



CITY OF NEWPORT BEACH

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May 19, 2020

The Honorable Scott Weiner
California State Senate
State Capitol, Room 5100
Sacramento, CA 95814

RE: SB 902 (Weiner) – Notice of Opposition

Planning and zoning: neighborhood multifamily project: use by right; density

Dear Senator Weiner,

The City Newport Beach respectfully opposes SB 902, specifically as it relates to the proposed "neighborhood multifamily project" provisions that would greatly destabilize existing neighborhoods by allowing by-right development of up to 4 dwellings on any parcel zoned for residential use and would result in residential development that is in direct conflict with policies of the California Coastal Act related to avoidance of coastal hazards, enhancement of public access, and protections of coastal resources that the City also has a mandated responsibility to uphold.

Additionally, you are no doubt aware that cities in the Southern California Association of Governments are grappling with how to comply with an extraordinary, unprecedented housing mandate. We are concerned that modifying housing policies during this process will derail cities' attempts – including our own – to comply with HCD's housing element requirements within the specified time frame. Any changes to housing policy that increases burdens affecting the already tight time frame is unwise without concurrently granting significant additional time to cities to comply in SCAG's region.

- **SB 902 should exclude all cities within the coastal zone.** Cities within the coastal zone are subject to additional oversight by the California Coastal Commission and are subject to the Coastal Act (Act). The Act significantly limits a jurisdiction's ability to increase density near the coast due to

concerns with coastal hazards and sea level rise, public access, and resource protection. The Coastal Act applies to all cities equally, regardless of population size, and the same coastal-related constraints apply equally. Therefore, it is recommended that the bill exclude all cities within the coastal zone, or at minimum, exclude parcels located within the coastal zone.

- **SB 902 Duplicates Recent ADU and JADU Efforts.** The ADU and JADU laws passed in 2019 were a major overhaul of existing single-family throughout the State already. Effectively, every single-family zoned lot can now accommodate an ADU and a JADU, for a total of three units on a single-family zoned lot. Every existing multi-unit building can now construct up to 25% more units as ADUs. Jurisdictions are struggling to keep up with changes in housing legislation and updating regulations for compliance. Since Newport Beach is located in the Coastal Zone, approval by the California Coastal Commission is also required further complicating the update process. Requiring jurisdictions upzone existing single-family neighborhoods is duplicative of the goal of the ADU and JADU laws and unnecessary to achieve the goals of this bill.
- **SB 902 is Silent with Regards to Parking and Residential Design.** The bill states that four units are permitted by-right on any residential lot, provided the development complies with all local development standards related only to impact fees, height and setback limits, and local demolition standards. Since the bill is silent with regards to parking and residential design standards, are developments exempt from these standards? Parking reductions greatly impact public access to the coast, conflicting with Coastal Act laws intended to protect and enhance public access and environmental justice. A majority of the City's coastal zone includes dense residential neighborhoods, such as Balboa Island, Corona del Mar, and the Balboa Peninsula, which were constructed during the 1920s to 1950s. Residential development tends to be located on small lot sizes with insufficient off-street parking for residents and guests. As a result, many residents park on public streets, significantly impacting public access to the coast due to lack of available parking. Eliminating parking would further exacerbate the availability of on-street public parking, thereby further restricting coastal access. Residential design standards include bulk and mass provisions to project the character of existing neighborhoods and public views of

the coast or coastal resources. Therefore, it is recommended that at a minimum, permitted development should be subject to all applicable development standards, including parking and residential design standards.

- **SB 902 Does Nothing to Ensure Affordable Housing.** The automatic up zoning of single-family lots to four units will not result in development of affordable housing without mandatory affordable housing provisions requirements. This automatic upzoning, without an affordable housing prerequisite, will only serve to increase the land values in an already expensive coastal real estate market due to speculation and increased profitability.
- **Lack of Infrastructure.** The bill entirely ignores the need for infrastructure to accommodate increased density and provides no local funding to help.

For these reasons, the City of Newport Beach opposes SB 902.

Sincerely,



Will O'Neill
Mayor
Newport Beach

cc. Senate Housing Committee
Newport Beach City Council
Grace Leung, City Manager
California Strategies, LLC
League of California Cities (Via email: cityletters@cacities.org)
Senator John Moorlach
Assembly Member Cottie Petrie-Norris