

**Proposed Local Coastal Program Amendment
Related to Cottage Preservation (LC2019-004)**

Revised for January 28, 2020 City Council Review

Section 1: Amending Policy 2.9.3-8 of Chapter 2.0 (Land Use and Development) of the Coastal Land Use Plan as follows, with all other provisions of the Coastal Land Use Plan remaining unchanged:

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 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.

Section 2: Amending Section 21.38.060 (Nonconforming Parking) of Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal to read as follows:

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. 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 500 square feet, are permitted for projects that remodel and expand a residential dwelling, duplex, or triplex that 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 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;
- 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>

d. The height of the residential structure 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;

g. The addition complies with the limitations of Section 21.38.040(G)(1); and

h. 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.