

Attachment F

Coastal Commission Approval Letter and Suggested Modifications

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
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September 9, 2025

City of Newport Beach
Planning Department
Liz Westmoreland, Principal Planner
100 Civic Center Drive
Newport Beach, CA 92660

RE: City of Newport Beach Local Coastal Program (LCP) Amendment No. LCP-5-NPB-23-0039-3, Part B (Beachfront Setback Encroachments).

Dear Ms. Westmoreland,

You are hereby notified that the California Coastal Commission, at its July 10, 2025 meeting, approved the City of Newport Beach Local Coastal Program (LCP) Amendment No. LCP-5-NPB-23-0039-3, Part B with suggested modifications. Amendment No. LCP-5-NPB-23-0039-3, Part B, which was submitted pursuant to City Council Resolution No. 2023-37, incorporates changes to the Implementation Plan (IP) portion of the LCP to establish a 'Special Flood Hazard (VE)' overlay, which would allow accessory structure encroachments within setbacks in beachfront lots.

The Commission approved the LCP Amendment with suggested modifications. Thus, the Amendment will become final once: 1) The City of Newport Beach City Council adopts the Commission's suggested modifications, 2) the City of Newport Beach City Council forwards the adopted suggested modifications to the Commission by Resolution, and 3) the Executive Director certifies that the City has complied with the Commission's July 10, 2025 action. The Coastal Act requires that the City's adoption of the suggested modifications be completed within six (6) months of the Commission's action.

Pursuant to the Commission's action on July 10, 2025, certification of the City of Newport Beach LCP Amendment No. LCP-5-NPB-23-0039-3, Part B is subject to the attached Suggested Modifications (Attachment A).

Thank you for your cooperation and we look forward to working with you and your staff in the future. Please email Dulce Cortez or myself if you have any questions regarding the modifications required for effective certification of City of Newport Beach LCP Amendment No. LCP-5-NPB-23-0039-3, Part B.

Sincerely,

DocuSigned by:
A handwritten signature in blue ink, appearing to read "Amrita Spencer".
D781AF30CE0C4F5...

Amrita Spencer
District Manager

cc: File

Jaime Murillo, City of Newport Beach

Attachment A: Suggested Modifications to Amendment No. LCP-5-NPB-23-0039-3, Part B

Certification of City of Newport Beach Local Coastal Program (LCP) Amendment No. LCP-5-NPB-23-0039-3, Part B is subject to the following modifications.

Text added by the suggested modification is **bold, italicized, and underlined**, and text suggested to be deleted is ~~struck through~~. Only those subsections of the LCP for which modifications are being suggested are shown below.

Suggested Modification 1:

Section 21.28.070, Special Flood Hazard Area (VE) Overlay District.

- A. Applicability. This section applies to encroachments for residential properties ~~located in the coastal high hazard area as defined in Chapter 15.50 (Floodplain Management) and identified as VE 13 or VE 15 on the adopted FEMA FIS and FIRM pursuant to Section 15.50.070 (Basis for Establishing the Areas of Special Flood Hazard) identified as VE 13 or VE 15 on the Federal Emergency Management Agency's "Flood Insurance Study (FIS) for Orange County, California and Incorporated Area" dated revised March 21, 2019. ...~~

Chapter 21.80, Maps.

Section 21.80.070, Special Flood Hazard Area (VE) Overlay.

VE-1 –Special Flood Hazard Area (VE) Overlay (PDF)

Suggested Modification 2:

- C. Allowed Encroachments in Front Setbacks. Encroachments may be located within a required front setback area subject to the following restrictions:

1. The design of the encroachment shall comply with the building standards set forth in Section 15.05.100 (Amendment to Section R301.2.4) and either of the following:

a. Chapter 15.50 (Flood Plain Management); or

b. The Flood Resistant Design and Construction publication by the American Society of Civil Engineers (ASCE 24).

2. For interior lots, excluding the required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s). A deck, balcony, patio, or terrace encroachment shall not exceed three (3) feet into the front setback. Stairs, steps, or landing encroachments required for access may extend to front property line.

3. For corner lots, excluding the required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s) and may extend into the front setback adjacent to the beach, permitted Ocean Front Encroachment areas (Appendix C Ocean Front Encroachment Policy Guidelines of Title 21), or Ocean Front Boardwalk. A deck, balcony, patio, or terrace encroachment shall not exceed three (3) feet into the front setback. Encroachments are subject to compliance with all other development standards of the underlying zoning district including Section 21.30.130 (Traffic Safety Visibility Area).

1. For interior lots and corner lots, one set of access stairs from the grade level to the first elevated floor is allowed to encroach up to three (3) feet into the front setback. Excluding the required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s). Encroachments are subject to compliance with all other development standards of the underlying zoning district including Section 21.30.130 (Traffic Safety Visibility Area).

- a. Corner lots shall be developed in a manner that ensures visibility across the corners of the intersecting streets, alleys, sidewalks, private driveways, and the Ocean Front Boardwalk. Notwithstanding the requirements of this subsection (C), no encroachment over thirty (30) inches in height from existing grade shall be located within the traffic visibility triangle (i.e. the triangular-shaped area on a corner lot formed by measuring the five (5) feet from the intersection of the front and street side property lines adjacent to the Ocean Front Boardwalk).
- b. Improvements or structures that exceed the allowable height limit for visibility in the traffic safety visibility area may be approved by the City Traffic Engineer if he/she determines that the location and/or height of the existing or proposed improvement or structure allows for the unobstructed view of oncoming traffic including bicyclists, and pedestrians by a driver, bicyclist, or pedestrian approaching an intersection.

4.2. Guardrails and handrails in the front setback shall be constructed of either transparent material (except for supports) or opaque material (e.g. decorative grillwork, wrought iron, latticework, or similar materials) so that at least forty percent (40%) of the guardrail or handrail is open. Handrails and guardrails shall not exceed the minimum height requirements set forth in the California Building Code for safety purposes.

Suggested Modification 3:

Section 21.28.070, Special Flood Hazard Area (VE) Overlay District.

- A. Applicability. ...For purposes of this section, "encroachments" are limited to balconies, decks, landings, patios, platforms, porches, steps, raised walkways, or terraces required for access. With the exception of the encroachments authorized herein, all development shall comply with the applicable residential development

standards (e.g., floor area limit, setbacks, parking) of the underlying zoning district set forth in the NBMC. In situations where an inconsistency occurs between the development standards of the underlying zoning district and the standards in this section related to encroachments, the standards related to encroachments in this section shall apply. The encroachments allowed by this section shall only apply ~~to new construction, substantial damage, or substantial improvements to the structure pursuant to when the project is required to comply with Section 15.50 (Floodplain Management)~~ for residential properties where the structure is required to raise the foundation above the design flood elevation. **Nothing in this section shall be construed to constitute a waiver of, or exclusion from, the building standards set forth in Section 15.50 (Floodplain Management).**

- B. Allowed Encroachments in Side and Rear Setbacks. An encroachment may be located within a required side or rear setback area other than those abutting an alley subject to the following restrictions:

1. The design of the encroachment shall comply with the building standards set forth in Section 15.05.100 (Amendment to Section R301.2.4) and either of the following:

a. Chapter 15.50 (Flood Plain Management); or

b. The Flood Resistant Design and Construction publication by the American Society of Civil Engineers (ASCE 24).

2.1. For interior lots, the encroachment may be located in one (1) or more side or rear setback and may extend to the property line abutting the side or rear setback. Encroachments in an interior side or rear setback may only be permitted to the minimum extent necessary to provide access to the dwelling from both the front and the rear of the property.

3.2. For corner lots, the encroachment may be located in the interior side or rear setback. Encroachments in a side or rear setback facing a street may only be permitted to the minimum extent necessary to provide access to the dwelling from both the front and the rear of the property. The encroachment shall comply with all other development standards of the underlying zoning district including Section 21.30.130 (Traffic Safety Visibility Area).

4.3. Excluding required guardrails or handrails, the finished surface of the encroachment shall not exceed six (6) inches above the finished floor of the dwelling unit(s).

5.4. Guardrails and handrails in the side and rear setback shall be constructed of either transparent material (except for supports) or opaque material (e.g. decorative grillwork, wrought iron, latticework, or similar materials) so that at least forty percent (40%) of the guardrail or handrail is open. Handrails and guardrails shall not exceed the minimum height requirements set forth in the California Building Code for safety purposes.