapter 5.25 (Operator License for Establishment Offering Alcoholic Beverages for On-Site Consumption in Combination with Late Hours, Entertainment, and/or Dance) requires the restaurant operator to obtain an operator license from the Newport Beach Police Department (NBPD) because the restaurant will serve alcoholic beverages for on-site consumption in combination with late hours and live entertainment. Additionally, Chapter 5.28 (Live Entertainment Establishments) requires the operator to obtain a live entertainment permit prior to commencement of any live entertainment offerings.

The proposed project complies with all applicable development standards of the MU-W1 District. A discussion of the required findings and considerations for alcohol sales, late hour operations, and the CUP are described under separate sections below.

Alcohol Sales Findings

The restaurant has historically operated with a Type 47 (On-Sale General – Eating Place) ABC License and the applicant proposes operating with a Tyle 47 ABC License. To allow the sale or service of alcoholic beverages, the Planning Commission must first make a finding of consistency with Section 20.48.030 (Alcohol Sales) of the NBMC:

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

The purpose and intent of Section 20.48.030 (Alcohol Sales) of the NBMC is to maintain a healthy environment for residents and businesses by establishing a set of consistent standards for the safe operation of alcohol establishments. The project has been reviewed by the NBPD and conditioned to ensure that the purpose and intent of this section is maintained and that a healthy environment for residents and businesses is preserved. Alcohol service will be provided for the convenience of customers of the restaurant, and it is not intended to act as a separate use and destination from the restaurant.

The NBPD prepared a Memorandum for the project (Attachment No. PC 5) that includes a Crime and Alcohol Related Statistics Report using the latest available data from 2024, as data from 2025 is not yet available. Coincidentally, the 2024 data lines up with last year the currently vacant restaurant space was active and has been incorporated into the factors for consideration which are detailed in the draft resolution (Attachment No. PC 1).

In summary, the NBPD Memorandum concluded that the NBPD has no concerns with the project and does not anticipate any increase in crime or alcohol-related incidents, subject to the appropriate conditions of approval. Operational conditions of approval recommended by the NBPD related to the sale of alcoholic beverages include, but are not limited to, serving food until closing and not operating as a bar, tavern, cocktail lounge, or nightclub. These conditions will help ensure compatibility with the surrounding uses and will help minimize potential alcohol-related impacts. Additionally, Condition of Approval No. 39 in the draft Resolution requires the restaurant operator to obtain an Operator License prior to the commencement of late hours and/or live entertainment. All NBPD recommended conditions are incorporated into Exhibit "B" of the draft resolution.

Late Hour Operations Considerations

In addition to the considerations related to alcohol, the Planning Commission must also consider the following potential impacts as described in Section 20.48.090(G)(3)(a) (Late-Hour Operations) when reviewing an application to allow late hour operations:

1. *Consider potential impacts from music, dancing and voices associated with allowed indoor and outdoor uses and activities upon adjacent or nearby uses.*
2. *Consider potential impacts from high levels of lighting and illumination upon adjacent or nearby uses.*
3. *Consider potential impacts from increased pedestrian and vehicular traffic activity during late night and early morning hours upon adjacent or nearby uses.*
4. *Consider potential impacts from increased trash and recycling collection activities upon adjacent or nearby uses.*
5. *Consider potential impacts from occupancy loads of the use upon adjacent or nearby uses.*

As previously noted in the General Plan consistency analysis above, the Noise Study confirmed that live entertainment and late hour operations are not expected to generate noise levels that will negatively impact the nearby uses.

In addition to the Noise Study, the Project Site has not had any recent use permit violations or complaints related to noise levels. The staff report prepared in 2023 for PA2023-0119 noted that there had been no calls for service for loud music or noise disturbances since January 1, 2019. This term, 2019 through 2023, captured an operational period when the restaurant featured both live entertainment and late hours, like what is proposed today.

While the project will have a new operator, a lack of noise violations suggest that live entertainment and late hours can be successfully managed at this location. A comparison of *The Nice Guy's* proposed operating hours to those approved for surrounding restaurants are provided in Table 2 on the following page.

Table 2, Hours of Operation Comparison

Restaurant	Address	Hours of Operation ¹
The Nice Guy (Project)	2607 West Coast Highway	<ul style="list-style-type: none"> • 11 a.m. to 12 a.m., Monday to Saturday • 9:30 a.m. to 12 a.m. on Sunday
Sol Grill	2400 West Coast Highway	<ul style="list-style-type: none"> • 11 a.m. to 11 p.m., daily
Uchi Sushi Restaurant	2510 West Coast Highway	<ul style="list-style-type: none"> • 5 p.m. to 11 p.m., daily
The House	2601 West Coast Highway	<ul style="list-style-type: none"> • 12 p.m. to 11 p.m.² Wednesday to Friday • 11 a.m. to 11 p.m. Saturday to Sunday
The Shamrock Bar and Grill	2633 West Coast Highway	<ul style="list-style-type: none"> • 6 a.m. to 2 a.m., daily
Rusty Pelican	2735 West Coast Highway	<ul style="list-style-type: none"> • 11 a.m. to 10 p.m., daily • Outdoor dining: 11 a.m. to 9 p.m., daily
Billy's At The Beach	2751 West Coast Highway	<ul style="list-style-type: none"> • 11 a.m. to 2 a.m., daily; • Outdoor dining: 11 a.m. to 10 p.m. Sunday to Thursday, and 11 a.m. to 12 a.m., Friday and Saturday
Newport Whaler	2800 West Coast Highway	<ul style="list-style-type: none"> • 7 a.m. to 2 a.m., daily; • Outdoor dining: 7 a.m. to 12 a.m.³
ARC Carne & Cantina	2902 West Coast Highway	<ul style="list-style-type: none"> • 8 a.m. to 12 a.m., daily
The Winery Restaurant and Wine Bar	3131 West Coast Highway	<ul style="list-style-type: none"> • 8 a.m. to 2 a.m., daily
A Market	3400 West Coast Highway	<ul style="list-style-type: none"> • 6 a.m. to 7 p.m., daily
Starfish	191 Riverside Avenue	<ul style="list-style-type: none"> • 10 a.m. to 9 p.m., Sunday to Thursday • 10 a.m. to 10 p.m., Friday and Saturday
Little Billy's Café	2606 Avon Street	<ul style="list-style-type: none"> • 7 a.m. to 6 p.m., daily

¹ "Late Hour Operations" means facilities that provide service after 11 p.m., any day of the week as defined in Chapter 20.70 Definitions in the NBMC.

² The House is authorized under UP2011-001 to extend its operation hours until 2 a.m. (1:30 a.m. for outdoor dining area) if an Operator License is secured pursuant to Chapter 5.25 of the NBMC.

³ Outdoor dining area is limited from 7 a.m. to 12 a.m. when live entertainment is provided.

As shown in Table 2, there is a wide range of operating hours for restaurants within the Mariners' Mile Corridor, including multiple restaurants authorized to operate until 2 a.m. In comparison, the applicant is requesting to operate until 12 a.m., which is well within the range of previous City approvals.

Additionally, the Noise Study conducted by RK Engineering Group, Inc. demonstrates that noise impacts to nearby residences and properties are not expected to be negatively

impacted by the requested forms of live entertainment. The project is also conditioned to ensure additional signage is posted at visible locations at the parking area requesting patrons to keep noise at a minimum. Should noise complaints arise, the project is conditioned to require the operator to perform a follow-up noise study analysis to determine whether a violation is occurring and how the noise may be mitigated.

Standard conditions of approval included in Exhibit "B" of the draft resolution (Attachment No. PC 1) require compliance with Section 20.30.070 (Outdoor Lighting) of NBMC. The applicant must ensure any proposed lighting fixtures be designed, shielded, aimed, located, and maintained to shield adjacent properties and to not produce glare onto adjacent properties or roadways.

The City's Public Works Department does not anticipate the project to create pedestrian or vehicular traffic impacts, as the property has historically operated as a restaurant with late hours and live entertainment. The project is not anticipated to need additional trash collection as the existing enclosure provides sufficient space. Additionally, trash collection for the facility is 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, minimizing potential noise impacts from trash collection.

Lastly, the project is anticipated to be less impactful than previous operations, as it is reducing the occupancy load from 196 persons to 140 persons.

Conditional Use Permit Findings

In accordance with Section 20.52.020(F) (*Conditional Use Permits and Minor Use Permits*), the Planning Commission must make the following findings for approval of a conditional use permit:

- 1. The use is consistent with the General Plan and any applicable Specific Plan;*
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;*
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*
- 4. 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; and*
- 5. 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.*

As described above under the sections for special considerations and as demonstrated in the draft resolution, staff believes that sufficient facts exist in support of each finding.

The Project Site is developed as a restaurant and has operated as one since 1968. The project will reopen a currently vacant restaurant space, consistent with the purpose and intent of the MU-W1 General Plan and Zoning. The MU-W1 land use category allows a maximum floor area to land ratio (FAR) of 0.5 for a commercial properties. The Project Site currently has a 0.38 FAR and the project will not increase the FAR. It is adequately served by existing utilities. Since the restaurant has a gross floor area of 5,260 square feet, the Project Site is required to provide a 48-square-foot trash closure per 20.30.120 (Solid Waste and Recyclable Materials Storage) of the NBMC. The existing trash closure is approximately 130 square feet, which provides sufficient capacity and exceeds the minimum requirement needed for structures between 5,001 and 10,000 square feet in gross floor area.

Section 20.40.040 (Off-Street Parking Spaces Required) of the NBMC requires one parking space per 100 square feet of gross floor area (GFA). The GFA of the project is 5,260 square feet which requires 53 parking spaces ($5,260 / 100 = 52.6$, rounded up). The surface lot provides 55 parking spaces, which includes three ADA spaces, and satisfies the parking requirement. While previous approvals required on-site valet, the project does not require valet operations to satisfy parking requirements.

The project was reviewed by the City's Building Division, Fire Department, and Public Works Department to ensure adequate public and emergency vehicle access is provided and there were no concerns identified. The City's Code Enforcement Division has also reviewed the project and, while there have been violations related to lighting and outdoor dining within the last five years, there were no violations related to noise levels or operating hours. Furthermore, the NBPD has reviewed the proposed operation and has no concerns, subject to the appropriate conditions of approval which have all been incorporated into the draft resolution.

The project will provide an opportunity for the property owner to secure a new tenant, eliminate a vacancy, and reinvest in the property while providing an amenity to both residents and visitors. The project is sufficiently conditioned to help prevent impacts to any persons residing or working in the surrounding neighborhood.

Summary and Alternatives

Staff finds that the project is consistent with Title 20 (Planning and Zoning) and the General Plan, as discussed in the analysis above. The Project Site has historically operated as a restaurant with similar operational characteristics. If approved, the project will allow a new operator to improve and occupy the existing vacant restaurant space with a new restaurant that includes alcohol service, late hours, and live entertainment. Due to this combination of operating characteristics, the operator will be required to obtain an operator license issued by the NBPD, which will help ensure compliance with all conditions and that the restaurant remains compatible with the surrounding neighborhood.

Should the Planning Commission feel the facts are not in evidence of support for the project application, the following alternative options are available to the Planning Commission:

1. The Planning Commission may suggest specific changes that are necessary to alleviate any concerns. If the requested changes are substantial, the item could be continued to a future meeting. Should the Planning Commission choose to do so, staff will return with a revised resolution incorporating new findings and/or conditions; or
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval and a denial action is more appropriate, staff would recommend a continuance to prepare a resolution reflecting this course of action.

Environmental Review

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, Chapter 3 because it has no potential to have a significant effect on the environment. The project consists of a tenant improvement to an existing building to continue operating a restaurant. The applicant is not proposing additional footage to the existing building configuration. Therefore, the Class 1 exemption is applicable. The exceptions to the Class 1 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, and is not a hazardous waste site, and is not identified as a historical resource.

Public Notice

Notice of this hearing 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 meeting, 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.

Prepared by:

Submitted by:



Laura Rodriguez, Assistant Planner
JP/lr



Benjamin M. Zdeba, AICP
Acting Deputy Community
Development Director

ATTACHMENTS

- PC 1 Draft Resolution with Findings and Conditions
- PC 2 Project Plans
- PC 3 *The Nice Guy* Project Description
- PC 4 Noise Study Prepared by RK Engineering Group, Inc., October 14, 2025
- PC 5 Newport Beach Police Department Memorandum