

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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July 31, 2020

Jaime Murillo, Principal Planner
City of Newport Beach
100 Civic Center Drive, First Floor Bay C
Newport Beach, CA 92660

Dear Jaime Murillo:

**RE: Pending Zoning Amendments and the Housing Crisis Act of 2019
Letter of Technical Assistance**

Thank you for the opportunity to provide information to assist the City of Newport Beach (City) in its decision-making regarding the application of the Housing Crisis Act (SB 330, 2019) to the City's pending residential design standards code amendments (PA2019-070) that include amendments to the zoning code and local coastal program.

The Housing Crisis Act of 2019 was signed by Governor Newsom on October 9, 2019 and became effective on January 1, 2020. The Housing Crisis Act (Gov. Code, § 66300 et seq.) generally prohibits a locality from enacting a development policy, standard or condition that reduces intensity, imposes moratoriums, enforces subjective design standards, or implements any provision that limits approvals or caps population. These provisions remain in effect until January 1, 2025. Specifically, Government Code section 66300, subdivision (b)(1)(A), does not allow a locality to enact requirements that result in a less intensive use.

The California Department of Housing and Community Development (HCD) reviewed the May 7, 2020 Planning Commission agenda materials revising residential development standards that apply to single and two-unit residential developments. The pending revisions generally reduce bulk and mass to step back covered third floor decks. HCD understands the revisions do not impact the ability to achieve maximum densities independently or cumulatively in combination with all other development standards. For this reason, the pending revisions do not trigger the Housing Crisis Act "less intensive use" provisions under Government Code section 66300, subdivision (b)(1)(A).

The City has also sought confirmation that development or redevelopment of a parcel with a single-family home does not trigger the definition of a "housing development project" pursuant to Government Code section 66300, subdivision (a)(6). HCD confirms this understanding.

HCD appreciates the opportunity to provide information to assist the City in its decision-making. HCD welcomes the opportunity to assist the City in meeting statutory requirements. Please feel free to contact Shawn Danino at Shawn.Danino@hcd.ca.gov for any additional information and assistance.

Sincerely,

A handwritten signature in black ink that reads "Shannan West". The signature is written in a cursive, flowing style.

Shannan West
Land Use & Planning Unit Chief