



CITY OF

NEWPORT BEACH

City Council Staff Report

July 22, 2025
Agenda Item No. 23

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: Seimone Jurjis, Assistant City Manager/Community Development Director - 949-644-3232, sjurjis@newportbeachca.gov

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TITLE: Ordinance No. 2025-14: Amending Title 21 of the Newport Beach Municipal Code Related to Comprehensive Municipal Code Amendments (PA2022-0219)

ABSTRACT:

On November 14, 2023, the City Council authorized the submittal of an amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code (NBMC) to the California Coastal Commission (CCC). The amendment would clean up certain provisions consistent with the broader effort to update the NBMC made effective by Ordinance No. 2023-22.

On May 7, 2025, the CCC denied the submitted amendment but approved it with suggested modifications. For the City Council's consideration is an ordinance amending Title 21 and accepting and incorporating the CCC's suggested modifications.

RECOMMENDATIONS:

- a) Conduct a public hearing;
- b) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- c) Waive full reading, direct the City Clerk to read by title only, introduce Ordinance No. 2025-14, *An Ordinance of the City Council of the City of Newport Beach, California, Approving a Local Coastal Program Amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code as Modified by the California Coastal Commission Related to Comprehensive Municipal Code Amendments (PA2022-0219)*, and pass to second reading on August 26, 2025.

DISCUSSION:

On November 14, 2023, the City Council introduced Ordinance No. 2023-22 (Attachment B) to update and streamline various NBMC titles. Concurrently, the Council adopted Resolution No. 2023-76, authorizing submittal of the Local Coastal Program Amendment

(PA2022-0219) to the CCC to similarly amend Title 21. Ordinance No. 2023-22 was adopted on November 28, 2023, but Title 21 remained pending CCC approval. The proposed changes affecting Title 21 included:

- Deletion of Chapter 21.34 (Conversion or Demolition of Affordable Housing), as the requirements in this Chapter are already provided for in State law and, furthermore, the City does not meet the criteria for its applicability;
- Creating a coastal development permit exemption for tentative parcel maps involving the subdivision of airspace within multi-unit dwellings for condominium purposes;
- Correcting, updating and/or clarifying references to State law throughout;
- Changing references from “Building Director” or “Planning Director” to “Community Development Director”; and
- Clarifying the definition of “Code” to mean the Newport Beach Municipal Code.

Coastal Commission Action and Acceptance of Suggested Modifications

On February 8, 2024, the City submitted the City Council’s authorized Title 21 amendment to the CCC. On May 7, 2025, the CCC considered and denied the amendment, as submitted, but approved it with suggested modifications, which are outlined in Attachment D.

A summary of the suggested modifications include:

- **Suggested Modification 5:** Modify Subsection 21.52.035(C) regarding Coastal Act Exemptions to remove the proposed exemption related to tentative parcel maps for condominium purposes; and
- **Suggested Modification 6:** Simplify footnotes to Tables 21.18-4, 21.22-3, and 21.22-4 by referencing Chapter 21.32 (Density Bonus); revise California Government Code references in Section 21.48.200 and update language for consistency with State law for accessory dwelling units; and revise the definition of “Density bonus” in Section 21.70.020 (Definitions of Specialized Terms and Phrases).

“Suggested Modification 5” omits a newly proposed streamlining exemption that would remove the requirement for a coastal development permit when a tentative parcel map for condominium purposes is proposed for a property in the Coastal Zone. Coastal Commission staff found there was no support for such an exemption in the Coastal Act. Accepting this Suggested Modification will have no impact on the City’s current practices.

“Suggested Modification 6” captures the most recent language used from more recent amendments to Title 21 and other Titles in the NBMC for consistency purposes and presents no material changes to the City’s request. Between the submission of this Local Coastal Program Amendment and the Coastal Commission hearing, several other

amendments affecting the same language were adopted, so this Suggested Modification resulted from City staff's coordination with Coastal Commission staff to ensure previous changes were not undone by the proposed amendment.

The City Council must accept or reject all the suggested modifications. Partial acceptance is not permitted and would require resubmittal to the CCC through a new amendment application. A redline-strikeout version incorporating all CCC modifications is included as Attachment E.

If introduced, the ordinance would return for a second reading on August 26, 2025, and take effect 30 days thereafter.

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.

NOTICING:

Pursuant to Section 13515 of the California Code of Regulations, a review draft of the Local Coastal Program Amendment was made available, and a Notice of Availability was originally distributed on October 3, 2023, to all persons and agencies on the Notice of Availability mailing list.

In addition, notice of this amendment was published in the Daily Pilot as an eighth-page advertisement, consistent with the provisions of the NBMC and State law. The item also appeared on the agenda for this meeting, which was posted at City Hall and on the City's website.

Furthermore, 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. 2025-14

Attachment B – Ordinance No. 2023-22

Attachment C – Resolution No. 2023-76

Attachment D – Coastal Commission Approval Letter and Suggested Modifications

Attachment E – Redline-Strikeout Version