



**CITY OF NEWPORT BEACH**

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May 28, 2024

The Honorable Buffy Wicks  
California State Assembly  
1021 O Street, Room 8140  
Sacramento, CA 95814

**Mayor**

Will O'Neill

**Mayor Pro Tem**

Joe Stapleton

**Council Members**

Brad Avery

Noah Blom

Robyn Grant

Lauren Kleiman

Erik Kenneth Weigand

**RE: AB 2243 (Wicks): Affordable Housing and High Roads Jobs Act of 2022: Objective Standards and Affordability and Site Criteria City of Newport Beach – Notice of Opposition Unless Amended**

Dear Assembly Member Wicks,

I write on behalf of the City of Newport Beach to regretfully oppose unless amended AB 2243 (Wicks), which makes significant changes to AB 2011 (Wicks, Chapter 647, Statutes of 2022). We ask that the bill be amended to include text that exempts a jurisdiction from AB 2011, if it is meeting its Regional Housing Needs Allocation (RHNA) obligations.

AB 2011 requires cities to ministerially approve, without condition or discretion, certain affordable housing, and mixed-use housing developments in zones where office, retail or parking are principally permitted uses regardless of any inconsistency with a local government's general plan, specific plan, zoning ordinance, or regulation.

AB 2243 would expand the above provisions and force cities to allow by-right development that: 1) converts office buildings into housing units, even if the site is not located along a major commercial corridor; 2) occurs in "regional malls" that exceed 20 acres, but no more than 100 acres; and 3) takes place in high-rise districts that are not located along a major commercial corridor.

Cities need the time and space to implement the dozens of new housing laws that have been passed in recent years and any many are still actively working to update their required housing elements. Before making changes to the law, lawmakers and the Governor's office should partner with cities to ensure that they have the necessary tools and technical assistance to develop housing plans that work in each unique community.

For these reasons, the City of Newport Beach respectfully opposes AB 2243 unless amended (please see Attachment) to exempt jurisdictions from AB 2011, if they are meeting their RHNA obligations.

Sincerely,

Will O'Neill  
Mayor

cc: Senator Janet Nguyen  
Assemblymember Diane Dixon  
Newport Beach City Council

Attachment 1: Recommended Amendments to AB2243

## **ATTACHMENT 1**

### **Recommended Amendments to AB 2243**

- Add the following language as a new subsection to Government Code Section 65912.113:

Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.

- Add the following language as a new subsection to Government Code Section 65912.123:

Is located in a locality that the department has determined is subject to this subparagraph on the basis that the number of units that have been issued building permits is less than the locality's share of the regional housing needs, by income category, for that reporting period. A locality shall remain eligible under this subparagraph until the department's determination for the next reporting period. A locality shall be subject to this subparagraph if it has not submitted an annual housing element report to the department pursuant to paragraph (2) of subdivision (a) of Section 65400 for at least two consecutive years before the development submitted an application for approval under this section.