



AB 2011 Eligibility Checklist

Planning Division

Revised: May 3, 2024

This checklist provides an overview of the eligibility requirements for Assembly Bill (AB) 2011, which provides for a streamlined and ministerial approval process for certain housing projects. The answers to all of the statements below must be “yes” for the project to be eligible for the ministerial approval process. **For any statement with a response of “yes,” the applicant must demonstrate (providing supplemental exhibits as appropriate) how that determination was rendered or the application will not be accepted.**

PROJECT TYPE

Mixed-Income Housing Project Along Commercial Corridor

100% Affordable Housing Project

Check One

Projects must comply with **ALL** of the following to qualify for AB 2011 review.

GENERAL ELIGIBILITY REQUIREMENTS

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Zoning. | <input type="checkbox"/> | <input type="checkbox"/> |
| A. <u>Mixed-Income Housing Projects along Commercial Corridors</u> | | |
| • Zone where office, retail, or parking are a principally permitted use; and | | |
| • Project abuts a commercial corridor (highway as defined in Vehicle Code Section 360, with a public right-of-way between 70 and 150 feet) and has frontage along the commercial corridor of a minimum 50 feet. | | |
| or; | | |
| B. <u>100% Affordable Housing Projects</u> | | |
| • Zone where office, retail, or parking are a principally permitted use. | | |
| 2. Type. The development is a housing development project per Government Code Section 65589.5(h)(2) and proposes either any one of the following: | <input type="checkbox"/> | <input type="checkbox"/> |
| • Residential units only; | | |
| • Mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or transitional or supportive housing | | |
| 3. Minimum Units. The development is a multi-family housing development project that proposes five (5) or more units. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Urban Area. Project is within an urbanized area or urban cluster (now designated “urban areas” by the U.S. Census Bureau). | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Adjacent Urban Uses. At least 75 percent of the site perimeter adjoins parcels with urban uses (inclusive of parcels that are only separated by a street or highway). | <input type="checkbox"/> | <input type="checkbox"/> |



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|---|--------------------------|--------------------------|
| <p>6. Adjacent Industrial Use. Not on or adjoined to any site where more than one-third of the site is industrial use (inclusive of parcels that are only separated by a street or highway).</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>7. Adjacent to a Freeway. None of the housing on the site will be located within 500 feet of a freeway.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>8. Adjacent Oil or Gas Uses. None of the housing on the site will be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>9. Mobilehome Law. Not governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>10. Neighborhood Plan. For a site within a neighborhood plan (e.g., specific plan, area plan, or master plan), the neighborhood plan permits multi-family housing development on the site.</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>11. Location. Satisfies SB 35 environmental criteria found in Government Code Section 65913.4(a)(6)(B)(K) where the project site is NOT within any of these areas:</p> <ul style="list-style-type: none"> • Prime farmland or farmland of statewide importance • Wetlands • Hazardous waste site • Delineated earthquake fault zone • 100-year Flood Zone • Regulatory Floodway • Lands identified in an adopted natural resources protection plan • Protected Habitat • Conservation easement | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>12. Vacant Sites. If a vacant site, satisfies both of the following:</p> <ul style="list-style-type: none"> • It does not contain any tribal resources that could be affected by the development, and the effects of which cannot be mitigated pursuant to Public Resources Code Section 21080.3.2 • Not within a very high fire hazard severity zone. | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>13. Phase I. The development proponent has completed a phase I environmental assessment and mitigated any health hazards to a level of insignificance (provide documentation as an attachment).</p> | <input type="checkbox"/> | <input type="checkbox"/> |
| <p>14. Prevailing Wage. The project will pay prevailing wage under Government Code Section 65913.4(a)(8)(A).</p> | <input type="checkbox"/> | <input type="checkbox"/> |

15. Labor Standards. For projects with more than 50 units: The project will require contractors to employ construction craft employees or let subcontracts for at least 1,000 hours to participate in an apprenticeship program and make specified health care contributions.

- Developer shall require these standards be included in all construction contracts.
- Developer shall certify to the local government that the labor requirements will be met in the project construction.
- Developer shall provide local agency with monthly compliance reports.

ADDITIONAL CRITERIA FOR 100% AFFORDABLE HOUSING PROJECTS

	YES	NO
<p>1. Density. The density of the project must meet or exceed the default density under housing element law. (30 du/acre)</p>	<input type="checkbox"/>	<input type="checkbox"/>
<p>2. Objective Standards. Project meets objective zoning, subdivision, and design review standards for the zone that allows residential use at a greater density between:</p> <ul style="list-style-type: none"> • The existing zoning designation for the parcel if existing zoning allows multi-family residential use. • The zoning designation for the closest parcel that allows residential use at the default density. 	<input type="checkbox"/>	<input type="checkbox"/>
<p>3. Affordability. The project meets or exceeds the following affordable housing requirements:</p> <ul style="list-style-type: none"> • 100 percent of the units, excluding managers' units, are dedicated to lower-income households at an affordable cost or affordable rent • Units are subject to recorded deed restriction: <ul style="list-style-type: none"> ○ 55 years for rental units ○ 45 years for owner-occupied units 	<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL CRITERIA FOR MIXED-INCOME HOUSING PROJECTS

	YES	NO
1. Lot Size. The site is 20 acres or less.	<input type="checkbox"/>	<input type="checkbox"/>
2. Demolition of Housing. The development would not require the demolition of:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • Housing subject to recorded covenant, ordinance or law that restricts rents to levels affordable to moderate, low or very low-income households • Housing subject to rent price control • Housing occupied by tenants in the last 10 years, excluding manager's units 		
3. Historic Structure. The development would not require the demolition of a historic structure that was placed on a national, state, or local historic register.	<input type="checkbox"/>	<input type="checkbox"/>
4. Prior Residential Use. A prior residential use was not demolished on the site in the last 10 years.	<input type="checkbox"/>	<input type="checkbox"/>
5. Existing Housing. The property does not contain one to four dwelling units.	<input type="checkbox"/>	<input type="checkbox"/>
6. Zoning. The site cannot be one zoned for housing, unless zoned for multi-family residential use (e.g., the site cannot be one zoned for single-family residential development).	<input type="checkbox"/>	<input type="checkbox"/>
7. Affordability. The project meets or exceeds the following affordable housing requirements.	<input type="checkbox"/>	<input type="checkbox"/>

FOR RENTAL PROJECTS:

- 8 percent very-low income and 5 percent extremely low-income; OR
- 15 percent low-income

AND deed restriction for these units for 55 years.

FOR OWNER-OCCUPIED PROJECTS:

- 30 percent moderate income; OR
- 15 percent low-income

AND deed restriction for these units for 45 years.

Affordable units must be equitably distributed, have the same bedroom/bathroom count ratios, and the same quality appliances, fixtures and finished as market-rate units. Note: Local inclusionary requirements prevail if greater affordability required.

8. Tenant Relocation. Notice to commercial tenants and relocation assistance to certain qualifying independently owned commercial tenants will be provided.

9. Density. The proposed residential density for the development meets or exceeds the greater of the following:

- The residential density allowed on the parcel by the local government.
- 30 units per acre for sites of less than one acre in size.
- 40 units per acre for sites of one acre or greater and located on a commercial corridor of less than 100 feet in width.
- 60 units per acre for sites of one acre or greater and located on a commercial corridor of 100 feet in width or greater.
- 80 units per acre for sites within one-half mile of a major transit stop.

10. Height. The proposed height is less than the greater of the following:

- Height currently permitted on the parcel.
- 35 feet for sites on a commercial corridor of less than 100 feet in width.
- 45 feet for sites on a commercial corridor of 100 feet in width or greater.

11. Setback Standards. The project meets following setback standards:

- For portion of property that fronts a commercial corridor, no setbacks may be required.
 - All parking must be set back at least 25 feet.
 - On ground floor, building must abut within 10 feet of the property line for at least 80% of frontage.
- For portion of property that fronts side street, building must abut within 10 feet of property line for at least 60% of frontage.
- For portion of property that abuts adjoining property that also abuts same commercial corridor, no setbacks may be required UNLESS adjoining property contains residential use that was constructed prior to enactment of AB 2011.
- For portion of property that does not abut commercial corridor, side street or adjoining property that abuts same commercial corridor



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- Along property lines that abut residential use:
 - Ground floor shall be set back 10 feet.
 - Starting with second floor, each floor shall be stepped back in amount equal to 7 feet multiplied by the floor number.

- Along property lines that abut non-residential use, the development shall be set back 15 feet.

12. Parking. The project meets all requirements related to bicycle parking, electric vehicle parking spaces, and parking spaces accessible to persons with disabilities.

13. Objective Standards. Proposal is consistent with other objective zoning standards, objective subdivision standards, and objective design review standards from the closest zone.

APPLICATION REVIEW PROCESS

1. Ministerial Design Review: Projects complying with AB 2011 are reviewed on a ministerial basis.
2. CEQA Exemption: Because the Government Code section 65913.4 process is ministerial, eligible projects are exempt from CEQA.
3. Application Review Timing: Depending on the project size, the following deadlines shall be observed:
 - **Small projects (150 units or less)** – the City shall provide the applicant with a list of all inconsistencies with objective planning standards and an explanation for the reason(s) the project conflicts with the standard(s) within 60 days of the application submittal to the City.
 - **Large projects (over 150 units)** – the City shall provide the applicant with a list of all inconsistencies with objective planning standards and an explanation for the reason(s) the project conflicts with the standard(s) within 90 days of the application submittal to the City.
4. Design Review Timing: The City may conduct design review of the proposed project. The design review process is outlined below and shall be objective and focused on assessing compliance with criteria required for streamlined, ministerial review of projects, and adopted objective design standards. The following deadlines shall be observed:
 - **Small projects (150 or less units)** – the City shall complete design review within 90 days of the application submittal to the City.
 - **Large projects (over 150 units)** – the City shall complete design review within 180 days of the application submittal to the City.



AB 2011 Certificate for Compliance with Eligibility Requirements

Under penalty of perjury the following declarations are made:

- a. The undersigned is the owner of this property.
- b. The information presented is true and correct to the best of my knowledge.
- c. **Public Record.** I understand that any information provided becomes part of the public record and can be made available to the public for review and posted to the city website.
- d. **Affordable Housing.** I agree to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(3).
- e. **Prevailing Wage.** I agree to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).
- f. **Tenant-Occupied Housing.** I certify that the project site has not contained any housing occupied by tenants within 10 years prior to the date written below.

PROPERTY OWNER

Owner's Signature

Date

Owner's Name (printed)

Design Review Process

In general terms, a design review application is a formal request to “allow design and site development review of all developments, signs, buildings, structures and other facilities constructed or modified in any zone where design and site development review is required. The design review process shall be objective and focused on assessing compliance with criteria required for streamlined, ministerial review of projects, and adopted objective design standards.

Planning Review Process

Based on the size of the project, within either 60 or 90 days (see above timelines) of an application being received (meaning all required materials have been submitted and all fees/deposits have been paid), the City will determine if the application is in conflict with the applicable standards or has not proven consistency with the applicable standards. If so, the application will be rejected as not entitled to the streamlined, ministerial review process afforded by AB 2011.

SUBMITTAL REQUIREMENTS

The following submittal requirements, as specified below, are required for a development application to be accepted. All submission of application materials must be provided in a singular submittal (i.e., items shall not be submitted piecemeal).

Data to Accompany Development Proposal

All development proposals shall be accompanied, when applicable, by the following supplemental data.

1. Completed AB 2011 Eligibility Checklist
2. Statement of Understanding, signed by the property owner. Alternatively, a letter of authorization from the property owner will suffice. Include contact information for the legal property owner, applicant or authorized agent, Civil Engineer, and Architect, Landscape Architect on the Universal Application form.
3. A detailed project description (on a separate sheet and attached to the application). This information is critical for staff to fully understand your project and how you wish to operate. Much of this information will be used to explain the project to the approving body and the general public. In a narrative form, provide the following information (if applicable) in as much detail as possible.
 - a) **Project Title:** *Name of the proposed subdivision or residential development.*
 - b) **Project Site Context:** *Address and APN. General Plan Land Use designation and density range, including mid-range. Confirm if a density transition is required and how will the project comply with this requirement. Zoning district. Acreage of property. Major roads. Surrounding land uses. Current condition of the site (i.e. vacant, developed). Special areas affecting the site (i.e. flood zone, biological habitat, etc.)*
 - c) **Site Development:** *Number of lots proposed. Number of residential units proposed. Number of commercial buildings proposed, multi-tenant or single tenant. Demolition proposed. Onsite circulation. Ingress/egress. Interaction with abutting uses/right-of-way (i.e. shared parking, continuation of public trail, etc.) Outdoor storage areas, loading/unloading areas. Trash enclosure (location, materials and design). Describe lighting plan and methods of preventing glare and light pollution.*

- d) **Use:** *Proposed use. If mixed-use, is a use permit required for the commercial portion? Hours/days of operation of commercial uses. Number of employees. Number of customers/guests. Other licenses/approvals required (i.e. liquor license, etc.). Surrounding uses. Compatibility with surrounding uses.*
- e) **Affordability.** *Is the project subject to the City's Affordable Housing ordinance? If so, how will the project comply (in-lieu, dedication, etc.)? How many units are required? If on-site units will be provided describe locations and unit types.*
- f) **Design:** *Describe the design, the designer's approach, and how the architectural, landscape and other elements have been integrated. The relationship of the project to adjacent properties and to the adjacent streets should be expressed in design terms. Define the site, building design, and landscape concepts in terms of site design goals and objective, pedestrian circulation, outdoor uses area, visual screening and enhancements, conservation of natural resources, mitigation of negative site characteristics, and off-site influences. Describe how the site design and architecture is meeting the City's Objective Design Standards (call out specific examples).*
- g) **Additional Applications/Entitlements:** *Describe any additional applications/entitlements that will be sought (Density Bonus application).*
4. A preliminary soils report, prepared by a soils engineer or engineering geologist registered in this state, and based upon adequate test borings.
 5. Stormwater Control Plan to address C.3 requirements, including all applicable text and worksheets. Please visit the Contra Costa Clean Water Program's website ([here](#)) for further information.
 6. Residential developments are required to follow the City's Objective Design Standards. For multi-family and mixed-use projects, complete the Multi-Family Residential and Mixed-Use Projects Checklist [here](#).
 7. Arborist Report.
 8. A preliminary title report on the subject property(s), no more than 6 months old at the time of submittal.
 9. Flash drive containing all written documents and all maps/plans/figures in PDF format.
 10. AN HCP Application form and Planning Survey Report (PSR) is needed in order to comply with East Contra Costa County HCP/NCCP. This document can be accessed at <https://www.cocohcp.org/193/Project-Permitting>.
 11. Applicable filing deposit(s). **Note:** that charges for materials and staff time spent processing this application will be billed against this deposit. Application processing includes but is not limited to plan checking and processing, meetings, phone calls, research, email, and staff report preparation. Additional funds will be required if the cost of processing the application exceeds the initial deposit amount. All costs incurred in processing the application are required to be paid in full.

Format of Plans

All site plan shall be prepared in the following format:

12. Be prepared, signed and stamped by a licensed professional(s).
13. All topographic elevations shall be based on U.S. Geologic Survey 1929 sea level datum.
14. All plans shall include the date of preparation and dates of each revision.
15. Incorporate all the required plan sheets, inclusive of architectural, civil, and landscaping sheets, into a single set of Project Plans.
16. Plans shall be clearly and legibly drawn on 24"X36" sheets, be fully dimensioned and drawn to scale. All plan sheets shall have a consistent scale.

Required Development Plans

All development plans shall include the following information:

17. **Cover sheet** to include:

- i) Project site address, APN, zoning district, project title, scope of work, sheet index, legend, north arrow, and vicinity map.
- ii) Project data table including net lot size, gross lot size, building lot coverage, landscaping coverage, paving coverage, impervious/pervious coverage, existing/proposed building square-footage (for each floor and in total), building heights, building setbacks (all sided and all floors), number of housing units (by size and bedroom count), and number of parking stalls required/provided (including accessible stalls, compact and electric vehicle stalls (EV)).
- iii) For residential development, include the floor area for each unit type, the number of bedrooms, the number of units by type, the number of units per building, the total number of units, and net density.

18. **Site photography** sheet providing at least six labeled photographs of the project site taken from multiple vantage points, with a key/legend identifying the location where each photograph was taken.

19. **Contextual Plan** to include:

- i) Location and dimensions of all existing structures extending 50 feet beyond the property. If adjacent to the street, show the entire width of street to the property line, including driveways.
- ii) Land use and zoning designation on all lots.
- iii) Property lines and dimensions of the subject site and adjacent properties showing all easements.
- iv) Location of streets, medians, curb cuts, sidewalks and parking areas.
- v) Location of all creeks, waterways and trees.
- vi) Vicinity map indicating site in relation to major streets.

20. **Site plan** to include:

- i) Existing and proposed property lines with dimensions, and distance from centerline of adjacent street(s) to property lines(s).
- ii) Recorded and/or proposed easements with the purpose for each easement noted (i.e., PUE) and notation if existing easements are to be vacated.
- iii) Driveways, walkways and other hard surfaces, indicating all materials.
- iv) Proposed and/or existing public improvements dimensioned from street center line.
- v) Accessible path-of-travel to buildings from the public sidewalk and from accessible parking stalls.
- vi) Parking stalls with stall dimensions, accessible and van-accessible stalls (with loading area), electric vehicle parking stalls; dimensioned drive aisles, wheel stops and long-term/short-term bicycle parking.
- vii) Proposed and existing trash enclosures(s): **Note:** Please review the [City's Trash Enclosure Standards](#) handout.
- viii) Proposed and existing (to be retained) buildings, accessory structures, trellises, etc., showing dimension of each structure, setbacks from property lines, and distances between structures. For residential properties this would include a color-coded master plotting plan/development plan showing lot lines, the footprint of homes and any optional accessory structures plotted on each lot, the elevation style of each home, and setbacks from all property lines.
- ix) Location, height and materials of all walls and fences, including retaining walls.
- x) Location and dimensions of mechanical and utility equipment, including, transformers, backflow prevention devices, meters, ground-mounted air conditioner (AC) units, private fire hydrants, and lighting standards.
- xi) Location of all natural features such as creeks, ponds, drainage swales, wetlands, etc., extending 50 feet beyond the property line to show the relationship with the proposed development.

21. Floor Plans to include:

- i) All floors of all building(s), including depiction of any walls to be removed and/or modified (existing buildings).
- ii) Labeled use of each room (bedroom, kitchen, office etc.).
- iii) Dimensions of all exterior walls, doors, windows and rooms.
- iv) All functional components of the building, including kitchen appliances, fixtures (sinks, bath tubs, toilets, etc.).
- v) Seating layout for restaurants and assembly spaces.
- vi) Delineation between existing and proposed floor space (for additions and alterations).

- vii) Existing and proposed tenant spaces or suites.
 - viii) Floor plans shall clearly identify affordable (BMR) units.
22. **Building Cross Sections** taken from at least two opposing sides showing depth of reveals, projections, recesses, etc.
23. **Site Cross Section** taken from at least two opposing sides showing existing topography, slope lines, final grades, location and height of existing and proposed structures, fences, walls, roadways, parking areas, landscaping, trees, and property lines. Section locations shall be identified on the site plan.
24. **Exterior Elevations** to include:
- i) Unobscured grayscale or color hardline architectural depictions of all sides and all floors (including roof parapets) of all proposed structures.
 - ii) Delineation between existing and proposed construction (for additions and alterations).
 - iii) Existing and finish grade.
 - iv) Maximum structure height, wall heights, and finish floor height of each floor.
 - v) Detailed building sections depicting architectural elements such as depth of reveals, projections, recesses, etc.
 - vi) Location and details of all building-mounted equipment, including HVAC units, exterior duct work, lighting fixtures, fire panels, gutters, downspouts vents, and/or any other mechanical equipment, etc.
 - vii) Details including materials and dimensions of door and window treatments, railings, stairways, accessibility ramps, trim, fascia, soffits, columns, fences, and other elements which are incorporated into the wall plane.
 - viii) All elevation profiles shall be labeled as “North Elevation, South Elevation, etc.”
25. **Roof Plan** showing roof slope(s) and direction, mechanical equipment, and screening. Plans shall show existing roof forms and roof forms to be added or changed.
26. **Roof Cross Sections** taken from at least two opposing sides. **Note:** All roof-mounted equipment must be screened from public view. The screening must be an integrated part of the architecture and cannot be “tacked-on”.
27. **Colors/Materials** to include:
- i) Sheets providing illustrations of all proposed exterior materials/paint colors, specifically indicating manufacture, color/product name, and color/product number that correspond to the notes on the elevations sheet(s). This may include brochure excerpts/product specification sheets or photos of exterior building lights, and other architectural features.

- ii) Color and material samples representative of actual materials/colors for all buildings and structures specifically indicating manufacturer, color/product name, and color/product number that correspond to the notes on the elevation sheet(s). These must be mounted on extra-thick cardstock not to exceed 8 ½" x14". Material samples should include texture samples for materials such as stucco or plaster, paint samples, roofing material, siding and trim materials, window framing, metal, masonry, and other exterior materials.

28. **Fence Plan.** Showing the location, height and type of all fences and walls.

29. **Lighting Plan.** Location and type of exterior lighting, both fixed to the building and freestanding, any and all lights for circulation, security, landscaping, building accent or other purpose.

30. **Photometric Plan.** Indicate compliance with Section 17.620.022 of the BMC, luminaries shall be such that a maximum of seven foot-candles and a minimum of one foot-candle of illumination are obtained on all vehicle access ways and parking areas. Lighting shall not shine directly onto an adjacent street or property.

31. **Phasing Plan** depicting and describing the proposed phasing of the project, including, as applicable, the separate components of the proposed project and identifying major milestones.

32. **Stormwater control plan,** drawn to scale, including water treatment calculations.

33. **Preliminary landscaping plan,** if any is required or proposed, should be prepared by a licensed landscape architect and include:

- i) Location, size, number, and name of all plantings, including trees, shrubs, groundcover, etc.
- ii) Locations, size, and drip-line/canopy of existing trees to remain or removed.
- iii) All impervious surfaces, including driveways, walkways, patios, etc.
- iv) Documented square-footage of all landscaped areas.

34. **Grading and Drainage Plans to include:**

- i) Actual topographical elevations of building pad, existing grade, and finished grade.
- ii) Surveyed property line dimensions and lot size.
- iii) Direction, path of drainage channels or facilities and all necessary trenching for utilities, and any overland release paths.
- iv) Documented square-footage of new impervious/pervious areas.
- v) Stated maximum depth and volumes of cut and fill.
- vi) Cross-section at property lines.

vii) Retaining walls showing height and materials.

35. **Circulation Plan** depicting and differentiating between pedestrian, vehicular, and bicycle routes through the project site and extending to the public right-of-way, including wayfinding signage, loading areas, etc.

Additional Applications

1. *Optional:* A [Density Bonus application](#) must be submitted for a residential project seeking an increase over the otherwise maximum allowable residential density or seeking incentives pursuant to Chapter 17.720 of the BMC.