

Accessory Dwelling Units Potential Code and LCP Amendments

Community Meeting

March 23, 2022

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Meeting Objectives

- **Introductions**
- **Background and Current Status of ADU Regulations (Comply with State law)**
- **Overview of Potential Future Revisions (Beyond State law)**
- **Community Feedback and Suggestions**



Introductions

Planning Commission Ad-Hoc Committee

Lee Lowry, Chair

Lauren Kleiman, Vice Chair

Eric Weigand, Commissioner

City Staff

Seimone Jurjis, Community Development Director

Jim Campbell, Deputy Director

Jaime Murillo, Principal Planner

Patrick Achis, Assistant Planner



Background

- **Pre-2019:** Accessory units prohibited except for “granny” units (Age 55+)
- **2019 - 2021:** State Law mandated approval of ADUs and limited local ability to regulate



Prior Direction

City's current ordinance drafted to comply with State law and be as restrictive as possible



JADU v. ADU

Junior Accessory Dwelling Unit (JADU)

- Single-family units only
- Not separate unit for Building Code
- Maximum Size: 500 s.f.
- Owner must live in main dwelling or JADU
- Can share bathroom with primary dwelling
- Can have internal access
- Can be combined with an ADU

Accessory Dwelling Unit (ADU)

- Allowed in all residential and mixed-use zones
- Separate unit for Building Code
- Maximum Sizes:
 - 850 s.f. for one bedroom
 - 1,000 s.f. for two bedroom
 - Conversions/internal unlimited
- Owner-occupancy suspended until 2025
- Various configurations (conversion, attached, detached)



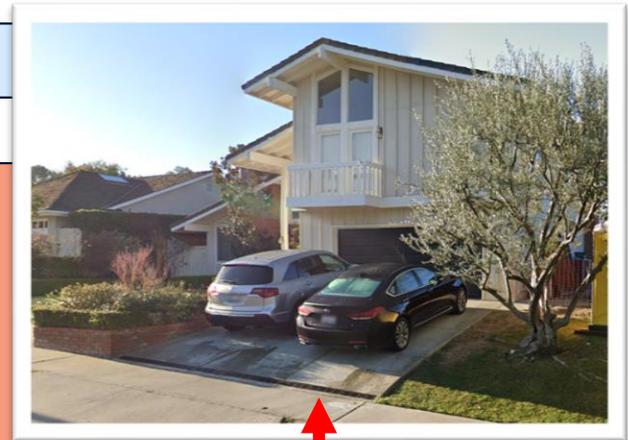
ADU Parking Requirements

JADU: No parking required

ADU: One space per unit, but waived if property is:

- 1) located within one-half (1/2) mile walking distance of a bus/transit stop; or
- 2) proposed to be converted from existing or proposed space entirely within the primary dwelling unit or an existing accessory structure.

***Replacement parking required for garage conversions in coastal zone.**



Tandem parking on a driveway counts



ADU Options for Development

ADU/SINGLE- OR MULTI-UNIT			ADU/MULTI-UNIT (SPECIAL)	
 INTERNAL	 ATTACHED	 DETACHED	 CONVERSION	 DETACHED
<p>Conversion of an interior portion of an existing single-unit or multi-unit dwelling, or an existing detached accessory building; or new construction within a proposed single-unit or multi-unit (2+) development</p>	<p>Construction of a new ADU attached to an existing or proposed single-unit or multi-unit dwelling</p>	<p>Construction of a new ADU as a detached accessory building</p>	<p>Conversion of an existing non-habitable (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages) portion of a multi-unit (2+) development</p>	<p>Construction of a new ADU as a detached accessory building</p>

Development standards differ based on ADU type

ACCESSORY DWELLING UNIT ORDINANCE SUMMARY
Revised 10/27/22

Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) are regulated by Newport Beach Municipal Code Sections 20.49.200 and 21.49.200. Ministerial review of all ADUs and JADUs will occur through a Zoning Clearance within 60 days of receiving a complete application. A Coastal Development Permit may also be required for properties within the Coastal Zone. Please consult with a planner prior to submitting an ADU/JADU project.

ADU Type	ADU WITH SINGLE- OR MULTI-UNIT DEVELOPMENT				ADU WITH MULTI-UNIT DEVELOPMENT	
	JADU	INTERNAL ¹	ATTACHED ¹	DETACHED	CONVERSION	DETACHED
ADU Type	Conversion of an interior portion of an existing single-unit dwelling, or new construction within a proposed single-unit dwelling	Conversion of an interior portion of an existing single-unit or multi-unit dwelling, or an existing detached accessory building, or new construction within a proposed single-unit or multi-unit (2+) development	Construction of a new ADU attached to an existing or proposed single-unit or multi-unit dwelling	Construction of a new ADU as a detached accessory building	Conversion of an existing non-habitable (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages) portion of a multi-unit (2+) development	Construction of a new ADU as a detached accessory building
Zoning	Allowed on all residential and mixed zoned properties that are improved with a single-unit dwelling	Allowed on all residential and mixed zoned properties that are improved with a single-unit or multi-unit dwelling			Allowed on all residential and mixed zoned properties that are improved with multi-unit dwellings	
Number of Units	One	One (Exception- See ADU with Multi-Unit Development columns for alternative allowances)			At least one and no more than 25% of the existing unit count in the multi-unit development	Two
Allowed with Other ADU¹	May also provide single-unit ADU	May also provide JADU as part of a single-unit dwelling			No	
Minimum Lot Size	None					
Minimum Size	Must meet minimum efficiency unit requirements of 220 square feet					
Maximum Size (Square Feet)	500	No limit	Studio/One-Bedroom = 850 Two Bedroom = 1,000 Can be no more than 50% of existing primary dwelling (for attached only)		No limit	Studio and One-Bedroom = 850 Two Bedroom = 1,000
Maximum Size Exception	None	None	Application of floor area limit or site coverage shall not reduce an ADU below 800 square feet and a height limit of 16 feet ²		None	Application of floor area limit or site coverage shall not reduce ADU below 800 square feet and a height limit of 16 feet ²
Maximum Height	Per base zone	Per base zone	Per base zone	16 feet (Exception: base zone for an ADU constructed above a garage that complies with setbacks and principal unit complies with parking)	N/A	16 feet (Exception: Base zone for an ADU constructed above a garage that complies with setbacks and principal unit complies with parking)

www.newportbeachca.gov/adu



Conversion/Internal ADU



Standard	Requirement
Max Size	No Limit
Height Limit	Base Zone
Setbacks	Base Zone
Parking	No Parking
Conversion	Living or non-living area (e.g, garage, attic, etc.)



Attached ADU



Standard	Requirement
Max Size	850 1 bed/ 1000 sf 2 bed + ; or 50% of main home
Height Limit	Base Zone
Setbacks	4' sides and rear
Parking	1 space, unless within ½ mile of transit



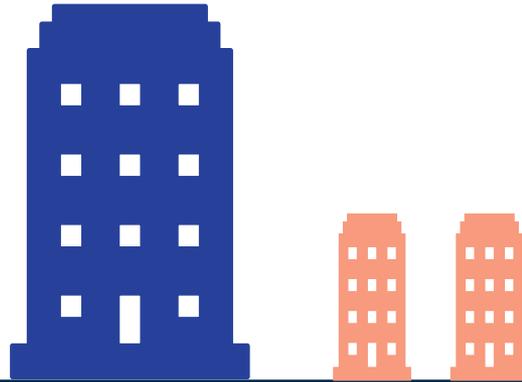
Detached ADU



Standard	Requirement
Max Size	850 1 bed/ 1000 sf 2bed +
Height Limit	16', unless above a garage and compliant parking/setbacks provided
Setbacks	4' sides and rear
Parking	1 space, unless within ½ mile of transit



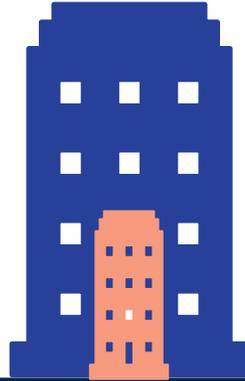
Special Case Multi-Unit: Detached ADU



Standard	Requirement
Max Number	2 ADUs allowed
Max Size	850 1 bed/ 1000 sf 2 bed +
Height Limit	16'
Setbacks	4' sides and rear
Parking	1 space, unless within ½ mile of transit



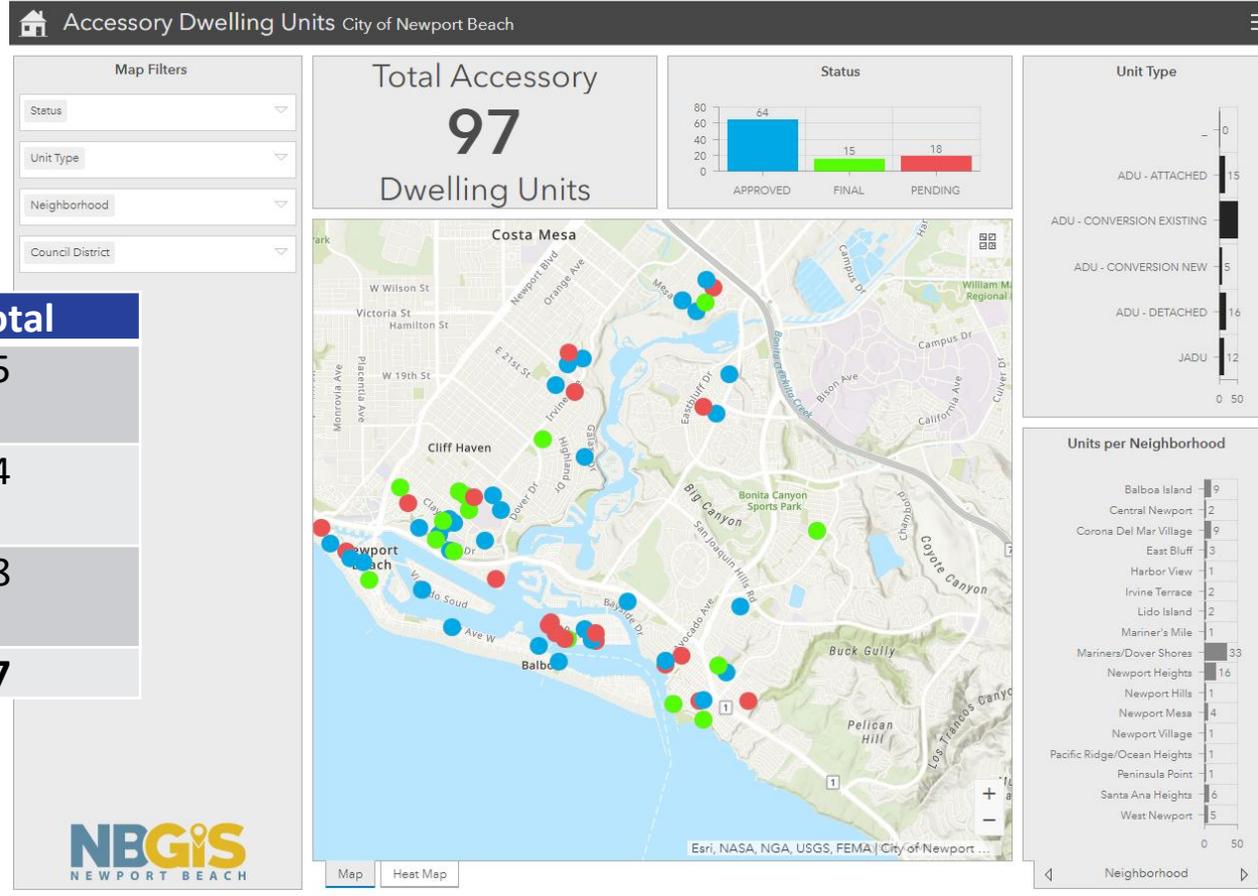
Special Case Multi-Unit: Conversion ADUs



Standard	Requirement
Max Number	25% of existing unit count
Max Size	No limit
Restrictions	Limited to non-living areas (e.g., parking, storage, office, etc.)
Parking	None



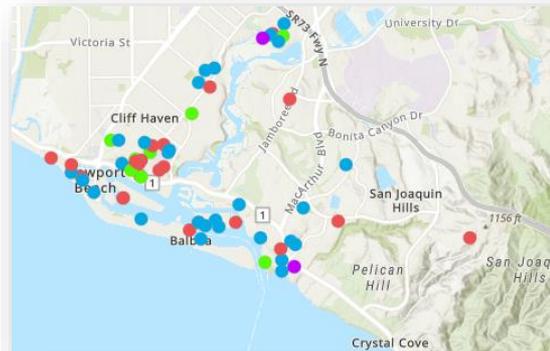
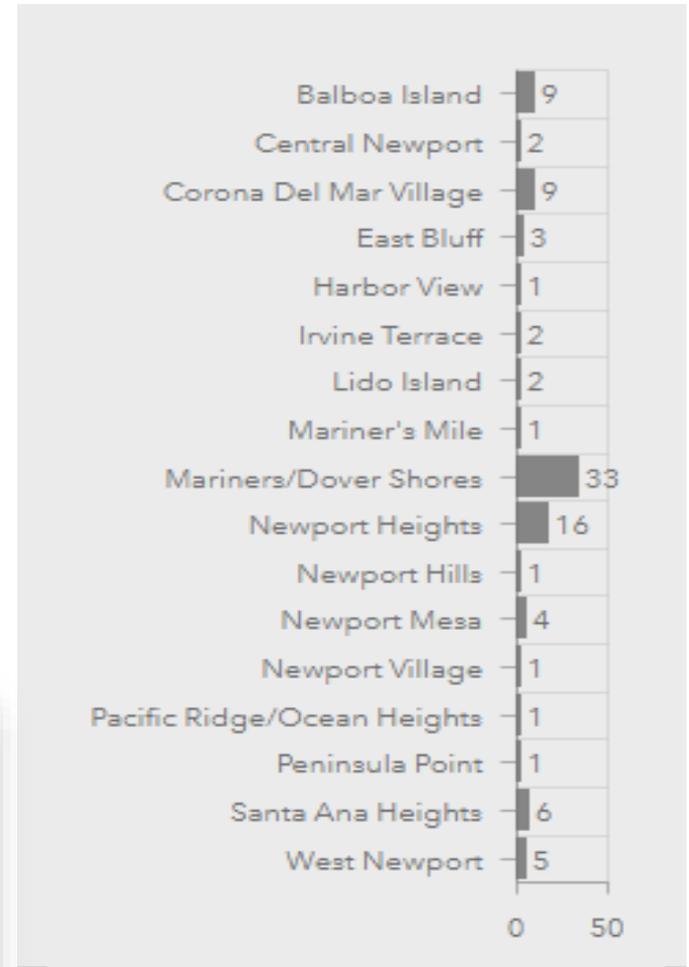
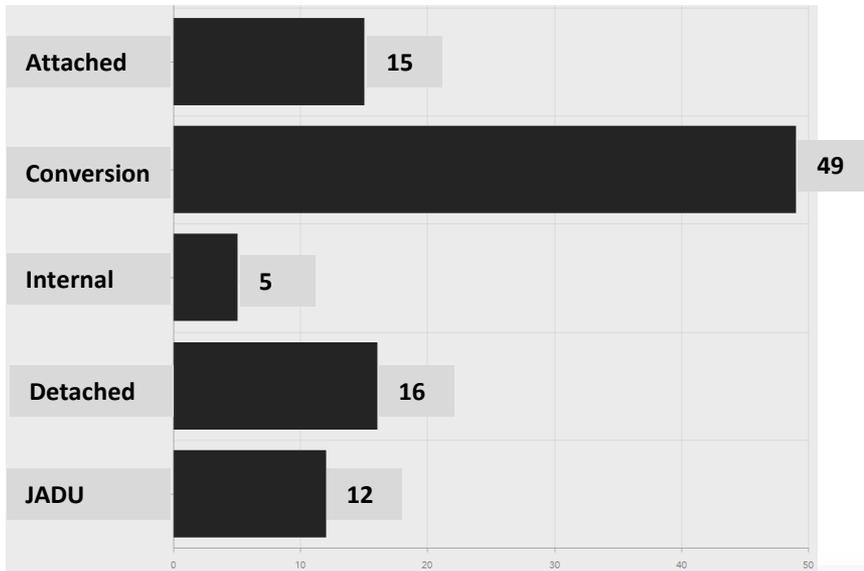
Current Status of ADUs in Newport Beach



ADU Status	Total
Finaled <i>(constructed)</i>	15
Permitted <i>(under construction)</i>	64
Applied <i>(permits pending)</i>	18
Total	97



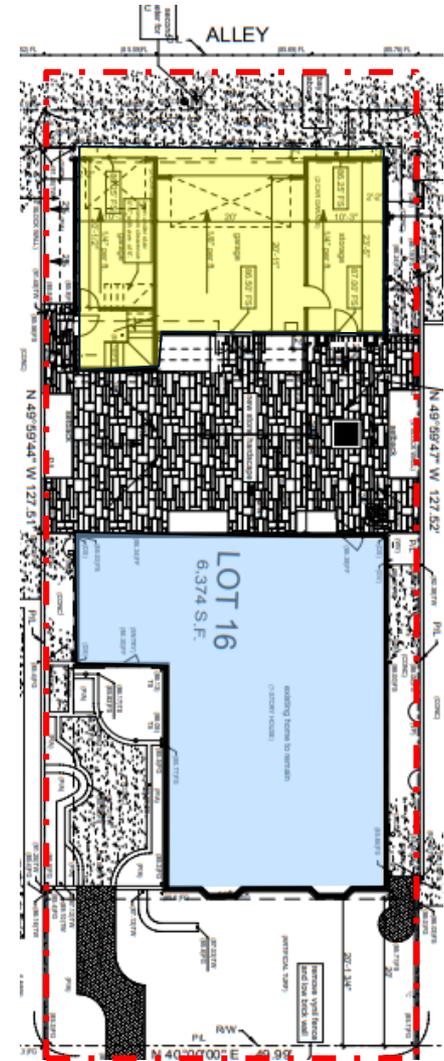
Current Status of ADUs in Newport Beach



ADU Example Newport Heights



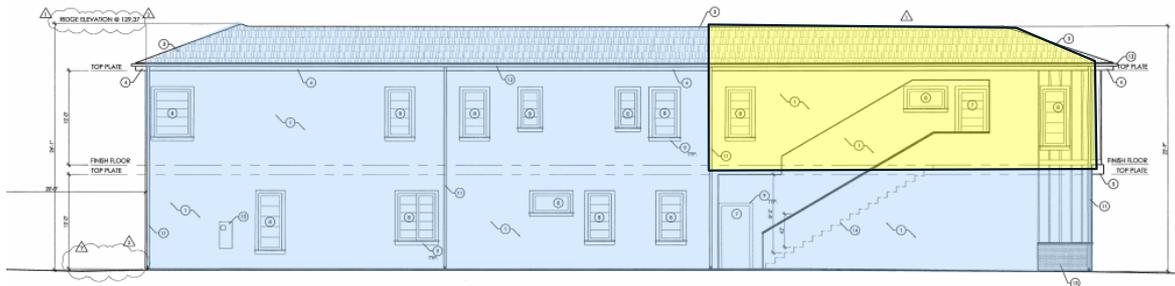
**Detached from Existing
Family Home**
996 SF +1 Garage Space
Above New 3-Car Garage



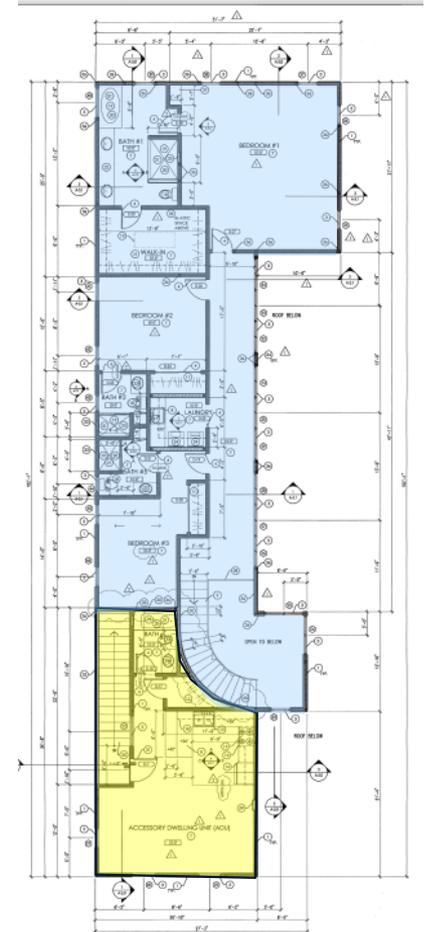
ADU Example Cliff Haven



Attached to New
Single-Family
Home
627 SF
+Driveway
Parking



3 NEW LEFT SIDE ELEVATION
1/8"=1'-0"



Regional Housing Needs Assessment

4,845 units

FINAL DRAFT
January 2022

City of Newport Beach
2021-2029 HOUSING ELEMENT



New Direction

- **Housing Element Update**
 - Adequate Sites Analysis
 - Higher density in-fill development
- **ADUs major strategy**
 - 240 unit projection (30/year)
- **Council Policy K-4**
 - Direction to revise code (more permissive)
 - Amnesty program
 - Public outreach and materials
 - Pre-approved plans

Current Incentives

- **Waiver of Separate Sewer and Water Connections**
 - Typically separate utilities and meters required adding significant costs to a project
- **Temporary Waiver of Plan Check, Permit, and Other City Fees**
 - Applies to Detached, Attached, Conversion, or Legalization of Unpermitted ADUs
 - Not applicable to ADU as part of New Home
- **Pre-Approved Plans (coming soon)**
 - Consultant under contract and plans under preparation



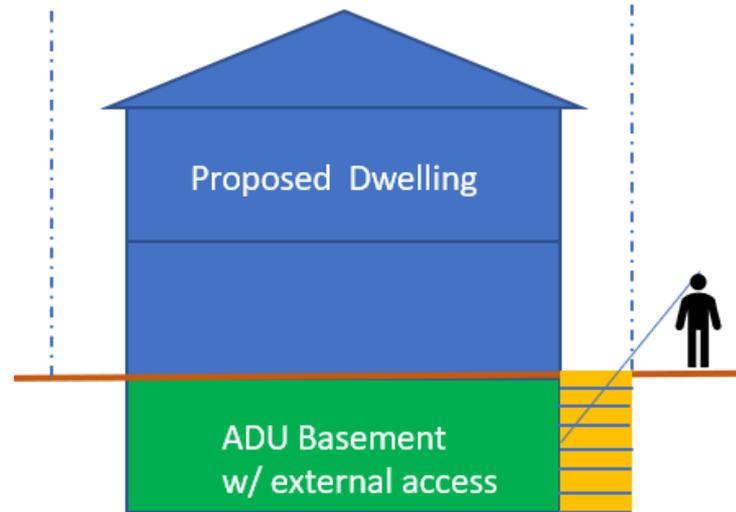
Planning Commission Ad-Hoc Committee

- **Multiple Meetings**
 - Incentivize carefully
 - Will not solve RHNA
 - Can't go back (SB330)
 - Don't add bulk
- **Meeting with Architects/Builder**
 - Greatest incentive = Floor Area
 - Consider Building Code Incentives
- **Meeting with Community**
 - **Requested input tonight**



Idea 1: Daylighting Basements

Should we allow exterior access to subterranean basements to accommodate an ADU?



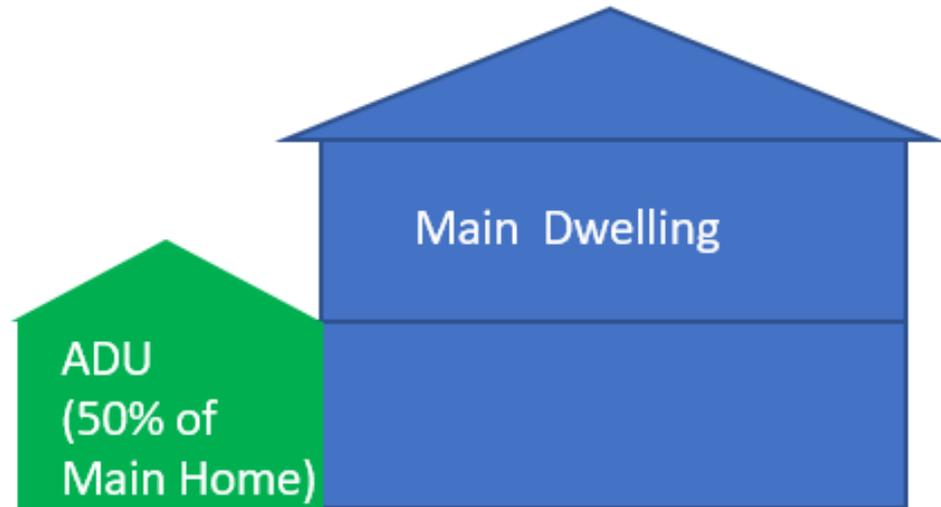
Initial Thoughts

- *Doesn't add visual bulk or mass*
- *Value outweighs construction costs*
- *Creates a big incentive to include ADU as part of new construction*



Idea 2: Eliminate 50% Size Limit for Attached ADUs

Should we remove 50% size limit for attached ADUs? (e.g., 1,400 sf home gets a 700 sf attached ADU)



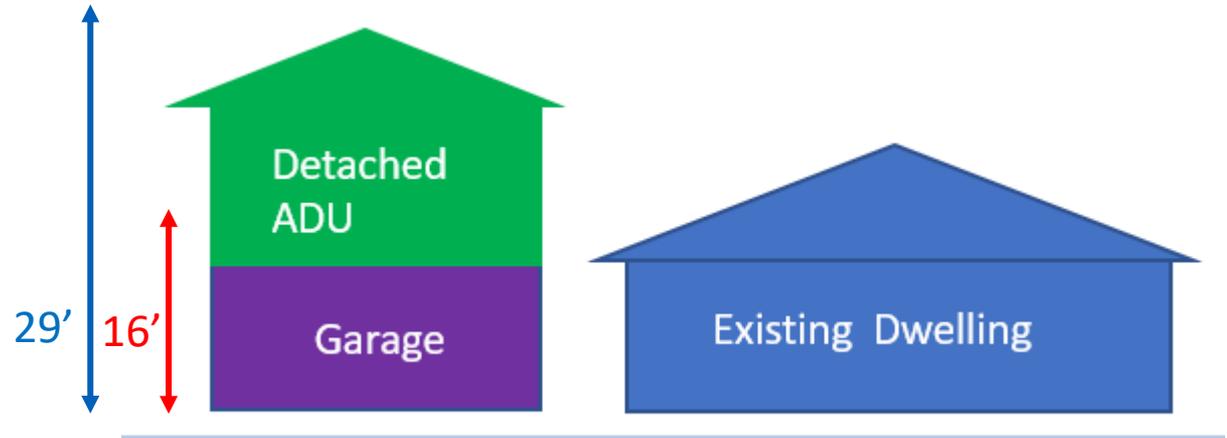
Initial Thoughts

- *Simplifies Code and eliminates constraint*
- *Helps ADUs attached to smaller units*



Idea 3: More Flexibility for Detached ADUs Above Detached Garages

Allow increased height (above 16' limit for detached ADUs) if located above any garage?



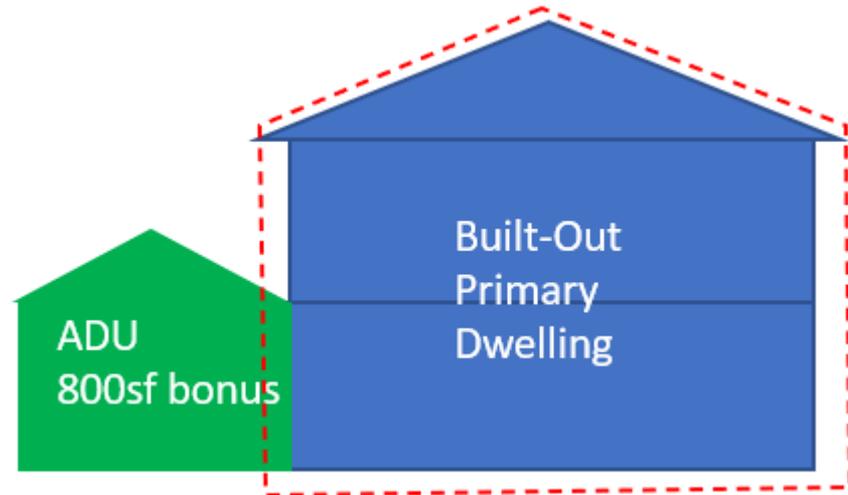
Initial Thoughts

- *Provides an incentive to construct some garage parking, even if not all units fully compliant.*
- *Popular ADU configuration*
- *Commissioners cautioned against encouraging mass and privacy issues between neighbors*



Idea 4: Extra Floor Area Allowances

Should we provide additional floor area for new developments that include ADUs? (e.g., 800 sf, 400 sf, other?)



Initial Thoughts

- *State Law prevents FAL, coverage limits, and open space requirements that prevents an 800 sf ADU no more than 16 feet high.*
- *Strongly supported by design community – greatest incentive that can be provided*
- *Commissioners cautioned against adding mass and bulk*



Idea 5: ADU Size Based on Geography

Allow larger size ADUs in areas with larger lot sizes (i.e. SAH, Newport Heights, etc.) ?

- *(Base Size Limit)*
 - *850sf one bedroom*
 - *1,000sf two+ bedrooms; or*
 - *(Optional Limit)*
 - *20% of lot area*
- (whichever is greater, up to a maximum 2,000 sf)*

Examples (1 bedroom)

3,540 sf lot (CDM)= 850 sf ADU
5,737 sf lot (Heights)= 1,147 sf ADU
10,000 sf lot (Dover) = 2,000 sf ADU
19,800 sf lot (SAH)= 2,000 sf ADU

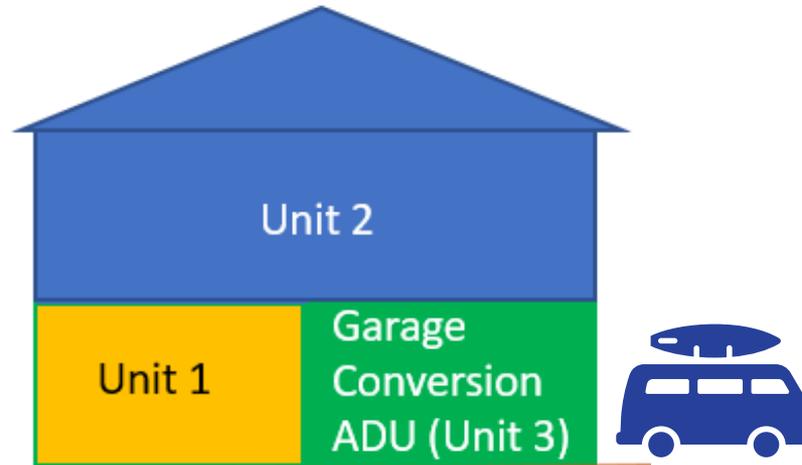
Initial Thoughts

- *Can't restrict unit sizes any smaller, but can increase.*
- *Complicates an already complicated ADU Code*
- *1,000 SF is more than adequate for an accessory unit*



Idea 6: Waive Replacement Parking Requirements in Coastal Zone

Eliminate replacement parking for garage conversions in the Coastal Zone?



Initial Thoughts

- *Code currently prohibits garage conversions in coastal zone without replacement parking to protect public parking and public access*
- *Easy opportunity to create 3rd unit for rental housing investors in beach communities*
- *May further constrain on-street parking that competes with public access demands*



ADU Bills in the Pipeline

Number	Title or Summary
AB 561	Help Homeowners Add New Housing Program: accessory dwelling unit financing.
AB 916	Increase heights for detached ADUs within multi-unit developments from 16 feet to 18 feet.
AB 1674	Building standards: exemption from photovoltaic requirements.
AB 2221	Clarifies setback measurements and allowances for conversions of non-living spaces for multi-unit ADU conversions.
SB 897	Major overhaul: 25' heights, fire sprinkler waiver, permanently removes owner-occupancy requirements, further parking reductions for multi-unit structures processed with ADUs.



Input on potential revisions?



- **Idea 1: Daylighting Basements**
- **Idea 2: Eliminate 50% Size Limit for Attached ADUs**
- **Idea 3: More flexibility for ADUs above Detached Garages**
- **Idea 4: Extra Floor Area Allowance**
- **Idea 5: ADU Size based on geography**
- **Idea 6: Waive Replacement Parking in Coastal Zone**
- **Other Ideas?**

Next Steps

- **Planning Commission Ad-Hoc Committee meeting**
- **Prepare Code Amendments**
- **Monitor ADU Bill Progress & Adapt**
- **Future Public Hearings**
 - Planning Commission
 - City Council
 - California Coastal Commission



More Information

www.newportbeachca.gov/adu

Visit the Permit Center at City Hall

100 Civic Center Drive, Newport Beach

Contact:

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