

Board of Supervisors
County of El Dorado
330 Fair Lane
Building A
Placerville, CA 95667

Appellant Document
Submitted
BS 9/24/2024

September 24th, 2024

Re: Appeal for Tentative Parcel Map P24-0009

Dear Members of the Board of Supervisors,

The decision you make today will set a precedent which will resound throughout El Dorado County and the State of California. The following question stands before you - shall a developer be allowed to split their land in such a way as to remove environmentally sensitive areas, thus allowing them to qualify for a streamlined ministerial development on that land? Make no mistake, developers and land use consultants across the state are watching closely. Should you vote in favor of this parcel map, more dubious parcel maps and AB2011 applications will come.

In this situation, Affirmed Housing seeks the approval of a parcel map which will remove wetlands from their site, so that they may later qualify for AB2011. They claim the parcel map is not required in order to qualify for AB2011, and that this parcel map would not avoid any otherwise required environmental review. They also claim that the appeal before you has no basis and seeks to misuse the parcel map approval process, while also attempting to modify the AB2011 approval process. Lastly, in an effort to intimidate, they claim that it would be a violation of AB2011 to overturn this parcel map, and that since this map is "associated" with an AB2011 project, it would be exempt from CEQA no matter the circumstance. Their recent letter to the board fails to provide evidence supporting these claims, and is simply an attempt to deceive the county.

Applicant falsely claims that the parcel map is not required to qualify for AB2011, and would not avoid any otherwise required environmental review

The majority of the applicant's argument relies on a misinterpretation of California Gov. Code 65913.4(a)(6)(C), which outlines requirements for AB2011 projects. Their claim is that "the site is not wetlands", and is thus in accordance with AB2011 requirements, even though their site is, partially, wetlands. No evidence is provided by the applicant to support their interpretation of the law. An examination of AB2011 application forms across the state reveals that the applicant's interpretation is too narrow. The City and County of San Francisco's AB2011 application form reads "Is the development site a property that contains ... wetlands?" (emphasis added) Other local agencies across the state use similar interpretations¹². Furthermore, no interpretations of this law exist which support the applicant's claim.

¹ See City of Burbank AB2011 Application, City of Oakland AB2011 Application, City of Hayward AB2011 Application, City of Wildomar SB330 Application, City of San Diego AB2011 Checklist, City of Gilroy AB2011 Checklist, City of Agoura Hills SB330 Application

² The County of El Dorado has no publicly available AB2011 application

Since the site, as it stands without the parcel map, would not qualify for the streamlined ministerial process under AB2011, there is indeed merit to the claim I have made that this parcel map is being used in order to avoid environmental review. This fact is a plain violation of CEQA and decades of case law.³⁴⁵⁶

If there is still any doubt, please examine the actions taken by the applicant - if they claim the parcel map is not required, then why waste their valuable resources drafting and applying for a subdivision? The answer is that the presence of wetlands on their parcel disqualifies them from ministerial development under AB2011, and this parcel map is in fact a requirement to qualify. In their initial parcel map submission, the applicant proposed segmenting out just one portion of wetlands on the site, and chose to hide the fact that another cluster of wetlands existed on the site. After comment from the public, they revealed additional (previously undisclosed) environmental reports did indeed find smaller wetlands outside of the originally proposed remainder parcel. It was at this time that an updated parcel map was submitted, which extended the boundary of the remainder parcel to include the "newly discovered" smaller wetlands. This required the drafting of not one, but two separate parcel maps - a commitment of valuable resources which does not align with their claim that this parcel map is not required to qualify for AB2011. These actions in fact align more closely with the intent to avoid environmental regulation, and not "waste" valuable resources there.

Of special interest is that the County of El Dorado does not have a publicly available AB2011 application form. A wise developer would notice this, and use the County's lack of experience in this domain to their benefit. Let me ask you this - given the AB2011 application form provided by The City and County of San Francisco - do you think the developer would be attempting this development there? (No) The applicant seeks to sow the seeds of confusion with multiple letters stating the intent to apply for a streamlined ministerial development under AB2011 in a county which has no experience handling such applications.

Applicant claims it would be a violation of AB2011 to overturn this parcel map

An aspect of the confusion they aim to create is their claim that it would be a violation of AB2011 to overturn this map. There is the intent, expressed in writing by the applicant, to file an AB2011 application only after this parcel map has been processed. To this point, the applicant submitted their own version of an AB2011 checklist to the county, which claims (incorrectly) that the site qualifies for AB2011 despite the presence of wetlands. Any claim that disapproval of this parcel map is a violation of AB2011 is incorrect, and is simply intended to promote confusion and concern within the County, pressuring officials to not question the legitimacy of the project.

³ Laurel Heights Improvement Assn. v. Regents of the University of California (1988) - local agencies must evaluate environmental impacts of reasonably foreseeable future projects

⁴ San Joaquin Raptor Rescue Center v. County of Merced (2007) - even if a minor subdivision is exempt from CEQA, if a future development could have environmental impact, CEQA is triggered for the entire project, including the subdivision.

⁵ Communities for a Better Environment v. South Coast Air Quality Management District (2010) - even if a part of a project has little or no impact on the environment, it must still be considered in environmental analysis

⁶ Tuolumne County Citizens for Responsible Growth, Inc. v. City of Sonoma (2007) - CEQA applies to a "zero" impact portion if other parts of the project have a "non-zero" impact.

Applicant asks you to ignore the rest of the project

The most concerning aspect of the applicant's letter is their specific language which aims to isolate the parcel map from the rest of the project. Their wish is for the "whole project" to be ignored, so that they may be granted an approval for their future AB2011 project. This is a direct violation of CEQA Guidelines Section 15378(a), which clarifies that "'Project' means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately", and a direct violation of CEQA Guidelines Section 15003(h), which states "'CEQA is intended to be interpreted in such a manner as to afford the fullest possible protection to the environment". These CEQA guidelines are ignored by County Staff, who erroneously find that this parcel map should be exempt from CEQA. They fail to see that the whole project will result in cumulative environmental damage to wetlands, woodlands, and potential habitat for protected and endangered species. They also fail to identify piecemealing as the unusual circumstance which overrides a CEQA exemption for Minor Land Divisions (CEQA 15300.2) . In making their recommendations, County Staff provide no evidence to support their argument that piecemealing is not occurring, and provide no evidence to support their claim that this parcel map will not lead to future environmental damage. Why is County Staff failing to interpret CEQA in such a way as to afford the fullest possible protection of the environment?

County Staff seems to be hiding behind the fact that a future project, if approved, would be ministerial. They fail to realize that this parcel map is a requirement in order for that ministerial approval to be granted, and further fail to realize that the parcel map is an attempt to piecemeal a project so as to avoid environmental regulation.

These actions of County Staff, if approved, will set precedent for future developments across El Dorado County and the State of California. If approved, this map will enable developers to piecemeal their way around any environmentally sensitive aspect of any commercial property so as to qualify for AB 2011. Are there commercial properties adjacent to Lake Tahoe? If so, developers, under this precedent, will be allowed to develop on those sites with zero concern for the environment. The Board is asked today, to deny the parcel map, on the grounds that its sole purpose is to enable the avoidance of environmental regulation for the applicant's intended project. Do not ignore the rest of the project, as the County Staff and Applicant are both asking you to do. Do not set this dangerous precedent.

Respectfully,

Wesly Tonks

3621 Foxmore Ln
Rescue, CA 95672



AFFORDABLE HOUSING AND HIGH ROADS JOB ACT APPROVAL - 100% AFFORDABLE HOUSING PROJECTS (AB 2011)

SUPPLEMENTAL APPLICATION

Property Information

Existing Project Address(s):

Existing Block/Lot(s):

Proposed Project Address(s):

Proposed Block/Lot(s):

Property Owner's Information

Name:

Address:

Email Address:

Telephone:

Applicant Information

Same as above

Name:

Company/Organization:

Address:

Email Address:

Telephone:

Please Select Billing Contact:

Owner

Applicant

Other (see below for details)

Name: _____ Email: _____ Phone: _____

Project Description

Please provide a narrative project description that summarizes the project.

SB-1214 Authorization: [Senate Bill 1214](#) allows applications to limit the plans available to the public. You can find more information on our [website](#).

- Yes, all plans may be shared publicly.
- No, floor plans may not be shared publicly. A reduced plan set with only a massing diagram and site plan has been provided with this submittal for public distribution.

100% AFFORDABLE HOUSING PROJECT ELIGIBILITY CRITERIA SUPPLEMENTAL

(Pursuant to Govt. Code Section 65912.101-105 and 110-114)

ELIGIBILITY OF PROPERTY		YES	NO
1	<p>Is the development site a legal parcel in a zone where either office, retail, or parking are a principally permitted use?</p> <p>For purposes of an AB 2011 application, principally permitted means “a use that may occupy more than one-third of the square footage of designated use on the site and does not require a conditional use permit” (see Gov’t Code §65912.101(n).)</p> <p>Zoning District:</p>	<input type="checkbox"/>	<input type="checkbox"/>
2	<p>Is the development site a property that contains prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or that is under a conservation easement? (Gov’t Code 65912.111(e).)</p>	<input type="checkbox"/>	<input type="checkbox"/>
3	<p>Is the development site a hazardous waste site as defined under (Gov’t Code §§ 65912.111(e) 65913.4(a)(6)(e).)</p> <p>If yes, you must secure a letter from the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control stating that the site is suitable for residential uses prior to submitting an AB 2011 application. Applications for projects on hazardous waste sites without a letter from the appropriate government agency stating that the site is suitable for residential uses will not be accepted as complete.</p>	<input type="checkbox"/>	<input type="checkbox"/>
4	<p>Will any of the housing on the development site be located less than 500 feet from a freeway, defined in California Vehicle Code section 332, or less than 3200 feet from a facility that actively extracts or refines oil or natural gas?</p>	<input type="checkbox"/>	<input type="checkbox"/>
5	<p>Is the development site a lot where more than 1/3 of the square footage on the site is “dedicated to industrial uses”? For a definition of “industrial uses” please see Planning Director Bulletin 9.</p> <p>Is the development adjacent to a lot where more than 1/3 of the square footage on the site is “dedicated to industrial uses”?</p> <p>Is the development separated by a street or highway from any lot where more than 1/3 of the square footage on the site is “dedicated to industrial uses”?</p> <p>Please complete the attached AB 2011 Industrial Uses Affidavit.</p>	<input type="checkbox"/>	<input type="checkbox"/>
6	<p>Has the project completed a Phase 1 Environmental Site Assessment?</p> <p>The project sponsor must complete and submit a Phase 1 Environmental Site Assessment at application submittal. If hazardous materials are found, further investigation and/or remediation may be required. Remediation may also be required if there is potential for exposure to significant hazards from off-site source(s) in the surrounding area. If hazardous materials are found, the project sponsor must coordinate with the San Francisco Department of Public Health to conduct additional investigation and, if required, soil and/or groundwater remediation. This would likely be done as part of compliance with the Maher ordinance (San Francisco Health Code Chapter 22A) and would be conditioned as part of the AB 2011 approval.</p>	<input type="checkbox"/>	<input type="checkbox"/>
7	<p>Tribal Notification on Vacant Sites. Is the development site vacant?</p> <p>If the site is vacant, the Department will conduct tribal consultation as described by Section 21080.3.1 of the Public Resources Code to confirm that the site does not contain tribal cultural resources. (Gov’t Code § 65912.111(h).)</p>	<input type="checkbox"/>	<input type="checkbox"/>

100% AFFORDABLE HOUSING PROJECT ELIGIBILITY CRITERIA SUPPLEMENTAL

(Pursuant to Govt. Code Section 65912.101-105 and 110-114)

SUBMITTAL REQUIREMENTS

Verify submission of the following items with this application:

- Industrial Uses Affidavit
- Phase 1 Environmental Assessment
- Prevailing Wage and Apprenticeship Standards Affidavit
- Letter from State Department of Public Health, Water Resources Board or Department of Toxic Substance Control (if located on a site with hazardous waste)

Project Checklist - AB 2011 Affordable Housing Development in Commercial Zones

1	Gov. Code	1. Project Eligibility	Yes / No / Comment
A	65912.111 (a)	Development project is proposed to be located in a zone where office, retail, or parking are a principally permitted use. ¹	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
B	65912.111 (b)	Development project is proposed to be located on a legal parcel or parcels that either: <ul style="list-style-type: none"> • Is in a city where the city boundaries include some portion of either an urban area;² or • Is in an unincorporated area, and the parcel(s) are 100% within the boundaries of an urban area.² 	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
C	65912.111 (c)	At least 75% of the perimeter of the site must adjoin ³ parcels developed with urban uses ⁴ .	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
D	65912.111 (d)	Site is not on/adjoined to a parcel where more than 1/3 of the square footage on the site is dedicated to industrial use ⁵ .	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

¹ "Principally permitted use" means a use that may occupy more than one-third of the square footage of the site without conditional use permit. See Section 65912.101(n).

² Note: The terms "urbanized area" and "urban cluster" referenced in Section 65912.111(b) no longer exist. The US Census Bureau has replaced these with the term "urban area."

³ For the purposes of Section 65912.111(c), parcels that are only separated by a street or highway shall be considered adjoined.

⁴ "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. See Section 65912.101(p).

⁵ "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. See Section 65912.101(f).

1	Gov. Code	1. Project Eligibility	Yes / No / Comment
E	65912.111 (e)	<p>Project satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4⁶ and is not located on land that may be subject to or includes any of the following:</p> <ul style="list-style-type: none"> • Prime farmland or farmland of statewide importance • Wetlands • High or very high fire hazard severity zone • 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 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment: Click or tap here to enter text.</p>
F	65912.111 (f)	<p>Project is not an existing parcel of land or site governed by any of the following:</p> <ul style="list-style-type: none"> • Mobilehome Residency Law • Recreational Vehicle Occupancy Law • Mobilehome Parks Act • Special Occupancy Parks Act 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment: Click or tap here to enter text.</p>
G	65912.111 (g)	<p>For sites within a designated neighborhood plan area⁷, there is either:</p> <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. 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment: Click or tap here to enter text.</p>
H	65912.111 (h)	<p>If the site is vacant, the site must meet both of the following criteria:</p> <ul style="list-style-type: none"> • 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 21080.3.2; and • Is not located in a very high fire severity zone. 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment: Click or tap here to enter text.</p>

⁶ Note that subparagraph (A) is omitted, which means that properties in the coastal zone are eligible under 65912.111.

⁷ "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 that has been adopted by a local government. See Section 65912.101(m).

2	Gov. Code	2. Affordable Housing Requirements	Yes / No / Comment
A	65912.112 (a)	Are 100% of the units (excluding managers units) dedicated to lower-income households at an affordable cost or affordable California Tax Credit Allocation Committee rent. ⁸	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
B	65912.112 (b)	Recorded deed restriction: - 55 years for rental units - 45 years for owner-occupied units	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

3	Gov. Code	3. Project Criteria	Yes / No / Comment
A	65912.113 (a)	The development has five or more housing units for sale or for rent. ⁹	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
B	65912.113 (b)	Does the project meet or exceed the applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law? ¹⁰	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
C	65912.113 (c)	Development proponent has completed a Phase I Environmental Assessment and mitigated any health hazards to a level of insignificance.	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
D	65912.113 (d)	None of the housing on the site is located within 500 feet of a freeway, as defined in Vehicle Code Section 332. ¹¹	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
E	65912.113 (e)	None of the housing on the site is located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

⁸ <https://www.treasurer.ca.gov/ctcacf2022/supplemental.asp>

⁹ "Multifamily" means a property with five or more housing units for sale or for rent. See 65912.101(l).

¹⁰ Default Density Standard Option – 2020 Census Update. California Department of Housing and Community Development. <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos/docs/defaultdensity2020censusupdate.pdf>

¹¹ "Freeway" is a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access. (Section 332 of the California Vehicle Code).

3	Gov. Code	3. Project Criteria	Yes / No / Comment
F	65912.113 (f-g)	Does the project meet objective zoning, subdivision and design review standards, for the zone that allows residential use at a greater density between the following: <ul style="list-style-type: none"> - The existing zoning designation for the parcel if it allows multifamily residential use - The zoning designation for the closest parcel that allows residential use at a density that is appropriate to accommodate the lower-income households (pursuant to housing element law) 	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
G	65912.113 (g)(1)	Does the project comply with maximum density allowed with the land use designation and regardless of any specified maximum unit allocation that may result in fewer units of housing being permitted?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

4	Gov. Code	4. Approval Process ¹²	Yes / No / Comment
A	65912.114	Does the project have 150 units or less ? If so, then: <ul style="list-style-type: none"> • Applicant must be informed of any inconsistencies within 60 days of submission. [65912.114 (a)(2)(A)]; and • Project must be processed in 90 days. Jurisdiction may perform design review, but limited to objective standards only. [65912.114 (e)(1)]. 	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.
B	65912.114	Does the project have 150 units or more ? If so, then: <ul style="list-style-type: none"> • Applicant must be informed of any inconsistencies within 90 days of submission. [65912.114 (a)(2)(B)]; and • Project must be processed in 180 days. Jurisdiction may perform design review, but limited to objective standards only. [65912.114 (e)(2)]. 	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

5	Gov. Code	5. Labor Requirements	Yes / No / Comment
A	65912.130 (b)	Has the project proponent committed to the prevailing wage requirements and labor standards of Article 4?	Yes <input type="checkbox"/> No <input type="checkbox"/> Comment: Click or tap here to enter text.

¹² Jurisdiction may adopt an implementing ordinance (CEQA-exempt). If jurisdiction doesn't identify inconsistencies in prescribed timelines, development is deemed to be in compliance.

5	Gov. Code	5. Labor Requirements	Yes / No / Comment
B	65912.131	<p>Does the project include more than 50 units? If so, then: All contractors that employ construction craft employees or let subcontracts for at least 1,000 hours [65912.131(a)] must:</p> <ul style="list-style-type: none"> • 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)]. 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Comment: Click or tap here to enter text.</p>



CITY OF WILDOMAR
Planning Department
23873 Clinton Keith Road, Suite #201
Wildomar, CA 92595
Tel. (951) 677-7751 Fax. (951) 698-1463

For office use only.

**Project Account
Number**

HOUSING CRISIS ACT of 2019 - SB 330 AFFORDABLE HOUSING PRELIMINARY APPLICATION FORM

PURPOSE

This form serves as a template for the preliminary application for housing development projects seeking vesting rights pursuant to SB 330, the Housing Crisis Act of 2019.

Although this Preliminary Application is not required for housing development projects, an agency must accept it if submitted. Agencies may customize this application; however, any revised form must include only the 17 provisions as required by the Housing Crisis Act. The Preliminary Application must be made available in print and on the agency's website.

GENERAL INFORMATION

An applicant for a housing development project that includes (1) residential units (2) a mix of commercial and residential uses with two-thirds of the project's square footage used for residential purposes; or (3) transitional or supportive housing, shall be deemed to have submitted a preliminary application upon provision of all of the information listed in this Preliminary Application form and payment of the permit processing fee to the agency from which approval for the project is being sought.

After submitting this Preliminary Application to the local agency, an applicant has 180 days to submit a full application or the Preliminary Application will expire.

Submittal Date Stamp^{*1,2}:

*1Submittal of all the information listed and payment of the permit processing fee freezes fees and development standards as of this date, unless exceptions per Government Code § 65889.5(o) are triggered.

*2Note: Record keeping pertaining to which standards and fees apply at date of submittal is imperative, as **penalties may apply for imposing incorrect standards**

Notes:

1. California Environmental Quality Act (CEQA) and Coastal Act standards apply.
2. After submittal of all of the information required, if the development proponent revises the project to change the number of residential units or square footage of construction changes by 20 percent or more, excluding any increase resulting from Density Bonus Law, the development proponent must resubmit the required information so that it reflects the revisions.
3. The provisions of AB 168 apply to this Pre-Application Review process (refer to attachment).

Submittal Requirements

- Completed and Signed Application Form with Initial Deposit Fee of \$3,500
- One (1) set of development plans (drawn to scale and dimensioned) that includes a preliminary site plan, grading plan (if prepared), floor plans, architectural elevations (black & white and colored), and the tract/parcel map (if applicable).
- Detailed Project Description and/or Statement of Operations (i.e., operating hours, etc.).

SITE INFORMATION

1. **PROJECT LOCATION** - The specific location, including parcel numbers, a legal description, and site address, if applicable.

Street Address _____ Unit/Space Number _____

Legal Description (Lot, Block, Tract) _____ Attached? YES NO

Assessor Parcel Number(s) _____

2. **EXISTING USES** - The existing uses on the project site and identification of major physical alterations to the property on which the project is to be located.

3. **SITE PLAN** - A site plan showing the building(s) location on the property and approximate square footage of each building that is to be occupied. **Attached? YES** **NO**
4. **ELEVATIONS** - Elevations showing design, color, material, and the massing and height of each building that is to be occupied. **Attached? YES** **NO**
5. **PROPOSED USES** - The proposed land uses by number of units and square feet of residential and nonresidential development using the categories in the applicable zoning ordinance.

a. RESIDENTIAL DWELLING UNIT COUNT:

Please indicate the number of dwelling units proposed, including a breakdown of levels by affordability, set by each income category.

	Number of Units
Market Rate	
Managers Unit(s) - Market Rate	
Extremely Low Income	
Very Low Income	
Low Income	
Moderate Income	
Total No. of Units	
Total No. of Affordable Units	
Total No. of Density Bonus Units	

Other notes on units:

6. **FLOOR AREA** - Provide the proposed floor area and square footage of residential and nonresidential development, by building (attach relevant information by building and totals here):

	Residential	Nonresidential	Total
Floor Area (Zoning)			
Square Footage of Construction			

7. **PARKING** - The proposed number of parking spaces:

8. **AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS** - Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to California Government Code Section 65915? **Attached?** YES NO

If "YES," please describe:

9. **SUBDIVISION** - Will the project proponent seek any approvals under the Subdivision Map Act, including, but not limited to, a parcel map, a vesting or tentative map, or a condominium map?

YES NO

If "YES," please describe:

10. **POLLUTANTS** - Are there any proposed point sources of air or water pollutants?

YES NO

If "YES," please describe:

11. **EXISTING SITE CONDITIONS** – Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied. Provide attachment, if needed.

	Occupied Residential Units	Unoccupied Residential Units	Total Residential Units
Existing			
To Be Demolished			

12. **ADDITIONAL SITE CONDITIONS** –

a. Whether a portion of the property is located within any of the following:

- i. A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178? **Attached? YES** **NO**
- ii. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)? **Attached? YES** **NO**
- iii. A hazardous waste site that is listed pursuant to Section 65962.5, or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code? **Attached? YES** **NO**
- iv. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by any official maps published by the Federal Emergency Management Agency? **Attached? YES** **NO**
- v. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2? **Attached? YES** **NO**
- vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? **Attached? YES** **NO**

If "YES" to any, please describe:

b. Does the project site contain historic and/or cultural resources? **Attached?** YES NO

If "YES," please describe:

c. Does the project site contain any species of special concern? **Attached?** YES NO

If "YES," please describe:

d. Does the project site contain any recorded public easement, such as easements for storm drains, water lines, and other public rights of way? **Attached?** YES NO

If "YES," please describe:

e. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6 (commencing with Section 1600) of Division 2 of the Fish and Game Code? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands. **Attached?** YES NO

If "YES," please describe and depict in attached site map:

13. **COASTAL ZONE** - For housing development projects proposed to be located within the coastal zone, whether any portion of the property contains any of the following:

a. Wetlands, as defined in subdivision (b) of Section 13577 of Title 14 of the California Code of Regulations. **Attached?** YES NO

b. Environmentally sensitive habitat areas, as defined in Section 30240 of the Public Resources Code. **Attached? YES** **NO**

c. A tsunami run-up zone. **Attached? YES** **NO**

d. Use of the site for public access to or along the coast. **Attached? YES** **NO**

14. **PROJECT TEAM INFORMATION** - The applicant's contact information and, if the applicant does not own the property, consent from the property owner to submit the application.

Applicant's Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Are you in escrow to purchase the property? YES NO

Property Owner of Record Same as applicant Different from applicant

Name (if different from applicant) _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Optional: Agent/Representative Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Optional: Other (Specify Architect, Engineer, CEQA Consultant, etc.) _____

Name _____

Company/Firm _____

Address _____ Unit/Space Number _____

City _____ State _____ Zip Code _____

Telephone _____ Email _____

Primary Contact for Project: Owner Applicant Agent/Representative Other

PROPERTY OWNER AFFIDAVIT

Before the application can be accepted, the owner of each property involved must provide a signature to verify the Preliminary Application is being filed with their knowledge. Staff will confirm ownership based on the records of the City Engineer or County Assessor. In the case of partnerships, corporations, LLCs or trusts, the agent for service of process or an officer of the ownership entity so authorized may sign as stipulated below.

- **Ownership Disclosure.** If the property is owned by a partnership, corporation, LLC or trust, a disclosure identifying the agent for service of process or an officer of the ownership entity must be submitted. The disclosure must list the names and addresses of the principal owners (25 percent interest or greater). The signatory must appear in this list of names. A letter of authorization, as described below, may be submitted provided the signatory of the letter is included in the Ownership Disclosure. Include a copy of the current partnership agreement, corporate articles, or trust document as applicable.
- **Letter of Authorization (LOA).** A LOA from a property owner granting someone else permission to sign the Preliminary Application form may be provided if the property is owned by a partnership, corporation, LLC or trust, or in rare circumstances when an individual property owner is unable to sign the Preliminary Application form. To be considered for acceptance, the LOA must indicate the name of the person being authorized to file, their relationship to the owner or project, the site address, a general description of the type of application being filed and must also include the language in items 1-3 below. In the case of partnerships, corporations, LLCs or trusts, the LOA must be signed by the authorized signatory as shown on the Ownership Disclosure or in the case of private ownership by the property owner. Proof of Ownership for the signatory of the LOA must be submitted with said letter.
- **Grant Deed.** Provide Copy of the Grant Deed if the ownership of the property does not match local records. The Deed must correspond exactly with the ownership listed on the application.
- **Multiple Owners.** If the property is owned by more than one individual (e.g., John and Jane Doe, or Mary Smith and Mark Jones) signatures are required of all owners.

1. I hereby certify that I am the owner of record of the herein previously described property located in _____ which is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto.
2. I hereby consent to the filing of this Preliminary Application on my property for processing by the Department of _____ for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.

3. Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development project is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with _____ within 180 days of the date that the Preliminary Application is deemed complete.
4. By my signature below, I certify that the foregoing statements are true and correct.

Signature _____

Signature _____

Printed Name _____

Printed Name _____

Date _____

Date _____



**CITY OF AGOURA HILLS
PRELIMINARY APPLICATION FOR HOUSING DEVELOPMENT
PROJECTS PER THE HOUSING CRISIS ACT OF 2019 (SB 330)**

Planning Division | 30001 Ladyface Court, Agoura Hills, CA 93101 | (818) 597-7300

PURPOSE

This form serves as the Preliminary Application for projects seeking vested rights pursuant to SB 330, the Housing Crisis Act of 2019 (Government Code § 65589.5).

GENERAL INFORMATION

This form shall be used to satisfy the requirements of Government Code Section 65941.1. An applicant for a housing development project shall be deemed to have submitted a complete Preliminary Application upon submittal of this completed form, including the required information (as stipulated herein) and upon payment of the application processing fee.

As defined in Government Code § 65589.5(h)(2), a housing development project is one of the following

- Project with residential units only;
- Mixed-use development consisting of commercial and residential uses where at least 2/3 of the floor area is designated for the residential uses; and
- Transitional or Supportive housing projects.

Within 180 days of submitting a complete Preliminary Application, the applicant shall submit a formal entitlement application for all land use entitlements required for the project. The type of formal application varies based on the proposed development required entitlements and location in the City. Please consult Planning Division staff for further direction on the required requests and forms. If the City determines that the application(s) is/are not complete pursuant to Government Code § 65943, the applicant shall submit the information needed to complete the application within 90 days of receiving the City’s incomplete notice. If the applicant does not submit this information within the 90-day period, the Preliminary Application shall expire and have no further force or effect. Vesting rights through the SB 33- Preliminary Application process will be forfeited if the Housing Development Project is revised following the submittal of a Preliminary Request pursuant to Government Code § 65941.1(c).

<i>CITY STAFF USE ONLY</i>	
Case Number	Date Received
Proposed No. of Dwelling Units	Proposed Square Footage of Construction
Date Deemed Complete	Last Day to File Entitlement Application (180 days)
City Planning Staff Name and Title	City Planning Staff Signature

Provide all of the information requested. Missing, incomplete or inconsistent information may delay the vesting date. Additional narrative sheets may be attached, and if so, note where they can be found in your submittal.

A. SITE INFORMATION

1. PROJECT LOCATION

Street Address:	
Legal Description:	
Assessor's Information Number(s)(AIN):	

2. EXISTING USE(S)

Describe in detail the existing condition of, and uses on, the project site, including any major physical improvements/alterations:

B. PROPOSED PROJECT

1. PROPOSED USE(S)

Describe in detail the characteristics, scope and/or operation of the proposed project:

2. RESIDENTIAL DWELLING UNIT COUNT:

Please indicate the total number of dwelling units proposed and levels of affordability by each category:

Type of Unit	Number of Units
Market Rate:	
Managers Unit(s) – Market Rate:	
Extremely Low Income:	
Very Low Income:	
Low Income:	
Moderate Income:	
TOTAL NUMBER OF UNITS PROPOSED:	
TOTAL NUMBER OF AFFORDABLE UNITS PROPOSED:	
TOTAL NUMBER OF BONUS UNITS PROPOSED:	
Other Notes on Units:	

3. FLOOR AREA:

Provide the proposed floor area of residential and non-residential development:

	Total	Residential	Non-Residential
Floor Area			

4. LOT COVERAGE:

Provide the amount of coverage of buildings and covered structures on the site:

	Square Feet	% of Site
Lot Coverage		

5. PARKING:

Provide the proposed number of automobile and bicycle parking areas:

	Residential	Non-Residential
Vehicle Parking		
Bicycle Parking		

6. PROJECT PLANS:

A site plan showing the location of proposed improvements on the property and approximate square footage of each building, and elevations showing the design, color, material, massing and height of each building. Provide in color one (1) large-scale hard copy (36" x 48") set, one (1) reduced hard copy (11" x 17") set, and a digital set via a website link. All plans shall be provided to a legible scale. Project plans accompany this application:

Yes No

7. AFFORDABLE HOUSING INCENTIVES, WAIVERS, CONCESSIONS and PARKING REDUCTIONS:

Will the project proponent seek Density Bonus incentives, waivers, concessions, or parking reductions pursuant to Government Code Section 65915? Yes No

If "Yes," please describe:

8. SUBDIVISION:

Will the proposed project include a request for an approval pursuant to the Subdivision Map Act, including a vesting or tentative tract map, a tentative parcel map, condominium map, a lot line adjustment, or a certificate of compliance? Yes No

If "Yes," describe:

9. ADDITIONAL INFORMATION:

Does the project propose any point sources of air or water pollutants? Yes No

If "Yes," please describe:

C. EXISTING SITE CONDITIONS:

1. HOUSING

Provide the number of existing residential units on the project site that will be demolished and whether each existing unit is occupied or unoccupied:

	Total Residential Units	Occupied Units	Unoccupied Units
Existing			
To Be Demolished			

2. ADDITIONAL SITE CONDITIONS:

a. Is the project site located wholly or partially within:

- i. A Very High Fire Hazard Severity Zone (VHFHSZ) as determined by the Department of Forestry and Fire Protection, pursuant to Section 51178? Yes No
- ii. A Wetland, as defined in U.S. Fish and Wildlife Service Manual Part 660 FW 2 (June 21, 1993)?
- iii. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by the FEMA? Yes No
- iv. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5, commencing with Section 18901, of Division 13 of the Health and Safety Code), and by the City Building & Safety Division under Chapter 12.2, commencing with Section 8875 of Division 1 of Title 2? Yes No
- v. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code? Yes No
- vi. A stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6, commencing with Section 1600 of Division 2 of the Fish and Game Code? Yes No

If "Yes" to any above, please explain:

b. Does the project site contain a designated or potentially historic and/or cultural resource?

Yes

No

If "Yes," describe:

c. Does the project site contain any species of special concern, such as special status flora or fauna, special status wildlife, or oaks trees protected by the City (per AHMC Section 9657 et seq. and Appendix A of the Zoning Ordinance)? Yes No If "Yes," describe:

d. Does the project site contain any recorded easement, such as an easement for storm drains, water lines, and other public rights-of-way? Yes No If "Yes," please describe:

- e. Does the project site contain a stream or other resource that may be subject to a streambed alteration agreement pursuant to Chapter 6, commencing with Section 1600 of Division 2 of the Fish and Game Code? Provide an aerial site photograph showing existing site conditions of environmental site features that would be subject to regulations by a public agency, including creeks and wetlands.

Yes No If "Yes," please describe:

--

a. PROJECT TEAM INFORMATION:

Applicant Name		Company/Firm	
Address No.	Street	Unit	
City	State	Zip Code	
Telephone No.		E-Mail	

Optional:

Agent/Representative Name			
Address No.	Street	Unit	
City	State	Zip Code	
Telephone No.		E-Mail	

Optional:

Other (Specify Architect, Engineer, etc.) Name			
Address No.	Street	Unit	
City	State	Zip Code	
Telephone No.		E-Mail	

Same as applicant Different than applicant

Property Owner of Record Name		Company/Firm	
Address No.	Street	Unit	
City	State	Zip Code	
Telephone No.		E-Mail	
<input type="checkbox"/> Provide a Grant Deed copy, corresponding with the ownership listed on the application, if the property ownership does not match local records.			
CHOOSE ONE:			
<input type="checkbox"/> I am the sole owner of the project site and hereby authorize the filing of this application; or			
<input type="checkbox"/> I own the project site jointly with one or more persons, and am empowered to authorize the filing of this application on behalf of my fellow property owners; or if the			
<input type="checkbox"/> I own the project site in conjunction with one or more persons who are listed with their acknowledgement and authorization for the filing of this application attached for additional property owner authorization/acknowledgements.			
<p>I hereby certify that I am the owner of record of the herein previously described property located in the City of Agoura Hills that is involved in this Preliminary Application, or have been empowered to sign as the owner on behalf of a partnership, corporation, LLC, or trust as evidenced by the documents attached hereto. I hereby consent to the filing of this Preliminary Application on my property for processing by the Community Development Department, Planning Division, for the sole purpose of vesting the proposed housing project subject to the Planning and Zoning ordinances, policies, and standards adopted and in effect on the date that this Preliminary Application is deemed complete.</p>			
<p>Further, I understand that this Preliminary Application will be terminated and vesting will be forfeited if the housing development is revised such that the number of residential units or square footage of construction increases or decreases by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, and/or an application requesting approval of an entitlement is not filed with the Community Development Department, Planning Division within 180 days of the date that the Preliminary Application is deemed complete.</p>			
<p>By my signature below, I certify that the foregoing statements are true and correct.</p>			
Signature:		Signature:	
Date:		Date:	
Printed Name:		Printed Name:	

Primary Contact for Project Information (select only ONE)	
<input type="checkbox"/> Owner	<input type="checkbox"/> Applicant
<input type="checkbox"/> Agent/Representative	<input type="checkbox"/> Other

For questions about filling out this application, or the Preliminary Application process, call (818) 597-7310.

END



CITY OF OAKLAND
*Affordable Housing and High Road
Jobs Act of 2022 (AB 2011)*
Supplemental Application for Streamlined Housing Approval

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031
Zoning Information: 510-238-3911
<https://www.oaklandca.gov/topics/planning>

This document serves as a supplemental application form for housing development projects that are subject to streamlined, ministerial review pursuant to Chapter 4.1 (commencing with California Government Code section 65912.100) of Division 1 of Title 7 of the Government Code. Eligible projects must comply with site criteria, affordability criteria, and objective development standards. In addition, applicants must certify their compliance with labor standards provided in Government Code Section 65912.130 and 65912.131 Applicants must also submit the City of Oakland Planning Bureau Basic Application for Development Review and in Section 1, under “Other Applications” write in AB 2011 under “Other” along with the Zoning Worksheet (ZW).

1. GENERAL INFORMATION

APPLICANT’S NAME/COMPANY: _____

PROPERTY ADDRESS: _____

ASSESSOR’S PARCEL NUMBER(S): _____

EXISTING USE OF PROPERTY: Include identification of major physical alterations to the property.

DESCRIPTION OF PROPOSAL:

SELECT TYPE OF PROPOSED STREAMLINED DEVELOPMENT:

Affordable Housing Development in Commercial Zones (Gov. Code §§ 65912.110 – 65912.114): available for qualifying housing developments where one hundred percent of the units, excluding manager’s units are dedicated to lower income households at an affordable cost or affordable rent.

Mixed-Income Housing Developments Along Commercial Corridors (Gov. Code §§ 65912.120 – 65912.124): available for qualifying housing developments that provide between 13% and 30% on-site Below Market Rate (“BMR”) units, depending on the tenure of the project and depth of affordability, as described further below.

2. PROPERTY OWNER AND APPLICANT INFORMATION

Original signatures or clear & legible copies are required.

Owner:

Owner Mailing Address:

City/State:

Zip:

Phone No.:

E-mail:

To be completed only if Applicant is not the Property Owner:

I authorize the applicant indicated below to submit the application on my behalf. _____

Signature of Property Owner

Applicant (Authorized Agent), if different from Owner:

Applicant Mailing Address:

City/State:

Zip:

Phone No.:

E-mail:

3. SITE CRITERIA
(Gov. Code §§ 65912.111 and 65912.121)

A. Located in zone where office, retail, or parking are principally permitted activities:

Applicable Zoning Designation: _____

Note: Oakland PBD has preliminarily determined that all zones meet this requirement except for the following: OS, RH, RD, RM, RU-1, RU-2, RU-3, R-80, S-1, D-WS-1, D-WS-3, D-WS-7, D-WS-9, and D-OK.

B. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.

Parcels only separated by a street or highway are treated as adjoining. "Urban uses" means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

Provide description of surrounding urban uses: _____

C. Not located on a site or adjoined to any site where more than one-third of the square footage of the site is dedicated to industrial use.

Parcels only separated by a street or highway are treated as adjoining. "Dedicated to industrial use" means any of the following:

- (A) The square footage is currently being used as an industrial use.*
- (B) The most recently permitted use of the square footage is an industrial use.*
- (C) The site was designated for industrial use in City of Oakland General Plan Land Use and Transportation Element.*

Provide description of any applicable industrial uses: _____

Note: Oakland PBD has preliminarily determined that the following General Plan land use designations include designations for industrial use: Business Mix, General Industry and Transportation, and Housing and Business Mix.

D. Satisfies the requirements specified in Government Code Section 65913.4(a)(6), subparagraphs (B) to (K).

	Yes	No	Attachment Provided?
Is the project site located wholly or partially within:			
(B) Prime farmland or farmland of statewide importance?	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(D) A Very High Fire Hazard Severity Zone (VHFHSZ), as determined by the Department of Forestry and Fire Protection?	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(E) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code?	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>



	Yes	No	Attachment?
(F) A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2?	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(G) A special flood hazard area subject to inundation by the 1 percent annual chance floor (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA?	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(H) A regulatory floodway as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA, 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.	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(I) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(J) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>
(K) Lands under conservation easement?	<input type="radio"/>	<input type="radio"/>	<input type="checkbox"/>

If you answered yes to any of the questions above, include attachments further illustrating each site condition at issue.

E. Is not an existing parcel of land or site that is governed under the Mobilehome Residency Law (Civil Code Sec. 798 et seq.), the Recreational Vehicle Park Occupancy Law (Civil Code Section 799.20 et seq.), the Mobilehome Parks Act (Health and Safety Code Section 18200 et seq.), or the Special Occupancy Parks Act (Health and Safety Code Section 18860 et seq.)

Yes No

If the site is located in a City of Oakland specific plan or neighborhood plan adopted prior to January 1, 2022, then the specific plan designation for the site must allow for multifamily housing development on the site.

West Oakland Specific Plan	<input type="checkbox"/>	Central Estuary Area Plan	<input type="checkbox"/>
Lake Merritt Station Area Plan	<input type="checkbox"/>	Downtown Oakland Specific Plan (Draft)	<input type="checkbox"/>
Broadway Valdez District Specific Plan	<input type="checkbox"/>	East Oakland Neighborhoods Initiative	<input type="checkbox"/>
Coliseum Area Specific Plan	<input type="checkbox"/>	Gateway Industrial District	<input type="checkbox"/>
North Oakland Hill Area Specific Plan	<input type="checkbox"/>		

Description of allowance for multifamily housing development on the site:

Is the site vacant?

Yes No

If "Yes" does the site satisfy both of the following?

Yes No

1. The site does not contain tribal cultural resources, as defined by Public Resources Code Section 21074, that could be affected by the development that were found pursuant to a consultation as described by Public Resources Code Section 21080.3.1 and the effects of which cannot be mitigated pursuant to the process described in Public Resource Code Section 21080.3.2.

Please describe:

2. The site is not within a very high fire hazard severity zone.

Please describe:

ADDITIONAL SITE REQUIREMENTS FOR MIXED-INCOME PROJECTS (GOV. CODE § 65912.121)

The project site must abut a commercial corridor (right of way between 70 feet and 150 feet), have a frontage along the commercial corridor of a minimum of 50 feet, and not be greater than 20 acres.

Applicable corridor: _____

Width of frontage on applicable corridor: _____

Lot size: _____

The development must not be located on a site where any of the following apply (check all that apply):

- The development would require demolition of housing that is 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.
- The development would require demolition of housing that is subject to any form of rent or price control.



- The development would require demolition of housing that has been occupied by tenants within the past ten years (excluding any manager's units)
- The site was previously used for permanent housing that was occupied by tenants (excluding any manager's units) that was demolished within 10 years before this application was submitted.
- The development would require demolition of a historic structure that was placed on a national, state, or local historic register.
- The property contains one to four units.
- The property is vacant and zoned for housing but not for multifamily residential use.

4. AFFORDABILITY CRITERIA

(Gov. Code §§ 65912.112 and 65912.122)

Select from one of the following required criteria:

- One hundred percent of the units within the development project, excluding managers' units, will be dedicated to lower income households at an affordable cost or an affordable rent, subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units. (Gov. Code § 65912.112.)
- The development is proposed as a rental housing development where at least eight percent of the units will be reserved at an affordable rent for very low income households and at least five percent of the units will be reserved for extremely low income households, subject to a recorded deed restriction for a period of 55 years. (Gov. Code § 65912.122(a)(1)(A).)
- The development is proposed as a rental housing development where at least fifteen percent of the units will be reserved at an affordable rent for lower income households subject to a recorded deed restriction for a period of 55 years. (Gov. Code § 65912.122(a)(1)(B).)
- The development is proposed as an owner-occupied housing development where at least thirty (30) percent of the units will be offered at an affordable housing costs to moderate income households, subject to a recorded deed restriction ensuring the continued affordability of all affordable ownership units for a period of 45 years. (Gov. Code § 65912.122(b)(1)(A).)
- The development is proposed as an owner-occupied housing development where at least fifteen (15) percent of the units will be offered at an affordable housing costs to lower income households, subject to a recorded deed restriction ensuring the continued affordability of all affordable ownership units for a period of 45 years. (Gov. Code § 65912.122(b)(1)(B).)

Please Note: Affordable units in the development project shall 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. (Gov. Code § 65912.122(d).)

5. OBJECTIVE DEVELOPMENT REQUIREMENTS

(Gov. Code §§ 65912.113 and 65912.123)

REQUIREMENTS FOR AFFORDABLE HOUSING DEVELOPMENT IN COMMERCIAL ZONES

The development shall be a multifamily housing development with a residential density that shall meet or exceed 30 dwelling units per acre. (§ 65912.113(a), (b).)

Lot Size: _____ Units Proposed: _____ Residential Density: _____

The development shall meet the objective standards for the zone that allows residential use at a greater density between (A) the existing zoning designation for the parcel if the existing zoning allows multifamily residential use or (B) the zoning designation for the closest parcel that allows residential use of at least thirty dwelling units per acre.

Does the existing zoning designation allow multifamily residential use? Yes No

If yes, density allowed under existing zoning designation: _____

If the existing zoning designation allows density of at least 30 du/acre, then the objective standards for the zone shall apply, and the current zone should be entered into the remaining question below.

Zoning designation of closest parcel that allows residential use at 30 du/acre: _____

REQUIREMENTS FOR MIXED-INCOME HOUSING DEVELOPMENT ON COMMERCIAL CORRIDOR

The development shall be a multifamily housing development with a residential density that shall meet or exceed the greater of the following (select as applicable):

(Gov. Code § 65912.123(a), (b).)

- The residential density allowed on the parcel by the zoning designation.
- For sites of less than one acre, 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.
- For sites within one-half mile of a major transit stop, 80 units per acre.

Description: _____

The height limit shall be the greater of the following (select as applicable):

(Gov. Code § 65912.123(c).)

- The height allowed on the parcel by the zoning designation.
- For sites on a commercial corridor of less than 100 feet in width, 35 feet.
- For sites on a commercial corridor of 100 feet in width or greater, 45 feet.
- For sites within one-half mile of a major transit stop, 65 feet.

Description: _____

**The development shall meet the following setback standards:
(Gov. Code § 65912.123(d).)**

For the portion of the property that fronts a commercial corridor, the following shall occur:

- (A) No setbacks shall be required.
- (B) All parking must be set back at least 25 feet.
- (C) On the ground floor, a building or buildings must abut within 10 feet of the property line for at least 80 percent of the frontage.

Description: _____

For the portion of the property that fronts a side street, a building or buildings must abut within 10 feet of the property line for at least 60 percent of the frontage.

Description: _____

For the portion of the property that abuts an adjoining property that also abuts the same commercial corridor as the property, no setbacks are required unless the adjoining property contains a residential use that was constructed prior to January 1, 2023, in which case the requirements of subparagraph (A) below apply.

Description: _____

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 as the property, the following shall occur:

(A) Along property lines that abut a property that contains a residential use, the ground floor of the development project shall be set back at 10 feet. Starting with the second floor of the property, each subsequent floor of the development project shall be stepped back in an amount equal to seven feet multiplied by the floor number. For purposes of this paragraph, the ground floor counts as the first floor. The amount required to be stepped back may be decreased by the local government.

(B) Along property lines that abut a property that does not contain a residential use, the development shall be set back 15 feet.

Description: _____

No parking shall be required.

Parking proposed: _____



6. ENVIRONMENTAL ASSESSMENT REQUIREMENTS

(Gov. Code §§ 65912.113 and 65912.123)

Projects streamlined under the Affordable Housing and High Road Jobs Act of 2022 are exempt from CEQA. However, the development shall complete a Phase I Environmental Assessment, as defined in California Health and Safety Code Section 25319.1. If a recognized environmental condition (REC) is found, the applicant shall undertake a preliminary endangerment assessment, as defined in California Health and Safety Code Section 25319.5, prepared by an environmental assessor to determine the existence of any release of 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.

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.

(§ 65912.113(c), § 65912.123(f).)

Provide a description of compliance with Environmental Assessment Requirements.

None of the housing on the site is located within 500 feet of a freeway or within 3200 feet of a facility that actively extracts or refines oil or natural gas. (§ 65912.113(d), (e), § 65912.123(g), (h).)

Closest Freeway: _____ Distance to closest point of project site: _____

Will any of the housing on the development be located within 3200 feet from a facility that actively extracts or refines oil or natural gas?

Yes No

Additional Information: _____



7. COMMERCIAL TENANT PROTECTIONS

(Gov. Code § 65912.123(i))

Not Applicable to 100% Affordable Housing Developments

Applicant must provide written notice of the pending application to each commercial tenant on the parcel when the application is submitted.

I have already provided written notice to the following listed commercial tenants, which is a list of all existing commercial tenants, and have enclosed copies of such notice with this application.

I will provide written notice to the following listed commercial tenants, which is a list of all existing commercial tenants, and understand I must submit copies of such notice prior to this application's eligibility determination.

Name of Tenant	Years of Operation at Site	Monthly Rent (List N/A if not eligible)	Relocation Assistance (List \$0 if not eligible)

Calculation of Relocation Assistance to be provided upon expiration of lease:

Years of Operation at the Site	Relocation Assistance to Pay
Less than One Year	Not applicable
One Year to Less Than Five Years	6 months' rent
Five Years to Less Than Ten Years	9 months' rent
Ten Years to Less Than Fifteen Years	12 months' rent
Fifteen Years to Less than Twenty Years	15 months' rent
Twenty Years to Longer	18 months' rent

A commercial tenant is eligible for relocation assistance if (A) The commercial tenant is an independently owned and operated business with its principal office located in Alameda County; (B) The commercial tenant's lease expired and was not renewed by the property owner; (C) The commercial tenant's lease expired within the three years following the development proponent's submission of the application for a housing development pursuant to this article; (D) The commercial tenant employs 20 or fewer employees and has an annual average gross receipts under one million dollars (\$1,000,000) for the three taxable year period ending with the taxable year that precedes the expiration of their lease; (E) The commercial tenant is still in operation on the site at the time of the expiration of its lease.

A commercial tenant is ineligible for relocation assistance if (A) The commercial tenant entered into a lease on the site after the development proponent's submission of the application for a housing development pursuant to this article and (B) The commercial tenant had not previously entered into a lease on the site.

The commercial tenant shall utilize the funds provided by the development proponent to relocate the business or for costs of a new business. If the commercial tenant elects not to use the funds provided as required, the applicant may provide only assistance equal to three months' rent, regardless of the duration of the commercial tenant's lease.



8. LABOR STANDARDS

(Gov. Code § 65912.130 and § 65912.131)

A development project streamlined under the Affordable Housing and High Road Jobs Act of 2022 must comply with all the following labor standards:

Requirement	Certify Compliance
(a) The development proponent shall require in contracts with construction contractors, and shall certify to the local government, that the standards specified in California Government Code Section 65912.130 will be met in project construction.	<input type="radio"/> Yes <input type="radio"/> No
(b)(1) All construction workers employed in the execution of the development shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.	<input type="radio"/> Yes <input type="radio"/> No
(b)(2) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work for those portions of the development that are not a public work.	<input type="radio"/> Yes <input type="radio"/> No
(b)(3) All contractors and subcontractors shall (A) pay to all construction workers at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate; and (B) Maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section.	<input type="radio"/> Yes <input type="radio"/> No
Additional Requirements for Development of 50 or More Housing Units (Gov. Code Sec. 65912.131)	
(a) The development proponent shall require in contracts with construction contractors and shall certify to the City that each contractor of any tier who will employ construction craft employees or will let subcontracts for at least 1,000 hours shall satisfy the requirements in subdivisions (b) and (c) below. A construction contractor is deemed in compliance with subdivisions (b) and (c) if it is signatory to a valid collective bargaining agreement that requires utilization of registered apprentices and expenditures on health care for employees and dependents.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
(b) A contractor with construction craft employees shall either participate in an apprenticeship program approved by the California Division of Apprenticeship Standards pursuant to Labor Code Section 3075 or request the dispatch of apprentices from a state-approved apprenticeship program under the terms and conditions set forth in Labor Code Section 1777.5. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A



(c) Each contractor with construction craft employees shall make health care expenditures for each employee in an amount per hour worked on the development equivalent to at least the hourly pro rata cost of a Covered California Platinum level plan for two 40-year-old adults and two dependents 0 to 14 years of age for the Covered California rating area in which the development is located. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
(d) The development proponent shall provide to the City, on a monthly basis while its construction contracts on the development are being performed, a report demonstrating compliance with subdivisions (b) and (c) above.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
(e) Each construction contractor shall maintain and verify payroll records pursuant to Labor Code Section 1776. Each construction contractor shall submit payroll records directly to the Labor Commissioner at least monthly in a format prescribed by the Labor Commissioner in accordance with Labor Code Section 1771.4(a)(3)(A). The records shall include a statement of fringe benefits. Upon request by a joint labor-management cooperation committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided pursuant to subdivision Labor Code Section 1776(e).	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
(f) All construction contractors shall report any change in apprenticeship program participation or health care expenditures to the City within 10 business days, and shall reflect those changes on the monthly report.	<input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A

I hereby affirm that I have selected “yes” to each of the requirements above, or selected “N/A” based on the project proposing fewer than 50 units, and certify, under penalty of perjury, that the required labor standards will be applied to the development project, will be fully complied with, and will be monitored for compliance through the duration of the construction of the development.

Signature of Owner or Authorized Agent

Date

Note: The obligation of the contractors and subcontractors to pay prevailing wages pursuant to this section may be enforced by any of the following: (A) The Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development; (B) An underpaid worker through an administrative complaint or civil action; and/or (C) A joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code. The requirements of Gov. Code Sec. 65912.130 do not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure.

A development proponent that fails to provide required monthly reports shall be subject to a civil penalty for each month for which the report has not been provided, in the amount of 10 percent of the dollar value of construction work performed by that contractor on the development in the month in question, up to a maximum of ten thousand dollars (\$10,000). Any contractor or subcontractor that fails to comply with subdivision (b) or (c) shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of subdivision (b) or (c). Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the procedures for issuance of civil wage and penalty assessments specified in Labor Code Section 1741 and may be reviewed pursuant to Labor Code Section 1742.

All reports provided under Government Code Section 65912.131 shall be considered public records open to public inspection pursuant to the California Public Records Act.



9. OTHER PROJECT INFORMATION

Automobile Parking Spaces (number):

Total Number of Existing Units Occupied:

Total Number of Existing Occupied Units Proposed for Demolition:

Total Building Footprint Area (square feet):

Building Height (feet):

Building Stories (number):

Total Lot Area (square feet):

Bicycle Parking Spaces (number):

Will the project proponent seek bonus units, incentives, waivers, or parking reductions pursuant to the State Density Bonus Law, California Government Code Section 65915?

Yes No

If "Yes" please describe:

Will the project proponent seek any approvals under the Subdivision Map Act?

Yes No

If "Yes" please describe:

Number of Existing Lots: _____

Number of Resulting Lots: _____



Current hours of operations for the Permit Center are on the Planning & Building Department website at <https://www.oaklandca.gov/departments/planning-and-building>.

The Permit Counter is located at:

250 Frank H. Ogawa Plaza,
2nd Floor Oakland CA 94612

Zoning Information Line:

(510) 238-3911

You may leave a message to include the details of the location you have questions about, your email address and phone number. Response times vary from 48 hours or longer. Please send an email to oakplancounter@oaklandca.gov and in the subject line note "AB 2011 inquiry".

Questions may be submitted to the Permit Questions portal at: <https://www.oaklandca.gov/services/permit-questions>

To obtain an electronic PDF fillable copy of this form please visit <https://www.oaklandca.gov/resources/planning-and-building-forms-planning-and-building-applications>





**AB 2011 SUPPLEMENTAL APPLICATION:
ELIGIBILITY CHECKLIST**

PURPOSE: Government Code Sections 65912.100 – 65912.140, also known as Assembly Bill 2011 (AB 2011), requires the City to review qualifying housing development projects using a streamlined ministerial review process. Eligible projects must comply with objective planning standards, provide specified levels of affordable housing, and meet other specific requirements, as detailed in this application.

Applicants intending to invoke the AB 2011 Streamlined Ministerial Review approval process must complete this supplemental application and provide supporting documentation for each item (as applicable) to demonstrate eligibility.

NOTICE: Incomplete checklists that do not include required attachments or supporting documentation will not be processed and the request will be deemed incomplete. If any of the answers to the questions below are “no,” the project is not eligible for AB2011 review and the City’s standard development review process will apply. There is no guarantee, expressed or implied, that any permit or application will be granted. Each project matter must be carefully investigated, and the resulting decision may be contrary to a position taken or implied in any preliminary discussions. The burden of proof regarding this application rests upon the applicant.

AB 2011 – Eligibility Checklist

The following checklist is intended to help applicants and the City's Planning Division determine if a project is eligible for streamlined processing under AB 2011. To be eligible for AB 2011, a project must meet **ALL** of the following criteria:

NUMBER AND TYPE OF UNITS. The project must be a multifamily *housing development project*, as defined in Government Code (GC) Section 65589.5, that contains at least five residential units and complies with the minimum and maximum residential density range permitted for the site per the Land Use Element of the Burbank 2035 General Plan, unless preempted by state law, plus any applicable state density bonus pursuant to GC Sections 65915-65918. If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.

In addition, the project must be one of the following two types of projects:

- 1) 100% Affordable Housing Projects where:
 - 100% of the units (excluding managers' units) are dedicated to lower-income households at an affordable cost, as defined by Section 50052.5 of the Health and Safety Code *or* an affordable rent set in amount consistent with the rent limits established by the California Tax Credit Allocation Committee
 - The units shall be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.

- 2) Mixed-Income Housing Projects that satisfy at least one of the following two affordability requirements:
 - Rental housing with 10% percent of the units for very low-income households and 5% of the units for extremely low-income households *or* 13% of the units for very low-income households (see GC Section 65912.122(c)(1)).
 - Owner-occupied housing development shall include either 30% of the units offered at an affordable housing cost, as defined in Section 50052.5 of the Health and Safety Code to moderate-income households *or* 15% offered at an affordable housing cost to lower-income households.
 - In addition, all affordable units shall 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.
 - The affordable units will also be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.



**AB 2011 SUPPLEMENTAL APPLICATION:
ELIGIBILITY CHECKLIST**

DENSITY. The project shall have the following maximum proposed density:

- 1) 100% Affordable housing development projects shall have a maximum density that is the higher between the density allowed for the underlying land use designation per the Burbank 2035 General Plan Land Use Element or 30 units/acre, as specified GC Section 65583.2(c)(3)(B)(iv).
- 2) Mixed-Income housing development projects shall have a maximum density that is the higher between the density allowed for the underlying land use designation per the Burbank 2035 General Plan Land Use Element and that density specified in GC Section 65912.123(b)(1)(A) – (E), which ranges between 30 and 80 units per acre.

URBAN INFILL. The project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of AB 2011, “urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.

ZONING AND EXISTING USES. The project must be located on a site that:

- Is located in a zone where office, retail, or parking are principally permitted, or “by-right” uses pursuant to Section 10-1-502 of the Burbank Municipal Code.
- Is not site or is not adjoined (directly abutting or separated by a street) to any site where more than one-third of the square footage is currently, or was most recently dedicated to industrial use, including utilities, manufacturing, transportation storage and maintenance facilities, and warehousing uses.

CONSISTENT WITH OBJECTIVE STANDARDS. The project must meet all objective design and development standards in effect at the time the application is submitted.

- Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. Sources of objective standards include, but are not limited to the following:
 - Burbank 2035 General Plan.
 - Burbank Municipal Code
 - Citywide Objective Design and Development Standards
 - Media District Specific Plan
 - Burbank Center Plan Area
 - North San Fernando Master Plan
 - Rancho Commercial Recreation Master Plan
- Any density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards requested under the Density Bonus Law in GC Section 65915 are deemed consistent with objective standards.

ADDITIONAL REQUIREMENTS FOR MIXED-INCOME PROJECTS.

- The project site is 20 acres or less in size.
- The project site abuts a commercial corridor (a highway, that has a right-of-way of at least 70 feet) and have a frontage along a commercial corridor of a minimum 50 feet.
- The project does not exceed the maximum heights listed in GC Sections 65912.123(c)(1) – (4)
- The project meets the minimum setbacks listed in GC Section 65912.123(d)(1) – (4)
- The project site is not on a site that would require demolition of housing that is:
 - Subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very low-income households.
 - Subject to rent or price control.
 - Currently occupied by tenants or that was occupied by tenants within the past 10 years.



**AB 2011 SUPPLEMENTAL APPLICATION:
ELIGIBILITY CHECKLIST**

- The project site is not a site that previously contained housing occupied by tenants that was demolished within the past 10 years.
- The project does not require the demolition of an historic structure that is listed on a local, state, or federal register.
- The project does not require the demolition of one to four existing dwelling units.
- The project site is not zoned for single-family residential housing, unless zoned for multifamily residential use.

PARKING. The project meets the following parking requirements:

- 100% affordable projects that are not within one-half mile an accessible major transit stop are subject to parking requirements pursuant to the Burbank Municipal Code, unless preempted by state law.
- All requirements for bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if the project were not an AB2011 project are satisfied.

LOCATION. The project meets the following location criteria:

- None of the proposed housing on the site is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code.
- None of the housing of the site is located within 3,200 of a facility that actively extracts or refines oil or natural gas.
- If the site is vacant, it does not contain tribal cultural resources that were found pursuant to a consultation as described by Section 21074 of the Public Resources Code (PRC) that could be affected by the development and cannot be mitigated pursuant to the process described in Section 21080.3.2. of the PRC.
- The project is not proposed on a parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.
- In addition, the project must be located on a property that is **outside each of the following areas**:
 - Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the City's voters.
 - **Wetlands**, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
 - A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the PRC. This does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
 - A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.
 - A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under



**AB 2011 SUPPLEMENTAL APPLICATION:
ELIGIBILITY CHECKLIST**

the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

- A flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- A floodway as determined by maps promulgated by the Federal Emergency Management Agency, 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.
- Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
- Lands under conservation easement.

HAZARDOUS MATERIALS. The project proponent has completed and submitted a Phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code.

- If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 of the Health and Safety Code, 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.
- 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.

LABOR STANDARDS. The project proponent must certify that at least one of the following is true:

- The entirety of the project is a public work as defined in GC Section 65913.4(a)(8)(A)(i). *OR*
- The project is not in its entirety a public work, and will comply with those Labor Standards contained in GC Sections 65912.130 through 131, including, but not limited to the following:
 - All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
 - If the project proposes more than 50 units, contractors shall employ construction craft employees or let subcontractors for at least 1,000 hours to participate in an apprenticeship program and make specified health care contributions.
 - Developer must ensure these standards be included in all construction contracts.
 - Developer must certify to the local government that the labor requirements will be met in the project construction.
 - Developer must provide local agency with monthly compliance reports.



City of Burbank – Planning Division

**AB 2011 SUPPLEMENTAL APPLICATION:
ELIGIBILITY CHECKLIST**

150 North Third Street
Burbank, California 91502
www.burbankca.gov
T: 818-238-5250
F: 818-238-5150
E: planning@burbankca.gov

RELOCATION ASSISTANCE. The project complies with the provisions related to the notification of commercial tenants and relocation assistance to certain qualifying independently-owned commercial tenants as specified in GC Sections 65912.123(I)(1) – (4), if applicable.

Owner and Applicant Signature. *Acknowledgement that the project would comply with all items in the AB 2011 eligibility checklist above, and that supporting information has been provided demonstrating compliance.*

Owner Name:	Owner Signature:	Date:
Applicant Name:	Applicant Signature:	Date: