

**AB 2011: 100% AFFORDABLE HOUSING DEVELOPMENTS IN
COMMERICAL ZONES APPLICATION GUIDE****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**PLANNING DEPARTMENT USE ONLY**

PRE-APP#:	☐ TRIBAL CONSULT COMPLETED	CONSISTENCY ☐ ELIGIBLE DETERMINATION: ☐ NOT ELIGIBLE	SUBMITTAL DATE: / /
APP#:	DETERMINATION DUE: / /	DETERMINATION DATE: / /	APPROVAL DUE: / /

**THE COUNTY OF SAN DIEGO OFFERS GUARANTEED REVIEW TIMELINES FOR 100 %
AFFORDABLE HOUSING PROJECTS****IF YOU CHECKED “NO” FOR ONE OR MORE ELIGIBILITY REQUIREMENT BELOW, YOUR
PROJECT IS NOT ELIGIBLE FOR THE STREAMLINED MULTIFAMILY REVIEW PROCESS.**



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. The bill allows residential projects with affordable housing units in most commercial zones in the urban unincorporated area of San Diego County, especially along commercial corridors.

There are two pathways for proposed AB 2011 projects:

1.) 100% Affordable Housing Developments

AB 2011 can be applied in most commercial or office zones in the unincorporated area 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.

If you have any additional questions, we strongly recommend requesting an initial consultation meeting. This will afford you the opportunity to sit down with a planner and discuss the “ins and outs” of your project and receive general information of the feasibility of the project right up front before you make any major investment in time and money. The planner will provide you with some basic information and identify the initial required deposit to start the project.

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.

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.

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.



1

FIRST – PLEASE VERIFY THAT YOUR PARCEL QUALIFIES FOR AB 2011

To determine if your parcel within the unincorporated County potentially qualifies for AB 2011, please visit the following link:

[LINK TO WEBMAP](#)

Parcels within the **ORANGE** areas **potentially qualify** for AB 2011.

Parcels within the **BLUE** areas **do not qualify** for AB 2011.

If your parcel **does potentially qualify** for AB 2011, please see below.

2

Submit building plans and apply for a building permit.

*The **building permit application** can be found [here](#).*

3

Be available as staff reviews documents and plans. Request for revisions may be made. Housing and Community Development services will develop an Affordability Agreement to verify that affordable housing requirements are met.

4

Be ready! Once plans have been approved by all reviewing disciplines the building permit can be issued and construction begins.

* The required permits and processing times can vary depending on the nature and complexity of a project and the completeness of the documents submitted.



PLEASE VERIFY THE FOLLOWING REQUIREMENTS TO ENSURE YOUR <u>PROPERTY</u> QUALIFIES FOR AB 2011			Y	N
The site is zoned for office, retail, or parking as principally permitted uses¹. (65912.111.(a)) (Zoning Map - USEREGS Code) • C30 • C31 • C34 • C35 • C36 • C37 • C38 • C40 • C42 • RC • S86 • S88* • ALCD • ALV1 • ALV2 • RMV3 • RMV4 • RMV5 • FBV1 • FBV2 • FBV3 * If the specific plan allows for office, retail, or parking				
The parcel is within an urban area, as designated by the United States Census Bureau. (65912.111.(b)) (Urban Areas Map)				
At least 75% of the site's perimeter adjoins parcels developed with urban uses ² . Parcels separated by a street/highway are considered adjoined. (65912.121.(e))				
It is <u>NOT</u> on a site or adjoined to a site where more than 1/3 of the site's square footage is dedicated to industrial use ³ . (65912.121.(f))				
It is <u>NOT</u> on a Mobilehome, RV Park, or Special Occupancy Park. (65912.121.(h)(6))				
If within a neighborhood plan area, the site is permitted for multifamily ⁴ housing. (65912.111.(g)(1))				
For a <u>vacant</u> site, the site satisfies both of the following (65912.121.(j)): • It does <u>NOT</u> 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 <u>NOT</u> within a very high fire hazard severity zone, as indicated on maps adopted by the Department of Forestry and Fire Protection.				
No housing unit will be located within 500 feet of a freeway. (65912.123.(g))				
No housing unit will be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas. (65912.123.(h))				
The property is <u>NOT</u> 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				



PLEASE VERIFY THE FOLLOWING REQUIREMENTS TO ENSURE YOUR <u>PROPERTY</u> QUALIFIES FOR AB 2011	Y	N
The property is <u>NOT</u> located within the following hazardous areas (65912.111(e)) (65913.4.(a)(6)(B-K)): • Very high fire hazard severity zones or State Responsibility Areas <u>UNLESS</u> 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 site⁵ • Within a delineated earthquake fault zone⁶ • Within a 100-year floodplain⁷ • Within a regulatory floodway⁸		
PLEASE VERIFY THE FOLLOWING REQUIREMENTS BEFORE APPLYING FOR A BUILDING PERMIT	Y	N
100% of units within the development project, excluding managers' units, will be dedicated to lower income households⁹ at an affordable cost.		
To be considered affordable, total housing costs must be no more than 30% 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.(a))		
A Phase I environmental assessment will be completed, and any identified environmental condition was remediated in accordance with Cal. Gov. Code section 65912.113(c). (65912.123.(f))		
The housing development project will provide multifamily housing that meets or exceeds a density of 30 units per acre.¹⁰ (65912.113.(a))		
The project meets the following standards (65912.113.(f)): • 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.		



PLEASE VERIFY THE FOLLOWING REQUIREMENTS BEFORE APPLYING FOR A BUILDING PERMIT	Y	N
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 health care contributions. [65912.131 (c)]; and - Developer must provide local agency with monthly compliance reports. [65912.131 (d)].		

Definitions and Additional Information

¹ **Principally permitted uses** may occupy more than 1/3 of the square footage on the site and do not require a conditional use permit.

² **Urban uses** are any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

³ **Industrial use** means 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.

⁴ **Multifamily** means a property with five or more housing units for sale or for rent.

⁵ **Hazardous Waste Sites:** Development is prohibited on hazardous waste sites UNLESS the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

⁶ **Delineated Earthquake Fault Zones:** Development is prohibited in delineated earthquake fault zones UNLESS the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law.

⁷ **Floodplains:** Development is prohibited in a FEMA 100-year floodplain UNLESS the development is able to satisfy all applicable federal qualifying criteria and either of the following are met:

- The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
- The site meets FEMA requirements necessary to meet minimum floodplain management criteria of the National Flood Insurance Program.

⁸ **Floodways:** Development is prohibited in floodways UNLESS the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.



⁹ **Lower income households** are any households making less than 80% Area Median Income (AMI). For reference: [AMI Chart](#)

¹⁰ **Housing development project** means a use consisting of (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use, OR (C) transitional or supportive housing. (Definition from Section 65589.5.)

If you have any additional questions, we strongly recommend requesting an initial consultation meeting. This will afford you the opportunity to sit down with a planner and discuss the “ins and outs” of your project and receive general information of the feasibility of the project right up front before you make any major investment in time and money. The Planner will provide you with some basic information and identify the initial required deposit to start the project.

Please use the following link to get started: [PDS-PLN-ESUB Initial Consult Meeting.pdf \(sandiegocounty.gov\)](#)

Resources and Full Links

AB 2011 Bill Text:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2011

Web Maps:

AB 2011 Web Map: <https://gis-portal.sandiegocounty.gov/arcgis/apps/webappviewer/index.html?id=1ce88299ceb74807b076a34a6cb44d7e>

San Diego County Zoning Map: <https://gis-portal.sandiegocounty.gov/arcgis/home/webmap/viewer.html?webmap=f1b69ba9d3dd4940b8d1efcc9dac2ac4>

Census Designated Urban Areas Map (2020):

<https://www.arcgis.com/home/webmap/viewer.html?url=https%3A%2F%2Ftigerweb.geo.census.gov%2Farcgis%2Frest%2Fservices%2FTIGERweb%2FUrban%2FMapServer&source=sd>

Other Useful Links:

Building Permit Application:

<https://www.sandiegocounty.gov/content/dam/sdc/pds/docs/pds291.pdf>

San Diego County Area Median Income Chart: <https://www.sandiegocounty.gov/sdhcd/rental-assistance/income-limits-ami/>



Fire Building Code Links:

- Section 4290 of the Public Resources Code:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4290.&lawCode=PRC
- Section 4291 of the Public Resources Code:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4291.&lawCode=PRC
- Section 51182 of the Public Resources Code:
https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=51182
- Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations): <https://codes.iccsafe.org/content/CABCV12019/chapter-7a-sfm-materials-and-construction-methods-for-exterior-wildfire-exposure>

If the subject parcel is on septic, please contact DEHQ at LWQDuty.DEH@sdcounty.ca.gov to determine if any changes need to be made to the existing system for the proposed scope of your project prior to moving forward with the project development.