



# Residential Design Standards

Proposed Code Amendments



**Planning  
Commission**

**September 17, 2020**

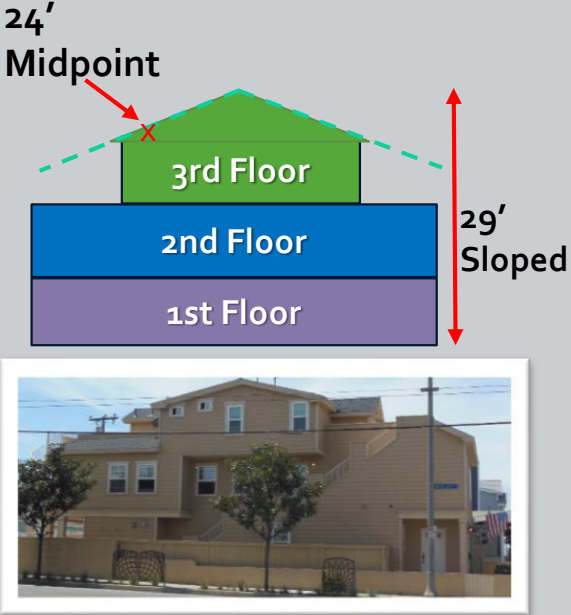

In May 2019, City Council initiated Code amendments and directed staff to:

1. Reduce third floor massing, bulk and scale of single-unit dwellings and duplexes (*eliminate unintended consequences from 2010 ZC Update*); and
2. Incentivize the preservation of beach cottages (*under review by Coastal Commission*)

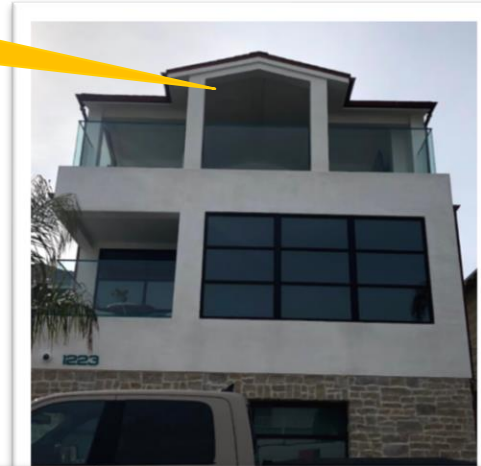
**Where We  
Started**



# 2010 Code Changes

PRE-2010 ZONING CODE	CURRENT ZONING CODE	PROBLEM
<p>24' flat roof or rails 29' sloped (midpoint @ 24')</p> 	<p>24' flat roof or rails 29' sloped (min 3:12 pitch)</p> <p><u>Bulk controls:</u></p> <ul style="list-style-type: none"> <li>• 3<sup>rd</sup> floor step backs</li> <li>• Maximum 3<sup>rd</sup> floor area</li> </ul> <p>3:12 roof pitch</p> 	<p>Only applicable to enclosed floor area</p> <p>Covered decks and attics excluded</p> <p>Floor Area Definition:</p> <ul style="list-style-type: none"> <li>• Unfinished attics excluded</li> <li>• Silent on required openings</li> </ul> <p>Certain Areas Exempt:</p> <ul style="list-style-type: none"> <li>• Balboa Island</li> <li>• RM Zones</li> <li>• 25' wide R-2 lots</li> </ul>

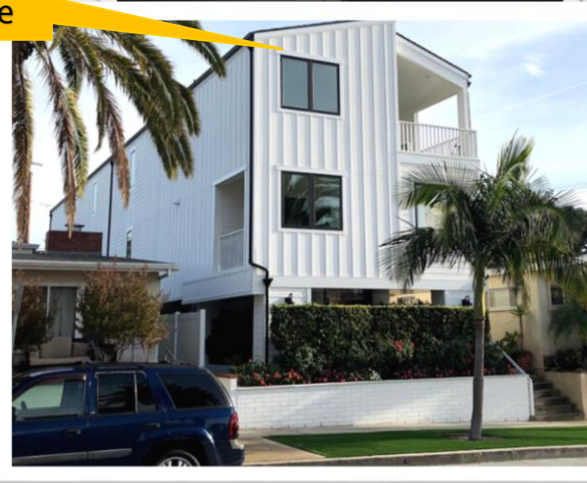
No 3<sup>rd</sup> Floor Relief



Bulky 3<sup>rd</sup> Floor Decks



Not Always Applicable



Easy to enclose



# Problems

# What Has Happened



08/19/19

- **1<sup>st</sup> Community Meeting**

09/10/19

- **City Council Study Session**

various

- **Consultation with community members and designers**

03/09/20


- **2<sup>nd</sup> Community Meeting**

05/07/20

- **Planning Commission Meeting – continued**

various

- **Consultation with HCD, additional legal, community members and designers**



**Not Intent of  
Code  
Amendment**

- Comprehensive overhaul of design standards
- Not changing allowed heights
- Not prohibiting covered roof decks
- Not changing allowed floor area potential





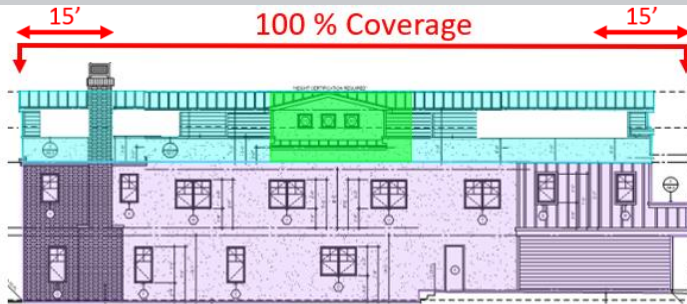
## Proposed Code Amendments

- A. Revisions to 3<sup>rd</sup> Floor Standards
- B. Clarification of Gross Floor Area
- C. Applicability to Balboa Island, RM, and R-2 (25' wide) Zones

# 3<sup>rd</sup> Floor Stepbacks & Area Limits

## CURRENT CODE

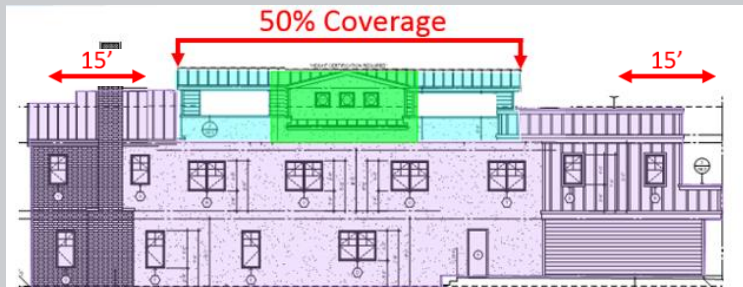
- 15' Front & Rear Stepbacks
- Floor area limited to 15-20%
- Only applies to enclosed floor area



Side Elevation

## PROPOSED CODE

- Stepbacks apply to both floor area and covered deck area
- Addition of a 50% maximum coverage allowance



Side Elevation

*\*Coverage standard revised for clarity*



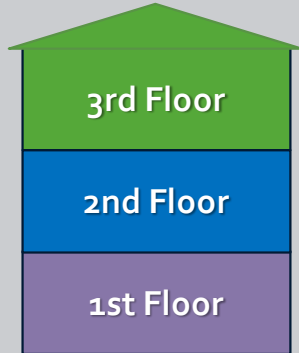
# 3rd Floor Side Stepbacks

Additional 2' from side setbacks

### CURRENT CODE

- Only applies to enclosed floor area
- Only applies to lots wider than 30'

- Majority of lots 30'
- Results in 3 levels of non-articulated walls



Front Elevation

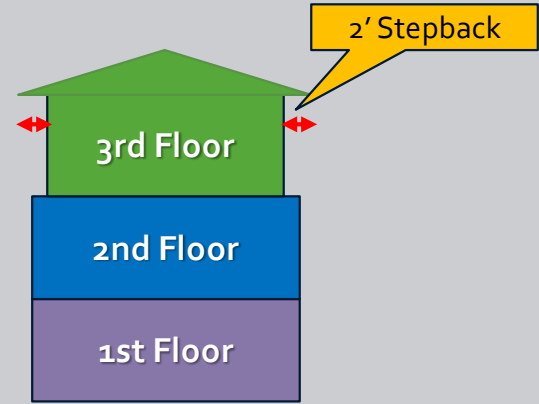


Side Elevation

### PROPOSED CODE

- Will apply to enclosed floor area and covered decks
- Will apply to lots 30' wide or greater

- Results in more designs with 3<sup>rd</sup> floor articulation



Front Elevation



Side Elevation


## Proposed Code Amendments



- A. Revisions to 3<sup>rd</sup> Floor Standards
- B. Clarification of Gross Floor Area
- C. Applicability to Balboa Island, RM, and R-2 (25' wide) Zones

# Comparison

## Openings Required for Covered Decks

PRE-2010 CODE	CURRENT CODE	PROBLEM
<p data-bbox="332 254 589 292">Two Sides Open</p> 	<p data-bbox="956 254 1362 292">Silent, but implemented:</p> <ul data-bbox="956 299 1468 385" style="list-style-type: none"><li>• One side completely open</li><li>• Two sides substantially open</li></ul> 	<p data-bbox="1580 254 1806 292">Bulky Designs</p> <p data-bbox="1580 349 1825 385">Easy to Enclose</p> <p data-bbox="1580 442 1903 664">Moves required openings from front and rear of structure to sides where less visible</p>

*Proposed  
Change*

*Openings  
Required  
for Covered  
Decks*

**Desired Outcome- Reduced bulk; increased transparency**

Two sides open, except:

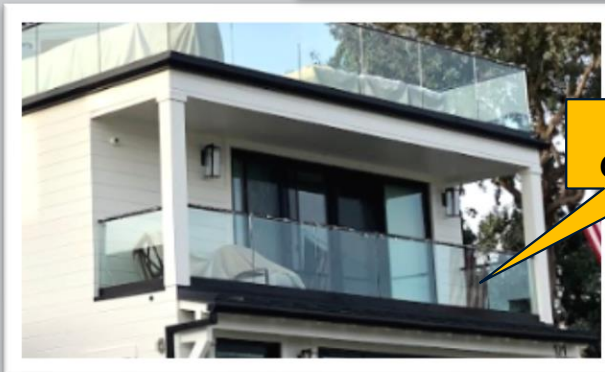
- Minimal structural supports
- Open guardrails (40%) or glass
- Ground level



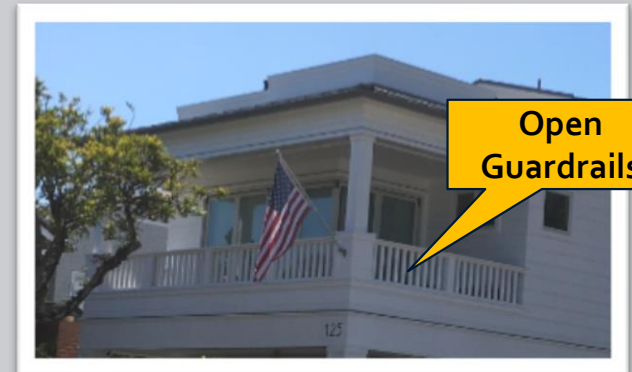
Open above



Required open space moved to front



Glass Guardrails



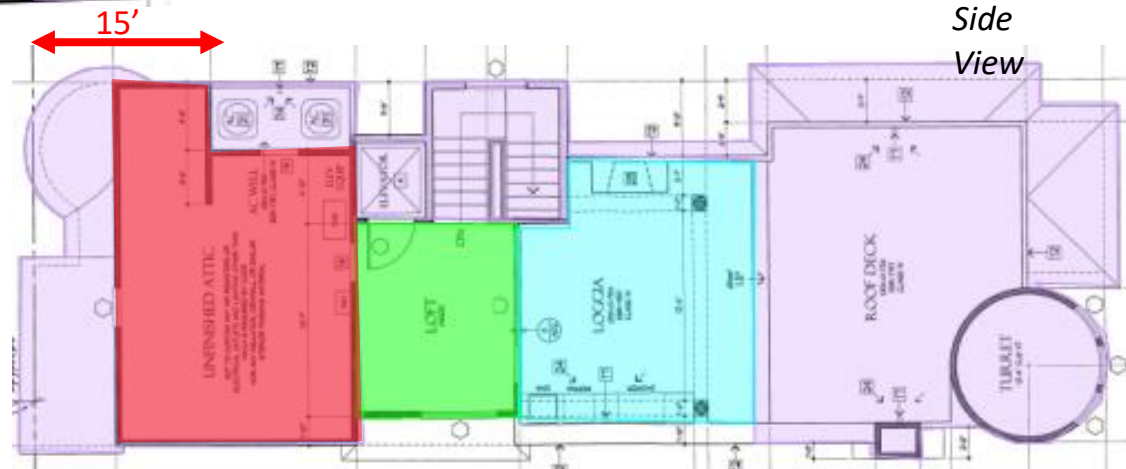
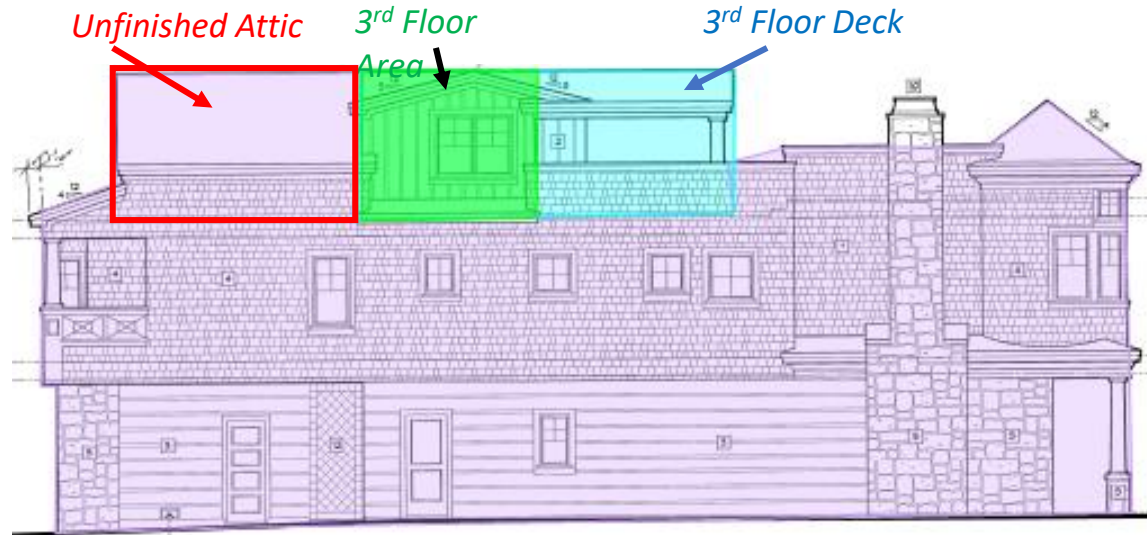
Open Guardrails

## Current Code

## Attics

### Gross Floor Area

- Attics over 6 feet in height do not count as floor area if the area is unfinished.
- Only floor area is subject to 3<sup>rd</sup> floor step backs



Overhead View

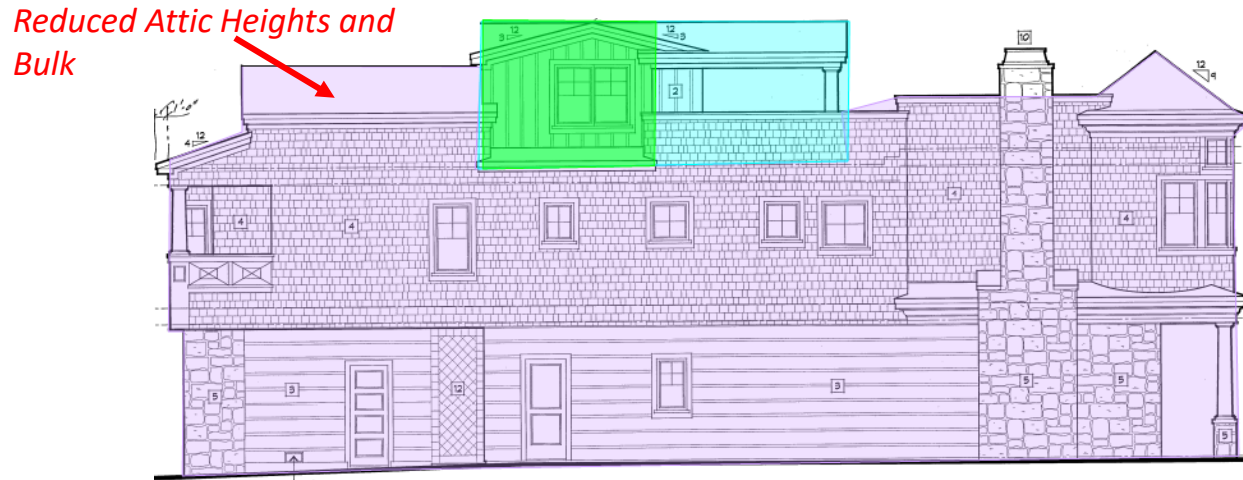
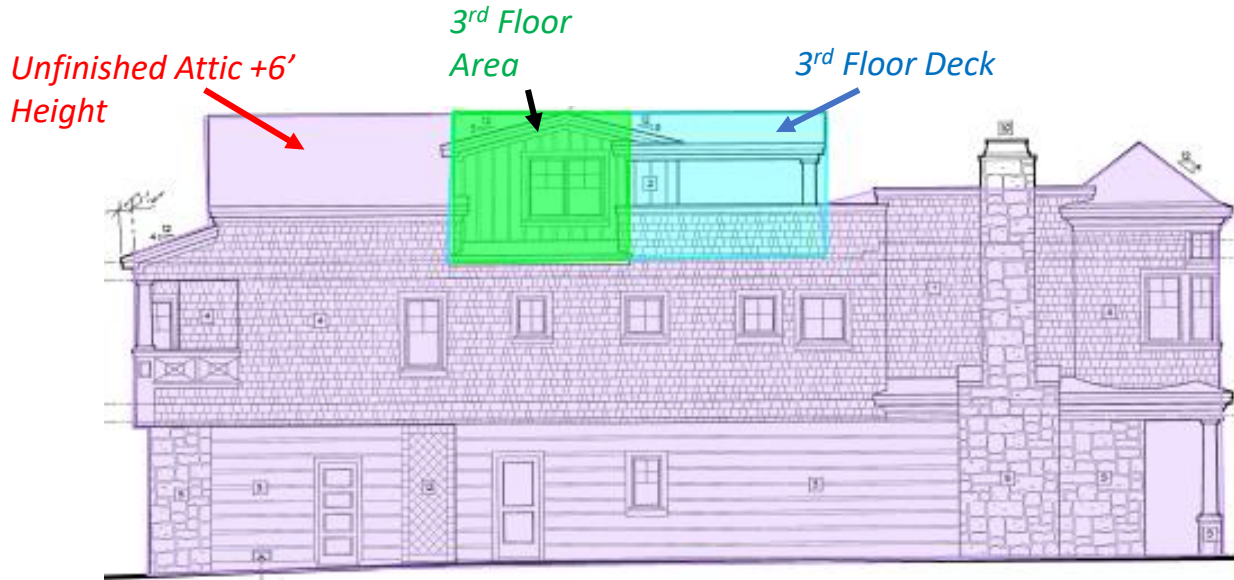


# Proposed Change

## Attics

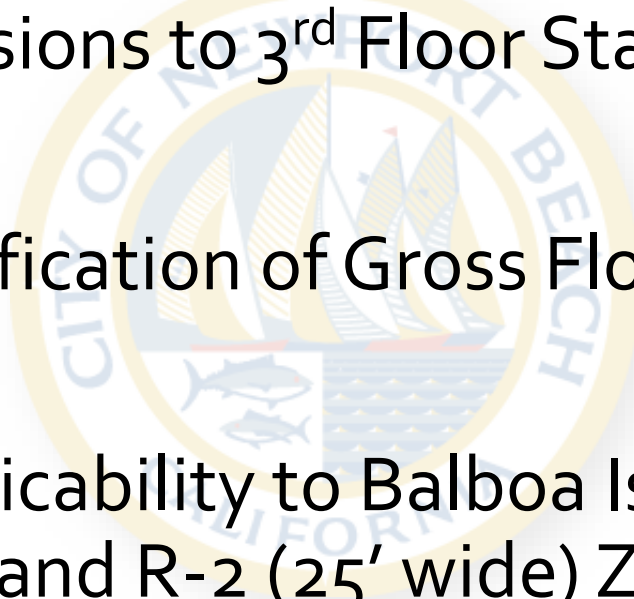
### Gross Floor Area

Any interior **finished** portion of a structure that is accessible and that measures more than six feet from finished floor to ceiling.





## Proposed Code Amendments

- 
- A. Revisions to 3<sup>rd</sup> Floor Standards
  - B. Clarification of Gross Floor Area
  - C. Applicability to Balboa Island, RM, and R-2 (25' wide) Zones

# 3<sup>rd</sup> Floor and Open Space Limits

**CURRENT CODE** – Not applicable to:

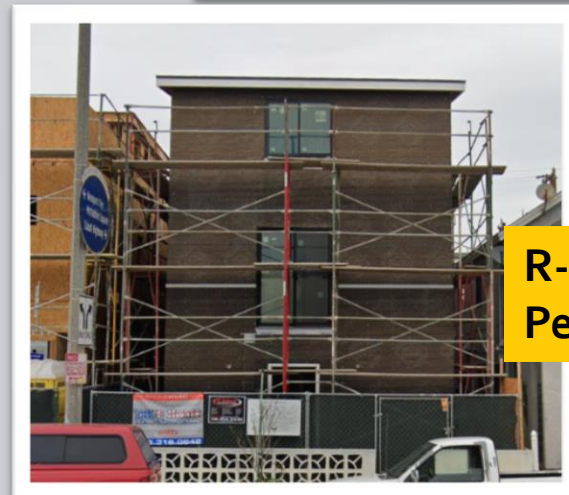
- Balboa Island (R-BI) Zone
- Multiple Residential (RM) Zone
- Two-Unit Residential (R-2) Zone lots that are 25 feet wide or less



Balboa Island



RM Lot -CDM



R-2 Lot  
Peninsula



# Additional Applicability

Zone	Applicable Standards
<b>Balboa Island (R-BI)</b>	<ul style="list-style-type: none"><li>• 3<sup>rd</sup> Floor Step Backs (front, sides, rear)</li><li>• 3<sup>rd</sup> Floor Area and Covered Deck Area Limits</li><li>• Open Volume Limits</li></ul>
<b>R-2 25' wide or less</b>	<ul style="list-style-type: none"><li>• 3<sup>rd</sup> Floor Step Backs (front and rear)</li></ul>
<b>Multiple-Unit Residential (RM)</b>	<ul style="list-style-type: none"><li>• 3<sup>rd</sup> Floor Step Backs (front, sides, rear)</li><li>• Open Volume already applies</li></ul> <p><i>*no changes in height, no 3<sup>rd</sup> floor area limits, and not applicable to 3+ units</i></p>



# SB330

## *Housing Crisis Act*

### Development standard can't:

- Reduce density – number of potential units
- Reduce intensity of development - height, floor area, setbacks, lot coverage, or anything that lessens the dwelling unit potential of development.

### Housing & Community Development (HCD)

- Reviewed and issued letter of determination of compliance

### Amendment Compliance:

- No changes in achievable height, setbacks, floor area, density
- 3<sup>rd</sup> floor step-backs are not setbacks (design standard)
- Incentivizes more density in RM zone by exempting 3+ units
- Open Volume encourages modulation, does not impact floor area potential





## Recommendations

- **Public hearings**
  - Planning Commission – recommendations to City Council
  - City Council
- **Recommendations for projects under review:**
  - Discretionary applications deemed complete (e.g., CDPs) and projects submitted for plan check prior to effective date of ordinance allowed to be reviewed under existing regulations.

**Jaime Murillo,**  
AICP  
Principal Planner  
949-644-3209

[jmurillo@newportbeachca.gov](mailto:jmurillo@newportbeachca.gov)

