



CITY OF NEWPORT BEACH

100 Civic Center Drive
Newport Beach, California 92660
949 644-3004 | 949 644-3039 FAX
newportbeachca.gov

September 30, 2019

Mayor

Diane Brooks Dixon

Mayor Pro Tem

Will O'Neill

Council Members

Brad Avery

Joy Brenner

Marshall "Duffy" Duffield

Jeff Herdman

Kevin Muldoon

The Honorable Gavin Newsom
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

**RE: AB 68 (Ting) Accessory Dwelling Units
Request for Veto**

Dear Governor Newsom,

The City Newport Beach urges your veto on AB 68 (Ting), which would significantly overhaul Accessory Dwelling Unit (ADU) law, even though the law was thoroughly revised in the 2016 Legislative Session. These revisions were a product of two carefully negotiated bills that only became effective in January 2017. Our city has worked in good faith to implement those laws, including amending the City's Local Coastal Program. If this bill becomes law, our city would have to reopen our ordinances to comply with the provisions of AB 68.

Loophole around Health and Safety Standards. Section 1 of the bill amends Government Code Section 65852.2 (e), thereby circumventing local ordinances that may exclude ADUs for criteria based on health and safety. Specifically, up to two new-construction ADUs on a parcel with a multifamily dwelling, unlimited ADUs converted from existing space with a multifamily building, a new construction ADU on a parcel with a single family home, and conversions of existing space to create an ADU and Junior Accessory Dwelling Unit (JADU) within a single family home or associated accessory structure would have to be allowed on any residential or mixed use parcel.

Eliminating minimum lots sizes impacts coastal neighborhoods that currently maintain higher densities and are impacted by lack of street parking. Many of the City's neighborhoods in close proximity to the coast were developed in the early 1920's to 1940's, and consist of higher densities, substandard lot sizes, with little on-site parking provided. As a result, on-street parking is heavily impacted resulting in less parking availability for the public to access the coast. Also, many lots in these neighborhoods are developed with less than the permitted number of units and capacity exists to construct additional density; however, redevelopment should occur in conformance with current parking standards ensuring neighborhood compatibility and preservation of on-street parking. Removing the minimum lot size requirement would allow new ADUs with reduced parking standards to be built these areas with high concentration of substandard lots, ultimately affecting the availability of public parking for existing residents and visitors to the beaches.

Allows unit sizes that are no longer “accessory”. Eliminates the City’s ability to regulate the size of ADU’s to ensure they remain accessory and subordinate to the principal dwelling on the lot. The City of Newport has allowed units of up to 750 square feet, which has proven to be large enough to accommodate one or two unit ADUs. The proposed revisions to allow a minimum of 850 square feet for one-bedrooms and 1,000 square feet for two bedrooms would result in units that are out of scale with existing communities and can no longer considered accessory.

Prohibits replacement parking.

When a garage, carport, or covered parking structure is demolished or converted into an ADU, AB68 would prohibit a city from requiring replacement parking. This would only exacerbate existing parking conflicts because we are already currently prohibited from imposing parking requirements on new ADUs if they are within one-half mile of transit.

The City of Newport Beach is a tourist destination serving over 11 million visitors per year and consistent with the California Coastal Act, preserving on-street parking is imperative to ensuring the public’s right to access to the coast. Available street parking is always at a shortage and this bill would only amplify the parking shortage the City experiences.

For these reasons, the City of Newport Beach urges your **Veto** on AB68 (Ting).

Sincerely,



Diane B. Dixon
Mayor

cc: The Honorable Philip Ting
The Governor’s Office (via email: leg.unit@gov.ca.gov)
Senator John M. W. Moorlach
Assemblywoman Cottie Petrie-Norris
Newport Beach City Council
Grace Leung, City Manager
California Strategies, LLC
League of California Cities (Via email: cityletters@cacities.org)