



CITY OF NEWPORT BEACH

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February 17, 2021

The Honorable Toni Atkins
California State Senate
State Capitol, Room 205
Sacramento, CA 95814

RE: SB 9 (Atkins) – Notice of Opposition
Increased Density in Single-Family Zones

Dear Senator Atkins,

The City Newport Beach writes to respectfully opposes SB 9. This legislation would enact ministerial approval of both duplexes on single-family lots and specific urban lot splits with little consideration for local regulations or consistency with community character. Duplicative efforts of the bill are notable in considering recent legislation on streamlining housing development and by-right approval of accessory dwelling units, the latter of which essentially allows up to three units on a single-family lot. Crucially, SB 9 as drafted, has the ability to significantly disrupt single-family neighborhoods by now allowing the placement of six families wherein just one was planned. Applicability to the City's coastal zone properties is also of major concern as the lack of required parking poses a conflict with public access requirements of the Coastal Act of 1976. More to the point, SB 9 further decenters local authority and input that ensures new housing development is meaningful to adding a neighborly sense of place while meeting inventory demanded by the housing crisis.

Destabilizes and Destroys Neighborhoods. Forcing stable single-family neighborhoods to accommodate increased density undermines their general stability and purpose of purchase. Existing high cost of land in City will increase, too, due to

speculation and buy-outs by increasing the development potential of lots. Because of this, the bill could have the reverse intended effect of ensuring access to affordable housing in the City. Absent substantial and extraordinary financial subsidies from the State, no new housing affordable to moderate-income households would result as intended. Given the lack of vacant land in the City and substantial environmental and coastal constraints, the City must have the power to make zoning decisions informed by our unique conditions and circumstances; SB 9 provides no such opportunity. Through its one-size-fits-all approach, the bill would misshape beloved neighborhoods that years of well-informed planning and locally crafted policy created.

Repeats Recent Housing Efforts. The ADU and JADU laws passed in 2019 overhauled existing single-family zoning throughout California and currently achieves the goals of the proposed bill. Every single-family zoned lot in the state can already have up to three units by ministerial approval—an ADU, JADU, and the principal residence. Jurisdictions are also 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 process. Requiring upzone of existing single-family neighborhoods is harmful and duplicative of the goal of the ADU and JADU laws.

Punishes Good Housing Practices. Newport Beach's plans and policies accommodate a substantial amount of multi-family housing development tailored to the City's diverse geography and neighborhoods. SB 9 would render this carefully designed zoning useless and give rise to irrational and irregular densities across the City. 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. Many single-family units are located within the boundaries of the City's coastal zone. The proposed bill provides no exceptions to jurisdictions that currently already provide significant multi-family zoning and housing options. Jurisdictions that already provide increased opportunities for multi-family housing must be allowed to decide zoning for moderate-income and above-moderate housing where it is sensible and where it promotes integration with the existing uses. SB 9 fails to register flexible means to account for variation and hurts jurisdictions doing their part to provide housing opportunities.

Encourages Vacancies. SB 9 does not extend to existing lots with developments occupied by a tenant in the past three years. This gives landowners impetus to remove the units from the housing stock for three years in order to benefit from the bill, stymying housing development. How are jurisdictions to confirm and enforce the no-tenant requirement? Staff resources were tight even before the COVID-19 crisis.

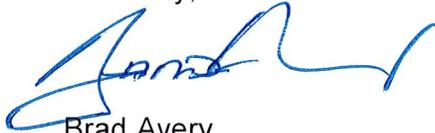
Ignores Infrastructure Needs. SB 9 appears to disregard the need for infrastructure to accommodate increased density and provides no local funding to

help. When the bill at once says (1) that jurisdictions can exercise objective zoning and design standards **and** (2) that jurisdictions cannot exercise standards that would prevent building a duplex, it is difficult to discern what can and cannot be imposed. If an objective jurisdictional standard, such as a utility connection, is deemed to make the duplex construction financially infeasible, does the jurisdiction forfeit power to enforce that requirement?

Clashes with Coastal Act. Increasing density in the coastal zone conflicts with the goals and policies of the California Coastal Act that also requires jurisdictions to plan and adapt to coastal hazards, such as sea level rise, with adaptation strategies that may include coastal retreat. Additionally, Parking requirements outlined in SB 9 are without doubt inadequate and especially so for developments located in the coastal zone. On-street parking that now provides coastal access would precipitously be reduced by the unparked higher density. Under SB 9, a lot split and with two duplexes would spill four parking spaces onto the public street when compared to the city's off-street parking requirements. Additionally, with less garage area required, developable habitable area expands, meaning even more private residential parkers taking away publicly valuable coastal access.

For these reasons, the City of Newport Beach opposes SB 9.

Sincerely,



Brad Avery
Mayor
Newport Beach

cc. Newport Beach City Council
Senator David Min
Assemblywoman Cottie Petrie-Norris
Grace Leung, City Manager
Seimone Jurjis, Community Development Director
League of California Cities (Via email: cityletters@cacities.org)