

# **Attachment H**

Underline/ Strikeout Version of Amendments

## Cottage Preservation (PA2019-181) Underline/ ~~Strikeout~~ Revisions

### Coastal Land Use Plan – Amendment to Policy 2.9.3-8

**2.9.3-8** Continue to require properties with nonconforming parking to provide code-required off-street parking when new uses, alterations, or additions result in increased parking demand. However, additions of up to fifty (50) percent of the existing floor area, but not greater than 750 square feet, of a residential development of three (3) units or less may be allowed without requiring the code-required parking when the project would result in the preservation of the cottage character of the existing development and a building envelope representative of traditional development patterns in the City. The LCP policies pertaining to hazards, setbacks, public access, habitat protection, and visual resource protection shall apply to such properties with additions.

### LCP Implementation Plan (Title 21) – Amendment to Section 21.38.60

#### 21.38.060 Nonconforming Parking.

A. Residential. Where a residential structure or use is nonconforming only because it does not conform to the off-street parking requirements of this Implementation Plan, the following provisions shall apply:

1. Number of Spaces. A residential development having less than the required number of parking spaces per dwelling unit shall be allowed the following repairs, alterations, and additions:

a. Repair and maintenance, interior alterations, and structural alterations, as provided for in Section 21.38.040(A) through (F);

b. Additions up to a maximum of ten (10) percent of the existing floor area of the structure as provided in Section 21.38.040(G);

c. Any repair, maintenance, or additions shall not result in loss of existing parking spaces; and

d. Required parking shall be provided where feasible.

2. Dimensions or Type of Parking Spaces. Residential developments that are nonconforming because they do not have the required type of covered or enclosed parking spaces or because amendments to this Implementation Plan have changed the dimensions of required parking spaces subsequent to the original construction of the structure may be altered or expanded as follows:

a. All improvements and expansions allowed under subsection (A)(1) of this section;

b. Additions larger than those allowed under subsection (A)(1) of this section may be allowed subject to the approval of a coastal development permit.

3. Alley Access. Where applicable, residential development involving repairs, alterations, and additions to residential development having less than the required number of parking spaces per dwelling unit shall provide alley access to parking area if it would result in additional public street parking.

4. Exception for Cottage Preservation. For the purposes of eligibility as a "cottage" for this section, the existing development prior to the addition shall consist of either a residential single-unit dwelling, duplex, or triplex, with individual unit sizes of 1,500 square feet or less, and does not exceed one story and sixteen (16) feet in height on the front half of the lot, and does not exceed two stories and twenty-four (24) feet in height on the rear half of the lot. Notwithstanding the provisions of subsections (A)(1)(b) and (A)(2)(b) of this section, additions of up to fifty (50) percent of the existing floor area of the structure, but no greater than 750 square feet, are permitted for a cottage that complies with the following criteria.

a. The floor area of any addition, together with the floor area of the existing structure, shall not exceed the allowed maximum floor area for the coastal zoning district where the property is located;

b. The addition shall comply with all applicable development standards and use regulations of this Implementation Plan, including the coastal resource protection development regulations of Section 21.28.040 (Bluff (B) Overlay District), Section 21.28.050 (Canyon (C) Overlay District), Section 21.30.015(D) (Waterfront Development), Section 21.30.015(E)(2) (Development in Shoreline Hazardous Areas), Section 21.30A (Public Access and Recreation), Section 21.30B (Habitat Protection), and Section 21.30.100 (Scenic and Visual Quality Protection);

c. The square footage of residential parking area additions identified below shall be excluded from the allowed expansion under subsection (A)(4), but shall be included as gross floor area;

<u>Required Parking</u>	<u>Maximum Excluded Area</u>
<u>One-car garage</u>	<u>200 square feet</u>
<u>Two-car garage</u>	<u>400 square feet</u>

<u>Three-car garage</u>	<u>600 square feet</u>
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d. The height of the residential structure including the cottage addition shall not exceed the following, regardless of roof pitch:

i. Front half of lot: single story with a maximum height of sixteen (16) feet; and

ii. Rear half of lot: two story with a maximum height of twenty-four (24) feet;

e. The residential structure shall not include a third floor deck;

f. In addition to limitations of Section 21.48.115 (Short Term Lodging), any cottage preservation project used for short-term lodging shall be restricted to a maximum of six (6) occupants;

g. Deed Restriction and Recordation Required. Prior to the issuance of a building permit for a cottage preservation project, the property owner shall record a deed restriction with the Orange County Recorder's Office, the form and content of which is satisfactory to the City Attorney, agreeing to maintain the property consistent with the limitations specified above for cottage preservation and the restrictions on short-term lodging. The deed restriction document shall notify future owners of the restriction. This deed restriction shall remain in effect so long as the cottage preservation project exists on the property; and

h. The addition complies with the limitations of Section 21.38.040(G)(1).

## **Zoning Code (Title 20) – Amendment to Section 20.38.60**

### **20.38.060 Nonconforming Parking.**

A. Residential. Where a residential structure or use is nonconforming only because it does not conform to the off-street parking requirements of this Zoning Code, only the following alterations may be allowed:

1. Number of Spaces. A residential development having less than the required number of parking spaces per dwelling unit shall be allowed the following repairs, alterations, and additions:

a. Repair and maintenance, interior alterations, and structural alterations, as provided for in Sections 20.38.040(A) through (F); and

b. Additions up to a maximum of ten (10) percent of the existing floor area of the structure within a ten (10) year period as provided in Section 20.38.040(G).

2. Dimensions or Type of Parking Spaces. Residential developments that are nonconforming because they do not have the required type of covered or enclosed parking spaces or because amendments to this Zoning Code have changed the dimensions of required parking spaces subsequent to the original construction of the structure may be altered or expanded as follows:

a. All improvements and expansions allowed under subsection (A)(1) of this section; or

b. Additions larger than those allowed under subsection (A)(1) of this section may be allowed subject to the approval of a modification permit in compliance with Section 20.52.050 (Modification Permits).

3. Exception for Cottage Preservation. For the purposes of eligibility as a "cottage" for this section, the existing development prior to the addition shall consist of either a residential single-unit dwelling, duplex, or triplex, with individual unit sizes of 1,500 square feet or less, and does not exceed one story and sixteen (16) feet in height on the front half of the lot, and does not exceed two stories and twenty-four

(24) feet in height on the rear half of the lot. Notwithstanding the provisions of subsections (A)(1)(b) and (2)(b) of this section, additions of up to fifty (50) percent of the existing floor area of the structure, but no more than seven hundred fifty (750) square feet, are permitted for a cottage that complies ~~single-unit residential dwelling, duplex, or triplex when they comply~~ with the following criteria:

- a. The floor area of any addition, together with the floor area of the existing structure, shall not exceed the allowed maximum floor area for the zoning district where the property is located;
- b. The addition shall comply with all applicable development standards and use regulations of this Zoning Code;
- c. The square footage of residential parking area additions identified below shall be excluded from the allowed expansion under subsection (A)(3) of this section, but shall be included as gross floor area;

Required Parking	Maximum Excluded Areas
One-car garage	200 square feet
Two-car garage	400 square feet
Three-car garage	600 square feet

- d. The height of the residential structure including the cottage addition shall not exceed the following, regardless of roof pitch:
  - i. Front half of lot: single story with a maximum height of sixteen (16) feet; and
  - ii. Rear half of lot: two story with a maximum height of twenty-four (24) feet;
- e. The residential structure shall not include a third-floor deck;
- f. ~~Dwellings within the residential development shall not be rented for periods of less than thirty (30) days~~Outside the Coastal Zone, dwellings within the residential development shall not be rented for periods of less than thirty (30) days. Refer to Section 21.38.060(A)(4)(f) for short-term lodging allowances for developments within the coastal zone; and
- g. Deed Restriction and Recordation Required. Prior to the issuance of a building permit for a cottage preservation project, the property owner shall record a deed restriction with the Orange County Recorder's Office, the form and content of which is satisfactory to the City Attorney, agreeing to maintain the property consistent with the limitations specified above for cottage preservation and the restrictions on short-term lodging. The deed restriction document shall notify future owners of the restriction. This deed restriction shall remain in effect so long as the cottage preservation project exists on the property.