



CITY OF

NEWPORT BEACH

City Council Staff Report

October 28, 2025
Agenda Item No. 3

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Jaime Murillo, Acting Community Development Director - 949-644-3209, jmurillo@newportbeachca.gov

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TITLE: Ordinance Nos. 2025-32 and 2025-33: Amending Titles 20 and 21 of the Newport Beach Municipal Code Establishing the Special Flood Hazard (VE) Overlay

ABSTRACT:

For the City Council's consideration is the adoption of Ordinance Nos. 2025-32 and 2025-33, which amend Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to establish the Special Flood Hazard Area (VE) Overlay. The amendments would establish the overlay and modify allowed setback encroachments to help provide access without impact to the buildable area of affected residential lots. These ordinances were introduced and considered at the October 14, 2025, City Council meeting.

RECOMMENDATIONS:

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2), 15060(c)(3), and 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines because it has no potential to have a significant effect on the environment;
- b) Conduct a second reading and adopt Ordinance No. 2025-32, *An Ordinance of the City Council of the City of Newport Beach, California, Adopting Revisions to Zoning Code Amendment (PA2018-075) Amending Title 20 (Planning and Zoning) of the City of Newport Beach Municipal Code to Establish the Special Flood Hazard Area Overlay for Consistency with the California Coastal Commission's Modifications (PA2018-075)*; and
- c) Conduct a second reading and adopt Ordinance No. 2025-33, *An Ordinance of the City Council of the City of Newport Beach, California, Approving an Amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code, as Modified by the California Coastal Commission, to Establish the Special Flood Hazard Area Overlay (PA2018-075)*.

DISCUSSION:

The proposed amendments would establish the Special Flood Hazard Area (VE) Overlay (i.e., the “VE Overlay”) in Title 20 (Planning and Zoning) and Title 21 (Local Coastal Program Implementation Plan) of the NBMC. The changes affect 166 properties located within the VE Overlay as designated by the Federal Emergency Management Agency (FEMA) in March 21, 2019, Flood Insurance Rate Maps (FIRMs). Residential construction in the VE Special Flood Hazard Area is required to raise the finished floor approximately three to five feet above the ground on posts, piers, or piles. The overlay is intended to resolve a design constraint by providing flexibility for the allowed height of encroachments in front, side, and rear setbacks, to allow for reasonable access to the elevated homes.

On June 13, 2023, the City Council introduced Ordinance No. 2023-10 to establish the VE Overlay in Title 20 of the NBMC for the Special Flood Hazard Area (VE) to modify allowed setback encroachments. The Ordinance was adopted on June 27, 2023, but deferred the effective date until the associated Title 21 amendments were approved by the California Coastal Commission (CCC). Concurrently, on June 13, 2023, the City Council adopted Resolution No. 2023-34, authorizing submittal of the Local Coastal Program Amendment (PA2018-075) to the CCC to similarly amend Title 21. The changes proposed to Titles 20 and 21 are consistent.

On July 10, 2025, the CCC approved the LCP Amendment with suggested modifications.

At October 14, 2025, City Council meeting, the City Council held a public hearing to consider the CCC suggested modifications and unanimously voted to accept the suggested modifications and introduced Ordinance Nos. 2025-32 and 2025-33. No further amendments were requested. If the ordinances are adopted, the Ordinance amendment to the LCP will be sent back to the CCC for final acceptance. Once accepted by the CCC, the ordinances will become effective.

FISCAL IMPACT:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the City Council find this action 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, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Staff recommend that the City Council also find these amendments categorically exempt from CEQA pursuant to Section 15305 under Class 5 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines, because they have no potential to have a significant effect on the environment.

The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density. The amendments seek to provide flexibility for potential encroachments into side, rear, and front setback areas for properties located within the VE Zone. The proposed changes to the NBMC could result in raised decks, landings, stairs, and other accessory features in the front, side, and rear setbacks for the affected properties. All changes are limited in scope and would only alter regulations for the height of accessory structures, which would not result in any changes to land use intensity or density.

The exceptions to this categorical exemption under Section 15300.2 are not applicable. The affected location does not impact an environmental resource of hazardous or critical concern, does not result in cumulative impacts, does not have a significant effect on the environment due to unusual circumstances, does not damage scenic resources within a state scenic highway, is not a hazardous waste site, and is not identified as a historical resource.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the City Council considers the item).

ATTACHMENTS:

Attachment A – Ordinance No. 2025-32 (Title 20)
Attachment B – Ordinance No. 2025-33 (Title 21)