

Attachment F

Coastal Commission
Approval Letter and
Suggested Modifications

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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December 17, 2021

City of Newport Beach
Planning Department
Jaime Murillo, Senior Planner
100 Civic Center Drive
Newport Beach, CA 92658

RE: City of Newport Beach Local Coastal Program (LCP) Amendment No. LCP-5-NPB-20-0025-1, Part A (Cottage Preservation).

Dear Mr. Murillo,

You are hereby notified that the California Coastal Commission, at its November 19, 2021 virtual meeting, approved the City of Newport Beach Local Coastal Program (LCP) Amendment No. LCP-5-NPB-20-0025-1, Part A with suggested modifications. Amendment No. LCP-5-NPB-20-0025-1, Part A, which was submitted pursuant to City Council Resolution No. 2020-12, incorporates changes to the Land Use Plan (LUP) and Implementation Plan (IP) portions of the LCP to allow additions of up to 50 percent of the existing floor area (but in no case more than 750 sq. ft.) of a cottage without the requirement to bring nonconforming parking into conformity with the current parking standards.

The Commission approved the LCP Amendment with suggested modifications. Thus, the Amendment will become final 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 November 19, 2021 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 November 19, 2021, certification of the City of Newport Beach LCP Amendment No. LCP-5-NPB-20-0025-1, Part A 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. Please email Amrita Spencer or myself if you have any questions regarding the modifications required for effective certification of City of Newport Beach LCP Amendment No. LCP-5-NPB-20-0025-1, Part A.

Sincerely,

A handwritten signature in black ink, appearing to read "Amber".

Amber Dobson
District Manager

Attachment A: Suggested Modifications to Amendment No. LCP-5-NPB-20-0025-1, Part A

Certification of City of Newport Beach Local Coastal Program (LCP) Amendment No. LCP-5-NPB-20-0025-1, Part A is subject to the following modifications.

Text added by the suggested modification is **bold, italicized, and underlined**, and text suggested to be deleted is ~~struck through~~. Only those subsections of the LCP for which modifications are being suggested are shown below.

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. **However, the LCP policies pertaining to hazards, setbacks, public access, habitat protection, and visual resource protection shall apply.**

Implementation Plan – 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:

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 21.30(A) (Public Access and Recreation), Section 21.30(B) (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>
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~~ **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).