



CITY OF MORGAN HILL

Development Services Department

AB 2011 (2022) ELIGIBILITY CHECKLIST

This checklist provides an overview of Assembly Bill No. 2011's (2022) requirements which provides for a streamlined and ministerial approval process for certain housing projects. If the answers to all of the statements below are "yes," then your project is eligible for consideration. If any of these responses are "no," then the project is not eligible. **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	<input type="checkbox"/>	<input type="checkbox"/>

GENERAL ELIGIBILITY REQUIREMENTS		Yes	No	N/A
1.	A. <u>Mixed-Income Housing Projects along Commercial Corridors</u> <ul style="list-style-type: none">Zone where office, retail, or parking are principally permitted use¹; andProject site abuts a commercial corridor and has frontage along the commercial corridor of minimum of 50 feet. <p>AB 2011 Mixed Income Housing Site Criteria</p> <p>or;</p> <ul style="list-style-type: none">B. <u>100% Affordable Housing Projects</u><ul style="list-style-type: none">Zone where office, retail, or parking are principally permitted use.	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Proposed housing development project is a multi-family housing development project.	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Project is within an urbanized area or urban cluster (now designated "urban areas" by the US Census Bureau).	<input type="checkbox"/>	<input type="checkbox"/>	
4.	At least 75 percent of the site adjoins parcels developed with urban uses.	<input type="checkbox"/>	<input type="checkbox"/>	
5.	Not on or adjoined to a site where more than one-third dedicated to industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	
6.	Satisfies SB 35 environmental criteria found in Gov. Code Section 65913.4(a)(6)(B)-(K).	<input type="checkbox"/>	<input type="checkbox"/>	

¹ AB 2011 defines "principally permitted use" as a use that can occupy more than 1/3 of permitted floor area without a discretionary permit.

GENERAL ELIGIBILITY REQUIREMENTS			
		Yes	No
		N/A	
7.	For sites within a neighborhood plan area, there is either: <ul style="list-style-type: none"> ○ (As of January 1, 2022) An applicable neighborhood plan that permits multifamily housing development on the site; or ○ (As of January 1, 2024) An applicable neighborhood plan that permits multifamily housing on the site, the notice of preparation for the neighborhood plan was issued before January 1, 2022, the neighborhood plan was adopted between January 1, 2022 and January 1, 2024, and the environmental review for the neighborhood plan was completed before January 1, 2024. 	<input type="checkbox"/>	<input type="checkbox"/>
8.	Where the site is vacant, the site satisfies both of the following: <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 ○ It is not located in a very high fire severity zone 	<input type="checkbox"/>	<input type="checkbox"/>
9.	The site is not governed by the Mobilehome Residency Law, the Mobilehome Residency Law, the Recreational Vehicle Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.	<input type="checkbox"/>	<input type="checkbox"/>
10.	The project does not propose housing within 500 feet of a freeway or 3,200 feet of an oil or natural gas extraction or refinery.	<input type="checkbox"/>	<input type="checkbox"/>
11.	The project will pay prevailing wage.	<input type="checkbox"/>	<input type="checkbox"/>
12.	For projects with more than 50 units: <p>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.</p> <ul style="list-style-type: none"> • 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. 	<input type="checkbox"/>	<input type="checkbox"/>
13.	The local agency has not exempted the parcel.	<input type="checkbox"/>	<input type="checkbox"/>

ADDITIONAL CRITERIA FOR MIXED-INCOME PROJECTS		
	Yes	No
1.	<input type="checkbox"/>	<input type="checkbox"/>
2.	<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.	<input type="checkbox"/>	<input type="checkbox"/>
4.	<input type="checkbox"/>	<input type="checkbox"/>
5.	<input type="checkbox"/>	<input type="checkbox"/>
6.	<input type="checkbox"/>	<input type="checkbox"/>
7.	<input type="checkbox"/>	<input type="checkbox"/>
8.	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> ○ Height currently permitted on the parcel; ○ For site on commercial corridor of less than 100 feet in width, 35 feet; or ○ For sites on commercial corridor of 100 feet or more, 45 feet. 	

ADDITIONAL CRITERIA FOR MIXED-INCOME PROJECTS			Yes	No
	<ul style="list-style-type: none"> ▪ Along property lines that abut residential use: <ul style="list-style-type: none"> • Ground floor shall be set back 10 feet • Starting with second floor, each floor shall be stepped back in amount equal to 7 ft multiplied by the floor number <p>Along property lines that abut non-residential use, the development shall be set back 15 ft.</p>			
11.	The project meets all requirements related to bicycle parking, electric vehicle parking spaces, and parking spaces accessible to persons with disabilities.	<input type="checkbox"/>	<input type="checkbox"/>	
12.	<p>The project meets or exceeds the following affordable housing requirements.</p> <p>FOR RENTAL PROJECTS:</p> <ul style="list-style-type: none"> ○ 8 percent very-low income and 5 percent extremely low-income; OR ○ 15 percent lower income <p>at affordable rent as defined in Health & Safety Code § 50053</p> <p>FOR OWNER-OCCUPIED PROJECTS:</p> <ul style="list-style-type: none"> ○ 30 percent moderate income; OR ○ 15 percent lower income <p>at affordable housing cost as defined in Health & Safety Code § 50052.5</p> <ul style="list-style-type: none"> ● Units are subject to recorded deed restriction: <ul style="list-style-type: none"> ○ 55 years for rental units ○ 45 years for owner-occupied units ● 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. <p>Note: Local inclusionary requirements prevail if greater affordability required.</p>	<input type="checkbox"/>	<input type="checkbox"/>	

ADDITIONAL CRITERIA FOR 100% AFFORDABLE HOUSING PROJECTS			Yes	No
1.	The project density meets or exceeds applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law.	<input type="checkbox"/>	<input type="checkbox"/>	
2.	Development must meet objective zoning, subdivision and design review standards for the zone that allows greater residential density between the following: <ul style="list-style-type: none"> ○ Existing zoning designation for the parcel if it allows multifamily residential use; or ○ Zoning designation for the closest parcel that allows residential use at density that is appropriate to accommodate lower-income households pursuant to housing element law. 	<input type="checkbox"/>	<input type="checkbox"/>	
3.	Development shall be deemed consistent with objective zoning standards related to housing density if compliant with maximum density allowed within the land use designation and regardless of any specified maximum unit allocation that may result in fewer units of housing being permitted.	<input type="checkbox"/>	<input type="checkbox"/>	
4.	<p>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 cost¹ or affordable CTCAC 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"/>	

PROCESS NOTES:

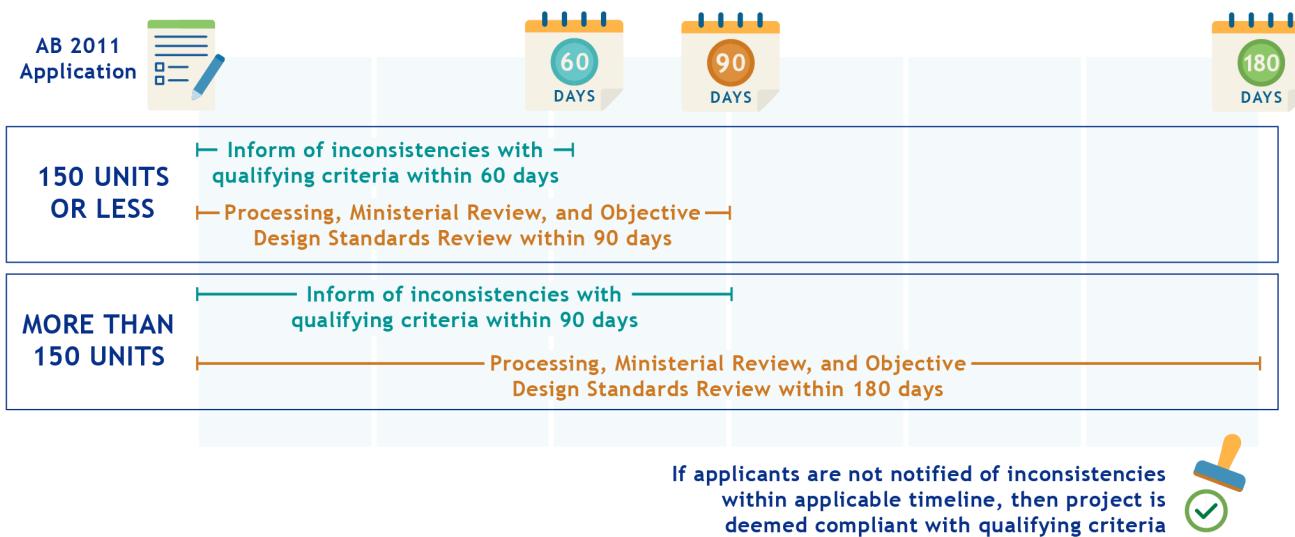
1. CEQA Exemption: Because the Government Code section 65913.4 process is ministerial, eligible projects are exempt from CEQA.
2. Timing: Depending on the project size the following deadlines shall be observed:

Small projects (≤ 150 units)

- 60 days from submittal – the City is required to provide a list of all inconsistencies with “objective planning standards” and design review standards in effect, otherwise the project is deemed to satisfy the standards (subd. (b)).
- 90 days from submittal – the City is required to complete a “design review or public oversight”. The review or oversight “shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards” (subd. (a)(c)).

Large projects (>150 units)

- 90 days from submittal – the City is required to provide a list of all inconsistencies with “objective planning standards” and design review standards in effect, otherwise the project is deemed to satisfy the standards (subd.(b)).
- 180 days from submittal - the City is required to complete a “design review or public oversight”. The review or oversight “shall be objective and be strictly focused on assessing compliance with criteria required for streamlined projects, as well as any reasonable objective design standards” (subd. (a)(c)).



Certificate for Compliance with Eligibility Requirements (AB 2011)

I, _____, do hereby certify and declare as follows:

(a) The subject property is located at (address and assessor's parcel number):

Address *Assessor's Parcel Number*

(b) I am a duly authorized officer or owner of the subject property.

(c) The property owner agrees to comply with the applicable affordable housing dedication requirements established under Government Code section 65913.4(a)(4).

(d) The property owner agrees to comply with the applicable prevailing wage requirements established under Government Code section 65913.4(a)(8)(A).

(e) The responses provided in the AB 2011 (2022) Eligibility Checklist are true and correct.

(f) The property owner certifies that the project site has not contained any housing occupied by tenants within 10 years prior to the date written below, excluding manager's units.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on this day in:

Location *Date*

Signature

Name (Print), Title

ⁱ "Affordable cost" is defined by Health and Safety Code Section 50052.5.