



Mayor

Kevin Muldoon

Mayor Pro Tem

Noah Blom

Council Members

Brad Avery

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Will O'Neill

August 23, 2022

The Honorable Sharon Quirk-Silva
Legislative Office Building
1021 O Street, Room #4210
Sacramento, CA 95814

RE: AB 2221 (Quirk-Silva) – Notice of Opposition

Dear Assemblymember Quirk-Silva:

The City of Newport Beach (City) writes to strongly express its **Opposition** to Assembly Bill 2221 (AB 2221). While there are many changes provided in AB 2221, the most notable change is that it will eliminate the ability for cities to regulate front setbacks. This will have the unintended consequence of completely changing the character of all neighborhoods. The primary benefit and selling point of Accessory Dwelling Units (ADU) is that they can be integrated into existing neighborhoods, particularly as backyard units, conversions of existing living areas, or attached to other buildings, all of which maintain and preserve the single-family character of these neighborhoods. Due to this benefit, the City of Newport Beach has been supportive of ADU development and adopted ADU incentives such as flexible development standards, pre-approved plans, and public outreach documents. Unfortunately, the broad language in the bill raises many concerns:

- **No limits on front setback reductions**: Unlike the existing ADU law language that precludes the application of side and rear setbacks to no more than 4 feet, the proposed bill does not establish a minimum. Absent language requiring a minimum setback, ADUs may be proposed abutting the front sidewalk completing changing the character of a street. Maintaining a consistent or narrow range of front

setbacks is helpful in establishing and signaling neighborhood character and an inviting streetscape.

- **Creates a safety hazard:** Eliminating the ability to maintain a minimum front setback creates sight distance hazards where an ADU may be placed near front sidewalk, blocking visibility of motorists exiting driveways and creating conflicts with pedestrians and cyclists.
- **Punishes jurisdictions that already accommodate reduced front setbacks:** While the City understands that many communities impose excessively large front yards setbacks ranging from 20 to 30 feet, Newport Beach like many other coastal cities, include neighborhoods with nominal front setbacks ranging from 3 to 10 feet. These lots are already located in higher density neighborhoods that more efficiently utilize the available land. Totally eliminating front setbacks punishes cities that already permit reduced front setback areas.

For these reasons, the City of Newport Beach must respectfully **Oppose** AB 2221 (Quirk-Silva).

Sincerely,



Kevin Muldoon
Mayor
Newport Beach

cc:

Newport Beach City Council
Grace Leung, City Manager
Seimone Jurjis, Community Development Director
Senate Committee on Appropriations
League of California Cities (Via email: cityletters@cacities.org)