

RESOLUTION NO. PC-2026-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PCUP-26-0003 TO ALLOW THE SALE OF ALCOHOL FOR ON-SITE CONSUMPTION UNTIL 1:30 A.M. WITHIN 200 FEET OF A RESIDENTIAL ZONE FOR AN EXISTING RESTAURANT (NAISHO OMAKASE AND HIGHBALL BAR) AT 3033 BRISTOL STREET, UNIT 117

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, Planning Application PCUP-26-0003 was filed by Michael Cho on behalf of Andrew Le (Naisho Omakase and Highball Bar), authorized agent for the property owner, 3033 Bristol Street, LLC, requesting approval of a Conditional Use Permit to allow the sale of alcohol for onsite consumption after 11:00 P.M. within 200 feet of a residential zone for an existing restaurant, Naisho Omakase and Highball Bar, requesting to operate until 1:30 AM, seven days a week;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 22, 2026, with all persons having the opportunity to speak for and against the proposal;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the project is categorically exempt from the provisions of the CEQA pursuant to Section 15301 (Class 1, Existing Facilities); and

WHEREAS, the CEQA categorical exemption for this project reflects the independent judgement of the City of Costa Mesa.

NOW, THEREFORE, based on the evidence in the record and the findings contained in Exhibit A, and subject to the conditions of approval contained within Exhibit B, the Planning Commission hereby **APPROVES** Planning Application PCUP-26-0003 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PCUP-26-0003 and upon applicant's compliance with each and all of the conditions in Exhibit B, and compliance of all applicable federal, state, and local laws. Any approval granted by this

Resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the document in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

PASSED AND ADOPTED this 22nd day of June, 2026.

Jeffrey Harlan, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Carrie Tai, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2026-__ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on June 22, 2026 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Carrie Tai, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. Pursuant to CMMC Section 13-29(g), Findings, to approve the project, the Planning Commission must find that the evidence presented in the administrative record substantially meets the following applicable required Conditional Use Permit findings:

- a. **Finding:** The proposed development or use is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area.

Facts in Support of Finding. The proposed project is to allow an existing restaurant to expand its hours of operation and sale of alcoholic beverages until 1:30 A.M. within 200 feet of a residential zone. The proposed modification in operations would be compatible with commercial developments in the same general area and would not be materially detrimental to the nearby residential properties because conditions of approval have been included to avoid potential noise, trash and light disturbances. The existing center contains various commercial retail uses and food/beverage uses, which are compatible with the current and proposed use. The applicant would continue to occupy the existing tenant space and does not propose an expansion to the interior square footage. There are also no proposed exterior modifications or site improvements. This application seeks to allow late night hours of operation for a restaurant that serves alcoholic beverages, like other adjacent restaurants and surrounding businesses. The use is permitted by right and the extended hours of operation are conditionally permitted, subject to conditions of approval as included in this application.

- b. **Finding:** Granting the conditional use permit will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

Facts in Support of Finding. The proposed use, as conditioned, would not generate adverse noise, traffic, or parking impacts that are unusual for commercially zoned properties. Furthermore, conditions of approval require the use to be conducted in a manner that would allow for the quiet enjoyment of the surrounding neighborhood. The Police Department has reviewed the proposed use and has no objections to the approval of the application. No live entertainment or outdoor activity are proposed as part of this project.

- c. **Finding:** Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the General Plan designation and any applicable specific plan for the property.

Facts in Support of Finding. The restaurant is permitted by right in the C1 (Local Business) zone and the extended hours of operation are conditionally permitted, subject to conditions of approval as included in this application. The General Plan

land use designation of the property is General Commercial. The existing restaurant use is an appropriate retail use for the General Commercial land use designation. The proposed project would allow the existing restaurant to expand its hours of operation and sale of alcoholic beverages until 1:30 A.M. and is a negligible change to the use. Furthermore, the proposed project is consistent with General Land Use Policy LU-1.1 and LU-6.7 in that the proposed project would contribute to a mix and balance of commercial goods, services, and employment opportunities and would also retain the existing retail business and continue to provide dining opportunities for local businesses, visitors, and residents.

- B. Pursuant to CMMC Section 13-29(e), all planning applications shall be reviewed for consistency with the following review criteria. Below is a summary of the project's conformity with each criterion:

(1) Compatible and harmonious relationship between the proposed building and site development, and use(s), and the building and site developments, and uses that exist or have been approved for the general neighborhood.

The proposed modification to operations would be compatible and harmonious with the existing commercial center and surrounding neighborhood. The applicant would continue to occupy the existing tenant space, with no expansion, exterior modifications, or site improvements proposed. The center includes a variety of commercial retail, restaurant, and food and beverage uses, including other restaurants on the same property. The restaurant use is permitted by right, and the proposed late night hours are conditionally permitted, subject to conditions of approval. As conditioned, the use would not result in adverse noise, traffic, parking, trash, lighting, or other operational impacts and would not be materially detrimental to nearby residential properties. No live entertainment or outdoor activity is proposed, and the Police Department has no objections to the request.

(2) Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.

Safety and compatibility are maintained through the proposed project design as there will be no increase to the gross floor area of the existing building, as no tenant improvements will be made to the interior of the existing tenant space. No parking spaces will be impacted through this project, and as such, automobile circulation will not be impacted. Existing pedestrian circulation will still be maintained.

(3) Compliance with any performance standards as prescribed in the Zoning Code.

All performance standards have been deemed to be met as described in the analysis section of this report.

(4) Consistency with the General Plan and any applicable specific plan.

The restaurant is permitted by right in the C1 (Local Business) zone and the extended hours of operation are conditionally permitted, subject to conditions of approval as included in this application. The General Plan land use designation of the property is General Commercial. The existing restaurant use is an appropriate retail use for the General Commercial land use designation. Furthermore, the proposed project is consistent with General Land Use Policy LU-1.1 and LU-6.7 in that the proposed project would mix and balance of housing opportunities, commercial goods and services, and employment opportunities and would also retain the existing retail business and continue to provide dining opportunities for local businesses, visitors, and residents.

(5) The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.

The zoning application is for a unique project-specific case at a unique site with special circumstances and will not be precedent setting for future development.

(6) When more than one planning application is proposed for a single development, the cumulative effect of all the planning applications shall be considered.

The proposed project includes only one application, of which the cumulative effect has been considered through this report.

- C. **Environmental Determination.** The project is categorically exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) which exemption applies to minor alterations to existing facilities or structures involving negligible or no expansion of the existing use. The project involves no exterior alterations or additions to an existing commercial tenant space. As conditioned and proposed, the project will have little or no impact on the surrounding area. There will be no resulting increase in the existing floor area of the tenant space. Furthermore, none of the exceptions that bar the application of a categorical exemption pursuant to CEQA Guidelines Section 15300.2 apply. The Project would not result in a cumulative impact; would not have a significant effect on the environment due to unusual circumstances; would not result in damage to scenic resources; is not located on a hazardous site or location and would not impact any historic resources.

EXHIBIT B

CONDITIONS OF APPROVAL

- Plng.
1. The use of this tenant space for shall comply with the approved plans and these conditions of approval. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the Conditional Use Permit. Modifications are subject to the final review authority determined by the Economic and Development Services Director or his/her designee.
 2. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, legal action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of, or which are in any way related to, the applicant's project, or any approval granted by City related to the applicant's project. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section. City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by City.
 3. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood, including but not limited to keeping rear service door (adjacent to the residential developments) closed at all times, ensuring that employees and visitors do not loiter in the rear (adjacent to the residential developments). The business shall institute whatever security measures are necessary to comply with this requirement.
 4. The applicant shall maintain areas that are under the applicant's control and ensure areas are well maintained and free of litter.
 5. There shall be no sales of alcoholic beverages for off-site consumption.
 6. For establishments with a State Alcoholic Beverage Control (ABC) License, all sales and service staff (within 90 days of hire) shall complete Responsible Beverage Service (RBS) training with a provider approved by the California Department of Alcoholic Beverage Control. A copy of the

training certificates shall be kept on premises and presented to any authorized City official upon request.

7. A copy of the conditions of approval for the conditional use permit shall be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
8. If any section, division, sentence, clause, phrase or portion of this approval is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.
9. Any change in the operational characteristics of the use shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.
10. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or it, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
11. Once the use is legally established, the planning/zoning application herein approved shall be valid until revoked. The Director of Economic & Development Services or designee may refer the planning/zoning application to the Planning Commission for modification or revocation at any time if any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances; 3) one or more of the findings upon which the approval was based are no longer applicable; 4) the approval was obtained through fraudulent, erroneous, or misleading information; 5) the use is being operated in an illegal or disorderly manner; 6) the terms or conditions of approval of the conditional use permit have been violated; 7) the use creates an adverse impact on the health, safety, or welfare of surrounding properties and uses; or 8) the use is operated in violation of ABC rules and regulations.
12. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

13. The sale, service, and consumption of alcoholic beverages shall be limited to the approved hours of operation and shall cease no later than 1:30 A.M. daily.

CODE REQUIREMENTS

The following list of federal, State and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- PIng.
1. Permits shall be obtained for all signs and window signs according to the provisions of the Costa Mesa Sign Ordinance.
 2. The maximum occupancy, as determined by provisions of the Uniform Building Code or other applicable codes, shall be posted in public view within the premises, and it shall be the responsibility of management to ensure that this limit is not exceeded at any time.
 3. All noise-generating construction activities shall be limited to 7AM to 7PM Monday through Friday and 9AM to 6PM. Saturday. Noise-generating construction activities shall be prohibited on Sunday and the following Federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.
 4. Street addresses shall be visible from the public street and may be displayed either on the front door, on the fascia adjacent to the main entrance, or on another prominent location. When the property has alley access, address numerals shall be displayed in a prominent location visible from the alley. Numerals shall be a minimum six (6) inches in height with not less than one-half-inch stroke and shall contrast sharply with the background.
 5. Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division.