

**CITY OF NEWPORT BEACH  
STAFF ACTION REPORT**

TO: CITY COUNCIL, CITY MANAGER AND PLANNING COMMISSION

FROM: Planning Department  
Javier Garcia, Zoning Administrator  
[jgarcia@city.newport-beach.ca.us](mailto:jgarcia@city.newport-beach.ca.us)

SUBJECT: Report of actions taken by Planning Department Staff for the week ending July 11, 2008

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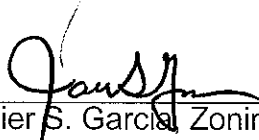
Item 1: Henry Mohrschladt on behalf of property owner Haleiwa Holdings Corporation –  
Activity No. 2008-001 (PA2008-045)  
207 Palm Street

Request for review of proposed development located in the Central Balboa Specific Plan (CBSP) District by conducting a Development Plan Review (DPR). The function of the DPR is to implement the goals and objectives of the Balboa Village Design Guidelines (BVDG) and CBSP, and to preserve and promote the health, safety, and general welfare of the community.

Approved – July 9, 2008

Council District 1

On behalf of David Lepo, Planning Director -



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Javier S. Garcia, Zoning Administrator

**APPEAL:**

The decision of the Planning Director may be appealed to the Planning Commission within 14 days of the action date. A \$600.00 filing fee shall accompany any appeal filed. No building permits may be issued until the appeal period has expired.

c: David Lepo, Planning Director (e-mail)  
Sharon Wood, Assistant City Manager (e-mail)  
David Keely, Public Works Senior Civil Engineer (e-mail)  
Kay Sims, Assistant Planner (e-mail)  
Sgt. Ron Vallercomp, Vice/Narcotics (e-mail)  
Code Enforcement Division (e-mail)  
Erin Steffen, Office Assistant (e-mail)  
Iris Lee, Public Works (e-mail)  
Evelyn Tseng, Revenue (e-mail)



**Development Plan NO. DP2008-001**  
**(PA2008-045)**

PLANNING DEPARTMENT  
3300 NEWPORT BOULEVARD  
NEWPORT BEACH, CA 92663  
(949) 644-3200 FAX (949) 644-3229

<b>Application No.</b>	<b>Development Plan No. DP2008-001 (PA2008-045)</b>
<b>Applicant</b>	<b>Henry Mohrschladt</b>
<b>Site Address</b>	<b>207 Palm Street</b>
<b>Legal Description</b>	<b>Lot 13, Block 5, Balboa Tract</b>

On July 9, 2008, the Planning Director approved the application for a Development Plan Review evaluating consistency with the Municipal Code Chapter 20.45, "Central Balboa Specific Plan," and the Balboa Village Design Guidelines. The Balboa Village Design Guidelines were implemented by City Council Ordinance 2002-27 and are available from the Planning Department. The proposed project consists of cosmetic enhancements to an existing one-story building. The facade of the building faces east along Palm Street with a commercial building to the south along East Balboa Boulevard and alleyways to the north and west. The front portion of the building along Palm Street will remain a retail store. The store will have sandy brown-colored concrete walls, a flat roof with a parapet, and a metal awning over the adjacent sidewalk. The middle portion of the building is an existing garage. Interior and exterior enhancements to the garage are proposed. The exterior work includes new garage doors and siding made of corrugated, galvanized metal and a new pitched roof in place of the existing flat roof. The rear of the building is also part of the existing garage but will have sandy brown-colored concrete walls and a flat roof with a parapet, similar to the retail store in the front portion of the building. The building is currently nonconforming due to the 10-foot encroachment into the required 10-foot rear yard setback. The building is also nonconforming because it provides fewer on-site parking spaces than currently required by the Municipal Code. The proposed changes will not exceed the 25 percent limit to structural alterations from Section 20.62.40 of the Newport Beach Municipal Code. The property is located in the SP-8 (Central Balboa Specific Plan) District. This project has been reviewed, and it has been determined that it is categorically exempt from the requirements of the California Environmental Quality Act under Class 1 (Existing Facilities). The Planning Director's approval is based on the information below and is subject to the conditions therewith.

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In accordance with Chapter 20.45 of the City of Newport Beach Municipal Code, Development Plan Review is required in order to implement the goals and objectives of the Balboa Village Design Guidelines and Central Balboa Specific Plan District and to preserve and promote the health, safety, and general welfare of the community by achieving the following purposes:

1. Assures that development of properties in the specific plan area will not preclude attainment of the General Plan and Specific Plan objectives and policies because:
  - The Land Use Element of the General Plan designates the site for "Mixed Use Vertical" use. The Local Coastal Program designates this site for "General Commercial" use, and as part of the Planning Study Area 4. The existing structure is consistent with these designations as the front portion of the building is a retail store. The General Plan "Mixed Use Vertical" designation allows sites to be developed for retail use. The Local Coastal Program "General Commercial" designation promotes commercial development that serves citywide or regional needs. Specifically in Planning Study Area 4, visitor-oriented and neighborhood-oriented commercial uses such as the existing retail use are preferred.
  - The Zoning Code designates this site as SP-8 (Central Balboa Specific Plan) Zoning District. The existing structure is consistent with this designation since a retail store is a permitted use. The building is nonconforming due to setbacks, but will comply with the requirements of Chapter 20.62 (Nonconforming Structures and Uses) of the Zoning Code regarding structural alterations to nonconforming structures because there will be no increase in square footage, and the structural alterations remain under the required 25%.
2. Protects and preserves the value of properties and encourages high quality development thereof in Balboa Village where adverse effects could result from inadequate and poorly planned buildings and landscaping and from the failure to preserve, where feasible, open spaces, and the like, and will result in the impairment of the benefits of occupancy and use of existing properties in such area because:
  - The proposed construction is determined to be consistent with the Balboa Village Design Guidelines as demonstrated in the attached table; therefore, the proposed construction will protect and preserve the value of properties.
3. Ensures that the public benefits derived from expenditures of public funds for improvement and beautification of streets and public facilities within the specific plan area shall be protected by the exercise of reasonable controls over the layout and site location and design characteristics of private buildings, structures and open spaces because:

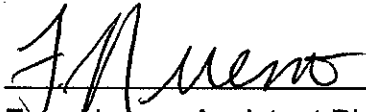
- The proposed changes to the existing building are cosmetic enhancements that are consistent with the desired design characteristics, and do not materially alter the structural elements of the building.
4. Maintains a pedestrian environment and compatibility with prominent landmarks and existing developments because:
- The proposed alterations include adding an awning over the pedestrian walkway to provide a more pedestrian environment and the addition of planters with landscaping to enhance the street frontage.
  - The proposed construction will be compatible with landmarks in the vicinity, including the Beach Pavillion, and with existing development because it is not adjacent to any landmark buildings, and is one-story, so it does not compete with any nearby prominent landmarks, and it fits in with the character of the neighborhood.
5. Promotes the maintenance of superior site location characteristics adjoining Balboa Boulevard, a thoroughfare of city wide importance; to ensure that the community benefits from the commercial use; the natural assets such as the harbor and ocean; and to preserve and protect the property values in said areas because:
- The existing building consists of a street front retail store along Palm Street that will remain, continuing the commercial use along the street frontage.

### **CONDITIONS**

1. The development shall be in substantial conformance with the approved plot plan, floor plans and elevations.
2. This approval was based on the particulars of the individual case and does not, in and of itself or in combination with other approvals in the vicinity or City wide, constitute a precedent for future approvals or decisions.
3. A building permit shall be obtained prior to commencement of the construction.
4. A copy of this approval letter shall be incorporated into the Building Department and field sets of plans prior to issuance of the building permits.

Prepared and Reviewed by:

Approved by:

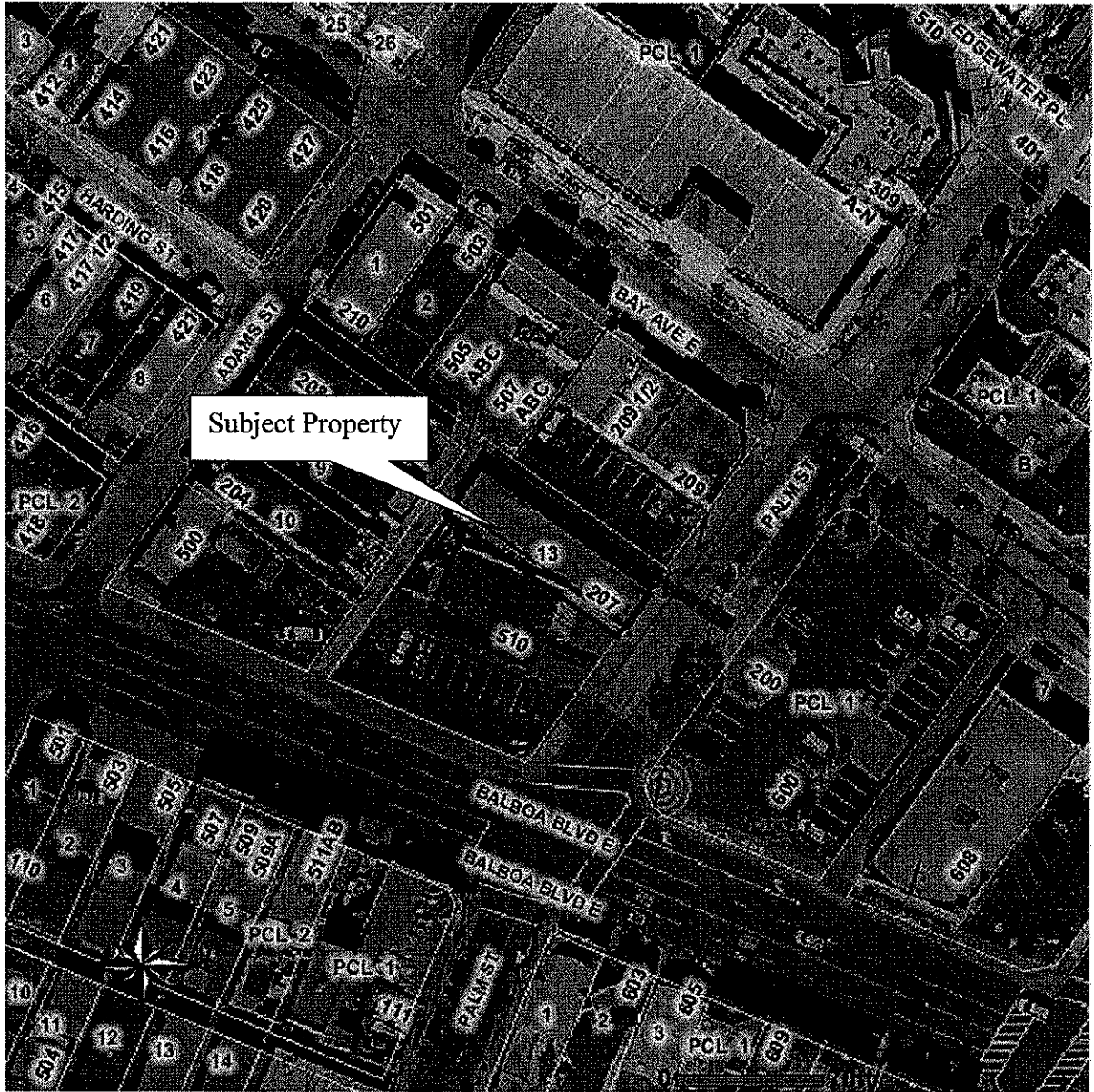
  
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Fern Nuño, Assistant Planner

  
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David Lepo, Planning Director

Attachments:

Vicinity Map  
Balboa Village Design Guidelines Checklist

# VICINITY MAP



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Development Plan No. DP2008-001  
PA2008-045

**207 Palm Street**

## Balboa Village Design Guidelines for New Construction



Project address: 207 Palm St  
 Plan check: \_\_\_\_\_  
 Development Plan No. DP2008-001 (PA2008-045)  
 Project Description: Interior alteration, new roof, exterior changes

Guideline	Met	Not Met	Comments
1. Lot Design – encourage expression of narrow lot frontages.		NA	The existing building is to remain.
2. Setbacks – maintenance of historic pattern of continuous building frontage.	X		The existing building has a zero-foot front setback as recommended to maintain the pattern of continuous building frontage.
3. On-site Parking – maintain limited visibility of parking from the street and have parking to the rear.		NA	The existing building and parking are to remain.
4. Site Landscaping – plants and hardscape elements are encouraged to enhance street frontages, creating a garden atmosphere and to obscure unattractive elements.	X		The existing building will remain. The proposed enhancements include the addition of planters to meet the landscaping guidelines.
5. Alleyways – aesthetic enhancements to alley.	X		The proposed enhancements will provide an aesthetic improvement to the alleys with the addition of landscaping and improved exterior finishes that are visually pleasing.
6. General Building Design Concepts:			
6.1. Proportion – two and three story buildings should have a vertical proportion as opposed to a horizontal proportion.		NA	No changes to the existing building proportions are proposed.
6.2. Scale – pedestrian scale is emphasized through awnings over the sidewalk, divided facades and compatible scale with adjacent buildings.	X		The pedestrian scale will be emphasized with a new metal awning. The building scale will retain its compatible scale with adjacent properties.

Guideline	Met	Not Met	Comments
6.3. Massing – simple rectangular shapes are found throughout the village, and continued use of this shape is sought.		NA	The existing building is to remain.
6.4. Rhythm – a regular repetition of façade elements, spacing and size is encouraged.		NA	The existing building is to remain.
6.5. Composition – organization of façade elements.		NA	The existing building is to remain.
6.6. Compatibility - the use of similar materials, colors and details to compliment the village.		NA	The existing building is to remain.
7. Building Height – the existing 26 to 35 foot height limit is appropriate, and the flexibility of the standard is consistent with the 1 to 3 stories of the village. Height differences between landmark buildings and nearby structures should be maintained to promote the dominance of landmarks. Overall proportions should be maintained.	X		The maximum height of the building after the proposed enhancements will be 17'6" from grade, which is consistent with the guidelines that limit buildings to 35 feet.
8. Roofs – the shape, material and color should be compatible with nearby landmarks. Non-traditional forms such as mansards should be avoided, and roof towers at prominent intersections on Palm and Main Streets should be considered.	X		The façade and rear of the building will have flat roofs with parapets, which are recommended for commercial buildings. The middle portion of the building will have a pitched roof which is a compatible style with the neighborhood.
9. Walls – Compatible materials and finishes are preferred.	X		The front and rear of the building will be sandy brown-colored masonry, which is a recommended material for commercial buildings.
10. Facades, Storefronts, Canopies and Awnings – compatible storefronts, ceramic tile wainscoting and the consistent use of traditional awning shapes are encouraged.	X		The façade will be consistent with the guidelines because a metal awning is included in the proposed enhancements, and the store front will revert back to the previous layer of sandy brown-colored concrete.
11. Doors and Windows – recessed doors and windows, glazed entry doors and small lite windows are preferred. Jalousie windows, aluminum frames, diagonal forms, reflective coatings and large panes of glass without decorative millwork should be avoided. The compatibility, proportion and rhythm of windows		NA	The existing building is to remain.



Guideline	Met	Not Met	Comments
and doors should positively contribute to the village character.			
12. Lighting – traditional lighting elements, such as the use of incandescent lighting under canopies, architectural accent lighting and ornamental wall lighting, is encouraged. Lighting levels should not compete with that of existing buildings.	X		The recommended lighting will be provided under the awning.
13. Ornamentation – simple ornament is encouraged.		NA	The existing building is to remain.
14. Finish and Color – the use of stucco, with subdued earth tone colors, should be used. Coordination of color, with adjacent buildings on a block, should be compatible and complementary with surrounding buildings, but not identical.	X		The street frontage and rear of the building will be sandy brown-colored concrete, which is a subdued earth tone as suggested in the guidelines.
15. Additions to Existing Buildings		NA	No additional square footage is proposed.
16. Signage – signs are specified by the existing sign regulations of the Zoning Ordinance and the Balboa Sign Overlay.		NA	The Balboa Sign Overlay was replaced with the sign code in Section 20.67 of the Zoning Code. All proposed signs will conform to those regulations, and do not require a separate Development Plan Review.

Date of Review: 07/09/2008

Final Determination: Approved

Review Conducted By: Fern Nueno, Assistant Planner

Signature: 

Approved by: David Lepo, Planning Director

Signature: 