



Association of Bay Area Governments



Technical Assistance
for Local Planning

HOUSING

DISCLAIMER: This document is intended solely as a technical overview of the provisions of AB 2011 (2022). It is not intended to serve as legal advice regarding any jurisdiction's specific policies or any proposed housing development project. These are basic instructions meant to help staff review development project proposals. Local staff should consult with their city attorney or county counsel when determining the applicability of these provisions to any proposed housing development project in their jurisdiction. Because the laws are so new, the legislative intent of major provisions is still being discussed, and this memo may change significantly.

How to Review AB 2011 Development Project Proposals

Instructions

This guide is meant to assist staff with the review of AB 2011 development proposals. This law is complicated, and many of the components of the law have been simplified to lay out a straightforward review process. Additional review and confirmation of the criteria, zoning requirements and development standards will be necessary. Use the steps outlined below to create your own internal review process for AB 2011 development project proposals, and consult with your city attorney or county counsel to ensure your process aligns with the components of the law.

Step 1: Determine Project Eligibility

Use the "Project Eligibility" flow chart to determine if a development proposal is eligible as an affordable or mixed income project.



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Step 2: Check Qualifying Criteria

- A) Confirm project proposal meets criteria in Table 1 for all projects.
- B) Confirm projects proposal meets additional criteria in Table 2 if the proposal is for a mixed income project.
- C) Refer to the [AB 2011 SB 6 Summary of Key Details](#) and [AB 2011 Affordable Project Application Checklist](#) or [AB 2011 Mixed Income Project Application Checklist](#) to confirm project meets all required criteria.

Table 1: Criteria for AB 2011 Projects	Meets Criteria Y/N?
Within an “urban area” (as defined by the US Census Bureau)	
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At least 75 percent of the site adjoins parcels with urban uses	
Not on or adjoined to a site where more than one-third dedicated to industrial uses	
Satisfies SB 35 environmental criteria found in Gov. Code Section 65913.4(a)(6)(B)-(K)	
For sites within a neighborhood plan area, there is an applicable neighborhood plan that permits multifamily housing development on the site (certain deadlines apply)	
For vacant sites, satisfies both of the following: <ul style="list-style-type: none"> A. Does not contain any tribal resources that could be affected by the development, and the effects of which cannot be mitigated pursuant to Public Resources Code Section 21080.3.2 B. Not located in a very high fire severity zone 	
Not on a site governed by the Mobilehome Residency Law, the Recreational Vehicle Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act	
Housing not located within 500 feet of a freeway	
Housing not located within 3,200 feet of an oil or natural gas extraction or refinery	
Has a completed Phase I environmental assessment and mitigations	

Table 2: Additional Criteria for AB 2011 Mixed Income Projects	Meets Criteria Y/N?
The site is 20 acres or less	

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Table 2: Additional Criteria for AB 2011 Mixed Income Projects	Meets Criteria Y/N?
Would not require the demolition of: <ul style="list-style-type: none"> • Housing subject to recorded covenant, ordinance or law that restricts rents to levels affordable to moderate, low or very low income households • Housing subject to rent price control • Housing occupied by tenants in the last 10 years, excluding manager's units 	
The development would not require the demolition of a historic structure	
No prior residential use was demolished on the site in the last 10 years	
Not on a property that contains one to four dwelling units	
Cannot be zoned for housing, unless zoned for multifamily residential use	
Notice given to qualifying commercial tenants	

If the development project proposal does not meet all of these criteria, staff must inform the developer of inconsistencies with the criteria within 60 days of receiving the application for projects with 150 units or less, or within 90 days for projects with more than 150 units.

Step 3: Apply Development Standards

Pick the project type, either 100 percent affordable or mixed income:

- A) For 100 percent affordable projects, go to the Affordable Project Development Standards section to find and check development standards.
- B) For mixed income projects, go to Mixed Income Project Development Standards section to determine required density, height limit, parking and setbacks, and find and check other development standards.

To ensure that a project proposal meets the requirements of the law, check the [AB 2011 SB 6 Summary of Key Details](#), [AB 2011 Affordable Project Application Checklist](#) or [AB 2011 Mixed Income Project Application Checklist](#) and the law itself.

Affordable Project Development Standards

Use the information below to check that the development proposal meets the required development standards for mixed income projects.

Density

Project proposal must meet or exceed 20/30 DUA (default density under housing element law).

Other Standards

The project proposal must meet objective zoning, subdivision and design review standards for the zone that allows greater residential density between the following:

- A) The existing zoning designation for the parcel if it allows multifamily use; or



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B) The zoning designation for the closest parcel that allows residential use at 20/30 DUA (default density).

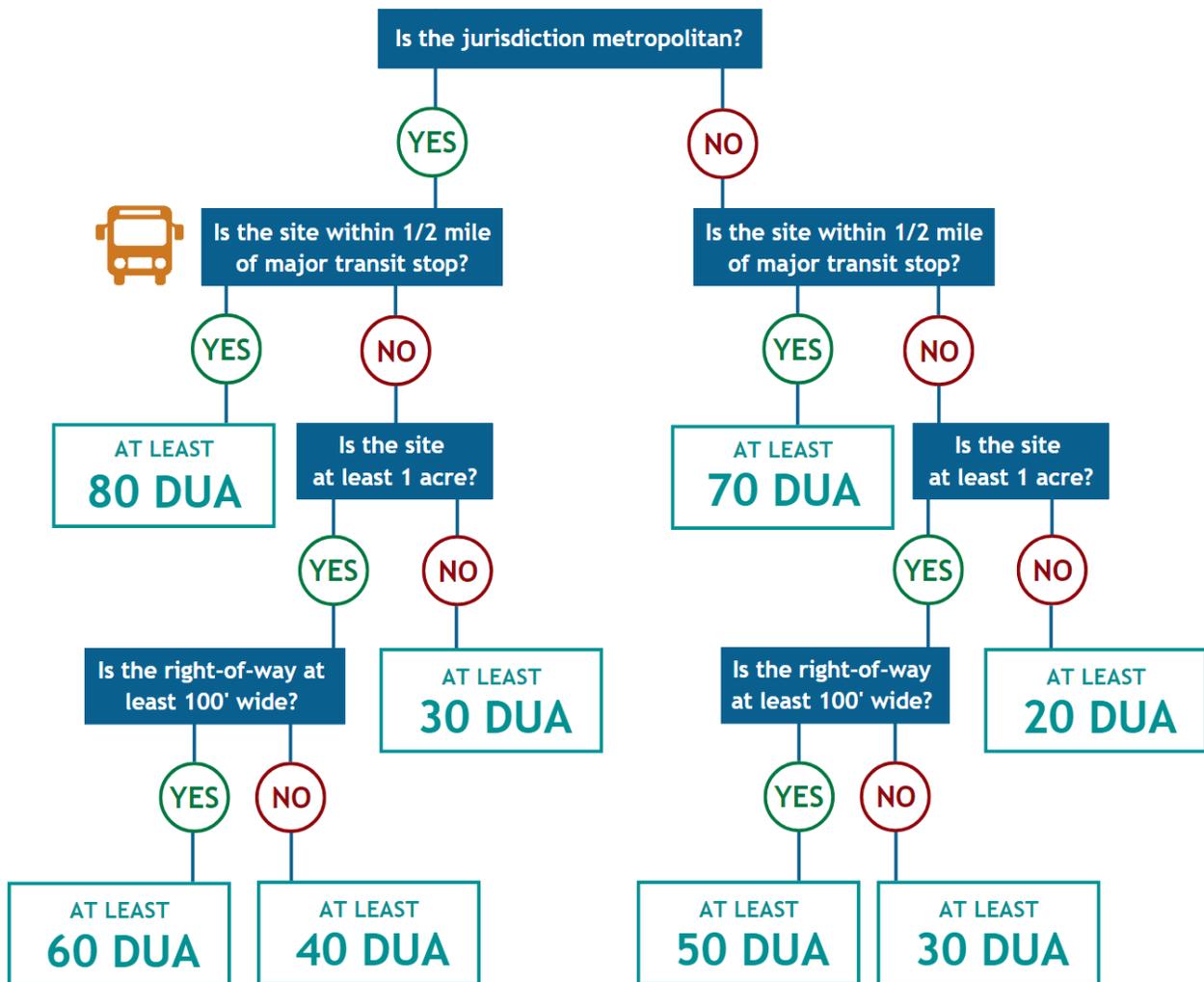
Mixed Income Project Development Standards

Use the charts and standards information below to check that the development proposal meets the required development standards for mixed income projects.

Density

Project proposal must meet the minimum density based on distance from transit, site size, and right-of-way width.

MIXED INCOME PROJECT REQUIRED DENSITY

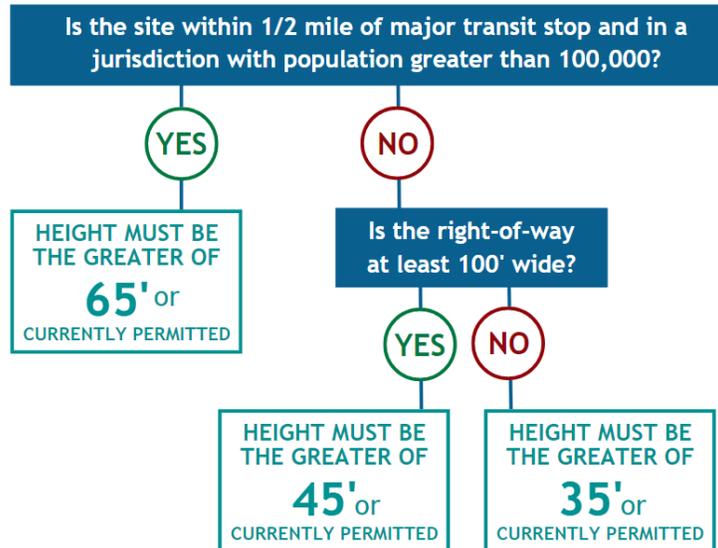


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Height Limit

Project proposal must allow height limits based on distance from transit, population and street right-of-way width if greater than the site’s currently permitted height.

MIXED INCOME PROJECT HEIGHT LIMIT



Parking

City cannot require parking except for bicycle, electric vehicle, or parking accessible to persons with disabilities.

Setbacks

Project proposal must meet following setback standards:

Front Setbacks:

- City cannot require building to be set back from the front property line
- Parking must be set back at least 25 feet from the front property line
- Building ground floor must be within 10 feet of the property line for at least 80% of the site

Side Setbacks:

- Side street:
 - Building must be within 10 feet of the property line for at least 60% of the site
- Neighboring properties:
 - City cannot require setbacks adjacent to non-residential properties
 - Building must be set back at least 10 feet from adjacent residential properties



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Other Objective Zoning Standards, Subdivision and Design Review Standards

Project proposal shall apply objective standards for the closest zone that allows multifamily residential density required for the project (see the Mixed Income Project Required Density chart on page 5 above). If no zone exists that allows the required residential density, the applicable objective standards shall be those for the zone that allows the greatest density within the city, county, or city and county.

Step 4: Check Other Resources

Check the [AB 2011 SB 6 Summary of Key Details](#), [AB 2011 Affordable Project Application Checklist](#) or [AB 2011 Mixed Income Project Application Checklist](#) or internal processing documents, and the law itself to confirm that the development project proposal adheres to the requirements of the law. Additional resources that can be used to develop your application and processing material include:

- [AB 2011 Staff Workplan](#)
- [AB 2011 SB 6 Model Ordinance](#)
- [Webinar: Overview of AB 2011 and SB 6](#)
- [Guide to California State Replacement Housing Requirements](#)