

**CALIFORNIA COASTAL COMMISSION**

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OCT 22 2018      October 16, 2018

Patrick Alford, Planning Program Manager  
City of Newport Beach  
100 Civic Center Drive  
Newport Beach CA 92660

CITY OF  
NEWPORT BEACH

Re:      City of Newport Beach LCP Amendment Request No. 4-17 Part B – Accessory Dwelling Units  
(LCP-5-NPB-17-0084-1)

Dear Mr. Alford:

You are hereby notified that the California Coastal Commission, at its October 12, 2018 meeting in San Diego, approved City of Newport Beach Local Coastal Program (LCP) Amendment No. 4-17 Part B with suggested modifications. The amendment to the Land Use Plan (LUP) and Implementation Plan (IP) portions of the Newport Beach certified LCP will add provisions for the regulation of Accessory Dwelling Units (ADUs).

The LCP amendment will be fully effective once:

1. The City of Newport Beach City Council adopts the Commission's suggested modifications,
2. The City of Newport Beach City Council forwards the adopted suggested modifications to the Commission by Resolution, and,
3. The Executive Director certifies that the City has complied with the Commission's October 12, 2018 action.

The Coastal Act requires that the City's adoption of the suggested modifications be completed within six (6) months of the Commission's action. Pursuant to the Commission's action on October 12, 2018, certification of LCP Amendment No. 4-17 Part B is subject to the attached Suggested Modifications (Attachment "A").

Thank you for your cooperation and we look forward to working with you and your staff in the future. If you have any questions regarding the modifications required for effective certification of this LCP amendment, please contact Liliana Roman at our Long Beach office (562) 590-5071.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Posner'.

Charles Posner  
Supervisor of Planning

# Attachment “A”

## Suggested Modifications

New text added by Commission suggested modification is shown **bold, italicized and underlined**, and text suggested to be deleted is shown in ~~double-strikethrough~~. Existing certified language is shown in regular text and the City's proposed LCP amendment language changes are shown in single underline and ~~single-strikethrough~~.

**Suggested Modification 1** - Delete "accessory dwelling units" from NBMC Subsections 21.18.010(A) and (B):

- A. R-A (Residential-Agricultural) Coastal Zoning District. The R-A Coastal Zoning District is intended to provide for areas appropriate for detached single-family residential dwelling units, ~~accessory dwelling units~~, and light farming uses, each located on a single legal lot, and does not include condominiums or cooperative housing.
- B. R-1 (Single-Unit Residential) Coastal Zoning District. The R-1 Coastal Zoning District is intended to provide for areas appropriate for a range of detached single-family residential dwelling units ~~and accessory dwelling units~~, each located on a single legal lot, and does not include condominiums or cooperative housing.

**Suggested Modification 2** - Modify Table 21.18-1 in NBMC Section 21.18.020(C) (Allowed Uses and Permit Requirements) to allow Accessory Dwelling Units in all residential coastal zoning districts:

Land Use See Part 7 of this Implementation Plan for land use definitions. See Chapter 21.12 for unlisted uses.	R-A	R-1 R-1-6,000	R-BI R-2 R-2-6,000	RM RM-6,000	Specific Use Regulations
Residential Uses					
Accessory Dwelling Units	A	A	<u>A</u>	<u>A</u>	<u>Section</u> <u>21.48.200</u>

**Suggested Modification 3** - Modify new NBMC Section 21.48.200 (Accessory Dwelling Units) in IP Chapter 21.48 outlining the provisions for Accessory Dwelling Units, as follows, with all other provisions of Chapter 21.48 remaining unchanged:

21.48.200 Accessory Dwelling Units

A. Purpose. The purpose of this section is to establish the procedures for the creation of accessory dwelling units as defined in Part 7 (Definitions) and in the California Government Code Section 65852.2, or any successor statute, in single-unit residential zoning districts or areas designated for single-family ~~unit~~ residential use, **including** as part of a Planned Community Development Plan or Specific Plan, and to provide development standards to ensure the orderly development of these units in appropriate areas of the City.

B. Review Authority. Accessory dwelling units shall be approved in all single-unit residential coastal zoning districts in conjunction with single-unit dwellings in all coastal residential zoning districts or areas designated for single-family residential use as part of a Planned Community Development Plan or Specific Plan, subject to the approval of the Director upon finding that the following conditions have been met:

1. The dwelling conforms to the development standards and requirements for accessory dwelling units established in the subsections below.
2. Public and utility services including emergency access are adequate to serve both dwellings.

C. Development standards. Except as modified by this subsection, an accessory dwelling unit shall conform to all requirements of the underlying residential coastal zoning district, any applicable overlay district, and all other applicable provisions of this Code, including but not limited to height, setback, site coverage, floor area limit, and residential development standards and design criteria; unless the unit is contained within a legal, nonconforming structure and does not expand the nonconformity.

1. Minimum lot area. A minimum lot area of five thousand (5,000) square feet, excluding submerged land area, shall be required in order to establish an accessory dwelling unit.
2. Setback requirements. Accessory dwelling units shall comply with the setback requirements applicable to the zoning district in which they are located, except in cases where the minimum required garage setbacks differ from principal building setbacks, in which case the following applies:
  - a. No additional setback shall be required for an existing garage that is converted to an accessory dwelling unit, provided that the side and rear setbacks comply with required Building Codes.
  - b. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit constructed above the garage.
3. Building height. Detached accessory dwelling units shall not exceed one story and a height of 14 feet, unless the accessory dwelling unit is constructed above a garage, in which case the structure shall comply with the height limits of the underlying zoning district.
4. Unit size. The maximum size of an accessory dwelling unit shall not exceed a 750 square feet of floor area, or 50 percent of the existing floor area (excluding garage) of the principal unit, whichever is less. *The minimum size of an accessory dwelling unit must be at least that of an efficiency unit.*

5. Design. An accessory dwelling unit shall be designed and sited to:
  - a. Be similar to the principal dwelling with respect to architectural style, roof pitch, color, and materials;
  - b. Protect public access to and along the shoreline areas;
  - c. Protect public views to and along the ocean and scenic coastal areas;
  - d. Protect sensitive coastal resources; and
  - e. Minimize and, where feasible, avoid shoreline hazards.
6. Conversion of space within existing structure. Notwithstanding the provisions of subsections C(1), C(2), C(3), C(4) and C(5) above, an accessory dwelling unit shall be permitted if the unit is contained within the existing space of a single-unit dwelling or existing accessory structure, has independent exterior access from the existing dwelling, and the side and rear setbacks comply with required Building Codes, and if the accessory dwelling unit conforms with the following:
  - a. For the purposes of this section, the portion of the single-unit dwelling or accessory structure must have been legally permitted and existing for a minimum of three years prior to the issuance of a permit to convert the space into an accessory dwelling unit.
  - b. No new or separate utility connection may be required between the accessory dwelling unit and the utility service, such as water, sewer, and power.
  - c. *The property is located within a coastal residential zoning district that permits single-unit dwellings and no more than one dwelling unit exists on the property.*
7. Fire sprinklers. Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the principal residence.
8. Passageway. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. For the purposes of this section, "passageway" means a pathway that is unobstructed clear to the sky and extends from the street to one entrance of the accessory dwelling unit.
9. Parking. Parking shall comply with requirements of Chapter 21.40 (Off-Street Parking), except as modified below:
  - a. *A maximum of one* One parking space *shall be required for an accessory dwelling unit.* ~~required for one bedroom or efficiency unit; two parking spaces required for unit with two or more bedrooms.~~

- b. Such parking may be provided as tandem parking and/or may be located on an existing driveway; however, in no case shall parking be allowed in a rear setback abutting an alley.
- c. No parking shall be required for:
  - i. Accessory dwelling unit converted as part of ~~the~~ *a proposed or* existing principal residence or existing accessory structure ~~as described in subsection (C)5.~~
  - ii. Accessory dwelling units located within one-half mile of a public transit. For the purposes of this section "public transit" shall include a bus stop with fixed route bus service that provides transit service at 15-minute intervals or better during peak commute periods.
  - iii. Accessory dwelling units located within an architecturally and historically significant historic district.
  - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - v. When there is a car-share vehicle located within one block of the accessory dwelling unit. For the purposes of this section, "car-share vehicle" shall mean part of an established program intended to stay in a fixed location for at least 10 years and available to the public.
- d. If an accessory dwelling unit replaces an existing garage, replacement spaces must be provided. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, any required replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

D. Additional requirements for all accessory dwelling units.

- 1. Sale of units. The accessory dwelling unit shall not be sold separately from the principal dwelling.
- 2. Short-term lodging. The accessory dwelling unit shall not be rented for periods of less than 30 days.
- 3. Number of units allowed. Only one accessory dwelling unit may be located on the lot.

4. Existing development. A single-unit dwelling must exist on the lot or shall be constructed on the lot in conjunction with the construction of the accessory dwelling unit.
5. Occupancy. The principal dwelling unit or the accessory dwelling unit shall be continuously occupied by at least one person having an ownership interest in the lot.

E. Deed restriction and recordation required. Prior to the issuance of a Building and/or Grading Permit for an accessory dwelling unit, the property owner shall record a deed restriction with the County Recorder's Office, the form and content of which is satisfactory to the City Attorney. The deed restriction document shall notify future owners of the owner occupancy requirements and restrictions on short-term rentals. This deed restriction shall remain in effect so long as the accessory dwelling unit exists on the property.

F. Coastal Development Permits.

1. Hearing Exemption. All of the provisions of Chapter 21.52 regarding the review and approval of Coastal Development Permits in relation to accessory dwelling units are applicable, except that a public hearing as required by Chapter 21.62 shall not be required. Public notice shall be provided as required in Section 21.62.020, except the requirements of Section 21.62.020(A) shall be replaced with a statement that no local public hearing will be held and that written comments on the proposed development may be submitted.
2. Appeal Exemption. Notwithstanding the local appeal provisions of Chapter 21.64, coastal development permits for accessory dwelling units that are defined as "appealable development" pursuant to Section 21.64.035(A) may be directly appealable to the Coastal Commission in accordance with the provisions of Section 21.64.035 without a discretionary hearing by the Planning Commission or City Council.

**Suggested Modification 4:**

Modify the proposed replacement definition of "Dwelling, Unit, Accessory (Land Use)" in NBMC Section 21.70.020 (Definition of Specialized Terms and Phrases) as follows:

Dwelling Unit, Accessory (Land Use). A dwelling unit accessory to and attached to, detached from, or contained within, the principal dwelling unit on a site zoned for a single-family dwelling residential use. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or any successor statute.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code, or any successor statute.