



CITY OF NEWPORT BEACH

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

Mayor

Will O'Neill

Mayor Pro Tem

Brad Avery

Council Members

Joy Brenner

Diane Brooks Dixon

Marshall "Duffy" Duffield

Jeff Herdman

Kevin Muldoon

July 22, 2020

The Honorable Richard Bloom
California State Assembly
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0050

**RE: AB 3107 (Bloom) – Notice of Opposition
Planning and zoning: commercial zoning: housing development.**

Dear Assembly Member Bloom:

The City respectfully opposes AB 3107. Your bill would authorize housing development that contain up to 20% affordable units on commercial sites. AB 3107 also designates the tallest height of nearby commercial or residential areas as the zoning for such developments. While repurposing underperforming commercial sites is one solution to create housing, the bill fails to register the incredible variation of cities that would result in inappropriately located and sized housing developments. The City opposes the bill due to the following:

- **AB 3107 shreds zoning and general plan policies.** The bill would wreak havoc on otherwise thriving neighborhoods by employing ill-suited zoning regulations from up to half a mile away. This is particularly acute in the City's airport area as the nearest residential use could permit an AB 3107 development of up to 150 feet where a 55-foot limit now exists. Newport Beach's plans and policies already accommodate multi-family housing development specific to the City's diverse geography and neighborhoods. Siting residential uses on commercial 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.

- **AB 3107 duplicates efforts of the housing element.** The City already does its part in meticulously identifying housing opportunity sites when preparing the housing element. Why not further incentive sites already deemed adequate for housing? Instead, the bill adds sites that would follow out-of-character zoning standards. This bill would also effectively end the use of the City's current affordable development overlay that requires a minimum of 30% affordable units, a percentage exceeding the bill's.
- **AB 3107 threatens civic participation and environmental protections.** Attentive solutions to boost housing stock need to engage – not stepover - the community. Ministerial streamlining proposed by AB 3107 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 AB 3107 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. In bypassing CEQA, AB 3107 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.

In considering the above, the City cannot support AB 3107 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)