


Notice of Exemption

To: County Clerk County of Orange Public Services Division Santa Ana, CA 92702	From: City of Newport Planning Division 100 Civic Center Drive P.O. Box 1768 Newport Beach, CA 92658-8915 (949) 644-3200	
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Project Title: Five Crowns Temporary Outdoor Dining Limited Term Permit and Coastal Development Permit

Project Applicant: Ryan Wilson, Lawry's Restaurants Inc.

Attention:

Project Location – Specific: 3801 East Coast Highway, Newport Beach, CA 92625

Project Location – City: Newport Beach **Project Location – County:** Orange

Description of Nature, Purpose and Beneficiaries of Project: A Limited Term Permit and Coastal Development Permit to allow an existing temporary outdoor dining patio to remain for a limited term at Five Crowns Restaurant. The expanded 1,350-square-foot outdoor dining area including a 850-square-foot canopy was originally approved by an Emergency Temporary Use Permit (ETUP) in 2020 as a temporary addition to their existing outdoor dining during the pandemic. The outdoor dining area will include live entertainment and will close by 10:00 p.m., Monday through Thursday; and 11:00 p.m., Friday through Sunday. The Limited Term Permit and Coastal Development Permit would allow the temporary use to remain for one year from the date of approval, with a possible one-year extension.

Name of Public Agency Approving Project: City of Newport Beach

Name of Person or Agency Carrying out Project:

Ryan Wilson

3801 East Coast Highway

Corona del Mar

Newport Beach, CA 92625

Exempt Status: (check one):

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ **Categorical Exemption. State type and section number:**

Class 1 (Existing Facilities) under Section 15301

- ☐ **Statutory Exemptions. State code number:** _____

Reasons why project is exempt: 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 Class 1 exemption includes interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances as well as additions to existing structures of up to 10,000 square feet. The proposed scope of work includes the temporary use of an outdoor dining area of approximately 1,350-square-feet including an 850-square-foot tent canopy with

exterior live entertainment at an existing restaurant. Therefore, the project qualifies under the parameters of the Class 1 exemption. There are no known exceptions listed in CEQA Guidelines Section 15300.2 that would invalidate the use of these exemptions.

Lead Agency

Contact Person/Title:

City of Newport Beach

Community Development Department

Melinda Whelan, Assistant Planner

Contact Phone No./Ext: 949-644-3221

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? ☒ Yes ☐ No

Signature: Melinda Whelan **Title:** Assistant Planner **Date:** May 20, 2025

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

04/04/2019

RESOLUTION NO. 2025-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE DECISION OF THE PLANNING COMMISSION AND ZONING ADMINISTRATOR TO APPROVE A LIMITED TERM PERMIT FOR A TEMPORARY OUTDOOR DINING AREA WITH LIVE ENTERTAINMENT LOCATED AT 3801 EAST COAST HIGHWAY (PA2023-0202)

WHEREAS, the City of Newport Beach ("City") is governed, in part, by the Charter of the City of Newport Beach, Newport Beach Municipal Code, and Council Policies;

WHEREAS, Section 200 of the City Charter vests the City Council with the authority to make and enforce all laws, rules, and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers and privileges, or procedures granted or prescribed by any law of the State of California;

WHEREAS, an application was filed by Ryan Wilson of Lawry's Restaurants Inc. ("Applicant"), concerning the property located at 3801 East Coast Highway, and legally described as Parcel 1 of Resubdivision 523 ("Property");

WHEREAS, pursuant to Assembly Bill No. 1217, Gabriel (Business Pandemic Relief), temporary relief measures to suspend certain legal restrictions related to alcohol service, food service, and parking have been extended. As it relates to parking, a local jurisdiction that has not adopted an ordinance providing relief from parking restrictions for expanded outdoor dining areas is authorized to reduce the number of required parking spaces for existing uses by the number of spaces the local jurisdiction determines are needed to accommodate an expanded outdoor dining area;

WHEREAS, the Applicant requests a limited term permit and coastal development permit ("CDP") to allow an existing temporary outdoor dining patio to remain for a limited term at the Five Crowns Restaurant ("Restaurant"). The expanded 1,350-square-foot dining area including an 850-square-foot canopy was originally approved by an Emergency Temporary Use Permit (ETUP) in 2020 as a temporary addition to the Restaurant's existing outdoor dining;

WHEREAS, although the ETUP expired, the temporary outdoor dining area has remained in use. The outdoor dining area occupies existing open space behind the permanent outdoor dining. The outdoor dining area will include live entertainment and will close by 11:00 p.m. at the latest. The interior and exterior outdoor area have historically been used for private events on the weekends. The existing operating hours of the Restaurant will remain the same. The limited term permit and CDP would allow the temporary use to remain one year from the date of approval, with a possible one-year extension ("Project");

WHEREAS, the Property is categorized as Corridor Commercial (CC) by the General Plan Land Use Element and is located within the Commercial Corridor (CC) Zoning District;

WHEREAS, the Property is located within the coastal zone. The Coastal Land Use Plan category is Corridor Commercial (CC-B) (0.0-0.75 FAR) and it is located within the Commercial Corridor (CC) Coastal Zoning District;

WHEREAS, on July 25, 2024, a public hearing was held by the Zoning Administrator, online via Zoom. A notice of time, place, and purpose of the hearing was given in accordance with Chapter 20.62 (Public Hearings) of the Newport Beach Municipal Code ("NBMC"). At the close of the public hearing, the Zoning Administrator continued the item to August 15, 2024, to give the Applicant additional time to address concerns related to noise;

WHEREAS, on August 15, 2024, at the continued public hearing, online via Zoom, evidence, both written and oral, was presented to and considered by, the Zoning Administrator. At the conclusion of the hearing, the Zoning Administrator adopted Resolution No. ZA2024-045 approving Limited Term Permit PA2023-0202;

WHEREAS, on August 28, 2024, Ken and Kim Catanzarite filed an appeal of the Zoning Administrator's decision objecting to the approval of Limited Term Permit PA2023-0202 based on noise impacts to the surrounding residential neighborhood as well as objections to processing the request as a limited term permit rather than a use permit and the continuous use of the outdoor area for events with live entertainment;

WHEREAS, on December 5, 2024, a public hearing was held by the Planning Commission in the City Council Chambers at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this public hearing;

WHEREAS, at the hearing, the Planning Commission adopted Resolution No. PC2024-027 by a unanimous vote (6 ayes, 0 nays, and 1 recused), approving the project and upholding the Zoning Administrator's approval of Limited Term Permit PA2023-0202;

WHEREAS, on December 18, 2024, Ken and Kim Catanzarite, filed an appeal of the Planning Commission's decision objecting to the limited term permit and coastal development permit to allow an existing temporary outdoor dining patio to remain for a limited term due to noise concerns and impacts to neighborhood; and

WHEREAS, a public hearing was held by the City Council on April 29, 2025, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act and Chapters 20.62 and 21.62 of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing.

NOW, THEREFORE, the City Council of the City of Newport Beach resolves as follows:

Section 1: The City Council has considered the decision of the Planning Commission and determined that modifications to the Project made by the City Council, if any, are not major changes that require referral back to the Planning Commission for consideration and recommendation.

Section 2: The City Council does hereby uphold the Planning Commission's approval of Limited Term Permit PA2023-0202 based upon the Findings attached hereto as Exhibit "A" and subject to the conditions of approval set forth in Exhibit "B," which are attached hereto and incorporated herein by reference.

Section 3: The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 4: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 5: The City Council finds the adoption of this resolution is exempt from environmental review under 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.

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 involving such things as interior partitions, plumbing, and electrical conveyances as well as additions to existing structures of up to 10,000 square feet. The Project's scope of work includes the temporary use of an outdoor dining area of approximately 1,350-square-feet including an 850-square-foot tent canopy with exterior live entertainment at an existing restaurant.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The Project location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

Section 6: This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 29th day of April, 2025.

Joe Stapleton
Mayor

ATTEST:

Leilani I. Brown
City Clerk



APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

Aaron C. Harp
City Attorney

Attachments: Exhibit "A" – Findings
Exhibit "B" – Conditions of Approval

EXHIBIT "A" FINDINGS

FINDINGS IN SUPPORT OF LIMITED TERM PERMIT (PA2023-0202)

In accordance with Section 20.52.040G. (Limited Term Permits) of the NBMC, the following findings, and facts in support of findings are set forth as follows:

Finding:

- A. *The operation of the limited duration uses at the location proposed and within the period specified 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 requested limited duration use;*

Facts in Support of Finding:

1. The Project will allow an additional outdoor dining area to remain at the rear of the Property for one year from the date of approval, with a possible one-year extension. The existing Restaurant is authorized through Use Permit No. UP1822 and includes approximately 431 square feet of permanent outdoor dining.
2. The additional outdoor dining area has not posed a hazard to the general welfare of residents in the area since it was placed during the COVID-19 pandemic in 2020. The operation of the expanded outdoor dining area is limited until April 29, 2026, with a possible one year extension, and has been reviewed and conditioned to preclude any detriment to the general welfare of the area.
3. The Restaurant has been in operation since the 1950s with interior live entertainment and operating hours generally until 10:00 p.m. Historically, the indoor and outdoor area has been used for private events on the weekends.
4. The Project is conditioned to be accessible to all persons, including those with disabilities, in accordance with the Americans with Disabilities Act (ADA).
5. The Project shall adhere to applicable State of California and Orange County Health Care Agency guidelines for the safe operation of the use. It is the responsibility of the Applicant to implement and follow industry-specific guidance of the State of California and the Orange County Health Care Agency guidelines.
6. The Project must be operated in compliance with applicable State Department of Alcoholic Beverage Control (ABC) requirements.

7. Limited Term Permit (PA2023-0202) is conditioned so the temporary outdoor dining area as part of this approval shall not extend beyond 10 p.m., Monday through Thursday, and beyond 11 p.m., Friday through Sunday and federal holidays.
8. Limited Term Permit (PA2023-0202) is conditioned to control exterior lighting so that such lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited.
9. Consistent with general condition 14 of the attached Exhibit B, the use of the expanded outdoor area will be subject to 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.

Finding:

- B. The subject lot is adequate in size and shape to accommodate the limited duration use without material detriment to the use and enjoyment of other properties located adjacent to and in the vicinity of the lot;*

Facts in Support of Finding:

1. The Property is approximately 0.29-acre in size and is adjacent to East Coast Highway. Based upon the site plan, there is adequate area to accommodate the temporary outdoor dining area without impacting pedestrian circulation and parking as the dining area is within an enclosed rear yard.
2. The lot abuts East Coast Highway, and the Restaurant is the sole use of the Property. The existing food service use has existed at this site since 1950. The additional outdoor dining use will not impede use and enjoyment of the properties in the area.
3. The additional outdoor dining area will occupy an existing outdoor area within the private property.
4. Historically, the indoor and outdoor area has been used for private events on the weekends.

Finding:

- C. The subject lot is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the limited duration use would or could reasonably be expected to generate;*

Facts in Support of Finding:

1. The Restaurant parking is provided within a large off-site parking lot across Poppy Avenue. The parking lot is owned by the Restaurant and will remain accessible from Poppy Avenue for guests and employees of the business. The existing Use Permit No. UP1822 requires valet service for the Restaurant parking, maximizing the number of parking spaces.
2. The additional outdoor dining area occupies an existing open yard within the Restaurant property and does not impede access or traffic. The parking for the Restaurant is provided at an off-site lot across Poppy Avenue and is managed by valet service. Use of the outdoor dining area would be in conjunction with the existing Restaurant and utilize the existing valet and off-site parking. Any private events associated with the Restaurant would also use the off-site parking with valet. Therefore, the additional outdoor dining area does not impact traffic or parking.

Finding:

- D. Adequate temporary parking to accommodate vehicular traffic to be generated by the limited duration use would be available either on-site or at alternate locations acceptable to the City Council; and*

Fact in Support of Finding:

1. Pursuant to Assembly Bill No. 1217, as it relates to parking, the City of Newport Beach has not adopted an ordinance that provides relief from parking restrictions for expanded outdoor dining areas. Therefore, the City is able to reduce the number of required parking spaces for the existing use to accommodate an expanded temporary outdoor dining area.
2. The off-site lot with valet guarantees at least 87 parking spaces exclusively for Five Crowns. This off-site parking lot affords Five Crowns more parking than any other restaurant in Corona del Mar. The valet service is in operation full-time during restaurant hours and private parties guaranteeing the off-site lot is maximized to provide as many spaces for vehicles as possible. Additionally, commercial services in mixed-use areas such as Corona del Mar with residential uses directly abutting the commercial corridor generally have more walk-up traffic. Therefore, the size and location of the parking lot provides ample parking for the temporary expanded outdoor dining area.
3. The commercial corridor of Corona del Mar provides public on-street parking along East Coast Highway. Additionally, the Restaurant historically serves the surrounding residential neighborhood with a higher volume of pedestrian traffic.

Finding:

E. The limited duration use is consistent with all applicable provisions of the General Plan, any applicable specific plan, the Municipal Code, and other City regulations.

Facts in Support of Finding:

1. The Property is categorized as Corridor Commercial (CC) by the General Plan Land Use Element and is located within the Commercial Corridor (CC) Zoning District. The Commercial Corridor designation is intended to provide a range of neighborhood-serving retail and service uses along street frontages that are located and designed to foster pedestrian activity. The temporary outdoor dining use is accessory to the existing food service use with outdoor dining, will be utilized for a limited duration on-site, and will contribute to the neighborhood serving use.
2. Limited Term Permit (PA2023-0202) for the expanded outdoor dining would complement and be consistent with the other commercial uses permitted within the Commercial Corridor in that it provides amenities that support the visitors to the area and provides a social gathering place for those who live and work in the neighborhood, consistent with General Plan Land Use Element Goal LU2, below. Additional benefits include providing opportunities for the continuation of local businesses that generate sales tax and provide opportunities for employment, which is consistent with General Plan Land Use Element Policy LU 2.4 (Economic Development) below:

***Goal LU 2** A living, active, and diverse environment that complements all lifestyles and enhances neighborhoods, without compromising the valued resources that make Newport Beach unique. It contains a diversity of uses that support the needs of residents, sustain and enhance the economy, provide job opportunities, serve visitors that enjoy the City's diverse recreational amenities, and protect its important environmental setting, resources, and quality of life.*

***Policy LU 2.4 Economic Development** Accommodate uses 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. (Imp 1.1, 24.1)*

3. Council Policy D-9 recognizes the need to balance economic development objectives with protection of the environment and the health and safety of the community. The policy also recognizes the need to provide effective and efficient structures for implementing economic programs, utilizing staffing to provide healthy, thriving businesses, and maintain a healthy economy while preserving the unique commercial villages in Newport Beach. Limited Term Permit (PA2023-0202) would

support local business and economic prosperity while maintaining the unique character of Corona del Mar.

4. The site is not located within a specific plan area.

FINDINGS IN SUPPORT OF COASTAL DEVELOPMENT PERMIT (PA2023-0202)

In accordance with Section 21.52.015F. (Coastal Development Permits - Findings and Decision) of the NBMC, the following findings and facts in support of such findings are set forth:

Finding:

F. Conforms to all applicable sections of the certified Local Coastal Program; and

Facts in Support of Finding:

1. The Property is located in the coastal zone and the proposed improvements require a CDP in accordance with NBMC Section 21.52.035C.2. (Projects Exempt from Coastal Development Permit Requirements). The improvements constitute a change in the intensity of the existing use by adding additional temporary dining opportunities at the site. The expanded outdoor dining area consists of minor detached structures including a canopy with dining tables and chairs. The location of these improvements within an existing rear yard of a restaurant does not pose a conflict to coastal resources, coastal access, or other adverse environmental effects.
2. The Project site is not located adjacent to a coastal view road or public access way. The site is located approximately 200 feet north of the Environmental Study Area, Buck Gully. However, the site is separated from Buck Gully by Hazel Drive and single-family dwellings. The Project site is approximately 1,400 feet from a public beach. The temporary patio is located within an existing rear yard area of the existing Restaurant. The expanded outdoor dining area complies with all applicable Local Coastal Program (LCP) development standards and maintains an area consistent with the existing pattern of development in Corona del Mar. Additionally, the Project does not contain any unique features that could degrade the visual quality of the coastal zone.
3. The Project is complementary to the area; the Restaurant and other restaurants in Corona del Mar have similar outdoor dining improvements. The additional temporary outdoor dining area will not be visible from surrounding areas or any public viewpoints, as the patio is in the rear of the property behind substantial foliage and proposed block wall. The closest coastal view road as designated by the Coastal Land Use Plan is at the intersection of Poppy Avenue and Ocean

Boulevard approximately 1,200 feet southwest. The closest coastal viewpoint, as designated in the Local Coastal Land Use Plan, is at Inspiration Point and approximately 1,400 feet to the southwest.

4. There are no existing City utilities within the expanded outdoor dining area.
5. The Project is not located in an area in which the California Coastal Commission retains direct permit review or appeal authority.

Finding:

G. Conforms with the public access and public recreation policies of Chapter 3 of the Coastal Act if the project is located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone.

Facts in Support of Finding:

1. The Property is not located between the nearest public road and the sea or shoreline of any body of water located within the coastal zone. The Property is located approximately 1,400 feet from a public beach or harbor and is not located near a public access point designated by the Coastal Land Use Plan. The nearest vertical and lateral access point is approximately 1,300 feet away at Little Corona Beach and the outdoor patio would not obstruct access along these routes.
2. Development authorized by this permit is not located in any environmentally sensitive habitat area and public access to the coast will not be blocked. Coastal access is increased by allowing commercial establishments to temporarily expand, allowing the public to visit coastal areas and provides an added amenity for visitors. The proposed operation does not contain Environmentally Sensitive Habitat Areas (ESHA), wetlands, or sandy beach area.

EXHIBIT "B"

CONDITIONS OF APPROVAL

Planning Division

1. The Project shall be in substantial conformance with the approved site plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. The Project is subject to all applicable City ordinances, policies, and standards unless specifically waived or modified by the conditions of approval.
3. *The Applicant understands this approval is temporary and this Limited Term Permit (PA2023-0202) and Coastal Development Permit shall be effective for a period of one-year from the date of approval, with a possible extension of one additional year, at the discretion of the Community Development Director. An extension of time is not guaranteed. An amendment to Use Permit No. 1822, including a potential parking waiver and coastal development permit, would be required to retain the temporary outdoor dining area on a permanent basis..*
4. *The expanded outdoor dining area shall not exceed 1,350 square feet.*
5. *Live entertainment and private events within the outdoor area on the Restaurant property (including the expanded temporary outdoor dining area) shall remain ancillary to the primary use of the site as a restaurant.*
6. *All Building and Fire permits shall be obtained for the canopy. Changes to the existing unpermitted canopy may be required to obtain the necessary permits.*
7. *The existing allowed hours of operation of the establishment shall not be extended. The hours of operation of the temporary outdoor dining area as part of this approval shall not extend beyond: 10 p.m., Monday through Thursday; and beyond 11 p.m., Friday through Sunday, Federal Holidays, and New Years Eve.*
8. *Immediately before the start and after the conclusion of any private events, the Applicant shall take reasonable steps to discourage attendees from loitering on Poppy Avenue or Hazel Drive.*
9. *Lighting shall be in compliance with applicable standards of the NBMC including Section 20.30.070 (Outdoor Lighting). Exterior on-site lighting shall be shielded and confined within site boundaries. No direct rays or glare are permitted to shine onto public streets or adjacent sites or create a public nuisance. Flashing, revolving, or intermittent exterior lighting visible from any property line or street shall be prohibited.*

10. The Applicant shall obtain and maintain authorization from the State Department of Alcoholic Beverage Control (ABC) for all areas where the sale, service or consumption of alcohol is under the control of the applicant. The establishment shall abide by all applicable regulations of the State Department of Alcoholic Beverage Control.
11. All owners, managers, and employees selling and serving alcohol shall comply with all ABC guidelines and regulations and shall further take all measures necessary to prevent over-service of alcohol and/or disorderly conduct from patrons. Increased calls for Police Department service to the establishment or complaints made to the City will cause a review of operations and may result in a revocation of this permit.
12. The establishment shall abide by all applicable Orange County Health Care Agency requirements.
13. The permittee shall provide adequate trash receptacles within the permitted patio and the operator shall provide for periodic and appropriate removal of trash, litter debris, and graffiti from the premises and on all abutting sidewalks within 20 feet of the property.
14. The Applicant shall comply with all federal, state, and local laws. Material violation of any of those laws in connection with the use may be cause for revocation of this Limited Term Permit (PA2023-0202).
15. This Limited Term Permit (PA2023-0202) may be modified or revoked by the Planning Commission if determined that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare or materially injurious to property or improvements in the vicinity or if the Property is operated or maintained so as to constitute a public nuisance.
16. Any change in operational characteristics, expansion in area, or other modification to the approved plans, shall require an amendment to this limited term permit and coastal development permit.
17. 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.
18. 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.
19. No outside paging system shall be utilized in conjunction with this establishment.

20. The exterior of the business shall be always maintained free of litter and graffiti. The Applicant 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.
21. 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 (not covered in the existing ABC License), include any form of on-site media broadcast, or any other activities as specified in the Newport Beach Municipal Code to require such permits.
22. 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 Five Crowns Temporary Outdoor Dining including, but not limited to, PA2023-0202 and the Coastal Development Permit. 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

23. Heat Lamps or other heating elements shall comply with the following requirements in accordance with Section 3107.12 of the California Fire Code:
 - Propane and other fuel-based heating elements (including but not limited to flammable/combustible gas, liquid or solid materials) shall not be used within tents or canopies.
 - Electric Heaters must be Underwriters Laboratory (UL) Listed for use within tents/and or canopies.
 - Propane and other fuel-based heating devices with blowers may be permitted, with the heating element located at a minimum of 10 feet from the edge of the tent or canopy.
 - All heating equipment installations shall be approved per the Fire Code Official.
24. Covered outdoor dining areas (separate or consolidated) shall comply with the

following standards for tents larger than 400 square feet (two or more walls) and/or canopies larger than 700 square feet (no walls or one wall):

- Post maximum occupant load.
- Do not exceed posted occupant load inside the tent or canopy.
- Visible and mounted Fire Extinguishers with current service tags.
- No Smoking Signs shall be installed.
- Illuminated Exit Signs shall be installed.
- Emergency Lighting shall be provided.
- Does not cover the exit path from the building rear door. Exit doors are not to be blocked and are to remain accessible as exits while the tent is occupied.
- All interior decorative fabrics or materials shall be flame resistant. Provide Certificates of Flame Resistance.
- If Propane is used, a permit is required: Cooking and heating equipment shall not be located within 10 feet of exits or combustible materials.
- LPG containers shall be located outside and be adequately protected and secured, and a permit will be required. Open flame or other devices emitting flame, such as candles, are not permitted inside or within 20 feet of the tent, canopy, or temporary membrane structure.
- Tents and canopies shall have the State Fire Marshall tag indicating fire resistance.
- Tents and canopies shall be designed and installed to withstand the elements of the weather and prevent collapsing through weights and ground anchorage.

Building Division

25. Any areas used for temporary commercial or institutional use shall be accessible to disabled persons.
 - a. A minimum 4-foot-wide accessible path to all functional area shall be provided.
 - b. Access to restrooms shall be provided at all times.
 - c. Accessible parking stalls shall not be used for seating areas when onsite parking is provided.
 - d. At least one accessible seating area shall be provided.
 - e. Detectable warnings are required when pedestrian paths cross or are adjacent to a vehicular way where no physical barrier are provided to separate the two.
 - f. All exiting paths shall be a minimum 48 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.
26. Provide not less than 5% accessible seating at tables and counters with knee clearance of at least 27-inches-high, 30-inches-wide, and 19-inches-deep.
27. The tops of dining surfaces and work surfaces shall be 28 inches to 34 inches above the finish floor.

28. All exiting paths shall be a minimum 48 inches free and clear. All public walks and sidewalks shall be a minimum 48 inches free and clear.
29. All building exits shall remain free and clear of any obstacles that would impede exiting from a building or suite and accessing the nearest public right-of-way.
30. Accessible routes, including under canopy(ies) and other overhead improvements shall maintain a minimum clear height of 80 inches.
31. All electrical distribution lines shall be in good working order and shall be protected from pedestrian and vehicular traffic and shall accommodate accessibility.

Public Works Department

32. There shall be a minimum of 5 feet of clearance around all overhead facilities, such as poles, and 15 feet of clearance around all underground facilities, such as vault lids, manholes, vent pipes, pad-mounted transformers, etc.
33. Seating or structures below overhead conductors and/or under the 'drip line' shall be prohibited.
34. Public eating/dining at tables shall not be situated on top of energized vault lids, energized underground structures, or next to vent pipes, etc.

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

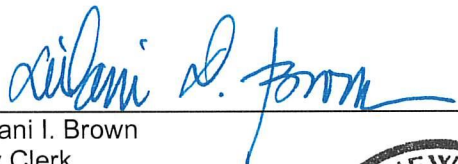
I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2025-18 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 29th day of April, 2025; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Noah Blom, Councilmember Robyn Grant, Councilmember Erik Weigand

NAYS: None

RECUSED: Councilmember Sara J. Weber

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 30th day of April, 2025.



Leilani I. Brown
City Clerk
Newport Beach, California

