

November 21, 2019, Planning Commission Item 4 Comments

These comments on a Newport Beach Planning Commission [agenda](#) item are submitted by:

Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229).

Item No. 4. COTTAGE PRESERVATION CODE AND LCP AMENDMENTS (PA2019-181)

The following changes are suggested:

Page 1: The “Project Summary” says “*The amendments would allow larger additions (up to 50 percent of the existing floor area or 500 square feet, whichever is **greater**) ...*” I believe it meant “**less**”. Less trivially, **it is unclear if the 500 sf limit is to be understood as a cumulative lifetime cap on the entitlement or the amount that can be added at one time.** That is, does a previous 500 sf addition preclude any future one even if the structure would stay within the “cottage” form described in the code? (for comparison, the “normal” rule in NBMC [Sec. 20.38.040.G](#) governing additions to non-conforming structures is “*limited to a maximum of fifty (50) percent of the gross floor area of the existing structure **within any ten (10) year period***”)

Page 16, under “Exceptions”: “*1. This provision does not apply for permit valuations less than ~~\$209,000~~ **\$220,700**,*”

[On November 19, the City Council conducted the second reading and adopted [Ordinance No. 2019-17](#), which revised the number as shown. The present recommendation would revert the valuation exemption to the prior number. I doubt that is intended as part of this. If so, it is not mentioned in the staff report.]

Page 17, under “3”: “*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 more than 500 square feet, are permitted for projects that remodel and expand a ~~smaller~~ residential dwelling, ~~duplex duplex~~, or triplex that ~~is representative of the traditional development patterns in the City, result in the preservation of the cottage character, and~~ comply with the following criteria:*”

[The purpose of the ordinance seems to be to allow a ministerial approval of certain cottage improvement projects which might currently require a discretionary action, such as a variance. As such, I believe the approval has to be based on objective criteria, specifically the building form specified in subpart “d.” Deciding what is “smaller” or “representative” or in “character” sound highly subjective. The relevance of the same words in the similarly proposed modification to the LCP Implementation Plan is different, since in that case these subjective criteria may be important factors in deciding if a Coastal Development Permit is merited.]

Page 18, top of page: “*c. The square footage of residential parking area additions identified below shall be excluded from the allowed expansion under subsection (A)(3), ~~but shall be included as gross floor area~~,*”

[“Gross floor area” is not referred to anywhere else in the proposed ordinance, so without further explanation I am unable to attach any significance to the words indicated. They do not seem to affect the calculation of what is allowed.]

Page 18, middle of page: “e. *The residential structure shall not include a third floor deck;*”

Page 21, Section 1.2: The suggestion that Newport Beach did not have a Coastal Land Use Plan prior to 2005 is a bit misleading. Although the City adopted an extensively *revised* Coastal Land Use Plan in 2005 (see [Resolution No. 2005-64](#)), as that explains, it has had a certified CLUP since 1982 (see [Resolution No. 82-25](#)).

Page 21, Section 1.5: Regarding compliance with [14 CCR § 13515](#), the [Notice of Availability](#) and proposed text distributed on October 4, 2019, is not what the Commission is currently considering. I don't believe a copy of the most recently proposed cottage preservation LCP amendment was made available for public review at the public libraries (the only [version](#) they have appears to be from prior to October 17 hearing), nor, to the best of my knowledge, has a new Notice of Availability announcing the revised text been [posted](#) on the City website (not a legal requirement until January 1).

Page 24, proposed Policy 2.9.3-8: Not only does this not inform the Coastal Commission of the 500 square foot limitation, but it is not a clear policy statement since neither “*the cottage character of the development*” nor the “*building envelope representative of traditional cottage development patterns in the City*” are defined or even described in the Land Use Plan. **It seems to me the intent of the policy cannot be understood without adding something to the CLUP narrative.**

Page 25, middle of page: “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 the parking area if it would result in additional public street parking.*”

[?? – I continue to be uncertain what word or words are missing from this passage in the [existing code](#).]

Page 25, bottom of page: “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~~;*”

[see comment on page 15, above]

Page 26, middle of page: “e. *The residential structure shall not include a third floor deck;*”

From: Carmen Rawson <carmen_rawson@att.net>
Sent: Thursday, November 21, 2019 10:41 AM
To: Murillo, Jaime
Cc: Peter; Weigand, Erik; Lowrey, Lee; Dept - City Council; Campbell, Jim; Jurjis, Seimone
Subject: Planning Commission Public Hearing November 21, 2019 - Cottage Preservation Code and LCP Amendments (PA2019-181)

Good morning Jaime,

I realize that this message is being sent to you at the very last minute but better now than never. There are two issues I would like to bring up regarding the subject:

1. Additions to a dwelling to comply with property set backs

I have noticed some "cottage" dwellings in the city are built into the corresponding lot setbacks (legal non-conforming units). If an existing dwelling is non-conforming because it is built protruding into a setback I believe a remodeling/addition, under a cottage preservation project, should not be allowed to be located protruding into any of the lot setback areas.

2. Existing garages being used as living space to revert back to being used as a garage

I have noticed some existing "cottage" dwellings that have an existing garage, but a closer look of the garage door indicates the door has been permanently sealed meaning the garage area has been unofficially converted to "living space". As part of a cottage preservation project I believe an existing garage that is being used as living space shall be reverted back to be used as a garage.

Please take these two comments into consideration as part of the subject code amendments.

Regards,
Carmen Rawson
Balboa Peninsula Resident