Accessory Dwelling Units
Potential Code and LCP Amendments
Community Meeting
March 23, 2022

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(949) 644-3209
Meeting Objectives

• Introductions

• Background and Current Status of ADU Regulations (Comply with State law)

• Overview of Potential Future Revisions (Beyond State law)

• Community Feedback and Suggestions
Introductions

Planning Commission Ad-Hoc Committee

Lee Lowry, Chair
Lauren Kleiman, Vice Chair
Eric Weigand, Commissioner

City Staff

Seimone Jurjis, Community Development Director
Jim Campbell, Deputy Director
Jaime Murillo, Principal Planner
Patrick Achis, Assistant Planner
Background

- **Pre-2019**: Accessory units prohibited except for “granny” units (Age 55+)

- **2019 - 2021**: State Law mandated approval of ADUs and limited local ability to regulate

City’s current ordinance drafted to comply with State law and be as restrictive as possible
## JADU v. ADU

### Junior Accessory Dwelling Unit (JADU)
- Single-family units only
- Not separate unit for Building Code
- Maximum Size: 500 s.f.
- Owner must live in main dwelling or JADU
- Can share bathroom with primary dwelling
- Can have internal access
- Can be combined with an ADU

### Accessory Dwelling Unit (ADU)
- Allowed in all residential and mixed-use zones
- Separate unit for Building Code
- Maximum Sizes:
  - 850 s.f. for one bedroom
  - 1,000 s.f. for two bedroom
  - Conversions/internal unlimited
- Owner-occupancy suspended until 2025
- Various configurations (conversion, attached, detached)
ADU Parking Requirements

**JADU:** No parking required

**ADU:** One space per unit, but waived if property is:

1) located within one-half (1/2) mile walking distance of a bus/transit stop; or
2) proposed to be converted from existing or proposed space entirely within the primary dwelling unit or an existing accessory structure.

*Replacement parking required for garage conversions in coastal zone.

Tandem parking on a driveway counts
ADU Options for Development

<table>
<thead>
<tr>
<th>ADU/SINGLE- OR MULTI-UNIT</th>
<th>ADU/MULTI-UNIT (SPECIAL)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INTERNAL</strong></td>
<td></td>
</tr>
<tr>
<td>Conversion of an interior portion of an existing single-unit or multi-unit dwelling, or an existing detached accessory building; or new construction within a proposed single-unit or multi-unit (2+) development</td>
<td></td>
</tr>
<tr>
<td><strong>ATTACHED</strong></td>
<td></td>
</tr>
<tr>
<td>Construction of a new ADU attached to an existing or proposed single-unit or multi-unit dwelling</td>
<td></td>
</tr>
<tr>
<td><strong>DETACHED</strong></td>
<td></td>
</tr>
<tr>
<td>Construction of a new ADU as a detached accessory building</td>
<td></td>
</tr>
<tr>
<td><strong>CONVERSION</strong></td>
<td></td>
</tr>
<tr>
<td>Conversion of an existing non-habitable (e.g., storage rooms, boiler rooms, passageways, attics, basements, or garages) portion of a multi-unit (2+) development</td>
<td></td>
</tr>
<tr>
<td><strong>DETACHED</strong></td>
<td></td>
</tr>
<tr>
<td>Construction of a new ADU as a detached accessory building</td>
<td></td>
</tr>
</tbody>
</table>

Development standards differ based on ADU type

www.newportbeachca.gov/adu
## Conversion/Internal ADU

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Size</td>
<td>No Limit</td>
</tr>
<tr>
<td>Height Limit</td>
<td>Base Zone</td>
</tr>
<tr>
<td>Setbacks</td>
<td>Base Zone</td>
</tr>
<tr>
<td>Parking</td>
<td>No Parking</td>
</tr>
<tr>
<td>Conversion</td>
<td>Living or non-living area (e.g., garage, attic, etc.)</td>
</tr>
</tbody>
</table>
## Attached ADU

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Size</td>
<td>850 1 bed/ 1000 sf 2 bed + ; or 50% of main home</td>
</tr>
<tr>
<td>Height Limit</td>
<td>Base Zone</td>
</tr>
<tr>
<td>Setbacks</td>
<td>4’ sides and rear</td>
</tr>
<tr>
<td>Parking</td>
<td>1 space, unless within ½ mile of transit</td>
</tr>
</tbody>
</table>
## Detached ADU

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Max Size</strong></td>
<td>850 1 bed/ 1000 sf 2bed +</td>
</tr>
<tr>
<td><strong>Height Limit</strong></td>
<td>16’, unless above a garage and compliant parking/setbacks provided</td>
</tr>
<tr>
<td><strong>Setbacks</strong></td>
<td>4’ sides and rear</td>
</tr>
<tr>
<td><strong>Parking</strong></td>
<td>1 space, unless within ½ mile of transit</td>
</tr>
</tbody>
</table>
# Special Case Multi-Unit: Detached ADU

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Number</td>
<td>2 ADUs allowed</td>
</tr>
<tr>
<td>Max Size</td>
<td>850 1 bed/ 1000 sf 2 bed +</td>
</tr>
<tr>
<td>Height Limit</td>
<td>16’</td>
</tr>
<tr>
<td>Setbacks</td>
<td>4’ sides and rear</td>
</tr>
<tr>
<td>Parking</td>
<td>1 space, unless within ½ mile of transit</td>
</tr>
</tbody>
</table>
## Special Case Multi-Unit: Conversion ADUs

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Max Number</td>
<td>25% of existing unit count</td>
</tr>
<tr>
<td>Max Size</td>
<td>No limit</td>
</tr>
<tr>
<td>Restrictions</td>
<td>Limited to non-living areas (e.g., parking, storage, office, etc.)</td>
</tr>
<tr>
<td>Parking</td>
<td>None</td>
</tr>
</tbody>
</table>
Current Status of ADUs in Newport Beach

<table>
<thead>
<tr>
<th>ADU Status</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finaled (constructed)</td>
<td>15</td>
</tr>
<tr>
<td>Permitted (under construction)</td>
<td>64</td>
</tr>
<tr>
<td>Applied (permits pending)</td>
<td>18</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>97</strong></td>
</tr>
</tbody>
</table>

[www.newportbeachca.gov/adu](http://www.newportbeachca.gov/adu)
Current Status of ADUs in Newport Beach

- Attached: 15
- Conversion: 49
- Internal: 5
- Detached: 16

Bar chart showing the distribution of ADUs by type and neighborhood.
ADU Example
Newport Heights

Detached from Existing Family Home
996 SF +1 Garage Space
Above New 3-Car Garage
ADU Example Cliff Haven

Attached to New Single-Family Home
627 SF
+Driveway Parking
New Direction

• Housing Element Update
  • Adequate Sites Analysis
  • Higher density in-fill development

• ADUs major strategy
  • 240 unit projection (30/year)

• Council Policy K-4
  • Direction to revise code (more permissive)
  • Amnesty program
  • Public outreach and materials
  • Pre-approved plans
Current Incentives

- Waiver of Separate Sewer and Water Connections
  - Typically separate utilities and meters required adding significant costs to a project

- Temporary Waiver of Plan Check, Permit, and Other City Fees
  - Applies to Detached, Attached, Conversion, or Legalization of Unpermitted ADUs
  - Not applicable to ADU as part of New Home

- Pre-Approved Plans *(coming soon)*
  - Consultant under contract and plans under preparation
Planning Commission Ad-Hoc Committee

• Multiple Meetings
  • Incentivize carefully
  • Will not solve RHNA
  • Can’t go back (SB330)
  • Don’t add bulk

• Meeting with Architects/Builder
  • Greatest incentive = Floor Area
  • Consider Building Code Incentives

• Meeting with Community
  • Requested input tonight
Idea 1: Daylighting Basements

Should we allow exterior access to subterranean basements to accommodate an ADU?

Initial Thoughts

- *Doesn’t add visual bulk or mass*
- *Value outweighs construction costs*
- *Creates a big incentive to include ADU as part of new construction*
Idea 2: Eliminate 50% Size Limit for Attached ADUs

Should we remove 50% size limit for attached ADUs? (e.g., 1,400 sf home gets a 700 sf attached ADU)

Initial Thoughts

• *Simplifies Code and eliminates constraint*
• *Helps ADUs attached to smaller units*
Idea 3: More Flexibility for Detached ADUS Above Detached Garages

Allow increased height (above 16’ limit for detached ADUs) if located above any garage?

Initial Thoughts

- Provides an incentive to construct some garage parking, even if not all units fully compliant.
- Popular ADU configuration
- Commissioners cautioned against encouraging mass and privacy issues between neighbors
Idea 4: Extra Floor Area Allowances

Should we provide additional floor area for new developments that include ADUs? (e.g., 800 sf, 400 sf, other?)

Initial Thoughts

- State Law prevents FAL, coverage limits, and open space requirements that prevents an 800 sf ADU no more than 16 feet high.
- Strongly supported by design community – greatest incentive that can be provided
- Commissioners cautioned against adding mass and bulk
Idea 5: ADU Size Based on Geography

Allow larger size ADUs in areas with larger lot sizes (i.e. SAH, Newport Heights, etc.)?

Initial Thoughts

- Can’t restrict unit sizes any smaller, but can increase.
- Complicates an already complicated ADU Code
- 1,000 SF is more than adequate for an accessory unit

(Base Size Limit)
- 850sf one bedroom
- 1,000sf two+ bedrooms; or

(Optional Limit)
- 20% of lot area (whichever is greater, up to a maximum 2,000 sf)

Examples (1 bedroom)
- 3,540 sf lot (CDM)= 850 sf ADU
- 5,737 sf lot (Heights)= 1,147 sf ADU
- 10,000 sf lot (Dover) = 2,000 sf ADU
- 19,800 sf lot (SAH)= 2,000 sf ADU
Idea 6: Waive Replacement Parking Requirements in Coastal Zone

Eliminate replacement parking for garage conversions in the Coastal Zone?

Initial Thoughts

- Code currently prohibits garage conversions in coastal zone without replacement parking to protect public parking and public access
- Easy opportunity to create 3rd unit for rental housing investors in beach communities
- May further constrain on-street parking that competes with public access demands
# ADU Bills in the Pipeline

<table>
<thead>
<tr>
<th>Number</th>
<th>Title or Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>AB 561</td>
<td>Help Homeowners Add New Housing Program: accessory dwelling unit financing.</td>
</tr>
<tr>
<td>AB 916</td>
<td>Increase heights for detached ADUs within multi-unit developments from 16 feet to 18 feet.</td>
</tr>
<tr>
<td>AB 1674</td>
<td>Building standards: exemption from photovoltaic requirements.</td>
</tr>
<tr>
<td>AB 2221</td>
<td>Clarifies setback measurements and allowances for conversions of non-living spaces for multi-unit ADU conversions.</td>
</tr>
<tr>
<td>SB 897</td>
<td>Major overhaul: 25’ heights, fire sprinkler waiver, permanently removes owner-occupancy requirements, further parking reductions for multi-unit structures processed with ADUs.</td>
</tr>
</tbody>
</table>
Input on potential revisions?

• **Idea 1:** Daylighting Basements

• **Idea 2:** Eliminate 50% Size Limit for Attached ADUs

• **Idea 3:** More flexibility for ADUs above Detached Garages

• **Idea 4:** Extra Floor Area Allowance

• **Idea 5:** ADU Size based on geography

• **Idea 6:** Waive Replacement Parking in Coastal Zone

• **Other Ideas?**
Next Steps

• Planning Commission Ad-Hoc Committee meeting
• Prepare Code Amendments
• Monitor ADU Bill Progress & Adapt
• Future Public Hearings
  • Planning Commission
  • City Council
  • California Coastal Commission
More Information

www.newportbeachca.gov/adu

Visit the Permit Center at City Hall
100 Civic Center Drive, Newport Beach

Contact:
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