



**CITY OF NEWPORT BEACH
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER, AND PLANNING COMMISSION
FROM: Seimone Jurjis, Community Development Director
SUBJECT: Report of actions taken by the Planning Division staff for the week ending June 23, 2023.

**COMMUNITY DEVELOPMENT DIRECTOR
OR PLANNING DIVISION STAFF ACTIONS**
(Non-Hearing Items)

Item 1: Bamboo Bistro Interior Dining Area Relocation Staff Approval (PA2023-0065)
Site Address: 2600 East Coast Highway, Suites 150 and 160

Action: Approved

Council District 6

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered unless a different period is specified by the Municipal Code (e.g., Title 19 allows ten (10) day appeal period for tentative parcel and tract maps, lot line adjustments, or lot mergers). For additional information on filing an appeal, contact the Planning Division at 949 644-3200.



COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
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COMMUNITY DEVELOPMENT DIRECTOR ACTION LETTER

Subject: **Bamboo Bistro Interior Dining Area Relocation (PA2023-0065)**
▪ Staff Approval

Site Location **2600 East Coast Highway, Suites 150 and 160**

Applicant **GB Architecture, Rick Guina**

Legal Description **Parcel 1 of Parcel Map No. 84-722**

On **June 22, 2023**, the Community Development Director approved Staff Approval PA2023-0065, authorizing the relocation of the interior dining seating of an existing food service, eating and drinking establishment (Bamboo Bistro, Suite 160) to the adjacent tenant space within the building (Suite 150) further described in "Proposed Changes" below.

LAND USE AND ZONING

- **General Plan Land Use Plan Category:** CC (Corridor Commercial)
- **Zoning District:** CC (Corridor Commercial)

BACKGROUND AND CURRENT OPERATION

On December 11, 1997, Specialty Food Permit No. SF0060 was approved to authorize the establishment of a 2,000-square-foot specialty food service facility (Bamboo Bistro). Bamboo Bistro is located on the first floor (Suite 160) of a multi-tenant commercial building on the southeast corner of East Coast Highway and Fifth Avenue in Corona del Mar. SF0060 limited the maximum number of seating/or stand-up counter space in the restaurant to no more than 20 customers. The hours of operation were limited to between 11 a.m. to 9 p.m., Monday through Saturday, and 3 p.m. to 8 p.m. on Sunday. In conjunction with SF0060, Outdoor Dining Permit No. OD0028 was approved establishing an accessory outdoor dining patio to be used in conjunction with Bamboo Bistro. The patio is limited it to a maximum of 25 percent of the indoor net public area (115 square feet). Use of the outdoor dining patio is required to cease at dusk.

On February 5, 1998, Use Permit No. UP3620 and Planning Director's Use Permit No. UPD014 were approved for a parking waiver (2 spaces) and to allow the conversion of Bamboo Bistro to a full-service small scale eating and drinking establishment which includes the sale of beer and wine. The conditions of approval from SF0060 associated with the maximum number of seating/or stand-up counter space of 20 customers, as well as the hours of operation, remained.

PROPOSED CHANGES

Due to the increased demand for takeout and the limited space in the existing suite for both the takeout and interior sit-down dining operations, Bamboo Bistro is proposing to relocate its interior dining seating to the adjacent tenant space (Suite 150), which was previously a medical office, but is currently vacant. The relocation of the dining area would allow for improved operation of both the interior dining and take-out components, as there is currently insufficient space to efficiently run both operations. The relocated interior dining area includes a total of 20 seats which will continue to comply with the maximum allowed 20 seats as required by UP 3620. The relocated interior dining area will allow for the existing takeout component to continue to operate in Suite 160. Along with the dining area, Suite 150 will include the addition of a new reception counter, lobby, food prep area and storage space, which does not require additional parking. Suite 150 is currently vacant but was previously occupied by a medical office use. The restaurant will maintain operational hours between 11 a.m. to 9 p.m., Monday through Saturday, and 3 p.m. to 8 p.m. on Sunday. No changes are proposed to the existing outdoor dining.

As proposed, the new operations comply and are in substantial conformance with UP3620, UPD014, and OD0028.

See Table 1 below for the proposed occupancies of tenant spaces.

Table 1: Proposed Changes

Suite(s)	Current Use	Proposed Use
160	<u>Restaurant (Bamboo Bistro)</u> <ul style="list-style-type: none"> • Takeout component • Outdoor dining • Kitchen • Storage • Interior sit-down dining 	<u>Restaurant (Bamboo Bistro)</u> <ul style="list-style-type: none"> • Takeout component • Outdoor dining • Kitchen • Storage
150	Vacant	<u>Restaurant (Bamboo Bistro)</u> <ul style="list-style-type: none"> • Interior sit-down dining • Food prep area • Reception counter • Lobby • Storage

FINDINGS

Pursuant to Section 20.54.070 (Changes to an Approved Project) of the Newport Beach Municipal Code (NBMC), the Community Development Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use without a public hearing, and waive the requirement for a new use permit application. In this case, the Community Development Director has determined that the proposed relocation

is in substantial conformance with the existing restaurant operation due to the project's changes:

Finding:

A. *Are consistent with all applicable provisions of this Zoning Code.*

Facts in Support of Finding:

1. Restaurants are a permitted use in the Commercial Corridor (CC) zoning district, subject to the approval of a use permit. The proposed changes are consistent with the operational characteristics approved by UP3620, UPD014, and OD0028.
2. Adequate off-street parking is provided in conjunction with the proposed dining area relocation. The relocated dining use does not generate increased parking demand beyond the requirements from UP3620, Planning Director's Use Permit No. UPD014, which required five (5) parking spaces for the restaurant based on the number of seats in the dining area. The relocation of the restaurant into Suite 150 does not require additional parking and eliminates the 12-space parking demand of the previous medical office.

Finding:

B. *Do not involve a feature of the project that was a basis for or subject of findings or exemptions in a negative declaration or Environmental Impact Report for the project.*

Fact in Support of Finding:

1. The proposed changes to the existing restaurant will not compromise the original Class 1 (Existing Facilities) exemption under the California Environmental Quality Act (CEQA) Guidelines. 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 subject application involves minor alterations to existing commercial tenant spaces.

Finding:

C. *Do not involve a feature of the project that was specifically addressed or was the subject of a condition(s) of approval for the project or that was a specific consideration by the applicable review authority in the project approval.*

Facts in Support of Finding:

1. The proposed minor changes do not involve a feature that was specifically addressed in the staff report, or the minutes prepared for UP3620, UPD014, and Outdoor Dining Permit No. OD0028. The proposed changes comply with the maximum number of seating/or stand-up counter space in the restaurant of no more than 20 customers. The existing restaurant includes a takeout component as established with UP3620. The relocation of the restaurant indoor dining area will allow more space for the existing takeout component to operate more efficiently.
2. The restaurant's dining area is proposed to be in operation from 11 a.m. to 9 p.m., Monday through Saturday, and 3 p.m. to 8 p.m. on Sunday. The hours of operation are not proposed to be changed and continue to comply with the conditioned hours of operation established in UP3620 and UPD014.
3. Building permits are required for tenant improvements and change of occupancy. The project also must comply with disabled access requirements.

Finding:

- D. Do not result in an expansion or change in operational characteristics of the use.*

Facts in Support of Finding:

1. The proposed relocation of the restaurant indoor dining area is minor in nature and does not represent a substantial change in the operational characteristics of the existing sit down and take out restaurant that was approved. The existing restaurant located in Suites 160 needs additional space for the take-out operation, and the relocation of the dining area does not change the operational characteristics of the use. There is no expansion of indoor dining area proposed with this relocation, as it will continue to provide a total of 20 seats.
2. The proposed relocation of the restaurant dining area will replace the previous physical therapy medical office. The proposed tenant space will consist of a new reception area, lobby area, dining area, food prep area, storage space and restroom.

CONDITIONS

1. The development shall be in substantial conformance with the approved site plan and floor plan stamped and dated with the date of this approval (except as modified by applicable conditions of approval).
2. All applicable conditions of approval for Use Permit No. UP3620, Planning Director's Use Permit No. UPD014, and Outdoor Dining Permit No. OD0028 shall remain in effect.

3. The Community Development Director may add to or modify conditions to this staff approval, or revoke this staff approval upon determination that the operations, which is the subject of this staff approval, causes injury, or is detrimental to the public health, safety, peace, or general welfare of the community or if the property is operated or maintained so as to constitute a public nuisance.
4. The Applicant is required to obtain all applicable permits from the City Building Division and Fire Department. Prior to the issuance of any building, mechanical, and/or electrical permits, architectural drawings and structural design plans shall be submitted to the City of Newport Beach for review and approval by the applicable departments. A copy of these conditions of approval shall be incorporated into the drawings approved for the issuance of permits.
5. The project shall be designed to comply with all disabled access requirements.
6. The project shall install a new sewer clean out on the existing sewer lateral per City Standard 406.
7. The applicant shall remove the temporary outdoor dining area and affiliated encroachments within the Fifth Avenue public right of way and restore/repair the area to pre-project conditions.
8. The project shall comply with the 2022 California Code Edition.
9. Prior to the issuance of a building permit, the applicant shall provide a full building code analysis on occupancy, type of construction, actual/allowable floor area, actual/allowable height, number of stories, and sprinkler system.
10. Prior to issuance of a building permit, the applicant shall provide a full egress analysis plan.
11. Prior to issuance of a building permit, the applicant shall provide a plumbing fixture counts analysis for the restaurant use.
12. Prior to issuance of building permits, the applicant shall identify whether the building is protected with a fire sprinkler system or if a fire alarm system is installed. Modifications to the building may require an F-Permit to modify fire sprinkler or fire alarm systems.
13. To the fullest extent permitted by law, Applicant shall indemnify, defend and hold harmless City, its City Council, its boards and commissions, officials, officers, employees, and agents from and against any and all claims, demands, obligations, damages, actions, causes of action, suits, losses, judgments, fines, penalties, liabilities, costs and expenses (including without limitation, attorney's fees, disbursements and court costs) of every kind and nature whatsoever which may arise from or in any manner relate (directly or indirectly) to City's approval of the **Bamboo Bistro's Dining Area Relocation including, but not limited to, Staff**

Approval (PA2023-0065). This indemnification shall include, but not be limited to, damages awarded against the City, if any, costs of suit, attorneys' fees, and other expenses incurred in connection with such claim, action, causes of action, suit or proceeding whether incurred by Applicant, City, and/or the parties initiating or bringing such proceeding. The Applicant shall indemnify the City for all of City's costs, attorneys' fees, and damages which City incurs in enforcing the indemnification provisions set forth in this condition. The Applicant shall pay to the City upon demand any amount owed to the City pursuant to the indemnification requirements prescribed in this condition.

APPEAL PERIOD: An appeal or call for review may be filed with the Director of Community Development or City Clerk, as applicable, within fourteen (14) days following the date the action or decision was rendered. For additional information on filing an appeal, contact the Planning Division at 949-644-3200.

Prepared by:

Approved by:



Oscar Orozco
Assistant Planner



Seimone Jurjis, PE/CBO
Community Development Director

DL/oo

Attachments: CD 1 Vicinity Map
CD 2 Applicant's Project Description
CD 3 Project Plans

Attachment No. CD 1

Vicinity Map

VICINITY MAP



Staff Approval
PA2023-0065

2600 E. Coast Highway, Suite 150 and 160

Attachment No. CD 2

Project Description

May 18, 2023



David Lee
Senior Planner
Community Development, City of Newport Beach
100 Civic Center Drive, Newport Beach, CA 92660

17985 Sky Park Circle, Suite G
Irvine, California 92614 - 4350
T 714 486 3318 . M 949 338 6420

Project Name: **Bamboo Bistro**
Project Address: **2600 East Coast Hwy., Suite 150 and 160**
Subject: **Letter of Justification – Minor Use Permit (MUP) for the proposed expansion of an existing restaurant.**

Mr. Lee:

The ownership of Bamboo Bistro restaurant proposes the renovation and transformation of their existing facility located as noted above in suite 160. The scope includes the expansion into an empty suite 150, immediately adjacent to the existing restaurant suite.

The proposed expansion involves a tenant improvement of the new suite (150) to include a kitchen prep area, dining room, reception, a single use restroom, and cold and dry storage rooms. This new suite is 2,264 square feet in size within an existing multi-tenant, 2 story retail/office building. The newly expanded suite shall have 20 seats maximum for dining with 500 sq. ft. of net public area.

The existing suite shall be converted to a “take-out limited” facility for customer pick up of online orders and call in orders. The dining component shall be reduced to 6 seats maximum. This existing suite has a total area of 1,810 square feet with 115 square feet of outdoor area.

See exhibit, last page for Comparison Table.

Justifications and Findings:

The project’s location within the CC zone (Commercial Corridor) in the Corona Del Mar area of Newport Beach is consistent with the city’s general plan. The existing facility, established in the year 2001, is at the northeast corner of 5th Avenue and Coast Hwy. is compatible with the allowed uses within the pedestrian friendly neighborhood. Its design and size with a pair of entry doors at both suites, right off the city sidewalk is conducive to foot traffic and vehicle access, including medical and fire emergency personnel. Ample street and off-street parking including vehicle circulation exists within and around the restaurant and building in which it resides.

Its expansion and clear delineation with separate dining facility and take out limited facility, will ease operation for the restaurant and customers alike. Those customers for dining shall have a separate entrance from those for takeout only and should provide a more orderly circulation for the public as well as for the restaurant employees.

In conclusion, the proposed restaurant expansion and remodel project would not pose any detriment to the harmonious and orderly growth of the city, or endanger or constitute any hazard to the public convenience, safety, health, interest, and general welfare of persons residing or working in the neighborhood of the proposed work.

If you have any questions or concerns, please call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Guina', with a long horizontal flourish extending to the right.

Rick Guina, R.A.
GB Architecture
Tel: (714) 486-3318
Email: rick@gb-archdesign.com

Copy: Chau Haller, Bamboo Bistro

(continued)

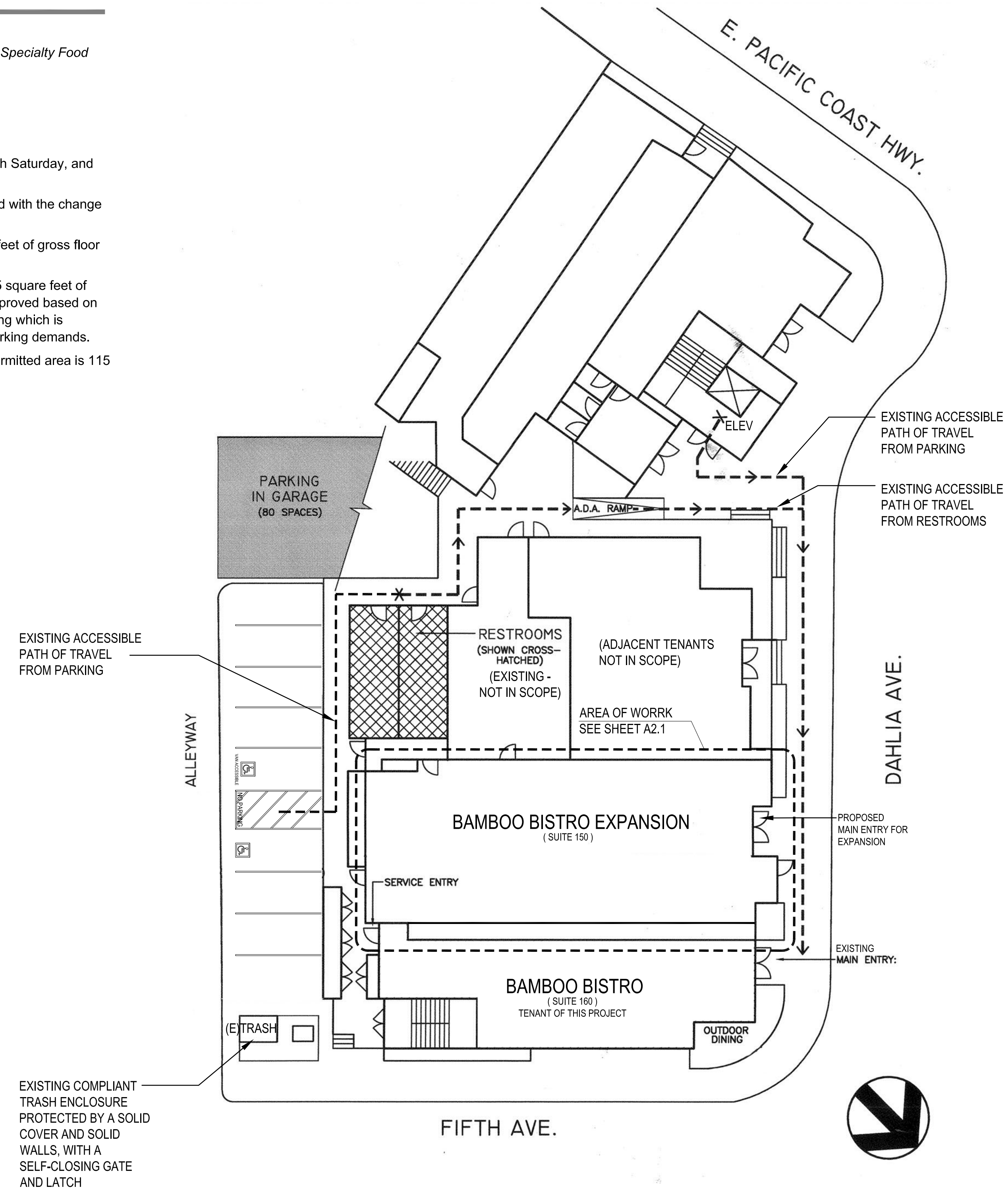
Attachment No. CD 3

Project Plans

Entitlement Summary

Bamboo Bistro Current Entitlement Summary

1. **Planning Director's Use Permit No. 14** - Authorized the conversion of a *Specialty Food Use* to a *Full-Service, Small-Scale* food use.
 - a. Authorized 470 square feet of interior Net Public Area (NPA).
 - b. Authorized a maximum of 20 seats (interior).
 - c. Authorized alcoholic beverage service
 - d. Limited hours of operation to 11:00 a.m. to 9:00 p.m., Monday through Saturday, and 3:00 p.m. to 8:00 p.m., Sunday.
2. **Use Permit No. 3620**- Authorized a waiver of 2 parking spaces associated with the change of food use.
 - a. Specialty Food required parking at a rate of 1 space per 250 square feet of gross floor area (1200 SF/ 250= 5 spaces).
 - b. Full-Service, Small-Scale required parking at a rate of 1 space per 75 square feet of NPA (470 SF/75= 7 spaces). Therefore, a 2 space parking waiver approved based on the fact that the restaurant occupies a multi-tenant commercial building which is comprised of uses which exhibit varying business peak hours and parking demands.
3. **Outdoor Dining Permit No. 28**-Authorized accessory outdoor dining. Permitted area is 115 square feet, or 25% of interior net public area (.25 x 470 SF).



OVERALL SITE PLAN - (SHOWN FOR REFERENCE)

SCALE: N/A
 SITE PLAN PREPARED BY OTHERS.
 SHOWN FOR REFERENCE ONLY OF EXISTING CONDITIONS.
 GB ARCHITECTURE AND RICK GUINA, ARCHITECT, ASSUMES NO RESPONSIBILITY
 FOR CONFORMANCE OF THE EXISTING SITE AND PARKING TO CURRENT CODE
 CONFORMANCE AND REQUIREMENTS.

A TENANT IMPROVEMENT FOR CHAU HALLER

BAMBOO BISTRO EXPANSION

2600 EAST COAST HIGHWAY . SUITE 160 . CORONA DEL MAR . NEWPORT BEACH . CALIFORNIA

Project Information

PROJECT ADDRESS: 2600 E. COAST HWY #160, NEWPORT BEACH, CA 92625

PROJECT DESCRIPTION: SUBSTANTIAL CONFORMANCE REQUEST FOR A PROPOSED EXPANSION OF THE TAKEOUT COMPONENT OF BAMBOO BISTRO, AN EXISTING FULL-SERVICE RESTAURANT.

PROPOSED EXPANSION INVOLVES THE TENANT IMPROVEMENT OF NEW SUITE 150, APPROXIMATELY 2,264 SQ. FT. IN SIZE. THE EXPANDED SUITE SHALL HAVE 20 SEATS MAXIMUM FOR DINING WITH 500 SQ. FT. OF NET PUBLIC AREA.

Project Contacts

TENANT: BAMBOO BISTRO
 2600 E. COAST HWY., STE 150 & 160, NEWPORT BEACH, CA 92657
 CONTACT: CHAU HALLER
 TEL. (949) 720-1289 E-MAIL: CHAUHALLER@YAHOO.COM

ARCHITECT: GB ARCHITECTURE
 17985 SKY PARK CIRCLE, SUITE G
 IRVINE, CA 92614
 CONTACT: RICK GUINA R.A.
 TEL. (714) 486-3318 EMAIL: RICK@GB-ARCHDESIGN.COM

Tabulation

EXISTING - SUITE 160	
TOTAL AREA	1,818 sq. ft.
OUTDOOR AREA	115 sq. ft.
NEW - SUITE 150	
TOTAL SUITE AREA	2,264 sq. ft.
NET PUBLIC AREA PROPOSED	500 sq. ft. (TRANSFER FROM SUITE 160)

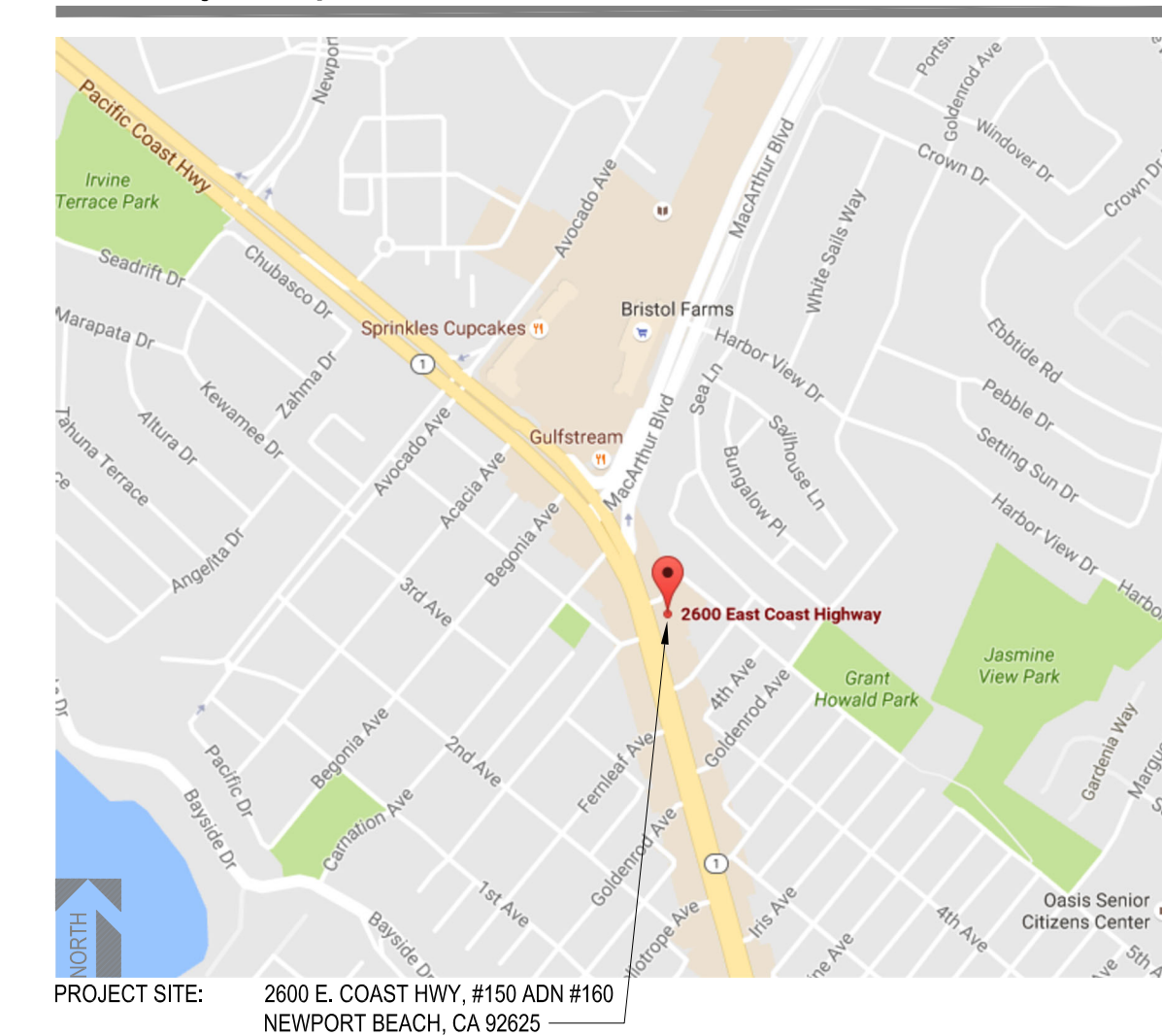
NO CHANGE TO NET PUBLIC AREA. NO MORE THAN 500 SF OF INTERIOR NET PUBLIC AREA PROPOSED WITH 20 SEATS MAXIMUM.

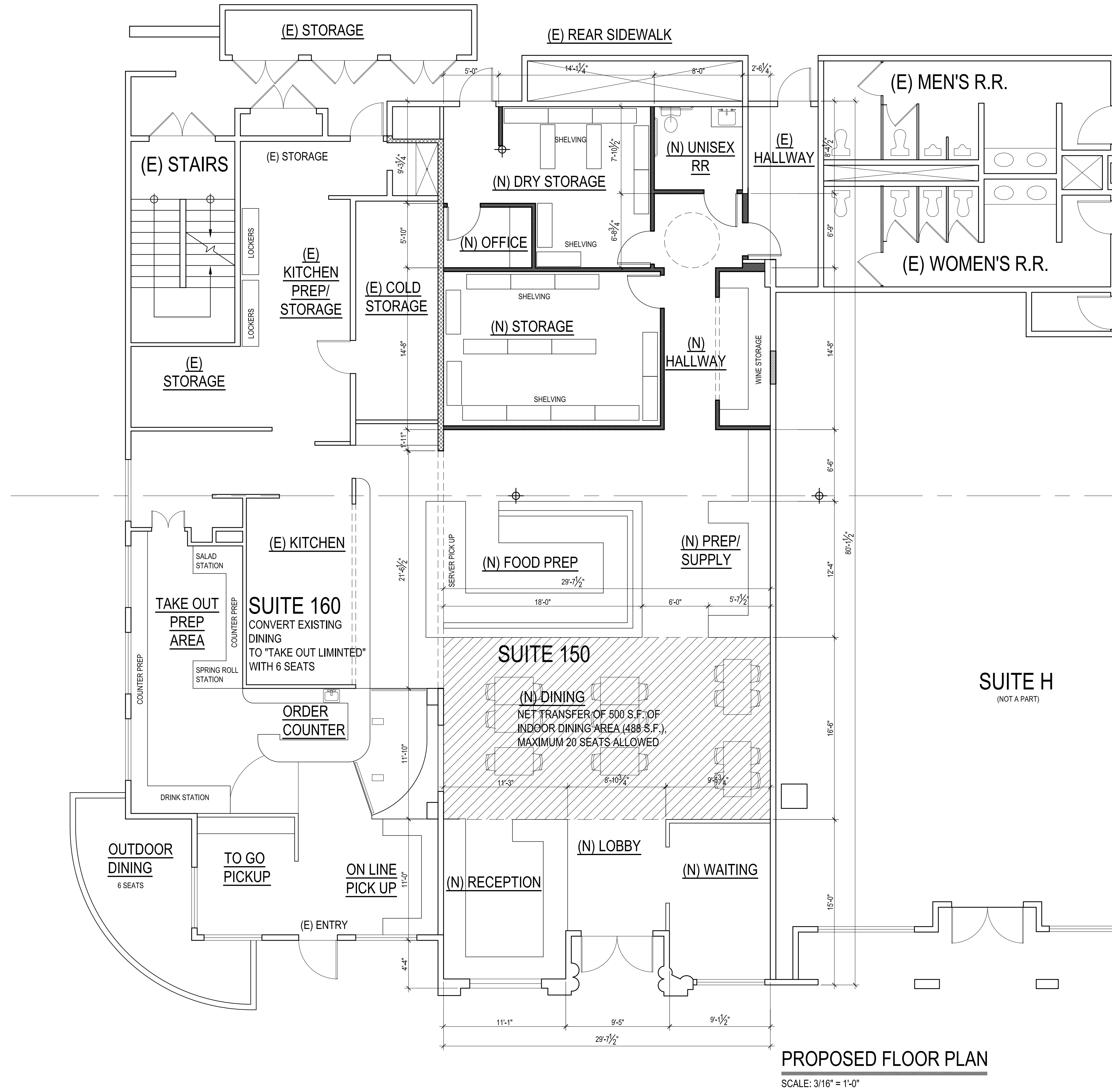
ZONING: CC (COMMERCIAL CORRIDOR)

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A1 SITE PLAN & COVER PAGE
 A2 PROPOSED FLOOR PLAN

Vicinity Map





A TENANT IMPROVEMENT FOR CHAU HALLER

BAMBOO BISTRO EXPANSION

2600 EAST COAST HIGHWAY . SUITE 160 . CORONA DEL MAR . NEWPORT BEACH . CALIFORNIA

A2

PROJECT # 230101



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MAY 19, 2023