



CITY OF NEWPORT BEACH ZONING ADMINISTRATOR STAFF REPORT

March 26, 2026
Agenda Item No. 6

SUBJECT: Amalfi Restaurant (PA2025-0210)
SITE LOCATION: 401 Newport Center Drive, Suite A104
APPLICANT: Steve Rawlings, Rawlings Consulting
OWNER: Irvine Company
PLANNER: Daniel Kopshever, Assistant Planner
949-644-3235, dkopshever@newportbeachca.gov

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** Regional Commercial (CR)
- **Zoning District:** North Newport Center Planned Community (PC56)

PROJECT SUMMARY

The Applicant seeks a minor use permit to allow a new eating and drinking establishment (restaurant) with a Type 41 (On-Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license. The existing tenant space is located within the Atrium food court at the Fashion Island mall and was previously operated as a restaurant without alcohol sales. The request includes minor tenant improvements with no expansion of the floor plan. The hours of operation are proposed from 7 a.m. to 11 p.m., daily.

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, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential to have a significant effect on the environment; and
- 3) Adopt Draft Zoning Administrator Resolution No. _ approving Minor Use Permit filed as PA2025-0210 (Attachment No. ZA 1).

DISCUSSION

Background and Zoning

- The subject property is located within the Fashion Island Sub-Area of PC56. The Land Use Element of the General Plan categorizes the project site as Regional Commercial (CR). Fashion Island is the primary retail hub within Newport Center. It is developed with retail, dining and commercial entertainment uses. The mall is intended to be a day/evening destination with a wide variety of uses that will serve visitors, residents and employees of the area. An eating and drinking establishment with alcoholic beverage sales is consistent with the CR category and the purpose of the Fashion Island Sub-Area of PC56. The tenant space with expanded privileges should have a positive impact on the area as it will promote economic activity in areas which the General Plan intends to be busy with a variety of commercial uses.
- The proposed restaurant, Amalfi, is located within the Atrium Food Court, which was constructed and opened in 1985 as part of Fashion Island. The previous tenant of the tenant space, Stone Grill, operated as a restaurant with no alcohol sales. The previous restaurant did not require a use permit, as no alcohol sales were part of the operation and the use was permitted by right. The proposed addition of a Type 41 ABC license requires a minor use permit.

Alcohol Sales

- The Newport Beach Police Department (NBPD) has reviewed the proposed application and has no objections to the request. The NBPD's memorandum, crime, alcohol-related statistics, and reporting district map are included in Attachment No. ZA 3.
- The tenant space has previously operated without alcohol sales and has been proven to be non-detrimental to the surrounding businesses. Including alcoholic beverage options with a new menu and operator is not expected to change this, given the included conditions of approval from the NBPD.
- Fashion Island is developed around an internal pedestrian network and surrounded by parking lots, which buffer the mall from adjoining office, entertainment or residential areas. The project should have no interaction with the surrounding uses in the vicinity and therefore should be compatible.
- The project was reviewed by the NBPD, Building Division, Fire Department and Public Works Department. There were no issues identified as part of their review.

Operational Characteristics

- As required by Condition of Approval No. 3 in the Draft Resolution (Attachment No. ZA 1), the hours of operation for the restaurant shall be limited from 7 a.m. to 11 p.m., daily.
- No exterior physical improvements are proposed as part of this project. The project involves minor alterations to the interior floor plan of an existing restaurant space with no expansion in floor area. The site map and floor plan are available for reference as Attachment No. ZA 4.
- Fashion Island features a shared parking pool provided through on-site surface parking lots and parking structures. Approval and implementation of the request would result in an enhanced menu for customers that would otherwise already be visiting the mall to shop and dine. There is no expected change in parking demand because of the project.

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 Facilities).

The Class 1 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 existing tenant space is located within the atrium food court of the Fashion Island mall. The proposed project is a request to permit a restaurant with a Type 41 ABC license and does not include any exterior alterations or increase in gross floor area or net public area.

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

Prepared by:



Daniel Kopshever, Assistant Planner

DL/djk

- Attachments: ZA 1 Draft Resolution
 ZA 2 Vicinity Map
 ZA 3 Police Department Memorandum
 ZA 4 Project Plans

Attachment No. ZA 1

Draft Resolution

RESOLUTION NO. ZA2026-###

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

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

SECTION 1. STATEMENT OF FACTS.

1. An application was filed by Steve Rawlings (Applicant), with respect to property located at 401 Newport Center Drive Suite A104, and legally described as Parcel 2 of Newport Beach Lot Line Adjustment No. 87-3 (Property), requesting approval of a minor use permit.
2. The Applicant proposes to operate a new take-out service, fast casual eating and drinking establishment (restaurant) with a Type 41 (On-Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license within an existing 1,073-square-foot suite previously used as a restaurant with no alcohol sales. The tenant space is located within the Atrium Food Court of the Fashion Island mall. The Applicant proposes minor tenant improvements, including customer-facing counter space with built-in electrical outlets and new floor sinks within the service area. No seating is proposed within the tenant suite. Seating is and will remain available within the common Atrium Court area. As no seating is provided within the suite, the use complies with the maximum 20 seats permitted for the take-out service, fast casual eating and drinking eating land use. The proposed hours of operation are from 7 a.m. to 11 p.m. daily (Project).
3. The Property is categorized as CR (Regional Commercial) by the General Plan Land Use Element and is located within the PC56 (North Newport Center Planned Community) Zoning District.
4. The Property is not located within the coastal zone.
5. A public hearing was held on March 26, 2026, online via Zoom. A notice of the time, place and purpose of the hearing was given in accordance with the Newport Beach Municipal Code (NBMC). Evidence, both written and oral, was presented to and considered by, the Zoning Administrator at this hearing.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. This Project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.

2. The Class 1 exemption authorizes minor alterations to existing structures involving negligible or no expansion of use. The Project involves minor alterations to the interior floor plan of an existing restaurant space with no expansion in floor area and no increase in parking demand. Therefore, the Project is a negligible intensification of use and the Class 1 exemption is applicable.

SECTION 3. REQUIRED FINDINGS.

Alcohol Sales

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

Finding

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

Facts in Support of Finding

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

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

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

- ii. *The number of alcohol-related calls for service, crimes, or arrests in the reporting district and in adjacent reporting districts.*
 - a. Compared to the adjacent RDs, RD 39 had a higher percentage of alcohol-related crimes in 2024. The higher number of crimes is to be expected given that the crime figure includes driving under the influence, public intoxication and liquor law violations. These are crimes associated with commercial establishments. RD 43 and 47, which are primarily residential, are unlikely to have similar crime incidents. The alcohol-related crimes of RD 39 were higher than that of adjacent RDs, however the difference was not substantial enough to warrant objection from the NBPD.
- iii. *The proximity of the establishment to residential zoning districts, day care centers, hospitals, park and recreation facilities, places of worship, schools, other similar uses, and any uses that attract minors.*
 - a. The Property is located with the Atrium food court of Fashion Island. The food service use relies upon adjacent common areas of the mall for its customer seating areas. Fashion Island does not abut any sensitive land uses and is separated from other structures and uses by parking lots, a busy roadway and other commercial uses. Residential uses are permitted in the northern sections of PC56; however, the Property is separated from the nearest residential use by over 1,000 feet. There are no day care centers, hospitals, parks, places of worship or schools within the mall. While some minors are expected to be present at the mall, the mall is intended to attract a variety of users and not specifically minors.
 - b. Restaurants with incidental alcohol service are common within the mall and the addition of an ABC license is not anticipated to alter the operational characteristics of the food service use such that it becomes detrimental to the area.
 - c. Condition of Approval No. 21 prohibits the proposed land use from operating as a bar or tavern which should help ensure compatibility with the surrounding businesses. Late hours are not proposed as part of this project nor are they allowed by this use permit.
- iv. *The proximity to other establishments selling alcoholic beverages for either off-site or on-site consumption.*
 - a. There are several other restaurants within the mall. These include Fleming's Steak House, True Food Kitchen, Red O, Sushi Roku, RH Ocean Grill, Great Maple, Cucina Enoteca Back Bay Tavern at Whole Foods Market, JOEY Newport Beach, Ocean 48, R+D Kitchen and others. Generally, these restaurants operate with either a Type 41 or a Type 47 (On-Sale General) ABC license. There is no evidence suggesting that these uses have been detrimental to the surrounding vicinity. Additionally, there is no evidence to suggest that the approval of a new Type 41 ABC license would create any new objectionable conditions.
- v. *Whether or not the proposed amendment will resolve any current objectionable conditions.*

- a. No objectionable conditions are presently occurring at the Property.
- b. Approving the Project will allow the restaurant to diversify its offerings as a convenience to its patrons. The NBPD acknowledges the inclusion of alcohol to a food service use is a privilege; however, the Project has been reviewed and conditioned to help ensure that the purpose and intent of Section 20.48.030 (Alcohol Sales) of the NBMC are maintained and that a healthy environment for residents and businesses is preserved.

Minor Use Permit

In accordance with Section 20.52.020(F) (Findings and Decision) of the NBMC, the following findings and facts in support of such findings for a use permit are set forth:

Finding:

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

Facts in Support of Finding:

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

Finding:

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

Facts in Support of Finding

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

Finding

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

Facts in Support of Finding

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

Finding

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

Facts in Support of Finding

1. The Project includes the addition of an ABC license with no other changes to the previous land use. There is no addition of floor area associated with the Project. The

size of the kitchen does not change as part of the project nor is there an increase in the number of seats.

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

Finding

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

Facts in Support of Finding

1. The tenant space has previously operated without alcohol sales and has been proven to be non-detrimental to the surrounding businesses. Including alcoholic beverage options with a new menu and operator is not expected to change this, given the included conditions of approval from the NBPD.
2. The Project was reviewed by the NBPD, Fire Department, Building Division, and Public Works Department. There were no ongoing issues identified as part of their review.
3. The new food service establishment with a Type 41 ABC License should have a positive impact on the area. The use will serve both local shoppers and visitors to Fashion Island, which promotes economic activity in an area that the General Plan intends to be busy with a variety of commercial uses.
4. The Project includes conditions of approval to ensure that potential conflicts with the surrounding land uses are minimized to the greatest extent possible. The operator is required to take reasonable steps to discourage and correct objectionable conditions that constitute a nuisance within the facility, adjacent properties, or surrounding public areas, sidewalks, or parking lots of the restaurant, during business hours, if directly related to the patrons of the establishment.

SECTION 4. DECISION.

NOW, THEREFORE, BE IT RESOLVED:

1. The Zoning Administrator of the City of Newport Beach hereby finds this project is categorically exempt from the California Environmental Quality Act pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3 because it has no potential to have a significant effect on the environment.
2. The Zoning Administrator of the City of Newport Beach hereby approves the Minor Use Permit filed as (PA2025-0210), subject to the conditions set forth in Exhibit "A," which is attached hereto and incorporated by reference.
3. This action shall become final and effective 14 days following the date this Resolution was adopted unless within such time an appeal or call for review is filed with the Community Development Director in accordance with the provisions of Title 20 Planning and Zoning, of the Newport Beach Municipal Code.

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

Benjamin Zdeba, Zoning Administrator

EXHIBIT "A"**CONDITIONS OF APPROVAL**

(Project-specific conditions are in italics)

Planning Division

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

10. All trash shall be stored within the building or within dumpsters stored in a trash enclosure with three walls, a self-latching gate, and a decorative solid roof for aesthetic and screening purposes.
11. Trash receptacles for patrons shall be conveniently located both inside and outside of the establishment, however, not located on or within any public property or right-of-way.
12. The exterior of the business shall be maintained free of litter and graffiti at all times. The owner or operator shall provide for the daily removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the premises.
13. The Applicant shall ensure that the trash dumpsters and/or receptacles are maintained to control odors. This may include the provision of either fully self-contained dumpsters or periodic steam cleaning of the dumpsters if deemed necessary by the Planning Division. Cleaning and maintenance of trash dumpsters shall be done in compliance with the provisions of Title 14, including all future amendments (including Water Quality related requirements).
14. Deliveries and refuse collection for the facility shall be prohibited between the hours of 10 p.m. and 7 a.m. on weekdays and Saturdays and between the hours of 10 p.m. and 9 a.m. on Sundays and Federal holidays unless otherwise approved by the Director of Community Development and may require an amendment to this Use Permit.
15. Storage outside of the building in the front or at the rear of the property shall be prohibited, with the exception of the required trash container enclosure.
16. A Special Events Permit is required for any event or promotional activity outside the normal operating characteristics of the approved use, as conditioned, or that would attract large crowds, involve the sale of alcoholic beverages, include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
17. This approval shall expire and become void unless exercised within 24 months from the actual date of review authority approval, except where an extension of time is approved in compliance with the provisions of Title 20 Planning and Zoning of the Newport Beach Municipal Code.

Police Department

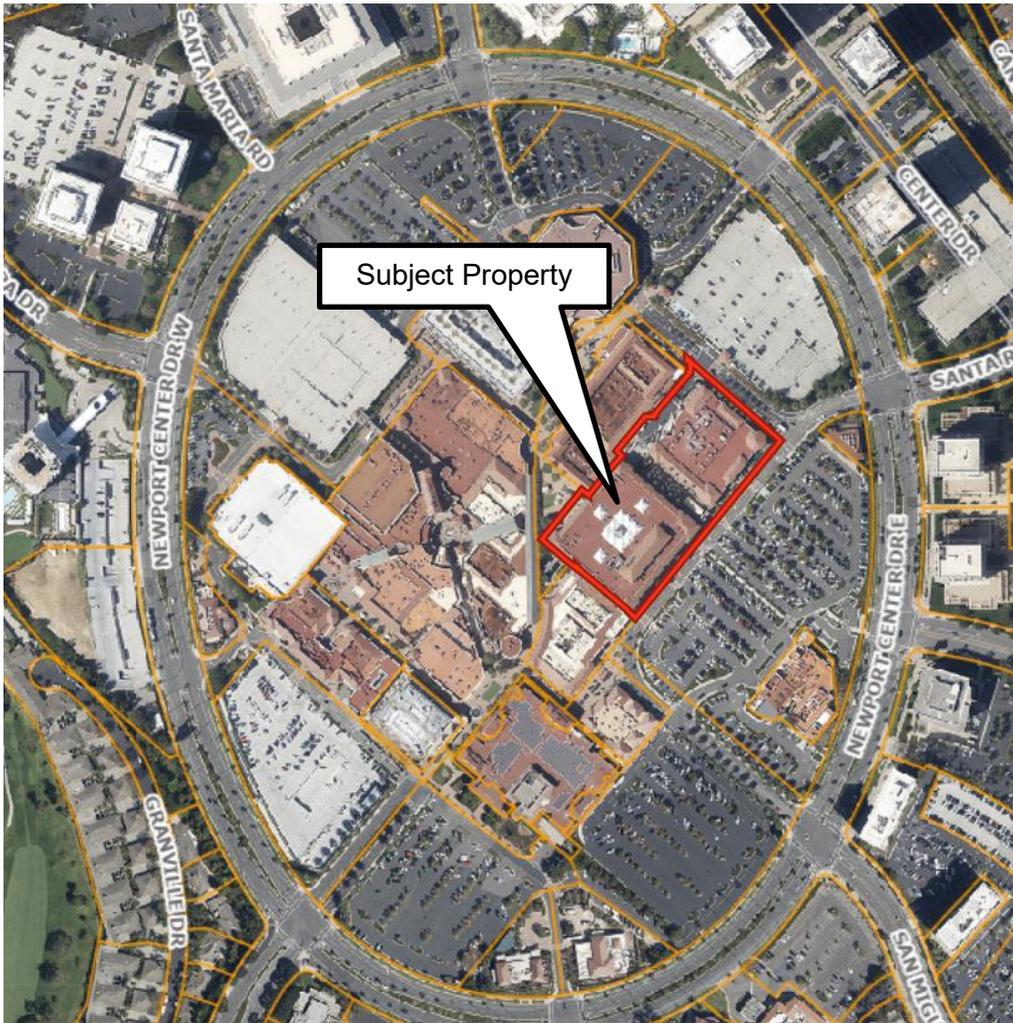
18. The approval is for an eating and drinking establishment with on-sale alcoholic beverage service. The type of alcoholic beverage license issued by the California Board of Alcoholic Beverage Control shall be a Type 41 license, in conjunction with the restaurant as the principal use of the facility.
19. All owners, managers and employees must abide by all requirements and conditions of the Alcoholic Beverage License.
20. All owners, managers and employees selling alcoholic beverages shall undergo and successfully complete a certified training program in responsible methods and skills for selling alcoholic beverages. The certified program must meet the standards of the California Coordinating Council on Responsible Beverage Service or other certifying/licensing body, which the State may designate. The establishment shall comply with the requirements of this section within 180 days of the issuance of the certificate of occupancy. Records of each owner's, manager's and employee's successful completion of the required certified training program shall be maintained on the premises and shall be presented upon request by a representative of the City of Newport Beach.
21. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the NBMC.
22. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food during the same period. The licensee shall always maintain records, which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. These records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department on demand.
23. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
24. There shall be no live entertainment or dancing allowed on the premises.
25. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
26. There shall be no reduced-price alcoholic beverage promotions after 9 p.m.
27. Alcohol service shall cease by 11 p.m., daily.
28. *The Operator shall serve alcoholic beverages (beer and wine) in their original containers, or containers that significantly differ in appearance from containers utilized by nonalcoholic beverage items, or by any other restaurant in the Atrium Court at Fashion Island.*

29. Food service from the regular menu shall be made available to patrons until closing.
30. Petitioner shall not share any profits or pay any percentage or commission to a promoter or any other person based upon monies collected as a door charge, cover charge, or any other form of admission charge, including minimum drink orders or the sale of drinks.
31. Any event or activity staged by an outside promoter or entity, where the Applicant, operator, owner or his employees or representatives share in any profits or pay any percentage or commission to a promoter or any other person based upon money collected as a door charge, cover charge or any other form of admission charge is prohibited.
32. "VIP" passes or other passes to enter the establishment, as well as door charges, cover charges, or any other form of admission charge, including minimum drink order of the sale of drinks, is prohibited (excluding charges for prix fixe meals).
33. Strict adherence to maximum occupancy limits is required.
34. The Applicant shall maintain a security recording system with 30-day retention and make those recordings available to police upon request.
35. There shall be no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
36. No off-sales of alcohol shall be permitted.
37. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs, and expenses (including without limitation, attorney's fees, disbursements, and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of **Amalfi Restaurant** including, but not limited to, **Minor Use Permit (PA2025-0210)**. This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorney's fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of the City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

Attachment No. ZA 2

Vicinity Map

VICINITY MAP



Minor Use Permit PA2025-0210

401 Newport Center Drive Suite A104

Attachment No. ZA 3

Police Department Memorandum



**NEWPORT BEACH POLICE DEPARTMENT
DETECTIVE DIVISION**

MEMORANDUM

TO: Danny Kopshever, Assistant Planner
FROM: Wendy Joe, Police Civilian Investigator
DATE: December 30, 2025
SUBJECT: Amalfi
401 Newport Center Drive Suite A104
PA2025-0210

At your request, the Police Department has reviewed the project application for Amalfi, a new quick service restaurant at 401 Newport Center Drive Suite A104 in Atrium Court of Fashion Island. The applicant has requested a minor use permit to allow for a Type 41 (On Sale Beer and Wine) Alcohol License.

Statistical Data and Public Convenience or Necessity

Attached is a summary report which provides detailed statistical information related to alcohol establishments in and around the applicant's place of business at 401 Newport Center Drive. Business and Professions Code §23958.4 finds "undue concentration" for an applicant premises in two ways: 20% higher crime (with an alcohol nexus) in a Reporting District as compared to the City-wide average, or an over saturation of alcohol licenses in a census tract compared to the county.

Crime Statistics:

The Police Department divides the City into areas referred to as Reporting Districts. This allows the Police Department to compile statistical data, as well as better communicate officer locations while policing. The proposed applicant location is within Reporting District (RD) 39 which mainly encompasses the Fashion Island Mall and surrounding areas.

Per Business and Professions Code §23958.4, the Police Department is required to report offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations) to the Department of Alcoholic Beverage Control (ABC). These figures make up the "Crime Count" which is indicated on the attached statistical data form.

This reporting district is reported to ABC as a high crime area as compared to other Reporting Districts in the City. The RD's Crime Count is 552, 393% over the City-wide crime count average of 112. Since this area has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the City, the area is

found to have undue concentration. In comparison, neighboring RD 38 is 72% below the City-wide average, RD 43 is 70% below the City-wide average, and RD 47 is 35% below the average. Of 38 reporting districts in Newport Beach, we reported 10 to ABC as high crime areas.

The highest volume crime in this area is theft. The highest volume arrests in the area is also theft.

DUI, Public Intoxication, and liquor law violations make up 18% of arrests in this reporting district. In comparison, the figure for neighboring RD 38 is 39%, RD 43 is 25% and RD 47 is 31%.

This location meets the legal criteria for undue concentration pertaining to crime (B&P §23958.4).

Alcohol License Statistics:

The applicant premise is located within census tract 0630.08. This census tract has an approximate population of 2,408 residents with 32 active on-sale alcohol licenses. That is a per capita ratio of one license for every 75 residents. Per the Business and Professions code, we compare this per capita ratio to Orange County's on-sale per capita ratio of one license for every 822 residents and we find census tract 630.08 is over-saturated with alcohol licenses per the specified criteria.

This location meets the legal criteria for undue concentration pertaining to alcohol licenses (B&P §23958.4).

Discussion and Recommendations

The Police Department has no concerns with the application provided the following listed conditions (or similar conditions) are imposed.

Although the applicant location has undue concentration, the area is a planned entertainment district with few residences, making an application of this nature appropriate for the area. The crime in the neighborhood is largely due to thefts in and around the mall area. In addition, the property owner, The Irvine Company, employs uniformed security which serves as an additional crime deterrent.

Currently the only restaurant in Atrium Court that serves alcohol is Wahoo's. That restaurant, while open to the food court has its own barrier approved by ABC; however, there are previous use permit approvals in Atrium Court for the quick service counter restaurants. These approvals allow the entire food court as the consumption area. ABC is in the process of licensing the applicant suite and the food court consumption area. Signage denoting no alcohol beyond this point will likely be required of the applicant and/or the Irvine Company at the exits and escalator. ABC will make that determination during the licensing process with our input.

The applicant's project description requests a closing hour of midnight on the weekends, however, the Atrium Court typically closes much earlier than that. The Police Department will support a closing hour of no later than 11:00 p.m.

Suggested Conditions:

1. The Alcoholic Beverage Control License shall be limited to a Type 41 (On-Sale Beer and Wine) license. Any change in the ABC license type shall require subsequent review and potential amendment of the Use Permit.
2. The applicant shall comply with all federal, state, and local laws, and all conditions of the Alcoholic Beverage 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.
3. Alcohol Service must cease by 11:00 p.m., daily.
4. 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. 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.
5. Approval does not permit the premises to operate as a bar, tavern, cocktail lounge or nightclub as defined by the Newport Beach Municipal Code.
6. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
7. Alcohol service and alcohol consumption must occur in the ABC licensed areas only.
8. Food service from the regular menu shall be made available to patrons during alcohol service.
9. The Operator shall serve alcoholic beverages (beer and wine) in their original containers, or containers that significantly differ in appearance from containers utilized by non-alcoholic beverage items, or by any other restaurant in the Atrium Court at Fashion Island.
10. No games or contests requiring or involving the consumption of alcoholic beverages shall be allowed.
11. There shall be no reduced price alcoholic beverage promotions after 9:00 p.m.
12. The applicant shall require valid government-issued photographic identification to be checked for every alcohol sale, without exception, to verify that the purchaser is twenty-one (21) years of age or older. No alcoholic beverage shall be sold or served unless such identification is presented and verified at the time of purchase.

Amalfi
PA2025-0210

13. The permittee shall maintain written policies and employee training procedures regarding mandatory identification checks and shall post required ABC signage at points of sale stating that identification is required for all alcohol purchases.

14. The sale of "to-go" alcohol is prohibited.

If you have any questions as to the content of this memorandum, please contact Investigator Wendy Joe at (949)644-3705 or wjoe@nbpd.org.



Wendy Joe

Police Civilian Investigator, Special Investigations Unit



CHIEF DAVE MINER

NEWPORT BEACH POLICE DEPARTMENT 2024 CRIME AND ALCOHOL-RELATED STATISTICS

Summary for Amalfi at 401 Newport Center Drive Suite A104 (RD39)

Subject:	DISPATCH EVENTS	REPORTED CRIMES			ARRESTS			CITATIONS			
		GROUP A OFFENSES	GROUP B OFFENSES	CRIME RATE	HIGHEST VOLUME	ALL ARRESTS	DUI ALCOHOL	PUBLIC INTOXICATION	LIQUOR LAW	HIGHEST VOLUME	ALCOHOL RELATED
401 Newport Center Drive Suite A104	2	15	2	N/A	N/A	5	0	0	0	N/A	0
Subject RD: RD39	9,607	564	234	20,200.57	THEFT/LARCENY	370	32	32	3	THEFT/LARCENY	9
Adjacent RD: RD38	770	23	17	1,394.78	THEFT/LARCENY	23	7	2	0	DUI	1
Adjacent RD: RD43	1,033	30	28	1,267.96	BURGLARY	28	3	3	1	ASSAULT	0
Adjacent RD: RD47	1,237	64	43	2,278.39	THEFT/LARCENY	54	16	1	0	DUI	1
Newport Beach	99,093	4,342	2,318	5,008.42	THEFT/LARCENY	2,976	421	288	31	NARCOTICS	305

This report reflects City of Newport Beach data for 2024. The NIBRS Group A Offense category is made up of 49 offenses used to report crimes committed within a law enforcement agency's jurisdiction. NIBRS Group B Offenses are less serious offenses that require an arrest to be reportable. Crime Rate refers to the number of Group A Crimes per 100,000 people.

Subject:	ACTIVE RETAIL ABC LICENSES (Numbers frequently change)				ABC CRIME COUNT			
	ON-SALE Licenses	ON-SALE License Per Capita	OFF-SALE License Per Capita	OFF-SALE License Licenses	TOTAL RETAIL LICENSES	TOTAL RETAIL LICENSES PER CAPITA	CRIME COUNT	%DIFF FROM AVG
401 Newport Center Drive Suite A104	1	N/A	0	N/A	1	N/A	20	N/A
Subject Census Tract: 630.08	32	75	4	602	36	67	552	+440
Adjacent Census Tract: 630.07	1	6,699	0	0	1	6,699	31	-81
Adjacent Census Tract: 627.01	11	242	2	1,334	13	205	34	-78
Adjacent Census Tract: 626.42	1	2,849	2	1,425	3	950	73	-39
Newport Beach	279	311	66	1,314	345	251	4,245	RD Average = 112
Orange County	3,876	822	1,842	1,730	5,718	557		

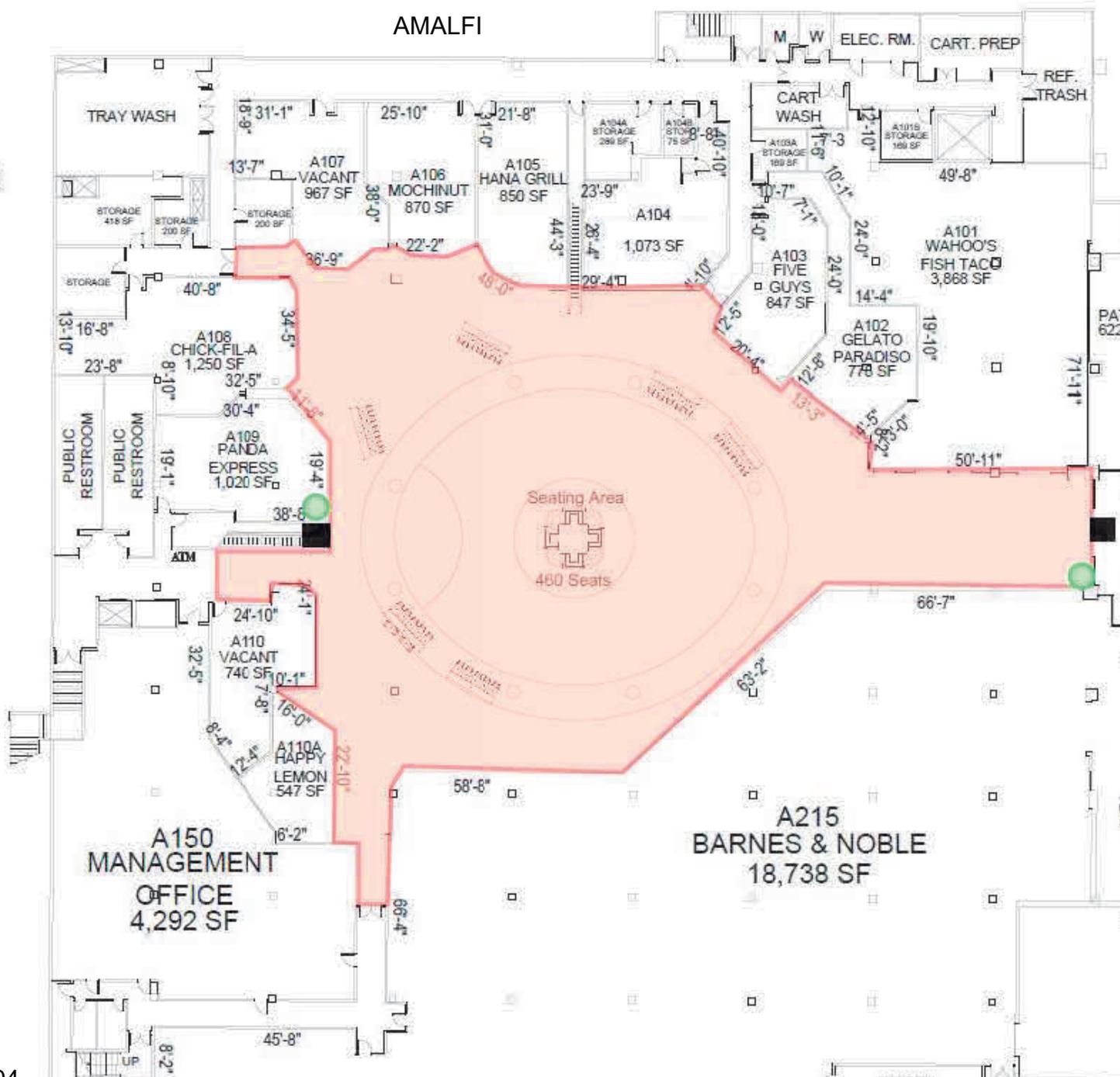
All Population figures taken from 2020 US Census. Per BP 23958.4, the "ABC Crime Count" includes offenses of criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, theft, and motor vehicle theft, combined with all arrests for other crimes, both felonies and misdemeanors (except traffic citations).

Attachment No. ZA 4

Project Plans

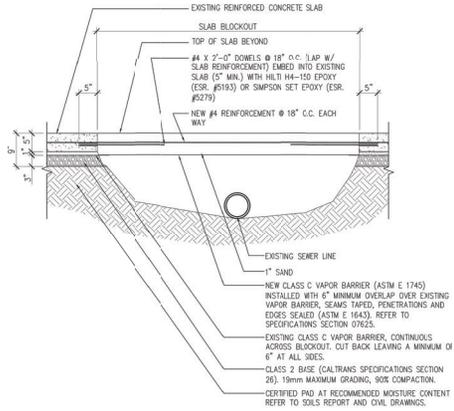
AMALFI

-  Dining Area
-  No Alcohol Beyond This point Signage
-  Exits

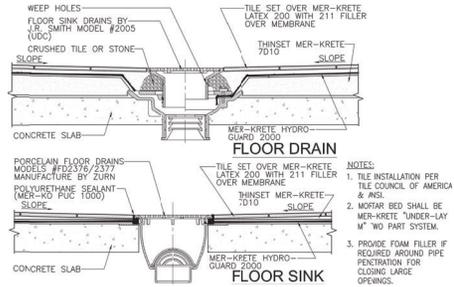


SITE PLAN
Amalfi

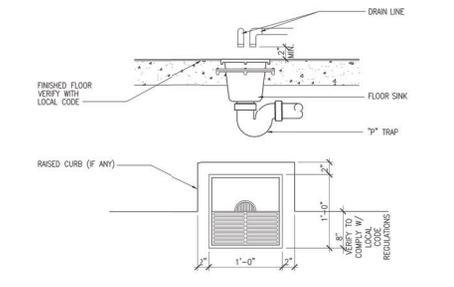
401 Newport Center Dr., Space A-104
Newport Beach, CA



CONCRETE REINSTALLATION DETAIL | 1



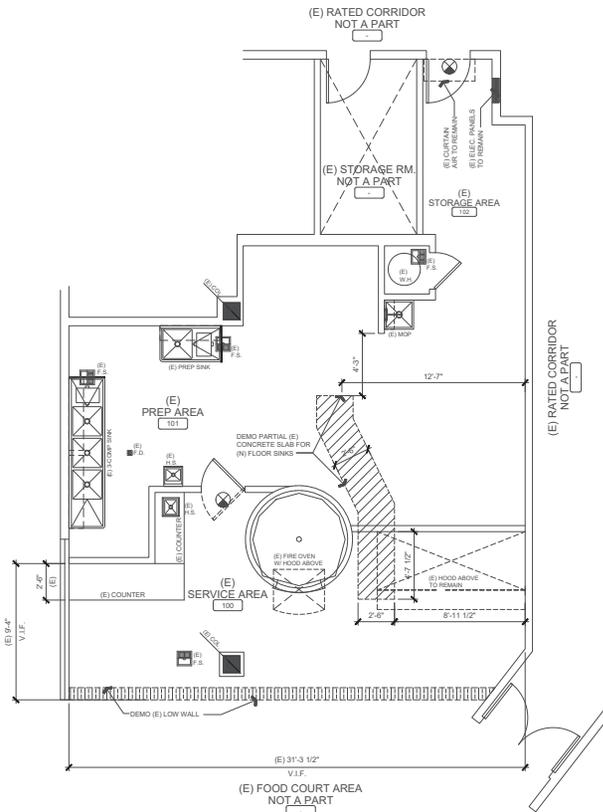
WATER PROOFING @ FLOOR SINK | 2



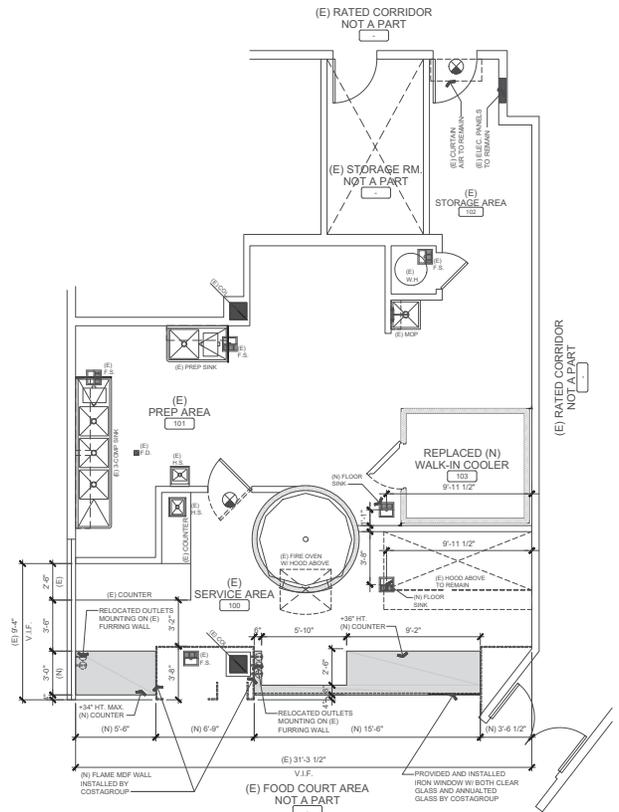
FLOOR SINK | 3

FINISH SCHEDULE					
ROOM NAME	FLOOR	BASE	WALL	CEILING	
SERVICE AREA (100)	(E) 6"x6" QUARRY TILE	(E) 6"x6" QUARRY TILE W/ 3/8" RADIUS COVE, TYP.	+ (E) 5/8" DRYWALL TYPE "C" + (N) PAINT SEMI-GLOSS + (N) 6"x6" WALL TILE WHITE TILE W/ BLUE TILE DECORATION.	+ (E) 5/8" DRYWALL TYPE "C" + (N) PAINT SMOOTH SEMI-GLOSS	
PREP AREA (101)	(N) 6"x6" QUARRY TILE	(E) 6"x6" QUARRY TILE W/ 3/8" RADIUS COVE, TYP.	+ (E) 5/8" DRYWALL TYPE "C" + (E) FRP WAINSCOT (FULL HEIGHT)	+ (E) 2'x4' WASHABLE (WHITE)	
STORAGE AREA (102)	(E) 6"x6" QUARRY TILE	(E) 6"x6" QUARRY TILE W/ 3/8" RADIUS COVE, TYP.	+ (E) 5/8" DRYWALL TYPE "C" + (E) FRP WAINSCOT (FULL HEIGHT)	+ (E) 2'x4' WASHABLE (WHITE)	
REPLACE (N) WALK-IN COOLER (103)	(N) GALV. METAL	(N) 6"x6" QUARRY TILE W/ 3/8" RADIUS COVE, TYP.	(N) LAMINATE (SMOOTH, DURABLE, NON-ABSORBENT, WASHABLE & CLEANABLE)	(N) 2' x 4' SUSP. CLG. (SMOOTH, DURABLE, NON-ABSORBENT, WASHABLE)	

FLOOR LEGEND		DEMO LEGEND	
	(E) METAL STUD WALL TO REMAIN		PARTIAL CONCRETE SLAB TO BE REMOVED - REFER PLUMBING PLAN
	RE-INSTALL COOLER BOX WALL		(E) METAL LOW WALL TO BE REMOVED
	(E) METAL LOW WALL TO REMAIN		
	(E) PLUMBING FIXTURE TO REMAIN		
	(N) PLUMBING FIXTURE		
	(E) ILLUMINATED EXIT SIGN		
	(N) WHITE CARRARA MARBLE TOP PROVIDE AND INSTALL BY COSTAGROUP		



EXISTING FLOOR PLAN
SCALE: 1/4"=1'-0"



NEW FLOOR PLAN
SCALE: 1/4"=1'-0"

DESIGNER
5-D.Nguyen
David K. Nguyen
Garden Grove, California

NEW TENANT IMPROVEMENT
COSTIERA AMALFI STREET FOOD
401 NEWPORT CENTER DRIVE, SPACE "A104"
NEWPORT BEACH, CA 92660

REVISIONS

Date: _____
Scale: _____
Drawn: _____
Job: _____
Sheet: _____

EXISTING FLOOR PLAN AND NEW FLOOR PLAN AND FINISH SCHEDULES
A1.0
Of _____ Sheets