



City of Gilroy

COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DIVISION

7351 Rosanna Street, Gilroy CA 95020

(408) 846-0440, main • (408) 846-0429, fax

www.cityofgilroy.org/planning

AB 2011 Eligibility Checklist

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

PROJECT TYPE

Mixed-Income Housing Project Along
Commercial Corridor

100% Affordable Housing Project

Check One

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

GENERAL ELIGIBILITY REQUIREMENTS

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Zoning. | <input type="checkbox"/> | <input type="checkbox"/> |
| A. <u>Mixed-Income Housing Projects along Commercial Corridors</u> | | |
| • Zone where office, retail, or parking are a principally permitted use; and | | |
| • Project abuts a commercial corridor (highway as defined in Vehicle Code Section 360, with a public right-of-way between 70 and 150 feet) and has frontage along the commercial corridor of a minimum 50 feet. | | |
| or; | | |
| B. <u>100% Affordable Housing Projects</u> | | |
| • Zone where office, retail, or parking are a principally permitted use. | | |
| 2. Type. The development is a housing development project per Gov. Code Section 65589.5(h)(2) and proposes either of the following: | <input type="checkbox"/> | <input type="checkbox"/> |
| • Residential units only; | | |
| • Mixed-use development consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use; or | | |
| • Transitional or supportive housing | | |
| 3. Minimum Units. The development is a multi-family housing development project that proposes five (5) or more units. | <input type="checkbox"/> | <input type="checkbox"/> |



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- | | | |
|--|--------------------------|--------------------------|
| 4. Urban Area. Project is within an urbanized area or urban cluster (now designated "urban areas" by the US Census Bureau. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Adjacent Urban Uses. At least 75 percent of the site perimeter adjoins parcels with urban uses (inclusive of parcels that are only separated by a street or highway). | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Adjacent Industrial Use. Not on or adjoined to any site where more than one-third of the site is industrial use (inclusive of parcels that are only separated by a street or highway). | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Adjacent to a Freeway. None of the housing on the site will be located within 500 feet of a freeway. | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Adjacent Oil or Gas Uses. None of the housing on the site will be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas. | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Mobilehome Law. Not governed under the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act. | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Neighborhood Plan. For a site within a neighborhood plan (e.g. specific plan, area plan, or master plan), the neighborhood plan permits multifamily housing development on the site. | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. Location. Satisfies SB 35 environmental criteria found in Gov. Code Section 65913.4(a)(6)(B)(K) where the project site is NOT within any of these areas: <ul style="list-style-type: none">• Prime farmland or farmland of statewide importance• Wetlands• Hazardous waste site• Delineated earthquake fault zone• 100-year Flood Zone• Regulatory Floodway• Lands identified in an adopted natural resources protection plan• Protected Habitat• Conservation easement | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Vacant Sites. If a vacant site, satisfies both of the following: <ul style="list-style-type: none">• It does not contain any tribal resources that could be affected by the development, and the effects of which cannot be mitigated pursuant to Public Resources Code Section 21080.3.2• Not within a very high fire hazard severity zone. | <input type="checkbox"/> | <input type="checkbox"/> |



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- | | | |
|--|--------------------------|--------------------------|
| 13. Phase I. The development proponent has completed a phase I environmental assessment and mitigated any health hazards to a level of insignificance (provide documentation as an attachment). | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Prevailing Wage. The project will pay prevailing wage under Government Code Section 65913.4(a)(8)(A). | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Labor Standards. For projects with more than 50 units: The project will require contractors to employ construction craft employees or let subcontracts for at least 1,000 hours to participate in an apprenticeship program and make specified health care contributions. <ul style="list-style-type: none">• Developer shall require these standards be included in all construction contracts.• Developer shall certify to the local government that the labor requirements will be met in the project construction.• Developer shall provide local agency with monthly compliance reports. | <input type="checkbox"/> | <input type="checkbox"/> |

ADDITIONAL CRITERIA FOR 100% AFFORDABLE HOUSING PROJECTS

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



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ADDITIONAL CRITERIA FOR MIXED-INCOME HOUSING PROJECTS

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Lot Size. The site is 20 acres or less. | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Demolition of Housing. The development would not require the demolition of: <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 | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Historic Structure. The development would not require the demolition of a historic structure that was placed on a national, state, or local historic register. | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Prior Residential Use. A prior residential use was not demolished on the site in the last 10 years. | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Existing Housing. The property does not contain one to four dwelling units. | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Zoning. The site cannot be one zoned for housing, unless zoned for multifamily residential use (e.g., the site cannot be one zoned for single-family residential development). | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Affordability. The project meets or exceeds the following affordable housing requirements. | <input type="checkbox"/> | <input type="checkbox"/> |

FOR RENTAL PROJECTS:

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

AND deed restriction for these units for 55 years.

FOR OWNER-OCCUPIED PROJECTS:

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

AND deed restriction for these units for 45 years.

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

- | | | |
|--|--------------------------|--------------------------|
| 8. Tenant Relocation. Notice to commercial tenants and relocation assistance to certain qualifying independently owned commercial tenants will be provided. | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Density. The proposed residential density for the development meets or exceed the greater of the following: <ul style="list-style-type: none">• The residential density allowed on the parcel by the local government. | <input type="checkbox"/> | <input type="checkbox"/> |



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- 30 units per acre for sites of less than one acre in size.
- 40 units per acre for sites of one acre or greater and located on a commercial corridor of less than 100 feet in width.
- 60 units per acre for sites of one acre or greater and located on a commercial corridor of 100 feet in width or greater.
- 80 units per acre for sites within one-half mile of a major transit stop.

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

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

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

- For portion of property that fronts a commercial corridor, no setbacks may be required.
 - All parking must be set back at least 25 feet.
 - On ground floor, building must abut within 10 ft of the property line for at least 80% of frontage.
- For portion of property that fronts side street, building must abut within 10 ft of property line for at least 60% of frontage.
- For portion of property that abuts adjoining property that also abuts same commercial corridor, no setbacks may be required UNLESS adjoining property contains residential use that was constructed prior to enactment of AB 2011.
- For portion of property that does not abut commercial corridor, side street or adjoining property that abuts same commercial corridor
 - Along property lines that abut residential use:
 - Ground floor shall be set back 10 feet.
 - Starting with second floor, each floor shall be stepped back in amount equal to 7 ft multiplied by the floor number.
- Along property lines that abut non-residential use, the development shall be set back 15 ft.

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

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



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PROCESS

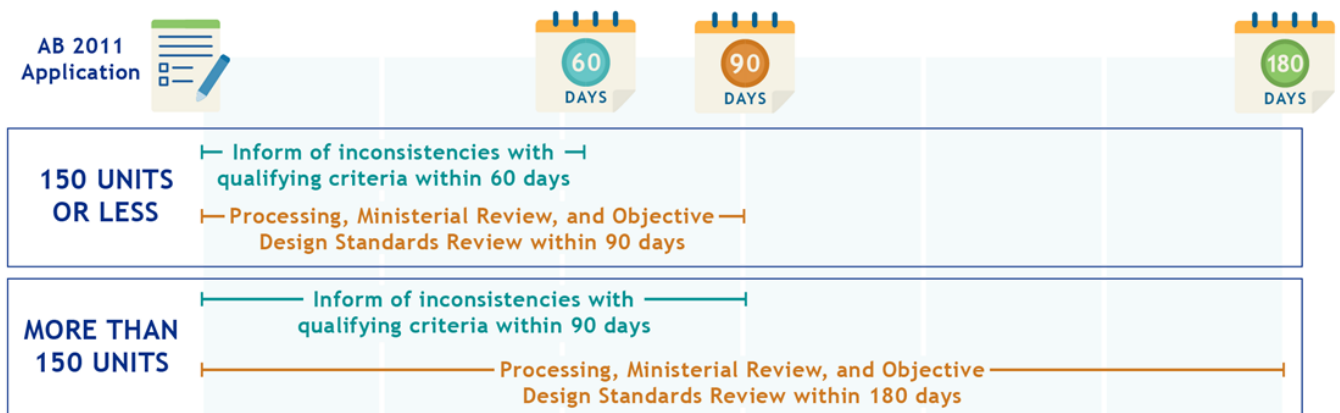
1. CEQA Exemption: Because the Government Code section 65913.4 process is ministerial, eligible projects are exempt from CEQA.
2. Timing: Depending on the project size the following deadlines shall be observed:

Small projects (≤ 150 units)

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

Large projects (>150 units)

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



If applicants are not notified of inconsistencies within applicable timeline, then project is deemed compliant with qualifying criteria





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AB 2011 Certificate for Compliance with Eligibility Requirements

Under penalty of perjury the following declarations are made:

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

PROPERTY OWNER:

Owner's Signature

Date

Owner's Name (printed)