AB 2011 APPLICATION

WHAT IS AB 2011?

AB 2011, or the Affordable Housing and High Road Jobs Act of 2022, is a bill passed in by the California State Legislature in 2022 that allows the construction of residential units in commercial and office zones.

There are two pathways for proposed AB 2011 projects:

1. 100% Affordable Housing Developments

   AB 2011 can be applied in commercial or office zones provided the development includes 100% of the residential units as affordable to lower income residents and other environmental and labor criteria are met. These developments will also qualify for streamlined, ministerial review and be exempt from California Environmental Quality Act (CEQA).

   This guide provides a checklist for proposed AB 2011 developments choosing this path.

2. Mixed-Income Housing Developments Along Commercial Corridors

   If a development is located along a commercial corridor, proposed AB 2011 projects can qualify for streamlined ministerial review if a portion of their units are affordable to lower-income residents and all environmental and labor criteria are met. Proposed developments can also qualify for higher densities of 40, 60, or even 80 dwelling units per acre depending on the size of the lot and proximity to a major transit stop.

WHAT IS STREAMLINED REVIEW?

The proposed project has set timelines for permit review. In the case of AB 2011, state law requires local jurisdictions to respond to an applicant within 60 days for projects less than 150 housing units, and 90 days for projects greater than 150 housing units.

WHAT IS MINISTERIAL REVIEW?

The proposed project only needs to meet certain requirements and does not need approval by a public official or group, only the review of County staff. Public officials or public groups can still review a project but can only deny an application if an objective design standard is out of compliance.

WHAT IS AN OBJECTIVE DESIGN STANDARD?

A development regulation that is objective and not subjective. For instance, a specific building height is an objective design standard. Community character is a subjective design standard.

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PLEASE VERIFY THE FOLLOWING REQUIREMENTS TO ENSURE YOUR PROPERTY QUALIFIES FOR AB 2011	Y	N
The site is zoned for office, retail, or parking as principally permitted uses (65912.111(a))		
The parcel is within an urban area, as designated by the United States Census Bureau. (65912.111(b)) and (Urban Areas Map)		
At least 75% of the site's perimeter adjoins parcels developed with urban uses (current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of these). Parcels separated by a street/highway are considered adjoined. (65912.111(c))		
It is NOT on a site or adjoined to a site where more than 1/3 of the site's square footage is dedicated to industrial use (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). (65912.111(d))		

The property is NOT located within the following protected areas (65912.111(e)) (65913.4(a)(6)(B-K)):
• Prime farmland or farmland of statewide importance, or land zoned or designated for agricultural protection or preservation.
• Wetlands
• Natural community conservation plan area
• Habitat for protected species
• Lands under conservation easement
• Very high fire hazard severity zones or State Responsibility Areas **UNLESS** site will adopt fire hazard mitigation measures as described in:
  ○ Section 4290 of the Public Resources Code
  ○ Section 4291 of the Public Resources Code or Section 51182
  ○ Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations)
• A hazardous waste site
• Within a delineated earthquake fault zone
• Within a 100-year floodplain
• Within a regulatory floodway		

It would NOT require the demolition of a historic structure that was placed on a national, state or local historic register. (65912.111(f)(1))		
It is NOT on a mobilehome, RV, or special occupancy park. (65912.111(f)(2))		

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For a vacant site, the site satisfies both of the following (65912.111(h)): • It does NOT contain tribal cultural resources, as defined by Section 21074 of the Public Resources Code, that could be affected by the development that were found pursuant to a consultation as described by Section 21080.3.1 of the Public Resources Code and the effects of which cannot be mitigated pursuant to the process described in Section 21080.3.2 of the Public Resources Code. • It is NOT within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection.		
100% of units within the development project, excluding managers' units, will be dedicated to lower income households at an affordable cost. (65912.112(a)) To be considered affordable, total housing costs must be no more than 80% of household income. For reference: AMI Chart		
All affordable units shall be subject to a recorded deed restriction to guarantee affordability for 55 years for rental units and 45 years for owner-occupied units. (65912.112(b))		
The housing development project will provide multifamily housing (five or more housing units for sale or for rent) that meets or exceeds a density of 30 units per acre. (65912.113(b))		
A Phase I environmental assessment was completed, and any identified environmental condition will be remediated prior to certificate of occupancy issuance. (65912.114(k))		
No housing unit will be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas. (65912.113(d))		

The project meets the following standards (65912.113(e)):
• The applicable objective standards will be those for the zone that allows residential use at a greater density between the following:
  • The existing zoning designation for the parcel if existing zoning allows multifamily residential use; or
  • The zoning designation for the closest parcel that allows residential use at a density that meets the requirements of subdivision (b).
• The applicable objective standards will be those in effect at the time that the development application is submitted.		

The project proponent is committed to the prevailing wage requirements and labor standards of Article 4. (65912.130)		

For projects that include more than 50 units (65912.131):
• All contractors that employ construction craft employees or let subcontracts for at least 1,000 hours must:
  ○ Require in contracts and certify to the local government that the labor requirements will be met: (65912.131(a));
  ○ Participate in an apprenticeship program (65912.131(b));
  ○ Make specified heath care contributions. (65912.131(c)); and
  ○ Developer must provide local agency with monthly compliance reports. (65912.131(d))		

CITY OF CHULA VISTA

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PROJECT INFORMATION

Site Address: _____ APN(s): _____

Project Name: _____ Gross Acres: _____

PRIMARY CONTACT INFORMATION

Name: _____ Contact: _____

Address: _____ Email: _____

☐ I HEREBY CERTIFY THAT MY PROJECT IS ELIGIBLE FOR MINISTERIAL REVIEW PROCESS as demonstrated in the eligibility checklist below and request the streamlined review process for my project.

☐ On behalf of the development proponent, I certify the responses on this form are accurate based on reasonable investigation, knowledge and belief. If the information recorded in this checklist changes in the course of the project, I will contact Planning and Development Services for further guidance. I understand this checklist is only a tool for gathering information relevant to the project. Approval or disapproval of the project will be determined based on applicable law and regulation.

Owner Name: _____ Signature: _____

Date

Applicant Name: _____ Signature: _____

Date

CITY USE ONLY

CONSISTENCY DETERMINATION: ☐ *ELIGIBLE* ☐ *NOT ELIGIBLE*	*SUBMITTAL DATE:* / /	*DETERMINATION DUE:* / /	*DETERMINATION DUE:* / /	*APPROVAL DUE:* / /
DEPARTMENT SIGN OFF:			*DATE:*	