



July 22, 2024

The Honorable David Alvarez
California State Assembly
1021 O Street, Room 5320
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 2560 (Alvarez): Density Bonus Law: California Coastal Act of 1976 Coastal
City of Newport Beach – Notice of Opposition**

Dear Assembly Member Alvarez,

On behalf of the City of Newport Beach, I write to express our respectful opposition to AB 2560 (Alvarez) as the current amendments present a significant shift in housing oversight and state authority that is extremely problematic for local governments.

Currently, local governments are required to develop housing elements and seek compliance with the California Department of Housing and Community Development (HCD). In the coastal zone, local coastal programs (LCPs) are required to include specific and limited land use and zoning information, additionally cities and counties must gain certification from the California Coastal Commission (Commission) under the California Coastal Act (Act). As amended, this measure reinstates housing authority for the Commission and enables two very different state regulatory agencies, HCD and the Commission, to require specific housing policy and program information and outcomes of cities and counties, independent of one another. This amendment increases the potential for redundant planning initiatives, conflicting regulatory oversight, heightened demands on local authorities regarding housing requirements, and, most critically, the delay in the development of affordable housing in the coastal zone.

AB 2560 also proposes to eliminate Section 30500.1 from the Public Resources Code, a provision that has been part of Coastal Act law since the 1980s and stipulates that "No local coastal program shall be required to include housing policies and programs." Additionally, the latest amendments set a deadline of July 1, 2026 for all local governments within the coastal zone to submit an amendment to their LCP certifications incorporating the applicable provisions of DBL. Requiring all coastal cities and counties to update their LCPs by July 1, 2026 is an unfunded mandate that will inundate the Commission and delay the certification of LCPs to move forward with affordable housing projects that incorporate Density Bonus Law. LCP amendments are costly and time-consuming.

While the City of Newport Beach has recently amended its LCP through the Coastal Commission to incorporate DBL and is in full compliance with the

requirements of this proposed bill, the current amendments to AB 2560 would create an extremely challenging situation, entangling local governments in planning approvals and hindering the actual development of affordable housing in the coastal zone.

For these reasons, the City of Newport Beach respectfully opposes AB 2560.

Sincerely,



Will O'Neill

Mayor

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