

RDMD/Planning and Development Services

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DATE: November 4, 2005

TO: Orange County Zoning Administrator

FROM: RDMD/PDS/Current and Advance Planning Services

SUBJECT: Public Hearing on Planning Application PA05-0039 for Coastal Development Permit

PROPOSAL: Construction of a single-family residential unit on Lot 48 of Tract 14063 adjacent to an existing single-family dwelling unit on Lot 47; and, construction of a covered bridge between the existing and proposed dwelling units. The addition of the bridge over the property line between the proposed new structure and the existing structure make the proposal a duplex structure, which is a permitted use on the site. All required covered parking for the duplex structure would be located in an existing 4-car garage located on Lot 47. The new construction on Lot 48 has three levels: one below grade and two above grade. The total height of the new structure above grade will not exceed the 28 feet building height envelope.

LOCATION: In the Pelican Point area of the Newport Coast Planned Community, ocean side of Pacific Coast Highway at 4 Shoreview and 6 Shoreview, Newport Coast. Fifth Supervisorial District.

APPLICANT: Steven Tsubota, property owner
Brett Combs, architect/agent

STAFF Yosh Kawasaki, Project Planner

CONTACT: Phone: (714) 834-4389 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA05-0039 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The applicant owns lots 47 and 48 of Tract No. 14063 located in the Pelican Point area of the Newport Coast Planned Community/Local Coastal Plan. Lot 47 is 18,447 square feet in area and developed with an 8,338 square feet, two-story over basement, single-family dwelling. The basement area includes a 4-car garage. This lot has private streets on three sides, Pelican Point Drive on the south side and Shoreview (a cul-de-sac street) on the north and east sides. Garage access to this lot is from the east side. Lot 48, which is to the west of Lot 47, is 13,227 square feet in area and is currently graded and undeveloped. To the west of Lot 48 is an existing two-story over basement single-family dwelling.

The applicant proposes to build a residential structure on lot 48. This structure would be used as an entertainment area for the dwelling on Lot 47. The proposed structure would have 3 levels; one level below grade and two levels above grade and a total of 19,374 square feet of area. Following is a chart showing the proposed three level structure and the main components on each level. The analysis section of this report discusses the reasons why a Coastal Development Permit is required for this proposal and why the proposal is classified as a duplex.

Level	Size (sq. ft.)	General Use
Basement	5,492	16 seat theater with lobby, men and ladies restroom, pizza kitchen, video arcade area for over 48 machines, bar/dance floor with bandstand, wine cellar, courtyard and access to basement parking area of existing residence.
Ground floor	3,609	Great room, kitchen, library, maids' room, pool bath and covered loggia to an exterior terrace.
2 nd floor	1,936	Guest suite, teen room, crafts room and covered bridge to existing residence.

The project site as well as the Newport Coast Planned Community (west of Crystal Cove State Park) and the Newport Ridge Planned Community were annexed into the City of Newport Beach on January 1, 2002. The annexation included an agreement that the County of Orange would provide entitlement processing for these areas for two years or until a Local Coastal Plan was certified for Newport Beach's coastal zone. Since Newport Beach does not currently have a certified Local Coastal Plan for this area, the County of Orange will continue processing Coastal Development Permits using the certified Newport Coast Local Coastal Plan.

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. To the north of Planning Area 9 is the Corona del Mar residential development. To the south of Planning Area 9 is Crystal Cove State Park. The photo following depicts the surrounding land use of the proposal.



REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Since this proposal is in the coastal zone, a Notice of Hearing was also mailed to all “occupants” within 100 feet of the 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 County Divisions and the City of Newport Beach. As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions.

CEQA COMPLIANCE:

The proposed project is covered by Final EIR No. 511, previously certified on October 16, 1989 and Addendum PA050039. Prior to project approval, the decision-maker must assert that together they are adequate to satisfy the requirements of CEQA for the proposed project. Appendix A contains the required CEQA Findings.

DISCUSSION / ANALYSIS:

A Coastal Development Permit is required because by Zoning Code definition, the bridge and tunnel proposed between the two dwellings cross 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. Since this proposal does not conform to approved Coastal Development Permit CD89-027P, which established only single-family homes in Pelican Point, a new site specific Coastal Development Permit is required.

The proposed structure could also be considered a second residential unit. However, the maximum size permitted out right is 1,500 square feet of living area. Since the proposed structure is 13 times the maximum size permitted, a Coastal Development Permit would be required to establish alternate development standards. It should be noted, that if the proposed structure provided two covered parking spaces and the connections to the existing residence on Lot 47 were removed, the proposed structure would be a stand alone single-family dwelling, which could be constructed without the need of a Coastal Development Permit.

A Coastal Development Permit conditionally approved by the Zoning Administrator on October, 10, 2002 under Planning Application PA02-0084 was similar to this proposal on the property. The owner chose to make modifications to the basement area after the approval of PA02-0084. Due to the time expended for the redesign of the basement areas, the Planning Application expired. The Owner/Applicant has resubmitted a scaled down version of the previously approved PA02-0084 (expired) Planning Application. That proposal is nearly identical in scope to the project that is presented today. The Matrix below portrays the difference between the two projects:

Levels	Proposed PA05-0039	Approved PA02-0084	General Use / Comment
3 rd level basement	removed	1,919	Two lane bowling alley
2 nd level basement	Removed	7,904	28 main level seats of a 44 seat two-story theater, theater foyer, wine cellar, computer game area, gym, swimming pools, piano bar and mechanical room
1 st level basement	5,492	4,315	theater, pizza kitchen, video arcade areas, bandstand, courtyard and access to basement of existing residence
Ground floor	3,609	3,739	Great room, kitchen, library, maids room and covered loggia to existing residence
2 nd floor	1,935	1,984	Guest suite, teen room, crafts room and covered bridge to existing residence

As shown above, the 2nd and 3rd basement levels have been removed. The first floor basement has been reconfigured to add an additional 1,177 square feet to accommodate a modified single story 16 seat theater, expanded video arcade area and the addition of a bar/dance floor/bandstand area. Compared to the previously approved PA02-0084 (expired), the proposed project is reduced by a total of 8,824 square feet of floor area, while still maintaining the same overall ground floor building foot print area.

The outward appearance of the existing and proposed dwellings conforms to the architectural design of other custom homes that have been constructed in this area of the Newport Coast Planned Community referred to as Pelican Point. The original project has been reviewed and was approved by the Architectural Control Committee of the Pelican Point Community Association on March 20, 2002. The proposal does not look like a typical duplex project. However, since there are full kitchens in each dwelling unit and the units are connected by a structure crossing the property line, by Zoning Code definition, the proposal is two dwellings units on one building site, which is a duplex.

As with the originally approved project, the outward architectural appearance of the new construction appears to be compatible and may be acceptable to the community, but the demand for parking that may be created by this project may be unacceptable to the community. If this were a commercial project, the uses proposed in the new structure (theater, video arcade, computer games, gym and other entertainment areas) according to the off-street parking regulations would require a parking demand of approximately 30 on-site parking spaces. While there are no specific requirements other than two off-street parking for a residential dwelling and a guest space in the driveway, at over 19,000 square feet, the proposed “entertainment building” could bring a large number of the applicant’s guests to the site. Having a large number of guests come to the site at one time could overburden the limited parking available on the streets in the community.

The applicant is aware of this issue and to address the event parking by proposing to use the Crystal Cove State Park parking lots (Pelican Point Park and/or Los Trancos parking lots) adjacent to the Pelican Point

community and to have a shuttle service for such events. The State parks service does allow the public an “events permit” to allow for the use of the parking lots after normal park hours and special events.

Staff assumes that the Pelican Point Community Association will enforce the parking and shuttle plan. If parking becomes a problem in the community and if the Community Association is unable to resolve a parking problem, the applicant could be in violation of this Coastal Development Permit and the Planning Commission could revoke it as provided for in Zoning Code Section 7-9-150.7.

CONCLUSION / SUMMARY:

As stated, this is not a typical residential project. However, the proposed structure design will be compatible with surrounding development and will not look like a typical duplex. This proposal is identical in use as the project previously approved under PA02-0084. There is a potential concern with the available street parking in the community when the applicant has a large number of guests. However, the applicant has addressed the parking concerns for large number of guests that may come to the site at one time and the assumption that the Pelican Point Community Association will enforce parking on their private streets. Staff supports the proposal and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA05-0039 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

signature on file
Charles M. Shoemaker, Chief
RDMD/Current and Advance Planning

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

- 1. Applicant's Letter of Explanation dated May 31, 2005
- 2. Site Photos
- 3. Site Plans
- 4. PA02-0084 Staff Report, dated September 19, 2002

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. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.