

October 15, 2019

To: Planning Commissioners, City Council, City Planning Department

Ref. Planning Commission Public Hearing October 17, 2019
Cottage Preservation Code and LCP Amendments (PA2019-181)
Code Amendment No. CA2019-006
Local Coastal Program Amendment No. LC2019-004

Subject: Comments to Staff Report and Proposed Amendments

Planning Commissioners, et al,

Regarding the proposed Cottage Preservation Code and LCP Amendments (PA2019-181), hereafter called the "Amendments", the Staff Report seems insufficient as it does not address the consequences of implementing the proposed Amendments in detail. Street parking in the areas in question (Balboa Island, Corona Del Mar, Balboa Peninsula, etc) is already severely impacted as result of grandfathered on-site parking inadequacy and already granted local business parking waivers. To better understand the parking impact to the local communities the evaluation should provide a comprehensive list of all the properties that could qualify as a Cottage Preservation project under the proposed Amendments including the off-street parking availability for each and all the properties and the cumulative parking impact for the specific areas.

Additionally, in reaching out to the Public, it should be done separately for each local community. **If, for example, the Balboa Island residents strongly support the Amendments but the Balboa Peninsula residents do not then the Amendments should be approved just for Balboa Island and not for the other local communities.**

I have several concerns regarding the proposed Amendments as follows:

1. Cottage Definition and Establishing a Related Maximum Square Footage

From Oxford, a Cottage is a "**small** simple house". So what is considered small by Newport Beach coastal community standards?

In Corona Del Mar, for the last two decades, many lots have been developed into two-unit dwellings (condos). Most of them have a 3 BRs, 2-1/2 BAs "Front Unit" of about 1,800~1,900 sq ft (plus a 200 sq ft single car garage and a carport) and a 2 BRs, 2-1/2 BAs "Back Unit" of about 1,150~1,250 sq ft (plus a 200 sq ft single car garage and a carport).

In the Balboa Peninsula, many 25' wide lots have been developed into two-unit dwelling, which can be around 1,650 sq ft (plus a 200 sq ft single car garage and a carport) each and typically have 3 BRs, 2-1/2 BAs. And they are, per coastal Newport Beach standards, very nice in size and very livable.

Page 5 of the Staff Report states that, "*for example, a one-story dwelling on a typical Corona Del Mar lot (30'x118') may measure approximately 2,200 square feet in area*". That means said dwelling would be allowed to add 1,100 sq ft in area on a second floor (50% of the existing dwelling area) resulting in a final 3,300 sq ft dwelling after the Cottage Preservation project is completed. Such a dwelling size, by "beach cottage" standards is not small... in fact it is huge! (please refer to previous paragraphs above). Why should we allow this property owner to increase their property size to 3,300 sq ft and not have them provide the off-street parking requirement for two vehicles?

An existing 2,200 sq ft dwelling is already larger than many typical dwellings in Corona Del Mar or the Balboa Peninsula so it is “livable” already. For said reason, I respectfully **recommend the proposed Amendments to be applied only to existing dwellings of smaller square footage. For example, existing dwellings with a maximum size of 1,500 sq ft in area.** That would allow the dwellings area to be increased to a total of 2,250 sq ft, which is more than livable. The additional 750 sq ft area is more than enough to accommodate a master bedroom with a master bathroom, a hallway and stairs to reach a second floor.

As an option, for existing dwellings larger than 1,500 sq ft in area instead of using a 50% maximum development limit, a specific maximum square footage limit of, for example, 2,250 sq ft could be used. In this case, an existing 1,700 sq ft dwelling could only build an addition of up to 550 sq ft (or 32.35% of the existing dwelling area). An existing 1,900 sq ft dwelling could only build an addition of up to 350 sq ft (or 18.42% of the existing dwelling area). And so on. Existing dwellings larger than ~2,045 sq ft would then be allowed to build up to 10% of the existing dwelling area under the current codes without qualifying for the Cottage Preservation Amendments.

2. **Amendments Scope of Application – Single Unit versus Two Unit Dwellings per Lot**

During the September 10, 2019 City Council Study Session, it was stated by a Council Member that the proposed Amendments are meant to help, for example, a young small family afford a property in the area (as their primary residence) and for them to be able to increase the dwelling size to make it livable.

First of all, for those of us – residents – who did not inherit a property in Newport Beach, we could not afford to buy our first home in the coastal communities of Newport Beach 30 years ago so the difficulty for young families to be able to afford a property in said areas of our city is not something new.

I can see the scenario described by the Council Member as possible, but the Amendments do not address other possible scenarios. The Amendments are silent about the Cottage Conversion projects to be applied to single-unit dwellings versus two-unit dwellings.

For two-unit dwellings the required off-street parking is for four vehicles total so with the proposed Amendments implementation two-unit dwellings will be allowed to increase their dwelling size by 50% without proper parking spaces. Why? In this case we are not talking about a family remodeling their primary residence; once you have two units you certainly have a **rental business** at the property.

For the same example provided in Page 5 of the Staff Report, a one-story dwelling of 2,200 sq ft would be allowed to increase size by 1,100 sq ft (50% of the existing dwelling area). Such area increase is a lot more than what is needed to add a “master bedroom”. An unscrupulous property owner looking to maximize their rental income could easily add four (4) bedrooms (i.e. 14’x12’, at ~170 sq ft each), a 70 sq ft bathroom plus a hallway and stairs to the second floor – with no extra off-street parking for the additional tenants the dwelling would accommodate. For a two-unit dwelling we very much know one of the units is going to be a rental unit. This is another reason to curtail the size of the qualifying existing dwellings as addressed on Section 1 of this letter.

Due to the above described scenarios, I respectfully **recommend the proposed Amendments to be applied only to existing single-unit dwellings (to be kept as single-unit after the remodel) and NOT to two-unit dwellings.**

3. **Amendments Deed Restriction – No Short Term Lodging Permit**

Referring back to the “unscrupulous property owner” described in Section 2 of this letter, who could add 4 BRs and 1 BA to an existing dwelling without adding the normally required off-street parking spaces,

the street parking impact could be worse if the dwelling has a Short Term Lodging Permit (STLP). Once the extra bedrooms are added to a “vacation rental” then the local community will have extra people (i.e. in this case at least 8 additional people) coming and going causing additional parking issues, etc.

Page 6 of the Staff Report states a Revocable Deed Restriction is to be recorded as a legal measure for the current property owner, and future owners, to agree to “*maintain the property consistent with the limitations specified for cottage preservation*”.

An additional restriction that I consider extremely important, and I respectfully **recommend** herein, is for the **Revocable Deed Restriction to include the current property owner, and future owners, agreement to not operate the property as a vacation rental. No STLP should be issued for a property that is redeveloped as part of the proposed Amendments. If the existing dwelling has a current STLP then as part of the Cottage Preservation qualification process said STLP should be revoked.**

4. Further Clarification of “Front half of lot: one story and 16 feet”

Page 4 of the Staff Report shows “*Front half of lot limited to one story and a maximum height of 16 feet*” as one of the building envelope limits for cottage preservation eligibility.

My interpretation of such statement is that, in the front half of the lot, since it is labeled as one story then a second floor deck will not be allowed. It would be best if the Amendments clearly stated/added, after “*The residential structure shall not include third floor deck*”, the following wording “*and shall not include a second floor deck in the front half of lot*”. Such statement would leave no room for interpretation.

Additionally, I have seen properties with a steep roof pitch that – from the outside - appear to be a single level. However, when you walk inside the dwelling it has an extensive loft inside creating significant additional living space (on a second floor). These are dwellings with a 16 foot roof ridge/line. This scenario is even more plausible when the roof line has dormers. Consequently, how is this potential scenario addressed as part of the proposed Amendments?

I truly hope the concerns raised in this letter are seriously considered for incorporation into the final draft of the proposed Amendments prior to their approval. If you have any questions about this letter please do not hesitate to contact me.

Sincerely,

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