

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CALIFORNIA 90802-4830
(562) 590-5071 FAX
WWW.COASTAL.CA.GOV



TH10

Prepared January 26, 2026 (for the February 05, 2026 Hearing)

To: Commissioners and Interested Parties
From: Karl Schwing, South Coast District Deputy Director
Subject: **South Coast District Deputy Director's Report for Orange County for February 2026**

The following coastal development permit (CDP) waivers, CDP extensions, immaterial CDP amendment, and Executive Director Concurrence for the South Coast District Office are being reported to the Commission on February 05, 2026. Pursuant to the Commission's procedures, each item has been appropriately noticed as required, and each item is also available for review at the Commission's South Coast District Office in Long Beach. Staff is asking for the Commission's concurrence on the items in the South Coast District Deputy Director's report, and will report any objections received and any other relevant information on these items to the Commission when it considers the report on February 5th.

With respect to the February 5th hearing, interested persons may sign up to address the Commission on items contained in this report prior to the Commission's consideration of this report. The Commission can overturn staff's noticed determinations for some categories of items subject to certain criteria in each case (see individual notices for specific requirements).

Items being reported on February 05, 2026 (see attached)

Waivers

- 5-25-0624-W, Barbara, New ADU (Seal Beach)
- 5-25-0793-W, Deverian, Addition and remodel SFR (Laguna Beach)
- 5-25-0893-W, Schwartz, New ADU, (San Clemente)
- 5-25-0902-W, Stamen, Convert garage to new ADU (San Clemente)

CDP Extensions

- A-5-LGB-20-0055-E2, Remodel SFR (Laguna Beach)

Immaterial CDP Amendment

- 5-23-0333-A1, Skylar, New easement, (Huntington Beach)

Executive Director Concurrence

- LCP-5-NPB-23-0039-Part B, City of Newport Beach to amend the Implementation Plan of the City's certified Local Coastal Program (Newport Beach)

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January 23, 2026

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-25-0624-W

Applicant: Joseph Barbara

Location: 132 E. Dolphin Avenue, Seal Beach (Orange County) (APN(s): 199-083-03)

Proposed Development: Construction of a 420 sq. ft. Accessory Dwelling Unit (ADU) over an existing detached 420 sq. ft. two-car garage with a new exterior staircase for access to the ADU associated with an existing single-family residence. A new roof top deck will also be constructed above the ADU. Post project, the overall height of the garage and ADU structure will be approximately 21 ft. above grade.

Rationale: The proposed project is located on a 2,500 sq .ft. lot approximately 715 ft. inland of the public beach and landward of the first public road parallel to the sea. The lot is designated as residential high density (RHD-20) in the City of Seal Beach Zoning Code. The proposed project conforms to the permitted use and development standards pursuant to the Zoning Code. According to the Coastal Storm Modeling System (CoSMoS) sea level rise model, the project site is subject to flooding with up to 4.1 ft. of sea level rise. While the subject site is in a hazardous location the new habitable area will be located above the existing garage, the applicant is not proposing a shoreline protective device to protect the development subject to the application and the applicant has acknowledged the risks of development at this location. The proposed project design is compatible with the character of surrounding development. The proposed development will not adversely impact coastal resources, public access, or water quality, and is consistent with past Commission actions in the area and Chapter Three policies of the Coastal Act. Also, the proposed development will not prejudice the City's ability to prepare a Certified Local Coastal Program.

Coastal Development Permit De Minimis Waiver
5-25-0624-W

This waiver will not become effective until reported to the Commission at its **February 4-6, 2026** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Dr. Kate Huckelbridge
Executive Director

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

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January 20, 2026

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-25-0793-W

Applicant: Jon & Holly Deverian

Location: 2 Encino Laguna Beach (Orange County) (APN(s): 056-215-07)

Proposed Development: Addition of 216.59 square feet of new living area to an existing Single Family Residence, remodel of 1,002 square feet of interior area, new self-contained spa area, installation of new 3.5 ft picket fence consistent with the materials and colors of the existing fencing, new entry pilasters, new fire pit, new landscaping, and addition of 82 square feet of covered porch area.

Rationale: The subject site is a 5,495 square foot lot with an existing single-family residence on site, located within the gated community of Three Arch Bay, one of three areas of deferred certification in the otherwise certified City of Laguna Beach. Three Arch Bay was deferred due to public access issues arising from the locked gate nature of the community. However, the proposed development will have no effect on existing public access conditions. The subject lot is not a bluff or oceanfront lot and is not located between the first private road and the sea; it is an interior lot surrounded by existing development. The site is zoned Three Arch Bay by the City, which allows for low-density residential development. The proposed project conforms to the low-density residential zoning designation. The project as proposed would include a new 3" solid drainpipe, a French drain which would tie into the sites existing drainage system and would include a new sump and sump pump. The proposed runoff control measures are consistent with the marine/water quality protection policies of the Coastal Act. Two parking spaces and two tandem parking spaces are maintained on the site and ample street parking is provided throughout the gated community for residents and guests. The proposed project design is compatible with the character of surrounding

Coastal Development Permit De Minimis Waiver
5-25-0793-W

development and will not adversely impact visual or coastal resources, public access, or public recreation opportunities. The proposed development is consistent with past Commission actions in the area and with the Chapter Three policies of the Coastal Act and will not prejudice the City's ability to prepare a certified Local Coastal Program (LCP) for the Three Arch Bay Area.

This waiver will not become effective until reported to the Commission at its February 4-6, 2026 meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Sincerely,

Kate Huckelbridge, PhD
Executive Director

Original on File signed by:

Colby Gonzalez
Coastal Program Analyst

cc: Commissioners/File

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT OFFICE
301 E. OCEAN BLVD, SUITE 300
LONG BEACH, CA 90802-4325
PHONE (562) 590-5071



January 21, 2026

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-25-0893-W**Applicant:** Jeremy Schwartz**Location:** 211 W Escalones, San Clemente, Orange County (APN: 692-073-21)**Proposed Development:** Convert an existing utility room and covered patio into a 300 sq. ft. accessory dwelling unit on the 2nd floor in the rear of an existing 2-story, 3-unit multi-family residential property.

Rationale: The project site is located on a developed 3,860 sq. ft. lot located 0.25 mile inland of the ocean, in an urbanized residential neighborhood. The lot is designated Residential Medium (RM) by the City's certified Land Use Plan and the proposed project conforms to the permitted use and development standards for the RM zone. The proposed development will convert an attached utility room and covered patio on the 2nd floor of the existing structure into an ADU, with no change in 3 on-site parking spaces. The project site is located within 0.4 mile from a transit stop. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project design is compatible with the character of surrounding development, will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous Commission action in the area, and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **February 4-6, 2026** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Dr. Kate Huckelbridge
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

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January 21, 2026

Coastal Development Permit De Minimis Waiver Coastal Act Section 30624.7

Based on the project plans and information provided in your permit application for the development described below, the Executive Director of the Coastal Commission hereby waives the requirement for a Coastal Development Permit pursuant to Section 13238.1, Title 14, California Code of Regulations. If, at a later date, this information is found to be incorrect or the plans revised, this decision will become invalid; and, any development occurring must cease until a coastal development permit is obtained or any discrepancy is resolved in writing.

Waiver: 5-25-0902-W**Applicant:** Randall & Teri Stamen**Location:** 216 Via Alegre, San Clemente, Orange County (APN: 691-295-08)

Proposed Development: Convert an existing detached 2-car garage into a 510 sq. ft. accessory dwelling unit associated with an existing 1,381 sq. ft. single-family residential property; two uncovered parking spaces will remain on site.

Rationale: The project site is located on a developed 6,000 sq. ft. lot located 0.32 mile inland of the ocean, in an urbanized residential neighborhood. The lot is designated Residential Low (RL) by the City's certified Land Use Plan and the proposed project conforms to the permitted use and development standards for the RL zone. The proposed development will convert an existing 2-car garage into an ADU. There are at least two tandem unenclosed parking spaces in the driveway that leads to the existing garage. Therefore, the project would not adversely impact public access in the area. Additionally, the proposed project design is compatible with the character of surrounding development, will not prejudice the City's ability to prepare a certified Local Coastal Program and is consistent with the designation in the City's certified Land Use Plan, previous Commission action in the area, and Chapter 3 policies of the Coastal Act.

This waiver will not become effective until reported to the Commission at its **February 4-6, 2026** meeting and the site of the proposed development has been appropriately noticed, pursuant to 13054(b) of the California Code of Regulations. The Notice of Pending Permit shall remain posted at the site until the waiver has been validated and no less than seven days prior to the Commission hearing. If four (4) Commissioners object to this waiver of permit requirements, a coastal development permit will be required.

Dr. Kate Huckelbridge
Executive Director

Vince Lee
Coastal Program Analyst

cc: File

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January 23, 2026

NOTICE OF EXTENSION REQUEST FOR COASTAL DEVELOPMENT PERMIT

Notice is hereby given that Lucy Donahue has applied for a one year extension of Coastal Development Permit No. A-5-LGB-20-0055 granted by the California Coastal Commission on November 16, 2022. This is the second extension request.

for: Remodel of an existing 3,023 sq. ft. single-family home, including: (1) 1,101 sq. ft. of additions; (2) tandem parking; (3) 372 sq. ft. new elevated decks; (4) new skylights; (5) new pool/spa; (6) new pedestrian entry feature; and (7) new landscaping.

at: 1225 Cliff Dr, Laguna Beach, Orange County (APN: 053-161-05)

Pursuant to Section 13169 of the Commission Regulations, the Executive Director has determined that there are no changed circumstances affecting the proposed development's consistency with the Coastal Act. The Commission Regulations state that "if no objection is received at the Commission office within ten (10) working days of publishing notice, this determination of consistency shall be conclusive... and the Executive Director shall issue the extension." If an objection is received, the extension application shall be reported to the Commission for possible hearing.

People who wish to object or have questions concerning this extension application should contact the district office of the Commission at the above address or phone number.

Sincerely,

Dr. Kate Huckelbridge
Executive Director

Fernie Sy
Coastal Program Analyst

cc: Commissioners/File

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January 23, 2026

NOTICE OF PROPOSED IMMATERIAL PERMIT AMENDMENT

Coastal Development Permit Amendment No. **5-23-0333-A1**

To: All Interested Parties

From: Dr. Kate Huckelbridge, Executive Director

Subject: Amendment to Coastal Development Permit (CDP) 5-23-0333

Applicant: Ashely Skylar

Project Site: 16850 Bayview Drive, Huntington Beach, Orange County (APN: 178-532-13).

Original CDP Approval: Remove an 8 ft. x 53 ft. floating dock, 4 ft. x 19 ft. gangway, 3 ft. x 7 ft. gangway platform, two 14 in. guide piles, and terminate an easement on the north side of Ramora Channel. Proposed project also involves creating a new easement on the south side of Ramora Channel, the removal of an unpermitted dock system, consisting of a 100 sq. ft. floating dock, a 2.5 ft. by 16.5 ft. gangway and two 3 ½ in. guide piles, and the construction of a new approximately 192 sq. ft. floating dock, a 3 ft. x 14 ft. gangway, and two 14 in. guide piles. The applicant is also proposing to construct a new 5 ft. by 22 ft. cantilevered deck with 42 in. high steel wire cable railing, and a 10 in. height extension of the existing bulkhead.

Proposed CDP Amendment:

The Executive Director of the California Coastal Commission has reviewed a proposed amendment to the above referenced permit, which would result in the following changes:

Changes to **Special Condition 1** (Termination and Elimination Agreement) to require the applicant to record a Quitclaim Deed for the easement on the Northern Side of the channel, rather than the Termination and Elimination Agreement. The Commission authorizes no other changes to the special conditions of amended Coastal Development Permit 5-23-0333 other than the modification of **Special Condition 1**.

NOTICE OF PROPOSED IMMATERIAL AMENDMENT

5-23-0333-A1

FINDINGS:

The Executive Director has determined this amendment to be IMMATERIAL within the meaning of Section 13166(b) of the Commission's regulations.¹ Pursuant to Section 13166(b)(1), if no written objection to this notice of immaterial amendment is received at the Commission office listed above within ten (10) working days of mailing said notice, the determination of immateriality shall be conclusive, and the amendment shall be approved (i.e., the permit will be amended as proposed).

Pursuant to Section 13166(b)(2), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the Executive Director determines that the objection does not raise an issue of conformity with the Coastal Act or certified local coastal program if applicable, the amendment shall not be effective until the amendment and objection are reported to the Commission at its next regularly scheduled meeting. If any three Commissioners object to the Executive Director's designation of immateriality, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting. If no three Commissioners object to the Executive Director's designation of immateriality, that designation shall stand, and the amendment shall become effective.

Pursuant to Section 13166(b)(3), if a written objection to this notice of an immaterial amendment is received within ten (10) working days of mailing notice, and the Executive Director determines that the objection does raise an issue of conformity with the Coastal Act or a certified local coastal program if applicable, the amendment application shall be referred to the Commission to be reviewed as a material amendment at a subsequent Commission meeting.

The Executive Director has determined this proposed amendment to be "immaterial" for the following reasons:

The proposed amendment involves modifying **Special Condition 1** to swap out recordation of the required Termination and Elimination Agreement for a Quitclaim Deed for the easement on Northern side of Ramora Channel. The Termination and Elimination Agreement was intended to terminate the easement on the Northern side of the channel, so that the applicant could obtain a new easement on the Southern side of the channel necessary to construct a new floating dock in front of the applicant's property. The applicant attempted to record the Termination and Elimination Agreement, consistent with the requirements of **Special Condition 1**, however the applicant was informed by

¹ The Commission's regulations are codified in Title 14 of the California Code of Regulations.

NOTICE OF PROPOSED IMMATERIAL AMENDMENT
5-23-0333-A1

the County's Recorders Office that this document could not be recorded. Thus, the applicant worked with Commission staff and City of Huntington Beach staff to come up with an alternative that would serve the same purpose, termination of the easement on the Northern side of Ramora Channel. The alternative that was determined to result in the termination of that easement, was the recordation of a Quitclaim Deed. Thus, modifications are necessary to **Special Condition 1** to enact this change. The proposed changes to **Special Condition 1** are not anticipated to impact coastal resources including, but not limited to, public access, biological resources, water quality, and marine resources. Thus, the amendment was determined to be immaterial as it does not lessen the intent of the underlying CDP and would not result in any new adverse impacts on sensitive coastal resources. Additionally, the proposed development is consistent with past Commission actions in the area and Chapter 3 policies of the Coastal Act.

If you wish to register an objection to the processing of this amendment application as an immaterial amendment, please send the objection in writing to the address above. If you have any questions about this notice, please contact Emily Greer at emily.greer@coastal.ca.gov or (562) 590-5071.

Original on File signed by:

Emily Greer
Coastal Program Analyst

EXHIBIT A – Standard and Special Conditions pursuant to CDP No. 5-23-0333 through CDP Amendment No. 5-23-0333-A1

NOTE: Exhibit A includes all standard and special conditions that apply to this permit, as approved by the Commission in its original action and modified and/or supplemented by CDP Amendment No. 5-23-0333-A1. Added language is shown in **bold underline** and deleted language is shown in **~~bold strikethrough~~**. This will result in one set of adopted special conditions.

STANDARD CONDITIONS:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the

NOTICE OF PROPOSED IMMATERIAL AMENDMENT
5-23-0333-A1

permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

SPECIAL CONDITIONS:

1. ~~**Termination and Elimination Agreement Northern Easement.**~~ PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall record ~~the Termination and Elimination Agreement~~ **a Quitclaim Deed** for the ~~easement dock~~ on the northern side of Ramora Channel and provide a copy of the recorded document to the Commission's Executive Director ~~(Exhibit 3)~~.

2. **No Future Bayward Extension of the Shoreline Protective Device.**

By acceptance of this Permit, the permittee agrees, on behalf of itself (or himself or herself or themselves, as applicable) and all successors and assigns, that no future repair or maintenance, enhancement, reinforcement, or any other activity affecting the shoreline protective device that is the subject of Coastal Development Permit No. 5-23-0333, shall result in any encroachment bayward of the authorized footprint of the shoreline structure. By acceptance of this Permit, the permittee waives, on behalf of itself (or himself or herself or themselves, as applicable) and all successors and assigns, any rights to such activity that may exist under Public Resources Code Section 30235.

3. **Water Quality - Construction Responsibilities and Debris Removal**

NOTICE OF PROPOSED IMMATERIAL AMENDMENT
5-23-0333-A1

- a. No demolition or construction materials, equipment, debris, or waste shall be placed or stored where it may enter sensitive habitat, receiving waters or a storm drain, or be subject to wave, wind, rain or tidal erosion and dispersion;
- b. Any and all debris resulting from demolition or construction activities, and any remaining construction material, shall be removed from the project site within 24 hours of completion of the project;
- c. Demolition or construction debris and sediment shall be removed from work areas each day that demolition or construction occurs to prevent the accumulation of sediment and other debris that may be discharged into coastal waters;
- d. Machinery or construction materials not essential for project improvements will not be allowed at any time in the intertidal zone;
- e. If turbid conditions are generated during construction a silt curtain will be utilized to control turbidity;
- f. Floating booms will be used to contain debris discharged into coastal waters and any debris discharged will be removed as soon as possible but no later than the end of each day;
- g. Non buoyant debris discharged into coastal waters will be recovered by divers as soon as possible after loss;
- h. All trash and debris shall be disposed in the proper trash and recycling receptacles at the end of every construction day;
- i. The applicant shall provide adequate disposal facilities for solid waste, including excess concrete, produced during demolition or construction;
- j. Debris shall be disposed of at a legal disposal site or recycled at a recycling facility. If the disposal site is located in the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place unless the Executive Director determines that no amendment or new permit is legally required;
- k. All stock piles and construction materials shall be covered, enclosed on all sides, shall be located as far away as possible from drain inlets and any waterway, and shall not be stored in contact with the soil;
- l. Machinery and equipment shall be maintained and washed in confined areas specifically designed to control runoff. Thinners or solvents shall not be discharged into sanitary or storm sewer systems;
- m. The discharge of any hazardous materials into any receiving waters shall be prohibited;
- n. Spill prevention and control measures shall be implemented to ensure the proper handling and storage of petroleum products and other construction materials. Measures shall include a designated fueling and vehicle maintenance area with appropriate berms and protection to prevent any spillage of gasoline or related petroleum products or contact with runoff.

NOTICE OF PROPOSED IMMATERIAL AMENDMENT

5-23-0333-A1

The area shall be located as far away from the receiving waters and storm drain inlets as possible;

- o. Best Management Practices (BMPs) and Good Housekeeping Practices (GHPs) designed to prevent spillage and/or runoff of demolition or construction-related materials, and to contain sediment or contaminants associated with demolition or construction activity, shall be implemented prior to the on-set of such activity; and
- p. All BMPs shall be maintained in a functional condition throughout the duration of construction activity.

4. Best Management Practices

By acceptance of this permit the applicant agrees that the long-term water-borne berthing of boat(s) in the approved dock and/or boat slip will be managed in a manner that protects water quality pursuant to the implementation of the following BMPs.

1) Boat Cleaning and Maintenance Measures:

- a. In-water top-side and bottom-side boat cleaning shall minimize the discharge of soaps, paints, and debris;
- b. In-the-water hull scraping or any process that occurs under water that results in the removal of paint from boat hulls shall be prohibited. Only detergents and cleaning components that are designated by the manufacturer as phosphate-free and biodegradable shall be used, and the amounts used minimized; and
- c. The applicant shall minimize the use of detergents and boat cleaning and maintenance products containing ammonia, sodium hypochlorite, chlorinated solvents, petroleum distillates or lye.
- d. Any and all debris/trash found near the dock will be removed.

2) Solid and Liquid Waste Management Measures:

- a. All trash, recyclables, and hazardous wastes or potential water contaminants, including old gasoline or gasoline with water, absorbent materials, oily rags, lead acid batteries, anti-freeze, waste diesel, kerosene and mineral spirits will be disposed of in a proper manner and will not at any time be disposed of in the water or gutter.

NOTICE OF PROPOSED IMMATERIAL AMENDMENT
5-23-0333-A1

3) Petroleum Control Management Measures:

- a. Boaters will practice preventive engine maintenance and will use oil absorbents in the bilge and under the engine to prevent oil and fuel discharges. Oil absorbent materials shall be examined at least once a year and replaced as necessary. Used oil absorbents are hazardous waste in California. Used oil absorbents must therefore be disposed in accordance with hazardous waste disposal regulations. The boaters will regularly inspect and maintain engines, seals, gaskets, lines and hoses in order to prevent oil and fuel spills. The use of soaps that can be discharged by bilge pumps is prohibited;
- b. If the bilge needs more extensive cleaning (e.g., due to spills of engine fuels, lubricants or other liquid materials), the boaters will use a bilge pump-out facility or steam cleaning services that recover and properly dispose or recycle all contaminated liquids; and
- c. Bilge cleaners which contain detergents or emulsifiers will not be used for bilge cleaning since they may be discharged to surface waters by the bilge pumps.

4) Leakage Measures:

- a. Any leakage or spills must be immediately reported to the management team, Huntington Beach Fire Department and/or the City of Huntington Beach Hazmat Team.
- b. In the event of leakage or spill of hazardous materials to the marine environment, the source of the leakage or spill is terminated immediately.
- c. All tenant vessels should have absorbent pads on board. This product should be an oil-only absorbent product which soaks up hydrocarbons – gasoline, diesel fuel, oil, hydraulic fluids- but not water. Other absorbent products that “eat” hydrocarbons are not allowed. No boater shall pour loose remediation productions or spray any remediation products on the water at anytime.

5. Eelgrass Survey(s)

NOTICE OF PROPOSED IMMATERIAL AMENDMENT

5-23-0333-A1

- a. **Pre-Construction Eelgrass Survey.** A valid pre-construction eelgrass (*Zostera marina*) survey shall be completed during the period of active growth of eelgrass (typically March through October). The pre-construction survey shall be completed prior to the beginning of construction and shall be valid until the next period of active growth. The survey shall be prepared in full compliance with the “California Eelgrass Mitigation Policy” dated October 2014 (except as modified by this special condition) adopted by the National Marine Fisheries Service and shall be prepared in consultation with the California Department of Fish and Wildlife. The applicant shall submit the eelgrass survey for the review and approval of the Executive Director within five (5) business days of completion of each eelgrass survey and in any event no later than fifteen (15) business days prior to commencement of any development. If the eelgrass survey identifies any eelgrass within the project area which would be impacted by the proposed project, the development shall require an amendment to this permit from the Coastal Commission or a new coastal development permit.
- b. **Post-Construction Eelgrass Survey.** If any eelgrass is identified in the project area or the 10 meter buffer area by the pre-construction survey required by Subsection A of this condition, within 30 days of completion of construction, or within the first 30 days of the next active growth period following completion of construction that occurs outside of the active growth period, the applicant shall survey the project site and the 10 meter buffer area to determine if any eelgrass was adversely impacted. The survey shall be prepared in full compliance with the CEMP adopted by the NMFS (except as modified by this special condition), and in consultation with the CDFW. If side-scan sonar methods are to be used, evidence of a valid permit from CSLC must also be provided prior to the commencement of each survey period. The applicant shall submit the post-construction eelgrass survey for the review and approval of the Executive Director within thirty (30) days after completion of the survey. If any eelgrass has been adversely impacted, the applicant shall replace the impacted eelgrass at a minimum final 1.38:1 ratio on-site (mitigation: impact), or at another location, in accordance with the CEMP. Any exceptions to the required 1.38:1 minimum final mitigation ratio found within the CEMP shall not apply. Based on past performance of eelgrass mitigation efforts, in order to achieve this minimum, the appropriate regional initial planting ratio provided in the CEMP should be used. Implementation of mitigation to ensure success in achieving the minimum final mitigation ratio (1.38:1) shall require an amendment to this permit or a new coastal development permit unless the Executive Director provides a written determination that no amendment or new permit is required.

NOTICE OF PROPOSED IMMATERIAL AMENDMENT
5-23-0333-A1

6. Pre-construction Caulerpa Sp. Survey

- a. Not earlier than 90 days nor later than 30 days prior to commencement or recommencement of any development authorized under this coastal development permit (the “project”), the applicant shall undertake a survey of the project area and a buffer area at least 10 meters beyond the project area to determine the presence of the invasive alga *Caulerpa* sp. The survey shall include a visual examination of the substrate.
- b. The survey protocol shall be prepared in consultation with the Regional Water Quality Control Board, the California Department of Fish and Wildlife, and the National Marine Fisheries Service.
- c. Within five (5) business days of completion of the survey, the applicant shall submit the survey:
 - i. for the review and approval of the Executive Director; and
 - ii. to the Surveillance Subcommittee of the Southern California *Caulerpa* Action Team (SCCAT). The SCCAT Surveillance Subcommittee may be contacted through California Department of Fish & Wildlife (858/467-4218) National Marine Fisheries Service (562/980-4043).
- d. If *Caulerpa* species is found within the project or buffer areas, the applicant shall not proceed with the project until 1) the applicant provides evidence to the Executive Director, subject to concurrence by the Executive Director, that all *Caulerpa* sp. discovered within the project and buffer area has been eliminated in a manner that complies with all applicable governmental approval requirements, including but not limited to those of the California Coastal Act, or 2) the applicant has revised the project to avoid any contact with *Caulerpa* species. No revisions to the project shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

7. Public Rights and Public Trust

The Coastal Commission’s approval of this permit shall not constitute a waiver of any public rights that exist or may exist on the property. The permittee shall not use this permit as evidence of a waiver of any public rights that may exist on the property now or in the future.

NOTICE OF PROPOSED IMMATERIAL AMENDMENT
5-23-0333-A1

8. Resource Agencies

The permittee shall comply with all requirements, requests and mitigation measures from the Regional Water Quality Control Board (RWQCB); the U.S. Army Corps of Engineers (USACE), the California Department of Fish and Wildlife (CDFW), and the U.S. Fish and Wildlife Service (USFWS) with respect to preservation and protection of water quality and marine environment. Any change in the approved project that may be required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

9. Overwater Development, Dock Float and Pier Lease Program

By acceptance of Coastal Development Permit 5-23-0333, the permittee agrees, on behalf of itself and all successors and assigns, that should the City of Huntington Beach implement an overwater development, dock float and pier lease program in this location for the limited-term private use and occupation of State Tidelands for development associated with recreational boating activities (i.e., cantilever decks, private docks and piers), the development over State Tidelands subject to this permit shall be subject to the terms of such dock float and pier lease program.

10. Assumption of Risk, Waiver of Liability and Indemnity.

By acceptance of this permit, the permittee acknowledges and agrees (i) that the site may be subject to hazards from waves, erosion, storm conditions, liquefaction, flooding, and sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

11. Bird Strike Prevention.

Harbor front deck railing systems, fences, screen walls, gates, and windows subject to this permit shall use materials designed to minimize bird-strikes with the deck railing, fence, gate, or window. Such materials may consist, all or in

NOTICE OF PROPOSED IMMATERIAL AMENDMENT

5-23-0333-A1

part, of wood, wrought iron, frosted or partially-frosted glass, Plexiglas or other visually permeable barriers that are designed to prevent creation of a bird strike hazard. Clear glass or Plexiglas may be installed only if it contains UV-reflective glazing that is visible to birds designed to reduce bird strikes by reducing reflectivity and transparency. All materials shall be maintained throughout the life of the development to ensure continued effectiveness at minimizing bird strikes and shall be maintained at a minimum in accordance with manufacturer specifications. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

12. Future Development

This permit is only for the development described in CDP No. 5-23-0333. Pursuant to Title 14 of the California Code of Regulations, Section 13253(b)(6), the exemptions otherwise provided in Public Resources Code Section 30610(b) shall not apply to the development governed by CDP No. 5-23-0333, including the proposed bulkhead improvements, private dock float system and cantilevered deck. Accordingly, any future improvements to the development authorized by this permit, including but not limited to repair and maintenance identified as requiring a permit in Public Resources Code Section 30610(d) and Title 14 of the California Code of Regulations, Sections 13252(a)-(b), shall require an amendment to CDP No. 5-23-0333 from the Commission or shall require an additional CDP from the Commission or from the applicable certified local government.

13. Deed Restriction.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the landowners have executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use

NOTICE OF PROPOSED IMMATERIAL AMENDMENT
5-23-0333-A1

and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

CALIFORNIA COASTAL COMMISSION

SOUTH COAST DISTRICT
301 E. OCEAN BLVD., SUITE 300
LONG BEACH, CA 90802
PHONE: (562) 590-5071
WEB: WWW.COASTAL.CA.GOV



Th10

Prepared January 21, 2026 (for February 5, 2026 Hearing)

To: Coastal Commissioners and Interested Persons

From: Dr. Kate Huckelbridge, Executive Director
Karl Schwing, Deputy Director
Mandy Revell, South Coast District Supervisor
Dulce Cortez, Coastal Planner

Subject: Certification Review for City of Newport Beach Amendment Number LCP-5-NPB-23-0039-3, Part B (Beachfront Setback Encroachments)

On July 10, 2025, the California Coastal Commission considered City of Newport Beach LCP Amendment (LCP-5-NPB-23-0039-3, Part B) which proposed amendments to the Implementation Plan (IP) portion of the City's certified LCP to establish a Special Flood Hazard Area (VE) Overlay District. The amendment allows limited accessory structure encroachments within front, side, and rear setbacks for beachfront residential properties subject to FEMA VE Zone floodplain requirements. At that time, and following a public hearing, the Commission approved the amendment with suggested modifications necessary to ensure consistency with the California Coastal Act.

The Newport Beach City Council considered the Commission's conditional approval at a duly noticed public hearing on October 14, 2025, and subsequently adopted Ordinance No. 2025-33 on October 28, 2025, approving the LCP amendment and incorporating all the Commission's suggested modifications exactly as required (see attachment). The ordinance expressly authorizes City staff to submit adopted modifications to the Coastal Commission for Executive Director review and certification.

The Executive Director has reviewed the City's October 28, 2025 action and has determined that it is legally adequate to meet all of the Commission's conditional certification requirements. The Executive Director will report that determination to the Coastal Commission at the Commission's February 5, 2026 meeting as part of the South Coast District Director's Report. The Commission meeting starts at 9am on February 5th, and the District Director's Report is item number 10 on the agenda for that day. Interested persons are welcome to submit comments and/or to sign-up to testify to the Commission regarding this matter under that agenda item (see the Commission's website at www.coastal.ca.gov for further information and instructions to participate in these ways).

Please note that this certification review is not a time to revisit any substantive issues associated with the approval of the subject LCP amendment, as certification review is limited to the question of whether the City adopted the suggested modifications to the

LCP-5-NPB-23-0039-3, Part B Certification Review

LCP amendment approved by the Commission. Please further note that the Executive Director's determination is not subject to any required concurrence or approval by the Commission, but rather is simply being reported to the Commission as is required by the Commission's regulations in order to allow for the amended LCP to be certified in that form (see Title 14, Division 5.5, Sections 13544 and 13544.5). Upon reporting this item to the Commission in the South Coast District Director's Report, the amended LCP will be certified as of that date and time.

If you have any questions about this LCP amendment certification review process, including questions about how to submit written comments and/or to testify to the Commission, please contact the South Coast District office at (562) 590-5071 and/or southcoast@coastal.ca.gov.

Attachment: Newport Beach City Council's October 28, 2025 Action

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)

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, the City adopted the City of Newport Beach LCP Coastal Land Use Plan in 2005, which has been amended from time to time;

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

WHEREAS, new Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRMs") went into effect on March 21, 2019, for Newport Beach and include the new designation of a Special Flood Hazard Area ("VE Zone") affecting 166 beachfront properties in the West Newport area between 24th Street and 48th Street;

WHEREAS, new development within the VE Zone must meet FEMA construction design criteria, including elevation of structures with pilings, posts, piers, or columns to raise the main residential structure approximately three to five feet from existing grade, so that these structures are designed and engineered to allow water to flow below the elevated floor system without damaging the foundation or creating substantial debris;

WHEREAS, of the 166 affected properties, 27 properties are within the VE 13 Zone and require elevating structures approximately three feet above existing grade while the remaining 139 properties are within the VE 15 Zone and require elevating structures approximately five feet above existing grade;

WHEREAS, compliance with the VE Zone design criteria presents several challenges for new residential development to also meet the requirements of Title 21 of the NBMC since compliance with the VE Zone design criteria significantly limits means of access to the dwelling, as well as the usability of outdoor areas;

WHEREAS, City Council Policy K-1 (General Plan and Local Coastal Program) requires amendments to the City's certified LCP as implemented by and codified in Title 21 to be initiated by the City Council;

WHEREAS, the City Council adopted Resolution No. 2019-31 on March 26, 2019, initiating a Zoning Code Amendment ("ZCA") and Local Coastal Program Amendment ("LCPA") to amend Title 20 and Title 21 of the NBMC to modify the setback encroachment regulations for residential properties in the VE Zone;

WHEREAS, since adoption of the new FIRMs, the City has approved five variance applications for new residential projects in the VE Zone seeking relief from the setback standards in Titles 20 and 21 of the NBMC that directly conflict with the ability to comply with FEMA's VE Zone design criteria;

WHEREAS, approval and implementation of the LCPA will facilitate compliance and minimize variance requests in the VE Zone;

WHEREAS, the affected properties are categorized as RS-D (Single Unit Residential Detached) and RT (Two Unit Residential) by the General Plan Land Use Element and are located within the R-1 (Single-Unit Residential) and R-2 (Two-Unit Residential) Zoning Districts;

WHEREAS, the affected properties are located within the Coastal Zone with a Coastal Land Use Plan category of RSD-D (Single Unit Residential Detached – 20.0-29.9 DU/AC) and RT-E (Two Unit Residential – 30.0 – 39.9 DU/AC) and Coastal Zoning District designations of R-1 (Single-Unit Residential) and R-2 (Two-Unit Residential);

WHEREAS, a draft of the LCPA was presented to the design community on December 2, 2021, and to affected and nearby property owners on January 19, 2022, via virtual community meetings with comments incorporated into the proposed amendments to the extent feasible;

WHEREAS, the Planning Commission held a duly noticed public hearing on May 4, 2023, in the Council Chambers located at 100 Civic Center Drive, Newport Beach, California. A notice of time, place and purpose of the public hearing was given in accordance with the 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 public hearing;

WHEREAS, at the conclusion of the public hearing, the Planning Commission adopted Resolution No. PC2023-022 by unanimous vote (7 ayes, 0 nays) recommending approval of the ZCA and LCPA to the City Council;

WHEREAS, pursuant to Title 14 of the California Code of Regulations ("CCR") Section 13515 (Public Participation), drafts of the LCPA were made available, and a Notice of Availability was distributed at least six weeks prior to the final action date;

WHEREAS, the City Council held a duly noticed public hearing on June 13, 2023, in the 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 the 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 City Council at this hearing;

WHEREAS, the City Council adopted Resolution No. 2023-37 on June 13, 2025, by a unanimous vote (7 ayes – 0 nays), authorizing submittal of the LCPA filed as PA2018-075 to the Coastal Commission;

WHEREAS, the City Council also adopted Ordinance No. 2023-10 by a unanimous vote (7 ayes, 0 nays), on June 27, 2023, to approve the ZCA and update Title 20 of the NBMC with the effective date contingent upon the Coastal Commission's certification of the LCPA;

WHEREAS, the Coastal Commission denied the LCPA (LCP-5-NPB-23-0039-3 Part B) on July 10, 2025, as submitted and approved it with suggested modifications deemed necessary to find consistency with the California Coastal Act; and

WHEREAS, the City Council held a public hearing on October 14, 2025, 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.

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

Section 1: The City Council hereby approves the LCPA (PA2018-075) and accepts the suggested modifications approved by the Coastal Commission to amend Title 21 of the NBMC as set forth in "Exhibit A," based upon the Facts in Support of Findings set forth in Exhibit "B," both of which are attached hereto and incorporated herein by reference.

Section 2: The LCP, including the LCPA, will be carried out in full 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: The City Council hereby authorizes City staff to submit this ordinance for a determination by the Coastal Commission's Executive Director that this action satisfies the specific requirements of the Coastal Commission's July 10, 2025, action on LCPA Request No. LCP-5-NPB-23-0039-3 Part B.

Section 5: This ordinance shall not become effective for thirty days after adoption and until the Executive Director of the Coastal Commission certifies this ordinance complies with the Coastal Commission's July 10, 2025, action on LCPA Request No. LCP-5-NPB-23-0039-3 Part B.

Section 6: 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, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 7: The City Council finds this LCPA 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 California Code of Regulations, Title 14, Division 6, Chapter 3 ("CEQA Guidelines"), because it has no potential for resulting in physical change to the environment, directly or indirectly.

The City Council also finds this LCPA is exempt categorically from CEQA pursuant to Section 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. The Class 5 exemption allows minor alterations in land use limitations in areas with an average slope of less than twenty percent, which do not result in any changes in land use or density. The LCPA seeks 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 in 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.

Section 8: 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 9: 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 and the same shall become final and effective as provided in Section 5 of this ordinance.

This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach held on the 14th day of October, 2025, and adopted on the 28th day of October, 2025, by the following vote, to-wit:

AYES: Mayor Stapleton, Mayor Pro Tem Kleiman, Councilmember Barto,
Councilmember Blom, Councilmember Grant, Councilmember
Weber, Councilmember Weigand

NAYS: None

ABSENT: None



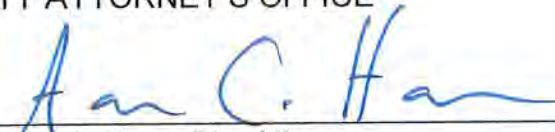
Joe Stapleton, Mayor

ATTEST:



Lena Shumway, City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE



Aaron C. Harp, City Attorney

Attachment(s): Exhibit A – Local Coastal Program Amendment (PA2018-075)
 Exhibit B – Facts in Support of Findings (PA2018-075)

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Lena Shumway, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing ordinance, being Ordinance No. 2025-33 was duly introduced on the 14th day of October, 2025, at a regular meeting, and adopted by the City Council at a regular meeting duly held on the 28th day of October, 2025, and that the same was so passed and adopted by the following vote, to wit:

AYES: Mayor Joe Stapleton, Mayor Pro Tem Lauren Kleiman, Councilmember Michelle Barto, Councilmember Blom, Councilmember Robyn Grant, Councilmember Sara J. Weber, Councilmember Erik Weigand

NAYS: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 1th day of November 2025.



Lena Shumway,
City Clerk
City of Newport Beach, California

CERTIFICATE OF PUBLICATION

STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Lena Shumway, City Clerk of the City of Newport Beach, California, do hereby certify that Ordinance No. 2025-33 has been duly and regularly published according to law and the order of the City Council of said City and that same was so published in the *Daily Pilot*, a newspaper of general circulation on the following dates:

Introduced Ordinance: October 4, 2025
Adopted Ordinance: November 1, 2025

In witness whereof, I have hereunto subscribed my name this 1th day of November, 2025.



Lena Shumway
City Clerk
City of Newport Beach, California

EXHIBIT "A"

LOCAL COASTAL PROGRAM AMENDMENT (PA2018-075)

- I. The table of contents of Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C and H) of the NBMC shall be amended to read as follows:

Chapter 21.28 OVERLAY ZONING DISTRICTS (MHP, PM, B, HO, H, VE)

Sections:

- 21.28.010 Purposes of Overlay Coastal Zoning Districts.**
- 21.28.020 Mobile Home Park (MHP) Overlay Coastal Zoning District.**
- 21.28.030 Parking Management (PM) Overlay District.**
- 21.28.040 Bluff (B) Overlay District.**
- 21.28.050 Canyon (C) Overlay District.**
- 21.28.060 Height (H) Overlay District.**
- 21.28.070 Special Flood Hazard Area (VE) Overlay District.**

- II. Section 21.28.010 (Purposes of Overlay Zoning Districts) of the NBMC is amended to add subsection (F) to read as follows:

F. Special Flood Hazard Area (VE) Overlay Zoning District. The VE Overlay District is intended to modify certain development standards for properties subject to special flood hazards as identified by the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) for Orange County, California and Incorporated Area with accompanying FEMA Flood Insurance Rate Maps (FIRM).

- III. Section 21.28.070 (Special Flood Hazard Area (VE) Overlay District) of the NBMC shall be added to read as follows:

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

A. Applicability. This section applies to encroachments for residential properties 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" revised March 21, 2019. 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 when the project is required to comply with Chapter 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 Chapter 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. 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.
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 20.30.130 (Traffic Safety Visibility Area).
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).
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 (40) percent 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.

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

1. For interior lot 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.

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 (40) percent 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.

IV. Subsection (f) shall be added to Section 21.30.110(D)(1) (General Regulations) of the NBMC to read as follows:

f. Special Flood Hazard Area (VE) Overlay. Encroachments allowed by this subsection shall apply to properties within the VE Overlay except as modified by Section 21.28.070 (VE Overlay). See Section 21.28.070 (VE Overlay) for setback regulations and additional authorized encroachments.

V. The table of contents of Chapter 21.80 (Maps) of the NBMC shall be amended to read as follows:

Chapter 21.80 MAPS

Sections:

- 21.80.010 Area Maps.**
- 21.80.020 Bluff overlay.**
- 21.80.025 Housing Opportunity Overlay Zoning Districts maps.**
- 21.80.030 Height limit areas.**
- 21.80.035 Parking Management Overlay District maps.**

- 21.80.040 Setback maps.**
- 21.80.055 Planned Community Site Plans.**
- 21.80.065 Planned Community Land Use Maps.**
- 21.80.070 Special Flood Hazard Area (VE) Overlay map.**

VI. Section 21.80.070 (Special Flood Hazard Area (VE) Overlay) of the NBMC shall be added to read as follows:

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

VE-1 – Special Flood Hazard Overlay (PDF)

EXHIBIT "B"

FACTS IN SUPPORT OF FINDINGS (PA2018-075)

An amendment to Title 21 (Planning and Zoning) of the NBMC is a legislative act. There are no required findings for either approval or denial of such amendments.

Notwithstanding the foregoing, the Local Coastal Program Amendment is consistent with the City Council's initiation and allows for orderly residential development while protecting property rights, as identified below.

1. The Local Coastal Program Amendment is consistent with Coastal Land Use Plan Policy 2.7-1 and General Plan Land Use Element Policy LU 5.1.6, which require development to maintain appropriate setbacks for residential development to protect the character of established neighborhoods and to protect coastal access and coastal resources. The proposed amendments would only apply to private residential single-unit and two-unit properties and do not authorize any changes to public property.
2. The Local Coastal Program Amendment does not authorize any new development that will block coastal access, nor does it change the dimensions of setbacks. Instead, it will provide flexibility in the application of height requirements for accessory structures within front, side, and rear setbacks. No changes to density or to maximum height limits of principal structures are proposed as part of this amendment. All new residential development in the VE Zone will require approval of a coastal development permit to evaluate compliance with the Coastal Act, including potential impacts to views and access related to the proposed design and location.
3. Typical residential properties along the beach and boardwalk can achieve seamless indoor and outdoor living with front patios along the sand or boardwalk. As of the effective date of the new FIRMs, properties in the VE Zone are no longer able to achieve this design, as their finished floors are elevated well above the beach or boardwalk. The existing residential development standards in the NBMC limit accessory structures to 42 inches maximum within the front setback. However, in the VE Zone, no patios or decks attached to the principal structure can be located below the first-floor elevation. This significantly limits outdoor living space for the affected properties. Furthermore, no direct access to the ground is provided, as the required stairs and handrails or guardrails exceed height limits in the front setback. The Local Coastal Program Amendment is therefore necessary to provide parity between residential properties located in the VE Zone and typical residential properties throughout Coastal Zone. The changes will allow for encroachments, such as raised landings, decks, patios, platforms, stairs, railings, handrails and terraces to exceed the maximum height limits for accessory structures within front, side, and rear yard setbacks (with limitations) for new residential construction within the VE Zone.

4. New residential construction, substantial improvements, and substantial damage projects in the VE Zone are required to be elevated approximately three to five feet above existing grade and stairs are necessary to access the dwelling from the ground. Currently, the NBMC limits steps, landings, platforms, and similar features to 18 inches from existing grade in the side and rear setback. An 18-inch-high platform is not sufficient to reach the first floor of the new structure. The Zoning Code Amendment and Local Coastal Program Amendment would allow new residential construction to provide direct access to the dwelling from the side or rear setback without the need to reduce the floor area of the dwelling to accommodate the stairs. The required handrails or guardrails would also be allowed as part of the amendment to accommodate access in the side and rear setback areas.
5. With exception of the changes to allowable setback encroachments, all future development within the VE Zone would remain consistent with unchanged applicable standards of the R-1 and R-2 Zoning Districts. These include setbacks, height, floor area limitations, and parking standards.