

Attachment A

Ordinance No. 2025-13

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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 RELATED TO COMMERCIAL PARKING (PA2021-104)

WHEREAS, Section 200 of the City Charter, of the City of Newport Beach ("City"), vests the City Council with the authority to make and enforce all laws, rules and regulations with respect to municipal affairs subject only to the restrictions and limitations contained in the City Charter and the State Constitution, and the power to exercise, or act pursuant to any and all rights, powers, and privileges or procedures granted or prescribed by any law of the State of California;

WHEREAS, Section 30500 of the California Public Resources Code requires each county and city to prepare a local coastal program ("LCP") for that portion of the coastal zone within its jurisdiction;

WHEREAS, in 2005, the City adopted the City of Newport Beach Local Coastal Program Coastal Land Use Plan ("Coastal Land Use Plan"), which has been amended from time to time;

WHEREAS, the California Coastal Commission effectively certified the City's Local Coastal Program Implementation Plan on January 13, 2017, and the City added Title 21 (Local Coastal Program Implementation Plan) ("Title 21") to the City of Newport Beach Municipal Code ("NBMC") whereby the City assumed coastal development permit-issuing authority on January 30, 2017;

WHEREAS, City Council Policy K-1 (General Plan and Local Coastal Program) requires amendments to the City of Newport Beach certified Local Coastal Program codified in Title 21 to be initiated by the City Council;

WHEREAS, the City Council conducted a study session on January 26, 2021, regarding parking regulations and outdoor dining;

WHEREAS, at the conclusion of the session, the City Council provided direction to evaluate modernizing the City's parking regulations including emerging trends such as rideshare and delivery services, and identify other changes to support the retention of expanded outdoor dining due to the COVID-19 pandemic;

WHEREAS, the City Council adopted Resolution No. 2021-121 on November 30, 2021, initiating code amendments to Title 20 (Planning and Zoning) ("ZC Amendment") and Title 21 of the NBMC ("LCP Amendment") related to commercial parking;

WHEREAS, the City hosted a virtual community meeting on September 7, 2022, to share potential changes to the regulations related to parking;

WHEREAS, the Planning Commission conducted a study session on October 20, 2022, on potential updates to the NBMC, including bicycle-based reductions, shared-mobility-based reductions, revised parking ratios, and administrative reductions by the Community Development Director;

WHEREAS, the Planning Commission held a public hearing on April 20, 2023, in the City Council Chambers, located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the hearing was given in accordance with California Government Code Section 54950 *et seq.* ("Ralph M. Brown Act") and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2023-019 by a unanimous vote (6 ayes, 0 nays) recommending approval of the ZC Amendment and LCP Amendment to the City Council;

WHEREAS, pursuant to Section 13515 (Public Participation and Agency Coordination Procedures) of the California Code of Regulations Title 14, Division 5.5, Chapter 8, Subchapter 2, Article 5 (Public Participation) ("Section 13515"), drafts of the LCP Amendment were made available, and a Notice of Availability was distributed at least six weeks prior to the anticipated final action date;

WHEREAS, the City Council held a public hearing on May 9, 2023, in the City Council Chambers located at 100 Civic Center Drive, Newport Beach, California. Notice of time, place and purpose of the public hearing was given in accordance with the Ralph M. Brown Act, Section 13515, and Chapters 20.62 and 21.62 (Public Hearings) of the NBMC. Evidence, both written and oral, was presented to, and considered by, the City Council at this public hearing;

WHEREAS, the City Council adopted Resolution No. 2023-27 on May 9, 2023, authorizing the submittal of the LCP Amendment filed as PA2021-104 to the Coastal Commission by a unanimous vote (7 ayes, 0 nays);

WHEREAS, the City Council also adopted Ordinance No. 2023-6 on May 23, 2023, adopting the updates to Title 20 of the NBMC; and

WHEREAS, the California Coastal Commission approved the LCP Amendment (LCP-5-NPB-23-0039-3 Part A [Non-Residential Parking Standards]) on June 12, 2025, as a major amendment with no modifications, as a result, is deemed approved and certified as part of Title 21.

NOW THEREFORE, the City Council of the City of Newport Beach ordains as follows:

Section 1: The City Council hereby approves the LCP Amendment (PA2021-104) to amend Title 21 of the NBMC as set forth in Exhibit "A," based upon the Findings in Exhibit "B," both of which are attached hereto and incorporated herein by reference.

Section 2: The LCP Amendment (PA2021-104) will be carried out fully in conformity with the California Coastal Act.

Section 3: The recitals provided in this ordinance are true and correct and are incorporated into the substantive portion of this ordinance.

Section 4: If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

Section 5: The City Council finds the introduction and adoption of this ordinance 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, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 6: Except as expressly modified in this ordinance, all other sections, subsections, terms, clauses and phrases set forth in the Newport Beach Municipal Code shall remain unchanged and shall be in full force and effect.

Section 7: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the ordinance, or a summary thereof, to be published pursuant to City Charter Section 414.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 22nd day of July 2025, and adopted on the 26th day of August 2025, by the following vote, to-wit:

AYES: _____
NAYS: _____
ABSENT: _____

JOE STAPLETON, MAYOR

ATTEST:

MOLLY PERRY, INTERIM CITY CLERK

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



AARON C. HARP, CITY ATTORNEY

Attachments: Exhibit A – LCP Amendment (PA2021-104)
Exhibit B – Findings in Support of LCP Amendment (PA2021-104)

EXHIBIT “A”

LCP AMENDMENT (PA2021-104)

Section 1: A portion of Table 21.20-1 in Section 21.20.020 (Commercial Coastal Zoning Districts Land Uses) of the NBMC is amended to read as follows:

TABLE 21.20-1 ALLOWED USES	Commercial Coastal Zoning Districts							
	A Allowed — Not Allowed *							
Land Use See Part 7 of this Implementation Plan for land use definitions. See Chapter 21.12 for unlisted uses.	CC	CG	CM (3)	CN	CV (3)	CV-LV (3)	OG	Specific Use Regulations
Eating and Drinking Establishments								
Accessory Food Service (open to public)	A	A	A	A	A	A	A	
Bars, Lounges, and Nightclubs	A	A	A	A	A	—	—	
Fast Food	A	A	A	A	A	A	A	
Food Service	A	A	A	A	A	A	A	
Take-Out Service—Fast-Casual (up to 20 seats)	A	A	A	A	A	A	A	

Section 2: A portion of Table 21.22-1 in Section 21.22.020 (Mixed-Use Coastal Zoning Districts Land Uses) of the NBMC is amended to read as follows:

TABLE 21.22-1 ALLOWED USES	Mixed-Use Zoning Districts			
	A Allowed — Not Allowed *			
Land Use See Part 7 of this Implementation Plan for land use definitions. See Chapter 21.12 for unlisted uses.	MU-V (6)	MU-MM (4)	MU-CV/15th St. (5)(6)	Specific Use Regulations
Eating and Drinking Establishments				
Accessory Food Service (open to public)	A	A	A	
Fast Food	A	A	A	
Food Service	A	A	A	
Take-Out Service—Fast-Casual (up to 20 seats)	A	A	A	

Section 3: Portions of Table 21.40-1 (Off-Street Parking Requirements) in Section 21.40.040 (Off-Street Parking Spaces Required) of the NBMC are amended to read as follows:

**TABLE 21.40-1
OFF-STREET PARKING REQUIREMENTS**

Land Use	Parking Spaces Required
Eating and Drinking Establishments	
Accessory (open to public)	1 per each 3 seats or 1 per each 75 sq. ft. of net public area, whichever is greater
Bars, Lounges, and Nightclubs	1 per each 4 persons based on allowed occupancy load or as required by conditional use permit
Food Service with/without alcohol, with/without late hours	1 per 100 sq. ft., and 1 per 150 sq. ft. for outdoor dining areas
Food Service—Fast food	1 per 50 sq. ft., and 1 per 100 sq. ft. for outdoor dining areas
Take-Out Service—Fast-Casual (up to 20 seats)	1 per 250 sq. ft., including outdoor dining areas

Section 4: Section 21.40.060 (Parking Requirements for Food Service Uses) of the NBMC is stricken and removed in its entirety as follows:

21.40.060 Reserved.

Section 5: Section 21.40.110 (Adjustments to Off-Street Parking Requirements) is amended as follows:

The number of parking spaces required by this chapter may be reduced only in compliance with the following standards and procedures.

- A. ADA Compliance. The Community Development Director may administratively reduce parking requirements due to a loss of parking spaces because of ADA requirements associated with tenant improvements.
- B. Reduction of Required Off-Street Parking. Off-street parking requirements may be reduced as follows:

1. **Reduced Parking Demand.** Required off-street parking may be reduced in compliance with the following conditions:
 - a. The applicant has provided sufficient data, including a parking study if required by the Director, to indicate that parking demand will be less than the required number of spaces or that other parking is available (e.g., City parking lot located nearby, on-street parking available, greater than normal walk in trade, mixed-use development); and
 - b. A parking management plan shall be prepared in compliance with subsection (C) of this section (Parking Management Plan).
2. **Joint Use of Parking Facilities.** Required nonresidential off-street parking may be reduced where two or more nonresidential uses on the same site or immediately adjacent sites have distinct and differing peak parking demands (e.g., a theater and a bank). The review authority may grant a joint use of parking spaces between the uses that results in a reduction in the total number of required parking spaces.
3. **On-Site Bicycle Facilities.** Required nonresidential off-street parking may be reduced where there is a demonstrated use of bicycles as a mode of transportation. The review authority may reduce the number of required parking spaces by one space for every three bicycle parking spaces provided on the same site they serve, up to five percent of the total requirement in compliance with the following conditions:
 - a. The applicant has provided sufficient evidence to substantiate that there exists a demand for bicycle parking; and
 - b. The bicycle parking spaces are located completely within the private property they serve.
 - c. An additional five percent reduction may be allowed when end-of-trip facilities for employees are provided on the same site they serve, including, but not limited to showers and locker facilities.
4. **Space for Shared Mobility.** Required nonresidential off-street parking may be reduced by up to ten percent in compliance with the following conditions:

- a. Exclusive of curb space needed for emergency access purposes (e.g., a fire lane), the development includes at least 20 linear and contiguous feet of onsite dedicated curb-space located entirely on private property; or
 - b. There is one off-street parking space designated and signed for the use of shared-mobility vehicles and/or pick-up/drop-off located on private property and on the same site it is intended to serve.
- C. **Parking Management Plan.** When a parking management plan to mitigate impacts associated with a reduction in the number of required parking spaces is required by this chapter, the parking management plan may include, but is not limited to, the following when required by the review authority:
 - 1. Restricting land uses to those that have hours or days of operation so that the same parking spaces can be used by two or more uses without conflict;
 - 2. Restricting land uses with high parking demand characteristics;
 - 3. Securing off-site parking;
 - 4. Providing parking attendants and valet parking;
 - 5. Utilization of transportation demand management strategies that promote the use of alternative transportation modes (e.g., ridesharing, carpools, vanpools, public transit, shuttles, bicycles and walking) pursuant to Section 21.44.030 (Transportation Demand Management); and
 - 6. Other appropriate mitigation measures.
- D. **Required Data.** In reaching a decision to allow a reduction of required parking spaces, the review authority shall consider data submitted by the applicant or collected/prepared at the applicant's expense.
- E. **Impact to Coastal Access Prohibited.** No application for a reduction in the number of off-street parking requirements shall be approved that impacts public parking available for coastal access.

Section 6: The definition of "Take-out service, limited" in Section 21.70.020 (Definitions of Specialized Terms and Phrases) of the NBMC is amended as follows:

8. "Take-out service—Fast-casual" means an establishment that sells food or beverages and that has all of the following characteristics:
- a. Sales are primarily for off-site consumption;
 - b. Customers order and pay for food at either a counter or service window;
 - c. No more than a total of 20 seats, including seats in interior areas and seats in outdoor dining areas, may be provided for on-site consumption of food or beverages; and
 - d. Alcoholic beverages are not sold, served, or given away on the premises.

Typical uses include bakeries, candy, coffee, nut and confectionery stores, ice cream and frozen dessert stores, small delicatessens, small restaurants, and similar establishments.

EXHIBIT “B”

FINDINGS IN SUPPORT OF LCP AMENDMENT (PA2021-104)

An amendment to Title 21 (Local Coastal Program Implementation Plan) of NBMC is a legislative act. There are no required findings for either approval or denial of such amendments. Notwithstanding the foregoing, the LCP Amendment is consistent with the City Council’s initiation and is in furtherance of the Coastal Land Use Plan’s Goals and, specifically, the following Policies:

Policies:

1. 2.1.4-5.

Development shall be designed and planned to achieve high levels of architectural quality and compatibility among on-site and off-site uses. Adequate pedestrian, non-automobile and vehicular circulation and parking shall be provided.

2. 2.9.3-2.

Continue to require new development to provide off-street parking sufficient to serve the approved use in order to minimize impacts to public on-street and off-street parking available for coastal access.

3. 2.9.3-4.

Periodically review and update off-street parking requirements to ensure that new development provides off-street parking sufficient to serve approved uses.

Fact in Support of Policies:

The LCP Amendment includes revisions to the parking requirements for some commercial uses, including take-out service and full service eating and drinking establishments (i.e., “restaurants”). The LCP Amendment leaves most other parking requirements intact. The LCP Amendment further considers alternative modes of transportation and encourages them through offering reduced parking requirements when accommodations are provided.