



AB 2011 MIXED-INCOME HOUSING DEVELOPMENTS IN COMMERCIAL 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 during 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: / /

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).

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.

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

If you have any additional questions, we strongly recommend requesting an initial consultation meeting.

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.

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 will reviews documents and plans. Requests 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 PROPERTY 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 urbanized 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 ³ . Parcels separated by a street/highway are considered adjoined. (65912.121.(e))		
The site has at least 50 feet of frontage along the commercial corridor ² . (65912.121.(c))		
The site is <u>NOT</u> greater than 20 acres. (65912.121.(d))		
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 ⁴ . (65912.121.(f))		
It is <u>NOT</u> on a Mobilehome, RV Park, or Special Occupancy Park. (65912.121.(h)(6))		
The development would <u>NOT</u> require the demolition of: (65912.121.(h)(1)) • Housing subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income. • Housing subject to any form of rent or price control. • Housing occupied by tenants within the past 10 years, excluding manager's units.		
The site was <u>NOT</u> previously used for permanent housing occupied by tenants, manager's units, that was demolished within 10 years before an application is submitted under this article. (65912.121.(h)(2))		
The development would <u>NOT</u> require the demolition of a historic structure placed on a national, state, or local historic register. (65912.121.(h)(3))		
The property does <u>NOT</u> contain one to four dwelling units. (65912.121.(h)(4))		
The property is <u>NOT</u> vacant <u>AND</u> zoned for multifamily housing. (65912.121.(h)(5))		



PLEASE VERIFY THE FOLLOWING REQUIREMENTS TO ENSURE YOUR PROPERTY QUALIFIES FOR AB 2011	Y	N
The property is NOT 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 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 site⁵ • Within a delineated earthquake fault zone⁶ • Within a 100-year floodplain⁷ • Within a regulatory floodway⁸		
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 by a local ballot measure. • Wetlands • Natural community conservation plan area • Habitat for protected species Lands under conservation easement		
For a site within a neighborhood plan⁹ area, the site satisfies either of the following conditions: (65912.121.(i)) • As of January 1, 2022, the neighborhood plan permitted multifamily housing development on the site. • As of January 1, 2024, the neighborhood plan permitted multifamily housing development on the site and all of the following occurred: ○ A notice of preparation for the neighborhood plan was issued before January 1, 2022, pursuant to the requirements of Sections 21080.4 and 21092 of the Public Resources Code. ○ The neighborhood plan was adopted on or after January 1, 2022, and before January 1, 2024. ○ The environmental review for the neighborhood plan was completed before January 1, 2024.		
For a vacant site, the site satisfies both of the following (65912.121.(j)): • 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 <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))		
PLEASE VERIFY THE FOLLOWING BEFORE APPLYING FOR A BUILDING PERMIT	Y	N
A rental housing development shall include either of the following (65912.122.(a)(1)): 8% of units are affordable housing for “Very Low Income” households and 5% of the units for “Extremely Low Income” households. 15% of units for “Lower Income” households. To be affordable, total housing costs must be no more than 30% of household income. For reference: AMI Chart		
A rental housing proponent shall agree to the continued affordability of all affordable rental units for 55 years. (65912.122.(a)(2))		
An owner-occupied housing development shall include either of the following (65912.122.(b)(1)): 30% of units are affordable housing for “Moderate Income” households. 15% of units are affordable housing for “Lower Income” households. To be affordable, total housing costs must be no more than 30% of household income. For reference: AMI Chart		
An owner-occupied housing development proponent shall agree to the continued affordability of all affordable ownership units for 45 years. (65912.122.(b)(2))		
The housing development project will comply with all of the following (65912.122.(c)): - The development project shall include the percentage of affordable units required by this section or the local affordable housing requirement¹⁰, whichever is higher. - The development project shall meet the lowest income targeting in either policy. - If the local affordable housing requirement requires greater than 15% 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 will do both of the following:		



○ Include 8% of units for “Very Low Income” households and 5% of units for “Extremely Low Income” households. ○ 15% 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.		
Affordable units in the development project will have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes. (65912.122.(d))		
The development will be a multifamily housing development project. (65912.123.(a))		
The residential density for the development will meet or exceed the greater of the following (65912.123.(b)(1)): • The residential density allowed by the County. • For sites of less than one acre in size, 30 units per acre. • 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. • 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. • Notwithstanding the above criteria, for sites within 0.5 mile of a major transit stop¹¹, 80 units per acre.		
The height limit applicable to the housing development shall be the greater of the following (65912.123.(c)): • The height allowed by the County. • On commercial corridors of less than 100 feet in width, 35 feet. • On commercial corridor of 100 feet in width or greater, 45 feet. • Notwithstanding the above criteria, 65 feet for sites that are: ○ Within 0.5 mile of a major transit stop BUT ○ NOT within a coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.		
For the portion of the property that fronts a commercial corridor (65912.123.(d)(1)): • No setbacks are required. • All parking must be set back at least 25 feet. • On the ground floor, buildings must abut within 10 feet of the property line for at least 80% of the frontage.		
For the portion of the property that fronts a side street ¹² , buildings must abut within 10 feet of the property line for at least 60 % of the frontage. (65912.123.(d)(2))		
For the portion of the property that abuts an adjoining property that also abuts the same commercial corridor, no setbacks are required unless the adjoining property contains a residential use constructed prior to the enactment of this chapter, in		



which case the requirements of Cal. Gov. Code section 65912.123(d)(4)(A) apply. (65912.123.(d)(3))														
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, the following shall occur (65912.123.(d)(4)): - Along property lines that abut a property that contains a residential use, the following shall occur: - The ground floor will be set back at 10 feet. - Starting with the second floor, each subsequent floor will be stepped back in an amount equal to seven feet multiplied by the floor number. The ground floor counts as the first floor. - Along property lines that abut a property that does not contain a residential use, the development shall be set back 15 feet														
Requirements for bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities will be met. (65912.123.(e))														
A phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code, will be completed. If a recognized environmental condition is found, a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, will be prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. (65912.123.(f)) - If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements. - If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.														
Written notice of the pending application will be provided to each commercial tenant on the parcel when the application is submitted. (65912.123.(i)) Relocation assistance will be provided to each eligible commercial tenant located on the site as follows: <table><tr><th>Commercial tenant operating on site for</th><th>Relocation assistance equivalent to</th></tr><tr><td>at least 1 year but less than 5 years</td><td>6 months' rent</td></tr><tr><td>at least 5 years but less than 10 years</td><td>9 months' rent</td></tr><tr><td>at least 10 years but less than 15 years</td><td>12 months' rent</td></tr><tr><td>at least 15 years but less than 20 years</td><td>15 months' rent</td></tr><tr><td>at least 20 years</td><td>18 months' rent</td></tr></table>	Commercial tenant operating on site for	Relocation assistance equivalent to	at least 1 year but less than 5 years	6 months' rent	at least 5 years but less than 10 years	9 months' rent	at least 10 years but less than 15 years	12 months' rent	at least 15 years but less than 20 years	15 months' rent	at least 20 years	18 months' rent		
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at least 15 years but less than 20 years	15 months' rent													
at least 20 years	18 months' rent													



• The relocation assistance shall be provided to an eligible commercial tenant upon expiration of the lease of that commercial tenant. • For purposes of this subdivision, a commercial tenant is eligible for relocation assistance if the commercial tenant meets all of the following criteria: ○ The commercial tenant is an independently owned and operated business with its principal office located in the county in which the property on the site that is leased by the commercial tenant is located. ○ The commercial tenant's lease expired and was not renewed by the property owner. ○ The commercial tenant's lease expired within the 3 years following the submission of the application for a housing development pursuant to this article. ○ The commercial tenant employs 20 or fewer employees and has an annual average gross receipt under one million dollars (\$1,000,000) for the 3 taxable year period ending with the taxable year that precedes the expiration of their lease. ○ The commercial tenant is still in operation on the site at the time of the expiration of its lease. • Notwithstanding the above criteria, a commercial tenant is ineligible for relocation assistance if the commercial tenant: ○ Entered into a lease after the submission of the application for a housing development pursuant to this article AND ○ Had not previously entered into a lease on the site. • The commercial tenant shall utilize the funds provided to relocate the business or for costs of a new business. ○ Notwithstanding the above requirement, if the commercial tenant elects not to use the funds provided as required above, assistance equal to only 3 months' rent will be provided, regardless of the duration of the commercial tenant's lease. • Monthly rent is equal to 1/12 the total amount of rent paid by the commercial tenant in the last 12 months.		
Objective standards apply as follows (65912.123.(j)): • The applicable objective standards shall be those for the closest zone that allows multifamily residential use at the residential density determined pursuant to subdivision (b). If no zone exists that allows the residential density determined pursuant to subdivision (b), the applicable objective standards will be those for the zone that allows the greatest density within the County. • The applicable objective standards will be those in effect at the time that the development application is submitted.		



• The applicable objective standards may include a requirement that up to one-half of the ground floor be dedicated to retail use. • In the event that objective zoning, general plan, subdivision, or design review standards are mutually inconsistent, a development shall be deemed consistent with the objective zoning and subdivision standards pursuant to this subdivision if the development is consistent with the standards in the general plan.		
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 **Commercial corridor** means a highway or street, that is not a freeway, and has a right-of-way, of at least 70 and not greater than 150 feet.

³ **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.

⁴ **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.

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 Neighborhood plan means 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 adopted by the County.

¹⁰ Local affordable housing requirement means either of the following:

A local government requirement, as a condition of development of residential units, that a housing development project include a certain percentage of units affordable to, and occupied by “Lower” or “Moderate Income” households as a condition of development of residential units.

A local government requirement allowing a housing development project to be a use by right if the project includes a certain percentage of units affordable to, and occupied by “Lower” or “Moderate Income” households as a condition of development of residential units.

¹¹ Major transit stop means a site containing any of the following:

- An existing rail or bus rapid transit station.
- A ferry terminal served by either a bus or rail transit service.
- The intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
- Major transit stops included in the regional transportation plan.

¹² Side street means 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 25 and fewer than 70 feet

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>