

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT
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DATE: June 29, 2000

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0042 for Coastal Development Permit

PROPOSAL: Coastal Development Permit to combine two existing lots, Lots 33 and 34 of Tract 14063, into one building site and to permit the following: construction of a new two-story single-family dwelling with six (6) covered parking spaces on Lot 33; conversion of the garage space in the existing single-family dwelling on lot 34 to recreation and storage space; and, provide a subterranean tunnel between the existing house on lot 34 and the proposed house on lot 33.

LOCATION: In Planning Area 9 of the Newport Coast Planned Community, ocean side of Pacific Coast Highway at 18 Shoreline. Fifth Supervisorial District.

APPLICANT: John and Kelly Hague

STAFF CONTACT: William V. Melton, Project Manager
Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA00-0042 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The Coastal Development Permit includes the following proposal:

- Construction of a new single-family dwelling on a legal building site (Lot 33 of Tract 14063).
- Convert the existing garage on an adjacent building site (Lot 34 of Tract 14063) into non-garage uses.
- Construct a subterranean tunnel connecting the existing dwelling on lot 34 and the proposed dwelling on lot 33.

The new dwelling proposed on lot 33 conforms to the site development standards required for new construction in Planning Area 9 of the Newport Coast Planned Community (NCPC). If this was a stand-alone dwelling, the proposal would be exempt from the requirement of obtaining a Coastal Development

Permit. Previously approved Coastal Development Permit CD89-027P permits the construction of all custom built detached single-family homes in PA 9 which conform to the site development standards.

The applicant also proposes to convert the existing garage space of the dwelling on lot 34 into recreation and storage space uses. All required covered off-street parking for this proposal (two for each dwelling) will be located on lot 33. The dwelling proposed on lot 33 provides six (6) covered parking spaces: a one-car garage at grade; and, a below grade parking area for five (5) cars. Below grade parking is not unusual for homes in this area of the NCPC.

Lastly, the applicant proposes to “attach” the two dwellings together by means of a subterranean tunnel having an interior dimension measuring 4 ½ wide by 7 ½ feet high. The tunnel connects the basement level of the existing house to a sub-basement level of the proposed house. This tunnel in effect, by crossing the property line between the two lots, creates a single building site. However, lots 33 and 34 remain legal separate building sites because the applicant is not requesting a parcel map to make one parcel.

SURROUNDING LAND USE:

The project site is within Planning Area 9 of the Newport Coast Planned Community and has a land use designation of “Medium-Low Density Residential”. Planning Area 9 also includes a portion of the Pelican Hills Golf Course which surrounds three sides of the residential development area. The project site and surrounding site are developed or will be developed with custom-built single-family dwellings.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to seven County Divisions.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

CEQA COMPLIANCE:

The proposed project is Categorical Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

A Coastal Development Permit is required because by Zoning Code definition, the proposed tunnel crosses a property line making the project one building site and makes the two dwellings “attached”. Because this would create two dwelling units on one building site, the proposal is classified as a duplex.

A duplex on one building site is a permitted use in Planning Area 9 of the Newport Coast Planned Community subject to the approval of a Coastal Development Permit. Because this proposal does not conform to approved Coastal Development Permit CD89-027P, a new site specific Coastal Development Permit is required.

The outward appearance of the existing and proposed dwellings conforms to the architectural design of other custom homes that have constructed in this area of the NCPC referred to as Pelican Point. The project has been reviewed and was approved by the Architectural Control Committee of the Pelican Point Community Association on January 18, 2000. The proposal does not look like a typical duplex project. However, since there are kitchens in each dwelling unit, by Zoning Code definition, the proposal is two dwellings units on one building site, which is a duplex.

The proposed subterranean tunnel crosses the adjoining property line thereby creating one “building site”, however, the property is still two legal building lots. Parking for a duplex may be located anywhere on the building site. In the event the project was later abandoned, the project could be converted to two single-family dwelling by reincorporating the required off-street parking on lot 34 and removing the access in the tunnel between the two structures.

As stated, this is not a normal project. However, the project design will be compatible with surrounding development and will not look like a typical duplex. The Pelican Point Community Association has approved the project. As explained, the project can be converted to two single-family dwellings on two lots in the event the property owner or a future property owner wishes to have two independent single-family dwellings. Staff supports the proposal and makes a recommendation as follows on the next page.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0042 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

William V. Melton, Project Manager
CPSD/Site Planning Section

WVM

Folder: D/Newport Coast/PA00-0042

APPENDICES:

A. Recommended Findings

B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.

Additionally, this project is within the Coastal Zone and is an "appealable development" subject to Coastal Commission appeal procedures.