Date of Hearing: April 24, 2024

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Juan Carrillo, Chair
AB 2243 (Wicks) – As Amended April 18, 2024

SUBJECT: Affordable Housing and High Road Jobs Act of 2022: objective standards and affordability and site criteria

SUMMARY: Makes changes to the Affordable Housing and High Road Jobs Act of 2022 (AB 2011) including expanding where it applies. Specifically, **this bill**:

1) Defines the following terms, for purposes of the bill:

    a) "Base units" means the same as "total units" in State Density Bonus Law and specifies that affordability requirements for purposes of AB 2011 are calculated based on the number of base units.

    b) Amends the definition of "commercial corridor" so that the provisions of AB 2011 apply to narrower corridors in areas zoned for taller buildings, specifically:

        i) For parcels zoned for a height limit of less than 65 feet, a right-of-way of at least 70 and not greater than 150 feet is required; or

        ii) For any parcel zoned for a height limit equal to or greater than 65 feet, a right-of-way of at least 50 and not greater than 150 feet is required.

    c) "Freeway" means a highway where the owners of abutting lands have no right or easement of access to or from their abutting lands or have only limited or restricted right or easement of access. For purposes of this bill, "freeway" does not include onramps and offramps.

    d) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes streets and sidewalks.

    e) "Industrial use" includes any use that requires a permit from an air quality district. "Industrial use" excludes power substations and utility conveyances, uses that only have a backup generator, and on-site residential self-storage.

    f) Adds a definition of "minimum efficiency reporting value" ("MERV"), which means the measurement scale developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers used to report the effectiveness of air filters.

    g) Amends the definition of "neighborhood plan" to include timing parameters so that the definition does not include plans adopted after January 1, 2024 or longer than 25 years ago. The definition also does not include community plans that cumulatively cover more than one-half of the area of a jurisdiction.

h) Amends the definition of "principally permitted use" to include projects that were allowed on or after January 1, 2023, when AB 2011 became effective, and to include sites zoned for parking even if parking requires a conditional use permit.

i) Adds a definition of "regional mall," as a site that has:

   i) At least 250,000 square feet of permitted retail use;

   ii) At least two thirds of the permitted uses on the site permitted for retail uses; and

   iii) At least two of the permitted retail uses on the site that are at least 10,000 square feet.

j) Deletes the definition of "side street" and associated "side street" provisions throughout AB 2011.

k) Amends the definition of "urban uses" to include a public park surrounded by other urban uses.

l) Amends the definition of "use by right" to clarify that a project meeting the provisions of AB 2011 is ministerial and streamlined, regardless of whether local processes would otherwise subject any part of the project to discretionary approvals, permits, or review processes, or any review under the California Environmental Quality Act (CEQA).

2) Amends the site locational criterion for both affordable housing and mixed-income projects eligible for the streamlined, ministerial review process of AB 2011 as follows:

   a) Clarifies that bicycle and pedestrian paths are in the same category as streets and highways and, therefore, do not interfere with a property being identified as adjoined by "urban uses" to be eligible for AB 2011;

   b) Clarifies that sites where more than one third of the square-footage had been used for industrial uses within the past the three years are not subject to AB 2011.

   c) Prohibits a site that was designated for industrial uses in the local government's general plan before 2022 from being eligible for AB 2011 and, either, residential uses were a principally permitted use OR the site does not adjoin a parcel with a residential use.

   d) Prohibits projects from utilizing AB 2011 if they are located in the coastal zone, as defined, with the exception of parcels that are not zoned for multifamily housing.

   e) Prohibits the application of AB 2011 on project sites that may require the demolition of a historic structure placed on a national, state, or local historic register.

   f) Applies to sites that permit multifamily development as identified in a neighborhood plan, regardless of the year the plan was developed.

3) Provides that the affordability requirements in AB 2011, for both 100% affordable and mixed-income developments, shall only apply to the new units created by the development project for purposes of calculating affordability requirements when a project utilizing AB 2011 is proposed on a site that contains existing housing units.

4) Amends the objective development standards that developments must meet in order to use the streamlined ministerial approval process of AB 2011, as follows:

    a) Expands application of AB 2011 to sites located within 500 feet of a freeway, so long as any projects within a 500 foot radius of a freeway provide air filtration with a MERV of 13 in the habitable parts of the building;

    b) Expands application of AB 2011 to sites located within 3,200 feet of oil and gas facilities, so long as any projects within a 3,200 foot radius of those facilities provide air filtration with a MERV of 13 in the habitable parts of the building; and

    c) Prohibits the imposition of new common open space requirements for AB 2011 projects that convert existing space from nonresidential buildings to residential uses.

5) Establishes a schedule for the local approval process for all AB 2011 development projects as follows:

    a) Requires a local government to determine if a project is consistent or inconsistent with objective planning standards:

        i) Within 60 days of submittal if the development contains 150 or fewer housing units; or

        ii) Within 90 days of submittal if the development contains more than 150 housing units.

        iii) Within 30 days of a re-submittal of the development proposal that addresses written feedback from the local government after the initial submission of the development proposal.

    b) Requires a local government to provide the development proponent with an exhaustive list of standards the development conflicts with and the reasons why the development conflicts within the timeframes, in a) above, of determining that the project is inconsistent with the objective planning standards.

    c) Establishes the following timelines under which the local government must approve the development proposal once it complies with the objective standards. This includes conducting any required design review processes:

        i) Within 90 days of submittal if the development contains 150 or fewer housing units; or

        ii) Within 180 days of submittal if the development contains more than 150 housing units.

    d) Allows a local government's planning commission or equivalent board or commission to conduct a design review of a development proposal. Specifies that the design review shall be objective and shall not chill or preclude the ministerial approval provided by the bill.

e) Requires a public agency with coastal development permitting authority to approve a coastal development permit if it determines that the development is on an eligible site, as specified, and is consistent with all objective standards of the local government's certified local coastal program or, for areas that are not subject to a fully certified local coastal program, the certified land use plan of that area.

f) Requires the granting of any concessions, incentives, or waivers under Density Bonus Law (DBL) for AB 2011 development proposals to be done without the exercise of any local discretion. Additionally:

   i) Specifies that development proposals seeking concessions, incentives, or waivers under DBL shall not be considered "projects" under CEQA, even if that incentive, concession, or waiver is not specified in a local ordinance; and

   ii) Specifies that the receipt of any density bonus, concession, incentive, waiver or reduction of development standards, and parking ratios to which the applicant is entitled under DBL shall not constitute a basis to find the project inconsistent with the local coastal program.

g) Requires a local government to provide a credit to the development for any fee, as defined in the Mitigation Fee Act, for existing uses that are demolished as part of the development at the rate established by the local government for those existing uses.

h) Requires local governments to update their zoning maps if they exempt parcels from AB 2011 and reclassify others to reflect those changes, and post that information on their internet websites.

i) Requires a local government to require the development proponent to complete a phase I environmental assessment, as defined, as a condition of approval.

   i) Specifies that if a recognized hazardous substance is found, the environmental hazard shall be assessed, removed, or mitigated to a level of insignificance, consistent with state and federal requirements.

6) Applies the provisions of AB 2011 to the following mixed-income projects:

   a) Mixed-income developments that propose the conversion of existing office buildings to residential uses, even if the office building is not along a commercial corridor; and

   b) Mixed-income developments on sites that contain existing regional malls, meeting the definition of "regional mall," as long as the regional mall site is not greater than 100 acres.

7) Establishes the following density, affordability and building provisions for mixed-income developments:

   a) Clarifies that the AB 2011 affordability requirements are calculated on the base units, prior to the calculation of any applicable density bonus;

   b) Clarifies that if a jurisdiction has local affordability requirements that sets a deeper level of affordability than is otherwise set in AB 2011, the local affordability threshold

shall apply to AB 2011 developments. Further clarifies how to conduct affordability calculations if the local affordable housing requirement requires greater than 15 percent of the units to be dedicated for low-income households but does not require the provision of homes affordable to very low and extremely low income households.

c) Establishes that the maximum allowable densities provided in AB 2011 for mixed income are calculated on the base units, prior to the calculation of any applicable density bonus.

d) Establishes that the methodologies established in DBL apply when determining the residential density allowed by the local government for AB 2011.

e) Allows AB 2011 projects to be developed at a residential density that is up to 25% less than the allowable residential density.

f) Removes residential density limits for AB 2011 projects that convert existing buildings into residential uses, unless the development project adds 20% of more, new square footage to an existing building.

g) Requires ground floor front setbacks to be calculated from the public right-of-way, rather than the front property line, for AB 2011 projects.

h) Precludes local objective design standards from preventing AB 2011 developments to be built to the maximum allowable density or unit size established by the bill.

i) Allows development proponents to use density bonus concessions, incentives, and waivers to deviate from AB 2011's height restrictions, as well as AB 2011's side and rear setback requirements.

8) Provides that no reimbursement is required by this bill because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the bill.

EXISTING LAW:

1) Establishes AB 2011 (Wicks, Chapter 647, Statutes of 2021), which allows 100% affordable and mixed-income housing projects in zones where office, retail, or parking are principally permitted uses to be a use by right, and subject to a streamlined, ministerial review process, notwithstanding any inconsistent provision of a local government's plans, ordinances, or regulations, if it meets certain provisions.

2) AB 2011(Wicks) defines the following terms, Government Code (GOV) § 65912.101:

a) Defines "commercial corridor" as a highway, as defined in Section 360 of the Vehicle Code, that is not a freeway, as defined in Section 332 of the Vehicle Code, and that has a right-of-way, as defined in Section 525 of the Vehicle Code, of at least 70 and not greater than 150 feet.

b) Defines "industrial use" as utilities, manufacturing, transportation storage and maintenance facilities, and warehousing uses. "Industrial use" does not include power substations or utility conveyances such as power lines, broadband wires, and pipes.

c) Defines "neighborhood plan" as a specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3, or an area plan, precise plan, urban village plan, or master plan that has been adopted by a local government.

d) Defines "principally permitted use" as a use that may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit.

e) Defines "use by right" as a development project that satisfies both of the following conditions:

i) The development project does not require a conditional use permit, planned unit development permit, or other discretionary local government review.

ii) The development project is not a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code.

3) Location requirements for affordable housing developments in commercial zones, pursuant to AB 2011 (Wicks), GOV § 65912.111:

a) Be located on a site where at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For purposes of this subdivision, parcels that are only separated by a street or highway shall be considered to be adjoined.

b) Not be on a site or adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use. "Dedicated to industrial use" means any of the following:

i) The square footage is currently being used as an industrial use;

ii) The most recently permitted use of the square footage is an industrial use; or,

iii) The site was designated for industrial use in the latest version of a local government's general plan adopted before January 1, 2022.

c) Not be located in environmentally sensitive areas of the Coastal Zone.

d) Satisfy one of two conditions if it is located in a neighborhood plan area:

i) The neighborhood plan allowing multifamily housing development was in place by January 1, 2022; or,

ii) The neighborhood plan allowing such development was in place by January 1, 2024, with a notice of preparation issued before January 1, 2022; the plan was adopted between January 1, 2022, and January 1, 2024; and the environmental review completed before January 1, 2024.

4) Specifies that an affordable housing development project shall not be subject to a streamlined, ministerial review process unless the development proposal meets certain objective development standards. (GOV § 65912.112)

5) Requires the affordable housing development proponent to complete a phase I environmental assessment, and associated mitigation, but does not specify when that assessment must occur. (GOV § 65912.113)

6) Prohibits affordable housing development projects pursuant to AB 2011 on sites located within 500 feet of a freeway from utilizing this streamlined, ministerial review process. (GOV § 65912.113)

7) Prohibits affordable housing development projects pursuant to AB 2011 on sites located within 3,200 feet of an oil or gas refinery from utilizing this streamlined, ministerial review process. (GOV § 65912.113)

8) Establishes review requirements for affordable housing developments in commercial zones: (GOV § 65912.114)

    a) Requires local governments to approve developments that comply with the objective planning standards specified in the article.

    b) If a development conflicts with any of these standards, requires the local government is to provide written documentation of the conflicting standards and an explanation for the conflict within 60 days for developments with 150 or fewer housing units, and within 90 days for developments with more than 150 housing units.

    c) Permits local governments to conduct design review of developments through planning commissions or equivalent boards, city councils, or boards of supervisors, focusing on compliance with criteria for streamlined, ministerial review and any reasonable objective design standards established before the development's submittal.

        i) Requires the design review to be objective, broadly applicable, and reasonable.

        ii) Requires the design review to be completed within 90 days for developments with 150 or fewer housing units and within 180 days for developments with more than 150 housing units.

    d) Permits developments pursuant to this section to utilize the provisions of Density Bonus Law.

    e) Authorizes local governments to exempt parcels from the provisions of AB 2011 and identify new parcels to replace those exempted parcels if:

        i) The parcels meet specific criteria set out in the law;

        ii) The parcels are either reclassified for development according to the chapter's requirements or authorized for ministerial development at higher densities;

        iii) The substitution of these parcels ensures no net loss of residential capacity or affordable housing capacity and furthers fair housing;

        iv) Reclassified parcels are eligible for development regardless of conflicting local regulations, and their development must be ministerial at specified densities and heights;

v) The local government has completed all required rezonings for the sixth revision of its housing element.

9) Requires a local government to approve the mixed-income housing development proposals along commercial corridors if certain objective planning standards are met, including: (GOV § 65912.121)

a) The project site abuts a commercial corridor and has a frontage along the commercial corridor of a minimum of 50 feet.

b) The site is not greater than 20 acres.

c) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. For purposes of this subdivision, parcels that are only separated by a street or highway shall be considered to be adjoined.

d) The site cannot contain, or be adjoined to, a site where more than one third of the square footage is dedicated to industrial use. Dedicated to industrial use means:

i) The square footage is currently industrial use;

ii) The most recently permitted use of the square footage is industrial use; or,

iii) The site was designated for industrial use in the latest version of a local government's general plan adopted before January 1, 2022.

e) The site must satisfy one of two conditions if it is located in a neighborhood plan area:

i) The neighborhood plan allowing multifamily housing development was in place by January 1, 2022; or,

ii) The neighborhood plan allowing such development was in place by January 1, 2024, with a notice of preparation issued before January 1, 2022; the plan was adopted between January 1, 2022, and January 1, 2024; and the environmental review completed before January 1, 2024.

10) Requires mixed-income housing developments along commercial corridors to include the following percentages of affordable units: (GOV § 65912.122)

a) Requires rental housing to include either:

i) Eight percent of the units for very low income households and 5 percent of the units for extremely low income households; or,

ii) Fifteen percent of the units for lower income households.

b) Requires owner-occupied housing to offer:

i) Thirty percent of the units at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to moderate-income households; or,

ii) Fifteen percent of the units at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code, to lower income households.

iii) If the local government has a local affordable housing requirement, the housing development project shall comply with all of the following:

iv) The development project shall include the percentage of affordable units required by this section or the local requirement, whichever is higher;

v) The development project shall meet the lowest income targeting in either policy; and,

vi) If the local affordable housing requirement requires greater than 15 percent of the units to be dedicated for lower income households and does not require the inclusion of units affordable to very low and extremely low income households, then the rental housing development shall do both of the following:

I) Include 8 percent of the units for very low income households and 5 percent of the units for extremely low income households; and,

II) Fifteen percent of units affordable to lower income households shall be subtracted from the percentage of units required by the local policy at the highest required affordability level.

11) Establishes the following objective development standards for mixed-income housing along commercial corridors: (GOV § 65912.123)

a) At least 67 percent of the square footage of the new construction associated with the project is designated for residential use;

b) The residential density for the development is determined as follows:

i) In a metropolitan jurisdiction, as specified, the residential density for the development must meet or exceed the greater of the following:

I) The residential density allowed on the parcel by the local government;

II) For sites of less than one acre in size, 30 units per acre;

III) For sites of one acre in size or greater located on a commercial corridor of less than 100 feet in width, 40 units per acre;

IV) For sites of one acre in size or greater located on a commercial corridor of 100 feet in width or greater, 60 units per acre; and

V) Notwithstanding (2), (3), or (4), for sites within one-half mile of a major transit stop, 80 units per acre.

ii) In a jurisdiction that is not a metropolitan jurisdiction, as specified, the residential density for the development must meet or exceed the greater of the following:

I) The residential density allowed on the parcel by the local government;

II) For sites of less than one acre in size, 20 units per acre;

III) For sites of one acre in size or greater located on a commercial corridor of less than 100 feet in width, 30 units per acre;

IV) For sites of one acre in size or greater located on a commercial corridor of 100 feet in width or greater, 50 units per acre; and

V) (E) Notwithstanding subparagraph (B), (C), or (D), for sites within one-half mile of a major transit stop, 70 units per acre.

c) The property meets the following setback standards:

i) For the portion of the property that fronts a commercial corridor, the following must occur:

I) No setbacks can be required;

II) All parking must be set back at least 25 feet; and

III) On the ground floor, the development must abut within 10 feet of the property line for at least 80 percent of the frontage.

ii) For the portion of the property that fronts a side street, a building or buildings must abut within 10 feet of the property line for at least 60 percent of the frontage;

iii) For the portion of the property line that does not abut a commercial corridor, a side street, or an adjoining property that also abuts the same commercial corridor as the property, certain standards are required.

d) No parking can be required, except that this bill does not reduce, eliminate, or preclude the enforcement of any requirement to provide bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development;

e) Phase I environmental assessments, and associated mitigation, are required;

f) Proposed developments cannot be located within 500 feet of a freeway, or 3,200 feet of an oil or gas extraction or refinery facility.

12) Establishes an approval processes for developments along commercial corridors: (GOV § 65912.124)

a) Requires local governments to approve developments that comply with the objective planning standards specified in the article.

b) If a development conflicts with any of these standards, requires the local government is to provide written documentation of the conflicting standards and an explanation for the conflict within 60 days for developments with 150 or fewer housing units, and within 90 days for developments with more than 150 housing units.

c) Permits local governments to conduct design review of developments through planning commissions or equivalent boards, city councils, or boards of supervisors, focusing on compliance with criteria for streamlined, ministerial review and any reasonable objective design standards established before the development's submittal.

i) Requires the design review to be objective, broadly applicable, and reasonable.

ii) Requires the design review to be completed within 90 days for developments with 150 or fewer housing units and within 180 days for developments with more than 150 housing units.

d) Permits developments pursuant to this section to utilize the provisions of Density Bonus Law.

e) Authorizes local governments to exempt parcels from the provisions of AB 2011 and identify new parcels to replace those exempted parcels if it makes certain written findings.

FISCAL EFFECT: This bill is keyed fiscal and contains a state-mandated local program.

COMMENTS:

1) **Bill Summary.** AB 2243 expands AB 2011's geographic applicability and clarifies aspects of the law that are currently subject to local interpretation. In terms of geographic expansion, AB 2243 would expand AB 2011 to include the following:

a) The conversion of office to housing, even if the site is not along a major commercial corridor;

b) To regional malls that exceed 20 acres in size, but are not larger than 100 acres in size;

c) To existing high-rise districts even if the site is not along a commercial corridor; and

d) To sites within 500 feet of freeways and 3,200 feet of oil and gas extraction facilities, as long as those projects utilize specified air filtration.

In terms of removing subjectivity, AB 2243 includes the following, in addition to other proposed changes:

a) Clarifies the intersection of Density Bonus Law and AB 2011, specifically that the affordability requirements of AB 2011 apply to a project’s proposed base units, not any bonus or existing units;

b) Clarifies that all aspects of AB 2011 projects are ministerial and not subject to CEQA; and,

c) Specifies that any site remediation needs to occur after project approval but before the site can be occupied.

This bill is sponsored by the Housing Action Coalition.

2) **Author's Statement.** According to the author, "AB 2243 amends the language of the Affordable Housing and High Road Jobs Act of 2022 (AB 2011, Wicks). These amendments facilitate implementation of AB 2011 by expanding its geographic applicability and clarifying aspects of the law that are subject to interpretation. Collectively, the changes in AB 2243 would improve AB 2011 and, in doing so, make it easier to build more housing in the right locations."

3) **Planning and Zoning Law.** State law provides powers and duties for cities and counties regarding land use. Each city and county must prepare and periodically update a comprehensive, long-range general plan to guide future planning decisions. The general plan has seven mandatory elements: land use, circulation, housing, conservation, open-space, noise, and safety. General plans must also either include an eighth element on environmental justice, or incorporate environmental justice concerns throughout the other elements. Cities and counties may adopt optional elements that address issues of their choosing, and once adopted, those elements have the same legal force as the mandatory elements. The general plan must be "internally consistent," which means the various elements cannot have conflicting information or assumptions.

   Although state law spells out the plans' minimum contents, it also says local officials can address these topics to the extent to which they exist in their cities and counties, and with a specificity and level of detail reflecting local circumstances. Similarly, state law doesn't require cities and counties to regularly revise their general plans (except for the housing element, which must generally be revised every eight years).

   Local governments have broad authority to define the specific approval processes needed to satisfy these considerations. Some housing projects can be permitted by city or county planning staff "ministerially" or without further approval from elected officials, but most large housing projects require "discretionary" approvals from local governments, such as a conditional use permit or a change in zoning laws. This process requires hearings by the local planning commission and public notice and may require additional approvals.

4) **Local Government Police Power.** The California Constitution allows cities and counties to "make and enforce within its limits, all local, police, sanitary and other ordinances and regulations not in conflict with general laws." It is from this fundamental power (commonly called the police power) that cities and counties derive their authority to regulate behavior to preserve the health, safety, and welfare of the public—including land use authority. Local governments use their police power to enact zoning ordinances that shape development, such as setting maximum heights and densities for housing units, minimum numbers of required parking spaces, setbacks to preserve privacy, and lot coverage ratios to increase open space, among others. These ordinances can also include conditions on development to address community impacts or other particular site-specific considerations. Local governments have broad authority to define the specific approval processes needed to satisfy these considerations, including the permits the developer must obtain.

5) **California's Housing Crisis.** California faces a severe housing shortage. A variety of factors have contributed to the lack of housing production. The Statewide Housing Plan adopted by the Department of Housing and Community Development in 2022 found California needs approximately 2.5 million units of housing, including one million units affordable to lower income households, to address this mismatch over the next eight years.

That would require production of over 300,000 units a year, including over 120,000 units a year of housing affordable to lower income households. However, production in the past decade has lagged at under 100,000 units per year – including less than 10,000 units of affordable housing per year.

6) **Updated Housing Element and the Regional Housing Needs Assessment.** Data from the 5th RHNA cycle shows that many key cities and counties have been under-producing units that are affordable to lower and moderate incomes. At the same time, these cities have reached and, in some cases, exceeded their allocation of above moderate income housing. The charts below show the needs of the 6th RHNA cycle and the number of units built under the 5th cycle compared to the identified need in the 5th cycle.

6th Cycle Regional Housing Needs Assessment

	Los Angeles (2021-2029)	*Sacramento (2021-2029)*	*San Diego (2021-2029)*	*San Francisco (2023-2031)*
Extremely Low (<30% AMI)	-	-	12,380 units	-
Very Low (< 50% AMI)	115,978 units	10,436 units	15,169 units	20,867
Low (51%-80% AMI)	67,873 units	6,306 units	17,311 units	12,014
Moderate (80%-120% AMI)	75,091 units	8,545 units	19,319 units	13,717
Above Moderate (>120% AMI)	196,831 units	20,266	43,837 units	35,471
Total	**456,643 units**	**45,580 units**	**108,036 units**	**82,069 units**

5th Cycle Regional Housing Needs Assessment

Income Level	*Los Angeles (2013-2021)*	*Sacramento (2013-2021)*	*San Diego* (2013-2021)*	*San Francisco (2015-2023)*
Needed-Very Low	20,426 units	4,944 units	10,989 units	6,234 units
Built-Very Low	7,012 units (34%)	255 units (5%)	-	2,688 units (43%)
Needed-Low	12,435 units	3,467 units	16,703 units	4,639 units
Built-Low	3,727 units (30%)	486 units (14%)	-	2,500 units (54%)
Needed-Moderate	13,728 units	4,482 units	15,462 units	5,460 units
Built-Moderate	827 units (6%)	5,808 units (129%)	-	2,847 units (52%)
Needed-Above Moderate	35,412 units	11, 208 units	33,954 units	12,536 units
Built-Above Moderate	105,522 units (298%)	11,692 units (104%)	-	18, 826 units (151%)

*San Diego reported in its 6th Cycle Housing Element that the City had only constructed 42,275 units of the 88,000 schedule of which a majority were affordable to households with incomes more than 120% AMI.

7) **Previous Legislation.**
AB 2011 (Wicks), Chapter 647, Statutes of 2021 created the Affordable Housing and High Road Jobs Act of 2022, creating a streamlined, ministerial local review and approvals process for certain affordable and mixed-use housing developments in commercial zoning districts and commercial corridors.

SB 423 (Wiener), Chapter 778, Statutes of 2023 amended SB 35 (Wiener), which created a streamlined, ministerial local approvals process for housing development proposals in jurisdictions that have failed to produce sufficient housing to meet their RHNA.

SB 6 (Caballero), Chapter 659, Statutes of 2022 established the Middle Class Housing Act of 2022, allowing residential uses on commercially zoned property without requiring a rezoning.

AB 2162 (Chiu), Chapter 753, Statutes of 2018 streamlined 100% affordable housing developments that include a percentage of supportive housing units and onsite services.

8) **Arguments in Support.** The Housing Action Coalition writes in support, "…[S]ince AB 2011's enactment, housing developers and local governments have identified aspects of the law's language that are subjective and open to interpretation. This subjectivity has led to project delays and dissuaded utilization of the law. It has also led to inconsistent application across jurisdictions and created the potential for unnecessary lawsuits. AB 2243 would address these issues by expanding AB 2011's geographic applicability and clarifying aspects of the law that are subject to interpretation…"

9) **Arguments in Opposition.** The League of California Cities write in opposition, "Cal Cities strongly believes that cities need the time and space to implement the dozens of new housing laws passed in recent years. Additionally, many cities are still actively working to update their required housing element. Before making yet more changes to the law, lawmakers and the Governor 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."

REGISTERED SUPPORT / OPPOSITION: (Revised)

Support

California Apartment Association
California Business Properties Association
California Community Builders
California Conference of Carpenters
California Housing Consortium
California State Council of Service Employees International Union (SEIU California)
California Yimby
Central City Association
Dignitymoves

East Bay Yimby
Gender Equity Policy Institute
Grow the Richmond
Housing Action Coalition
How to Adu
Leadingage California
Livable Communities Initiative
Midpen Housing Corporation
Mountain View Yimby
Napa-solano for Everyone
Nor Cal Carpenters Union
Northern Neighbors
Peninsula for Everyone
People for Housing - Orange County
Progress Noe Valley
San Francisco Yimby
San Luis Obispo Yimby
Santa Cruz Yimby
Santa Rosa Yimby
South Bay Yimby
Southside Forward
Streets for People
Urban Environmentalists
Ventura County Yimby
Yimby Action

Oppose

League of California Cities

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