



CITY OF NEWPORT BEACH PLANNING COMMISSION STAFF REPORT

April 2, 2026
Agenda Item No. 2

SUBJECT: Konpa Nikkei Restaurant (PA2025-0152)
▪ Conditional Use Permit
▪ Coastal Development Permit

SITE LOCATION: 3333 East Coast Highway

APPLICANT: Jason Yamaguchi, JayPop LLC

OWNER: Beverly Evans Trust

PLANNER: Kelly Ribuffo, Consultant Planner
kribuffo@sagecrestplanning.com

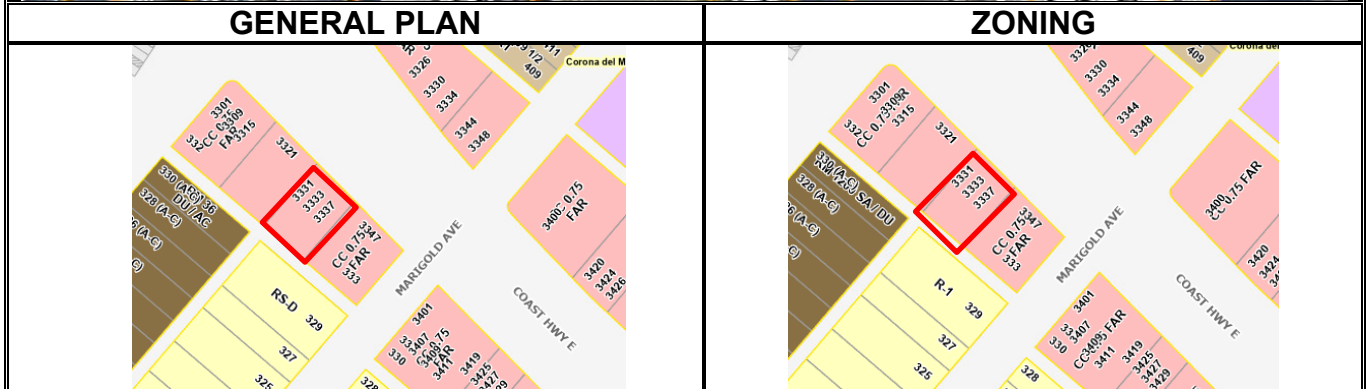
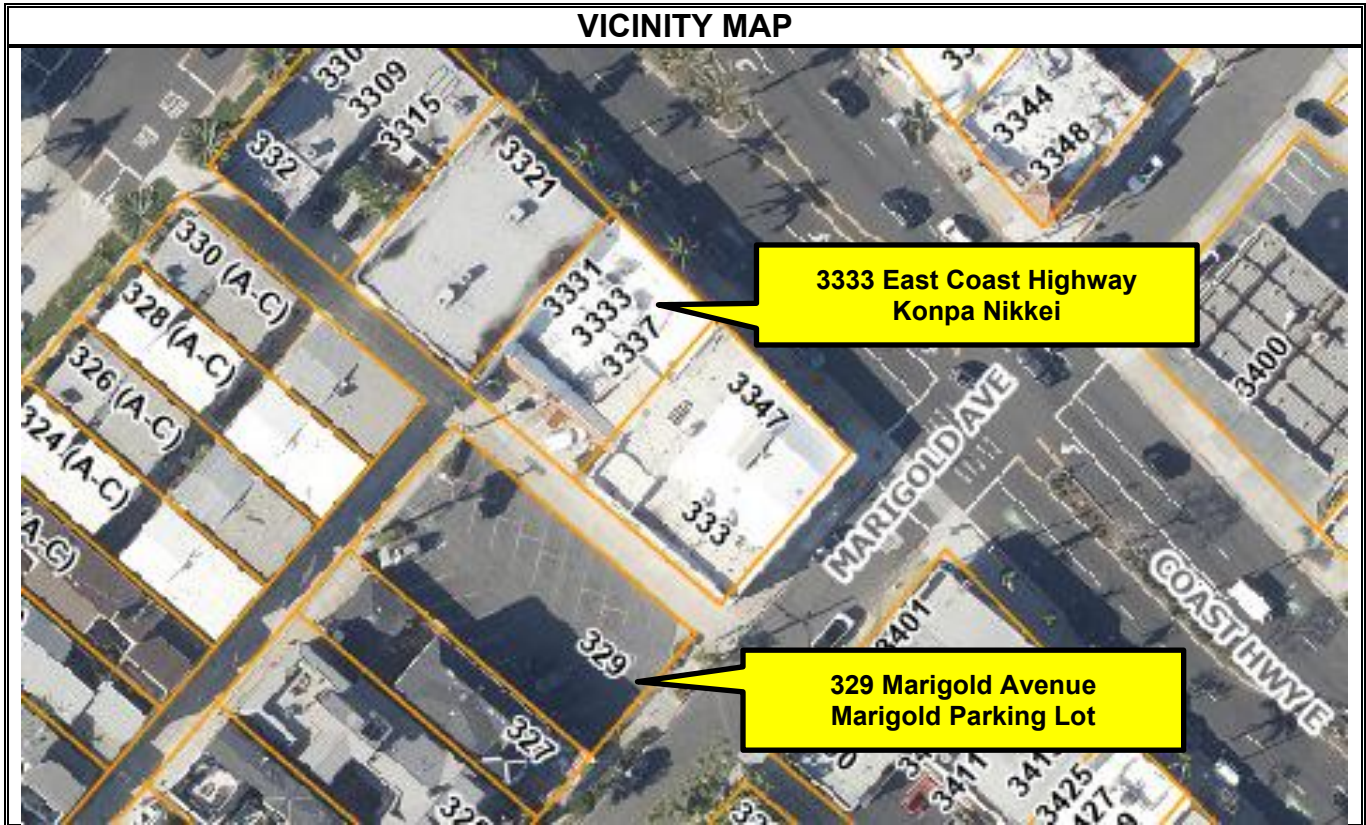
PROJECT SUMMARY

A request to convert an existing 700-square-foot take-out service – fast casual eating and drinking establishment to a full-service restaurant with a Type 41 (On Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license. There is no outdoor dining area and no changes are proposed to the existing floor plan. The proposed hours of operation are 11 a.m. to 10 p.m., daily. The applicant is not proposing late hours (after 11 p.m.), live entertainment, or dancing. Also included is a request to waive the required parking related to upgrading the restaurant from take-out service to full service. Since the property is within the Coastal Zone and the applicant is proposing adjustments to the required off-street parking, a coastal development permit is also required. If approved, Use Permit No. UP2008-006 (PA2008-048) would be superseded.

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 Resolution No. PC2026-011 approving the Conditional Use Permit and Coastal Development Permit filed as PA2025-0152 (Attachment No. PC 1).

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LOCATION	GENERAL PLAN	ZONING	CURRENT USE
ON-SITE	CC (Corridor Commercial)	CC (Corridor Commercial)	Restaurant (Applicant), retail, florist
NORTH, EAST AND SOUTH	CC	CC	Retail, barbershop, restaurants, offices
SOUTH	Single-Unit Residential Detached (RS-D)	Single-Unit Residential (R-1)	Private parking lot (Marigold Lot), and single and single-unit dwellings

INTRODUCTION

Project Setting

As identified on the preceding page, the project site is located within the commercial corridor of Corona del Mar, on the southern side of East Coast Highway between Marguerite and Marigold Avenues. The subject restaurant, Konpa Nikkei, is a tenant within a three-unit single-story commercial building. Tenant suites are individually addressed and include The Wee Loft Toy Shop (3331 East Coast Highway), Konpa Nikkei (3333 East Coast Highway), and CDM Florist (3337 East Coast Highway). The property is bounded to the north by East Coast Highway, to the south by a 14-foot-wide public alley, and to the east and west by abutting single-story commercial buildings. Surrounding uses include other commercial businesses, such as retail, restaurant, offices and service uses to the north, east and west, and one-unit residential to the south.

Vehicular access to the property is provided from East Coast Highway and from the rear alley. Pedestrian access is provided from the public sidewalk along East Coast Highway. There are public bike racks available within the public right-of-way at the corner of East Coast Highway and Marigold Avenue. Across the rear alley, there is an existing 28-space private parking lot. The parking lot is addressed as 329 Marigold Avenue (hereafter referred to as the “Marigold Lot”) and is currently shared by the three previously mentioned businesses and two additional Corona del Mar businesses: OC Mattress (3347 East Coast Highway) and Coast Barber Shop (333 Marigold Avenue). No fee is charged to customers of the associated businesses and “Customer Parking Only” signage, with a two-hour limit, is posted at entrances to the parking lot.

Background and Current Condition

On May 9, 2008, Use Permit No. UP2008-006 (PA2008-048) was approved by the Planning Director to allow the conversion of 3333 East Coast Highway from a furniture store to a take-out service, limited eating and drinking establishment (yogurt shop) with seating for up to six patrons. No parking waiver was required at that time, as it was determined the parking demand for a yogurt shop would be similar to a retail sales use and could be accommodated by the proximity of on-street public parking spaces.

No other use permits have been approved for any other suites on the property.

In 2024, Building Permit No. X2021-2943 was issued to remodel the suite into a sushi restaurant. The main entrance to the restaurant faces the sidewalk located along East Coast Highway. The customer service area consists of counter space adjacent to the entrance with pull-up seating and no fixed seating or booths. Most of the footprint of the restaurant is occupied by the kitchen and prep areas. XR2021-2943 received final inspection in June 2025 and Konpa Nikkei opened for business on July 5, 2025. Further updates to the kitchen equipment, dining counter layout, and front accessible entry door were completed pursuant to Building Permit No. XC2025-5005 and received final

inspection in October 2025. The site plan and floor plan are provided for reference as Attachment No. PC 2.

As shown on the site plan, the trash enclosure that services the restaurant is located behind the building, facing the adjacent alley. The enclosure contains three large roll-away trash bins that serve the restaurant and the tenants in the adjacent building. The building was not developed prior to modern parking requirements and does not have on-site parking; however, parking has historically been provided in the Marigold Lot.

Project Description

The applicant proposes to convert Konpa Nikkei from a take-out service – fast casual¹ eating and drinking establishment to a full-service restaurant with a Type 41 (On Sale Beer and Wine – Eating Place) Alcoholic Beverage Control (ABC) license. The hours of operation are proposed from 11 a.m. to 10 p.m., daily. No late hours (after 11 p.m.), live entertainment, or dancing are proposed. No additional improvements are required to accommodate the expanded menu options and later closing time. A full project description is available as Attachment No. PC 3. A comparison of the existing characteristics and the project are listed in Table 1 below.

Table 1, Comparison of Physical and Operational Characteristics

	Existing	Proposed
<i>Gross Floor Area</i>	700 sq. ft.	No change
<i>Outdoor Patio</i>	None	No change
<i>Seating Count</i>	6	No change
<i>Hours of Operation Interior</i>	11 a.m. to 7 p.m., daily	11 a.m. to 10 p.m., daily
<i>Live Entertainment</i>	Not allowed	No change
<i>Dancing</i>	Not allowed	No change
<i>ABC License Type</i>	None	Type 41 (On-Sale Beer and Wine – Eating Place)
<i>On-Site Parking</i>	None, provided in adjacent Marigold Lot, see discussion section for details	

Food service uses with compliant off-street parking, and no late hours may be approved by the Zoning Administrator through a minor use permit. In this case, however, the project includes a request to reduce the required off-street parking associated with the change in use by more than 20%, which requires approval of a conditional use permit by the Planning Commission.

¹ On August 26, 2025, the City Council adopted Ordinance No. 2025-13 to amend the food service parking requirements for Title 21 (Local Coastal Program Implementation Plan) to be consistent with Title 20 (Planning and Zoning) of the NBMC. The land use, “take-out service, limited” became “take-out service, fast casual.”

The project site is located within the Coastal Zone. While no construction is proposed, the project is considered a development requiring a coastal development permit (CDP) because it represents an intensification in use. The intensity of a use is typically determined by the parking requirement of the use. In this case, a take-out service restaurant requires one space for every 250 square feet of floor area whereas a full-service restaurant requires one space for every 100 square feet of floor area. The increase in parking requirements indicates an increase in the intensity of the use, therefore a CDP is required.

While the Zoning Administrator is the review authority for a CDP, Section 20.50.30 (Multiple Permit Applications) of the Newport Beach Municipal Code (NBMC) requires that multiple applications for the same project be processed concurrently and be reviewed and approved, modified, or denied by the highest review authority, which in this case is the Planning Commission.

If the project is approved and implemented by the applicant, UP2008-006 would be superseded.

DISCUSSION

Analysis

General Plan Consistency

The property developed with the multi-tenant building occupied by Konpa Nikkei is categorized as Corridor Commercial (CC) by the General Plan Land Use Element. The CC category is intended to accommodate neighborhood-serving commercial uses that foster pedestrian activity and vibrant streetscapes, including restaurants.

While not an exhaustive list, the project is consistent with the following General Plan Land Use policies:

1. ***Land Use Element Policy LU 1.5 (Economic Health)***. Encourage a local economy that provides adequate commercial, office, industrial, and marine-oriented opportunities that provide employment and revenue to support high-quality community services; and
2. ***Land Use Policy LU 2.1 (Resident-Serving Land Uses)***. Accommodate uses that support the needs of Newport Beach's residents including housing, retail, services, employment, recreation, education, culture, entertainment, civic engagement, and social and spiritual activity that are in balance with community natural resources and open spaces.

The project provides an existing restaurant with the opportunity to serve visitors and residents in the area with additional menu options. The project also provides employment

opportunities for restaurant employees and enhances the vibrancy of the commercial corridor.

Zoning Code Consistency

The project site is located within the Commercial Corridor (CC) Zoning District. Like the Land Use categorization of “Corridor Commercial”, the CC Zoning District is intended to provide areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area. A restaurant use is consistent with the intent of the CC Zoning District.

A discussion of the required findings for alcohol sales, the parking waiver, and the CUP are described under separate sections below.

Alcohol Sales

The restaurant proposes to operate with a Type 41 (On-Sale Beer and Wine – Eating Place) State Department of Alcoholic Beverage Control (ABC) License. To authorize the sale and service of alcoholic beverages, the Planning Commission must first make a finding of consistency with Section 20.48.030 (Alcohol Sales) of the NBMC.

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

The purpose and intent of Section 20.48.030 (Alcohol Sales) of the NBMC is to maintain a healthy environment for residents and businesses by establishing a set of consistent standards for the safe operation of alcohol establishments. The Newport Beach Police Department (NBPD) has prepared a memorandum that includes a Crime and Alcohol Related Statistics Report using the latest available data from 2024, included as Attachment No. PC 4. The data is incorporated into the factors for consideration which are detailed in the draft resolution provided as Attachment No. PC 1.

The NBPD memorandum concluded that there were no concerns and the NBPD does not anticipate any increase in crime or alcohol-related incidents. The NBPD has no objection to the project, subject to the recommended conditions of approval in the draft resolution. Conditions include but are not limited to, prohibiting the restaurant from operating as a bar, tavern, cocktail lounge, or nightclub and requiring a closing hour of 11 p.m. to ensure compatibility with the surrounding uses and minimize alcohol-related impacts. All NBPD recommended conditions of approval have been incorporated into the draft resolution.

Required Off-Street Parking and Waiver

The project will increase the intensity of the use of the restaurant from a take-out service – fast casual to a full-service restaurant with alcohol sales. Table 3-10 (Off-Street Parking

Requirements) in Sections 20.40.040 and 21.40.040 (Off-Street Parking Spaces Required) of the NBMC provides a parking requirement for the existing take-out service of one parking space for every 250 square feet of gross floor area (GFA), or three required parking spaces for the current 700-square-foot restaurant. A full-service restaurant has an increased parking requirement of one space per 100 square feet of GFA, or seven required parking spaces in this case. This represents an increase of four parking spaces above the existing parking requirement.

The project site does not provide off-street parking and is nonconforming to current City parking requirements.

As previously mentioned, the adjacent Marigold Lot provides off-street parking for Konpa Nikkei and four other retail and service businesses. The lot has 28 angled parking spaces – 27 regular spaces and one ADA accessible space. However, the Marigold Lot is a standalone use, not tied to any business or property as code required parking, and is available solely for the convenience of customers for the adjacent businesses.

Per NBMC Section 20.38.060 and 21.38.060 (Nonconforming Parking), a nonconforming structure or use may be intensified to a new use that requires additional parking if that parking is required or waived. For the proposed project, a parking waiver of four spaces (57%) is required to accommodate the increase in intensity of the use to a full-service restaurant.

To support the request, RK Engineering Group, Inc. prepared a parking study, dated February 24, 2026. The parking study establishes a peak parking demand by providing observational counts during peak summer season operations and ideal weather conditions on a Thursday, Friday, and Saturday. The counts were collected on July 10 through 12, 2025, at one-hour intervals between 10 a.m. and 9 p.m. The counts covered lunch, mid-afternoon, and dinnertime demand. Parking demand was observed in the Marigold Lot (identified as Zone 1) and five adjacent on-street public parking areas (Zones 2 through 6), which were based on proximity, visibility, and ease of access for patrons of the property. Counts were taken in Zones 2 through 6 to assess if the project would cause problematic spillover demand into the adjacent areas. The location of all zones is shown in Attachment No. PC 5, Exhibit C.

The observed peak parking demand for the Marigold Lot occurred on Friday, July 11, 2025, between 12 p.m. and 1 p.m., where 19 parking spaces out of 28 spaces were occupied (68% utilization). On the same day and at the same time, observed demand for Zones 2 through 6 was 77%.

In response to City review comments, supplemental parking counts were requested for a typical weekday operation, outside of Konpa Nikkei's grand opening period. Supplemental counts were taken on Thursday, January 15, 2026. The results from the additional counts further confirm that adequate parking capacity remained available in the Marigold Lot

(Zone 1) and within the on-street study area (Zones 2 through 6) during peak weekday operating conditions.

The parking study concludes that sufficient capacity remains during peak operating periods, both within the Marigold Lot (Zone 1) and across the broader study area (Zones 2 through 6). In addition, the restaurant is in an area that experiences strong walking and bicycle traffic, as well as a shared parking dynamic with complementary peak-demand patterns for existing tenants.

A parking management plan has been included as part of the parking study in compliance with Sections 20.40.110(C) and 21.40.110(C) (Adjustments of Off-Street Parking Requirements – Parking Management Plan) of the NBMC. If the parking supply of the Marigold Lot needs to be better utilized, the recommendations of this parking management plan can be implemented. The plan includes recommendations for an employee parking policy, signage and space identification, and security enforcement of customer-only parking restrictions.

Both the parking study and parking management plan have been reviewed and accepted by the City Traffic Engineer.

Lastly, in the event that the Marigold Lot is no longer available to the restaurant for parking in the future, Conditional of Approval No. 10 grants the Community Development Director and City Traffic Engineer the ability to revisit the parking requirements for the project to determine appropriate measures to accommodate the restaurant operations and ensure no adverse impact to the availability of on-street parking for residents and visitors.

Conditional Use Permit Findings

Pursuant to Section 20.52.020(F) (Conditional Use Permits and Minor Use Permits) of the NBMC, the Planning Commission must make the following findings to approve a conditional use permit:

- 1. The use is consistent with the General Plan and any applicable specific plan;*
- 2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;*
- 3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;*
- 4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and*

5. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, 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 proposed use.

As demonstrated in the draft resolution (Attachment No. PC 1), staff believes that sufficient facts exist in support of each finding.

The existing restaurant operates as a take-out service in a multi-tenant commercial building along East Coast Highway. As previously stated, the CC Zoning District is intended to provide areas appropriate for a limited range of retail and service uses developed in one or more distinct centers oriented to serve primarily the needs of and maintain compatibility with residential uses in the immediate area. The project is for restaurant use and is therefore consistent with the intent of the CC Land Use Category and Zoning District.

While tenant improvements were completed prior to the business opening and no additional tenant improvements are proposed, the project was reviewed by the Fire Department, Public Works Department, and Building Division. It was determined that adequate public and emergency vehicle access is provided. Further, the business is adequately served by the existing trash enclosure that is shared by all tenants of the building.

There are no late hours of operation proposed with the restaurant. As conditioned, the restaurant will operate between 11 a.m. and 10 p.m., daily. The earlier closing time will help ensure there is minimal impact on the adjacent residential neighborhood. The hours of operation are appropriate for the neighborhood, and no operational characteristics with the potential to generate excessive noise, such as late hours, live entertainment, or dancing, are proposed.

The intensification of the restaurant to full-service with alcohol service changes the parking rate for the business; however, the provided parking study concludes that the existing parking supply is sufficient to accommodate all visitors to the businesses that share the lot during business hours.

The introduction of alcohol sales should be complementary to the food service use and compatible with the neighborhood.

Coastal Development Permit Findings

Pursuant to Section 21.52.015(F) (Coastal Development Permits) of the NBMC, the Planning Commission must make the following findings to approve a Coastal Development Permit:

- 1. Conforms to all applicable sections of the certified Local Coastal Program; and*

2. 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.

The restaurant is located within the Commercial Corridor (CC) Coastal Zoning District. Section 21.20.020 (Commercial Coastal Zoning District Land Uses, Table 21.20-1) of the NBMC allows for eating and drinking establishments with no late hours.

The project site is not located adjacent to a coastal view road, public access way, or coastal viewpoint as identified in the Coastal Land Use Plan. The nearest coastal access point, Corona del Mar State Beach, is approximately 1,500 feet south of the project site. There are multiple public parking options for visitors to the coast that are in closer proximity to the project, such as the public parking lots and street parking along East Coast Highway and other residential streets within the immediate area. As previously discussed, the project does not propose any expansion to the existing restaurant and existing parking arrangements adequately serve the property as addressed by the submitted parking study. Therefore, the project is not expected to impact surrounding public street parking in the area, thereby avoiding potential impacts to coastal access.

Summary and Alternatives

Staff finds that the project is consistent with Title 20 (Planning and Zoning), the General Plan, and the Local Coastal Program, as discussed in the analysis above, and recommends approval of the project, subject to the Conditions of Approval provided in the resolution as Exhibit "A."

If approved, Konpa Nikkei will be allowed to operate as a full-service restaurant with alcohol sales. However, there will be no late hours, live entertainment, or dancing. The applicant will also be granted a parking waiver reducing the required parking spaces associated with the change in operational characteristics.

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

1. The Planning Commission may require changes to the project to alleviate any concerns related to the design or the ability to make the required findings. If the changes are substantial, the item should be continued to a future meeting to allow the applicant to make the necessary adjustments and to allow staff to prepare a revised resolution incorporating new findings and/or conditions; or
2. If the Planning Commission believes that there are insufficient facts to support the findings for approval, the Planning Commission may deny the application and provide facts in support of denial, and allow staff to prepare a revised resolution for denial of the project.

Environmental Review

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

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 project involves the continued operation of an existing commercial and restaurant space with the addition of a Type 41 (On-Sale Beer and Wine – Eating Place) ABC license to allow alcohol sales and waive a portion of the parking requirement. No physical alterations or expansion of the use are proposed. As such, the Project and its parking waiver are not expected to have a significant environmental impact on the surrounding area

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

Public Notice

Notice of this hearing was published in the Daily Pilot, mailed to all owners and residential occupants of property within 300 feet of the boundaries of the site (excluding intervening rights-of-way and waterways) including the applicant and posted on the subject property at least 10 days before the scheduled meeting, consistent with the provisions of the Municipal Code. Additionally, the item appeared on the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:



Kelly Ribuffo
Consultant Planner



Benjamin M. Zdeba, AICP
Acting Deputy Community
Development Director

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ATTACHMENTS

- PC 1 Draft Resolution
- PC 2 Project Plans
- PC 3 Applicant's Project Description
- PC 4 Police Department Memorandum
- PC 5 Parking Study

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