



**CITY OF NEWPORT BEACH**

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**Mayor**

Will O'Neill

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July 22, 2020

The Honorable Anna Caballero  
California State Senate  
State Capitol, Room 5052  
Sacramento, CA 95814

**RE: SB 1385 (Caballero) – Notice of Opposition  
Planning and zoning: housing: commercial zones.**

Dear Senator Caballero:

The City must oppose SB 1385 that seeks to authorize residential projects on lots zoned for office or retail commercial. The bill as written threatens to undermine planning policy principles and cuts the public and environment out of the development process in a fundamental way. Specifically, opposition is based on the following:

- **SB 1385 negates civic participation and environmental protections.** Attentive solutions to boost housing stock need to engage – not stepover - the community. Ministerial streamlining proposed by SB 1385 allows intense housing density on sites that currently prohibit residential uses with no opportunity for public input. In some cases, the City's charter requires a vote of electorate for residential projects exceeding maximum area densities, but SB 1385 would allow these types of projects by right. This is antithetical to the public intelligence local governments and leaders base policy decisions on to champion livable cities. Under the prescribed residential zoning, 150-foot-tall buildings could erupt next to single-family residences across the cities. This is not acceptable. In bypassing CEQA, SB 1385 projects are also unable to be mitigated to prevent environmental harm. Local agencies need flexible policies to promote housing practices and upraise voices of constituents.

- **SB1385 penalizes good planning.** Newport Beach's plans and policies already accommodate multi-family housing development specific to the City's diverse geography and neighborhoods. SB 1385 should not apply to jurisdictions with compliant housing elements. The bill would permit irrational and irregular densities across the City and sabotage decades worth of careful planning. Zoning the City would be forced to utilize for SB 1385 projects is intended for development closer to transit and locations where larger development is appropriate. According to the American Community Survey (2013-2017) data, of the City's 44,678 housing units, only 48.6% of the units are single-family detached units and 16.3% are single-family attached. Thirty-five percent of city's consists of multi-unit housing. The proposed bill provide no exceptions to jurisdictions that currently already provide significant multi-family zoning and housing options. Siting residential uses on commercial and office sites will produce unreasonable impacts to essential services and utilities and development on existing opportunity sites that do not create such disruption should be encouraged. Jurisdictions that already provide increased opportunities for multi-family housing must be allowed to decide zoning for housing where it is sensical and where it promotes integration with existing uses. SB 1385 would hurts jurisdictions doing their part to provide housing opportunities.

In considering the above, the City opposes SB 1385 in its current form.

Sincerely,



Will O'Neil  
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](mailto:cityletters@cacities.org))