



Operator License Information

Community Development Department
Planning Division

100 Civic Center Drive / P.O. Box 1768 / Newport Beach, CA 92658-8915
(949)644-3204 Telephone / (949)644-3229 Facsimile
www.newportbeachca.gov

General Information

Pursuant to [Chapter 5.25](#) of the Newport Beach Municipal Code (NBMC), no person shall operate or engage in any business which constitutes a Bar, Lounge, or Nightclub*, or other businesses which offer alcoholic beverages for on-site consumption in combination with the operation of Late Hours*, Entertainment*, or Café Dance*, until that person or entity has first obtained an Operator License. The purpose and intent of the license is to allow for the enhanced control of noise, loitering, litter, disorderly conduct, parking/circulation, and other potential disturbances related to the operation of an establishment where alcohol is dispensed. In addition to the Operator's License, a Minor or Conditional Use Permit maybe required pursuant to Title 20 of the NBMC. Please check with the Planning Division for additional permits that maybe required.

[Chapter 5.25](#) of the NBMC authorizes the Chief of Police to conditionally approve or deny applications for an Operator License. To approve, or conditionally approve, an Operator License, the Chief of Police must make the following findings provided by [Section 5.25.050.B](#):

1. The business or enterprise is proposed to be located in a zone permitting the proposed use under Title 20 of the NBMC, and is subject to such use permits as may be required;
2. In the case of a business or enterprise offering "Entertainment"* , as defined, the premises meets all of the criteria of [Section 5.28.040.B.2-7](#):
3. The site plan and proposed premises improvements as proposed, or as subject to such conditions as are attached to the approval, are consistent with the use and the plan of operations; and
4. The plan of operations as proposed, or as subject to such conditions as are attached to the approval, is adequate in light of the neighborhood in which the business or enterprise is located and supports the public health, safety, and welfare of the community.

**Please see Attachment A (Definitions), which explains and defines noted terms.*

Application Requirements

To apply please provide the following:

1. A completed Operator License Application Form (attached).
2. Public noticing requirements, including the following (examples available upon request):
 - a. Two (2) sets of adhesive labels (Avery 5160) containing the parcel numbers, names, and mailing addresses for all owners of property located within a 300-foot radius, excluding intervening rights-of-way and waterways, of the exterior boundaries of the subject lot, as shown on the last equalized assessment roll or, alternatively, from other records that contain more recent addresses.
 - b. An assessor's parcel map(s) indicating the 300-foot radius line in relation to the subject property.
 - c. A statement from the preparer of the radius map and labels. The statement must include the information source and the correct radius (300 feet). The information shall be prepared by the applicant or by an ownership listing service doing business in Orange County, CA, utilizing names and

addresses from the last equalized assessment roll and utilizing the most recent assessor's parcel maps, or alternatively, from such other records that contain more recent addresses.

3. Plans

A total of five (5) standard sets and one (1) reduced set of plans shall be submitted. All plans shall adhere to the following:

- Drawn to scale no less than 1/8" = 1'
- Standard size plans are to measure 24"x36" (with details itemized on 8 1/2"x 11" sheets, if necessary) and folded no larger than 8 1/2"x14" when submitted
- Reduced size plans are to be measured between 8 1/2"x11" to 11"x17" (with details itemized on 8 1/2"x 11" sheets, if necessary) and folded no larger than 8 1/2"x 11" when submitted

Plans shall include the following:

Plot Plan/Site Plan, fully dimensioned and show the following information on the subject property.

- The plot plan shall show these items abutting the property a minimum of 20 feet from the boundaries of the site:
- Vicinity map, north arrow, and scale of the plan
- Property lines
- Location, name, dimension, and description of all existing and proposed right-of-way lines, dedications, and easements
- Locations of existing and proposed structures, additions, utilities, driveways, walkways, and open volume areas, including any structure(s) to be relocated, removed, or demolished
- Location, height, and material of existing and proposed walls and fences
- Location of all trash enclosures and how they will be accessed
- Location, dimension, description, and number of parking spaces/areas

Floor Plans, fully dimensioned and show the following information:

- Overall building and individual room dimensions/identification, including square footage calculations
- All proposed interior walls and partitions
- Window and door locations
- A furniture layout, including the proposed number of tables and chairs, and the net public area calculated and outlined or shaded.
- Location of outdoor dining areas
- Location of proposed live entertainment area
- Location and area of proposed dance floor
- Location of entertainment features such as televisions, jukebox, pool tables, dart boards, etc.

Optional Materials

- Exterior elevations
- Color photographs of the subject and adjacent properties
- Food and/or beverage menus
- Link to website

4. Filing Fee

A filing fee is required at the time of filing to partially defray the cost of processing and other expenses. The Planning Department will advise you of said fee.



Operator License Application

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General Information

1. Project Address: _____
2. Assessor's Parcel No(s): _____
3. Legal Description: _____
4. Business Name: _____
5. Business Phone Number: _____
6. Anticipated Occupancy: _____
7. Date Business Acquired: _____
8. Date Business Operations Will begin: _____
9. What are the hours of operations for the establishment? _____
10. Type of Alcohol Beverage Control License held or sought: _____
11. Does the proposed establishment offer live entertainment? Yes No

If yes, please explain and note the hours live entertainment is conducted:

12. Does the proposed entertainment include activities defined by [Section 5.28.010\(1\)](#)*? Yes No

If yes, please explain:

13. Does entertainment include dancing*? Yes No

If yes, please explain:

14. Is there a cover charge or door entry fee? Yes No

If yes, please explain:

15. Is the premise being rented or leased or being purchased under contract? Yes No

If yes, please attach a copy of the lease or contract. Initial here if so attached:

16. Has the owner or owners ever operated in this or any other County, City, or state under an entertainment establishment license/permit or similar business license? Yes No

If yes, please explain:

17. Has the owner or owners ever had such a license revoked or suspended and the reason therefore, and the business entity or trade name under which the business owner operated that was subject to the suspension or revocation? Yes No

If yes, please explain:

18. Provide a detailed written statement describing the operation of the establishment. This document will serve as the formal statement to the Chief of Police describing the operation of the establishment and why it should be approved. Please include any relevant information which supports the application and the required findings pursuant to [Section 5.25.050.B](#), which are noted on Operators the information sheet (attach a separate sheet if necessary).

19. Please attach a Security Plan. Initial here if so attached:

The Security Plan shall address the following:

- Number of security personnel or ratio to patrons
- Qualifications of security personnel (e.g. Guard Card, Private Security License, etc.)
- Basic operation plan for security
- Plan for controlling loitering, noise, over-crowding, elicit activity, and objectionable conditions

20. Please attach a plan, if any, for contact with the Police Department, neighboring residents or businesses in the event of planned activities or emergencies. Initial here if so attached:

Business Owner(s)

Attach information about the business owners or principals. If the enterprise is a corporation or LLC, list all officers. If this is a partnership, list all general partners and if it is a sole proprietorship, list the owner information. If required, attach information about additional owners on a separate sheet.

Name: _____ Alias (es): _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____ Email: _____

California Driver's License No.: _____

Name: _____ Alias (es): _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____ Email: _____

California Driver's License No.: _____

Property Owner(s)

Name: _____ Alias (es): _____

Address: _____

City/State/Zip: _____

Phone: _____ Fax: _____ Email: _____

Declaration

(I)(We) herby certify that (I)(We) have read, understand, and intend to comply with all the operational requirements of Section 5.25 of the Newport Beach Municipal Code.

(I) (We) _____ depose and say that (I am) (we are) the owner(s) of the property (ies) involved in this application. (I) (We) further certify, under penalty of perjury, that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of (my) (our) knowledge and belief.

Signature: _____ Date: _____

Signature: _____ Date: _____



Attachment A (Definitions)

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How is a “Bar, Lounge, and/or Nightclub” defined?

Pursuant to [Section 20.70 E.2.](#) of Title 20, A “Bar, lounge, and nightclub” means an establishment that sells or serves alcoholic beverages for consumption on the premises and is holding or applying for a public premises license from the California State Department of Alcoholic Beverage Control (ABC) (i.e., ABC License Type 42 (On-Sale Beer and Wine—Public Premises), ABC License Type 48 (On-Sale General—Public Premises), and ABC License Type 61 (On-Sale Beer—Public Premises)). Persons under twenty-one (21) years of age are not allowed to enter and remain on the premises. The establishment shall include any immediately adjacent area that is owned, leased, rented, or controlled by the licensee.

How is “Late Hour of Operations” defined?

Pursuant to [Section 20.70 E.6.](#) of Title 20, “Late hour operations” means facilities that provide service after 11:00 p.m.

How is “Entertainment” defined?

Pursuant to [Section 5.28.010](#) of the NBMC, “Entertainment” means any act, play, burlesque show, revue, pantomime, cabaret, fashion or style show, scene, dance, song, song and dance act, or instrumental music participated in by one or more employees, guests, customers or any other person or persons.

What Entertainment activities are defined by [SECTION 5.28.010\(1\)](#)?

The presence of any performer, dancer, employee, agent, model or other person, collectively and individually referred to as “entertainer,” in any place of entertainment who engages in any specified sexual activity (as that term is defined in [Section 5.96.010](#) of this Code) not otherwise prohibited by local, State or Federal law, or who exposes any specified anatomical part (as that term is defined in [Section 5.96.010](#)) not otherwise prohibited by local, State or Federal law, or who performs in attire commonly referred to as pasties or a G-string, or any other opaque covering which does not expose the areola or nipples of the female breast, and while covering the natal cleft and pubic area covers less than one inch on either side of the entire length of the natal cleft and two inches across the pubic area.

How is “Café Dance” defined?

Pursuant to [Section 5.32.010](#) of the NBMC, “Café Dance” shall mean any dance which is open to the public without the payment of an admission fee, which is conducted in a restaurant, cafe, night club, bar, coffee house, or other place where food or beverages are sold for consumption on the premises.