



## **REVISED NOTICE OF AVAILABILITY OF DRAFT LOCAL COASTAL PROGRAM AMENDMENT RELATED TO THE FLOOD HAZARD OVERLAY**

**NOTICE IS HEREBY GIVEN** that in accordance with applicable provisions of the Coastal Act and California Code of Regulations (CCR) §13515, a draft of the proposed amendment is available for public review and inspection at the Planning Division and at all branches of the Newport Beach Public Library for the following amendment to the Implementation Plan (IP) of certified Local Coastal Program (LCP):

### **Special Flood Hazard Overlay (VE) District LCP Amendment (PA2018-075) –**

An amendment to Title 21 (Local Coastal Program Implementation Plan) of the Newport Beach Municipal Code to establish a “VE” overlay zoning district for 166 properties located within the VE Special Flood Hazard Area. The VE Overlay District would provide modified development standards for new residential development that is required to raise the foundation above the base flood elevation (approximately 3 to 5 feet above the ground) to comply with the Federal Emergency Management Agency (FEMA) standards. Specifically, the VE Overlay District would allow for raised walkways, decks, platforms, stairs, guardrails, and similar features for access in the front, side, and rear setback areas that are currently not allowed.

The Planning Commission of the City of Newport Beach is scheduled to consider this item and make a recommendation to the City Council at a regular meeting to be held at 6:30 p.m. on Thursday, May 4, 2023, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the Planning Commission meeting will be noticed in accordance with City of Newport Beach notification requirements.

Furthermore, the City Council of the City of Newport Beach is tentatively scheduled to consider this item at a regular meeting to be held on Tuesday, **June 13**, 2023, at the City of Newport Beach Council Chambers, 100 Civic Center Drive, Newport Beach, CA 92660. The date and time of the City Council meeting will be noticed in accordance with City of Newport Beach notification requirements.

For questions regarding this Amendment, please contact Liz Westmoreland, Senior Planner, at 949-644-3234 or [lwestmoreland@newportbeachca.gov](mailto:lwestmoreland@newportbeachca.gov).

## EXHIBIT "A"

### LOCAL COASTAL PROGRAM AMENDMENT (PA2018-075)

- I. 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).

- II. The title of Chapter 21.28 (Overlay Coastal Zoning Districts (MHP, PM, B, C and H) shall be amended to read as follows:

Section:

- 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.**

- 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 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). For purposes of this section, "encroachments" are limited to 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

Section 15.50.200 (Coastal High Hazard Areas) for residential properties where the structure is required to raise the foundation above the design flood elevation.

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. 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.
3. 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. The encroachment shall comply with all other development standards of the underlying zoning district including Section 20.30.130 (Traffic Safety Visibility Area).
4. 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. 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.

C. Allowed Encroachments in Front Setbacks.

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).
  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 to the property line abutting the front setback adjacent to the beach or permitted Ocean Front Encroachment areas (Appendix C Ocean Front Encroachment Policy Guidelines of Title 21). Encroachments in a front setback abutting the Ocean Front Boardwalk may be permitted subject to compliance with all other development standards of the underlying zoning district including Section 20.30.130 (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. 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.
- 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.