

## RESOLUTION NO. 2021-37

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, TEMPORARILY WAIVING BUILDING PLAN CHECK, BUILDING CONSTRUCTION PERMIT, AND OTHER CITY PERMIT FEES DIRECTLY RELATED TO THE DESIGN AND CONSTRUCTION OF ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

**WHEREAS**, the City Council adopted Resolution No. 2021-18 on March 9, 2021 adding City Council Policy K-4 (Reducing the Barriers of the Creation of Housing) whose stated policy goals include an increase in the production of accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”) in order to meet the City of Newport Beach’s (“City”) Regional Housing Needs Assessment (“RHNA”) allocation of 4,845 units of varying affordability;

**WHEREAS**, Chapter 3.36 (Cost Recovery for User Services) of the Newport Beach Municipal Code (“NBMC”) and the City’s Schedule of Rents, Fines and Fees (“SRFF”) establish the fees for permits, inspections, and other fees related to building and construction activities;

**WHEREAS**, the City Council desires to promote the construction of ADUs and JADUs by temporarily waiving City related fees, including building plan check, building construction permit, and other directly associated permit fees;

**WHEREAS**, this temporary fee waiver encourages the construction of new ADUs and JADUs, as well as the legalization of existing unpermitted ADUs and JADUs, as part of an existing residence, to meet the City’s RHNA allocation; and

**WHEREAS**, the City Council hereby finds that it is in the best interest of the City to invest in protecting the character and distinctive areas of the community through the establishment of this temporary fee waiver.

**NOW, THEREFORE**, the City Council of the City of Newport Beach resolves as follows:

**Section 1:** The City Council does hereby temporarily waive the City building plan check, building construction permit, and other related City fees required for plan check, permits, inspections, re-inspections and other related activities, for the design and construction of ADUs and JADUs on existing residential developments and the legalization of existing unpermitted ADUs and JADUs subject to the additional eligibility requirements set forth herein.

**Section 2:** The temporary waiver of the fees set forth in Section 1 apply to: 1) construction of a new detached ADU to an existing residence; 2) construction of a new attached ADU or JADU to an existing residence; 3) conversion of existing residential floor area, including a garage, to an ADU or JADU; or 4) legalization of an existing unpermitted ADU or JADU that meets all current and applicable requirements of Title 9 (Fire Code), Chapter 15.04 (Building Code), Chapter 15.05 (Residential Code), Chapter 15.06 (Electrical Code), Chapter 15.07 (Mechanical Code), Chapter 15.08 (Plumbing Code) and Sections 20.48.200/21.48.200 (Accessory Dwelling Units) of the NBMC. The temporary waiver of fees shall not apply to an application for an ADU or JADU as part of a new residential development or to any application for an ADU or JADU submitted to the City prior to the effective date of this resolution.

**Section 3:** The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

**Section 4:** Except as expressly set forth herein, nothing contained in this resolution shall be deemed to waive any fees otherwise required by any other provision of law, including fees collected by the City on behalf of any other public agency or entity, nor otherwise waive compliance with any other applicable provisions of the NBMC or any other City ordinance, policy or regulation.

**Section 5:** The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

**Section 6:** If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**Section 7:** This resolution shall take effect immediately upon its adoption by the City Council through December 31, 2022, at which time this resolution shall automatically sunset without further action by the City Council. The City Clerk shall certify the vote adopting the resolution.

**ADOPTED** this 27<sup>th</sup> day of April, 2021.

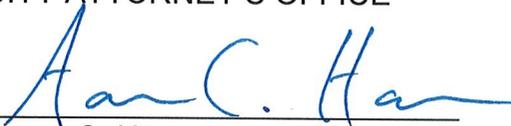
  
\_\_\_\_\_  
Brad Avery  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
Leilani I. Brown  
City Clerk



**APPROVED AS TO FORM:**  
CITY ATTORNEY'S OFFICE

  
\_\_\_\_\_  
Aaron C. Harp  
City Attorney

STATE OF CALIFORNIA                    }  
COUNTY OF ORANGE                    }  
CITY OF NEWPORT BEACH                }            ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; the foregoing resolution, being Resolution No. 2021-37 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 27<sup>th</sup> day of April, 2021; and the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Brad Avery, Mayor Pro Tem Kevin Muldoon, Council Member Joy Brenner,  
          Council Member Diane Dixon, Council Member Will O'Neill  
NAYS: None  
ABSENT: Council Member Noah Blom, Council Member Duffy Duffield

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 28<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Leilani I. Brown  
City Clerk  
Newport Beach, California

