



**AFFORDABLE HOUSING AND HIGH ROADS
ACT (AB 2011)**

**AFFORDABLE HOUSING DEVELOPMENT
ELIGIBILITY CHECKLIST**

P-46

Community Development Dept.
Planning Division
1635 Faraday Avenue
(442) 339-2600
www.carlsbadca.gov
Refer to **IB-134** for information

Applicants intending to propose a 100% Affordable Housing Development pursuant to AB 2011 [Gov. Code §§65912.121] must complete this checklist to demonstrate eligibility. Refer to Informational Bulletin IB-134 for additional information on the AB 2011 allowances and the city's permit application review processes. A separate checklist is provided for Mixed-Income Housing Development under AB 2011.

Project Site Requirements

The following pertains to the property being considered for an AB 2011 application for a 100% Affordable Housing Developments. Applicants answering "YES" to the following statements may be eligible for AB 2011 processing. Applicable Government Code sections provided.

YES NO

Use Type. The property is located in a zone where an office, retail, or a parking use is principally permitted and occupies more than one-third of the square footage of the site without the need for a conditional use permit.

Vacant Sites. Does the project **not** involve removing more than 25% of any existing exterior structural walls, and has the site been vacant for less than three years?

Urban Uses. At least 75% of the perimeter of the property adjoins parcels developed with urban uses which include: residential, commercial, public institutional, transit, retail, or any combination of those uses.

Industrial Use. The property is **not** on/adjoined to parcel where more than 1/3 of the square footage on the site is dedicated to industrial uses.

Farmland. The property is **not** located on prime farmland or farmland of statewide importance.

Wetland. The property is **not** located on a wetland.

Earthquake Fault. The property is **not** within 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 code standards adopted by the CA Building Standards Commission under the CA Building Standards Law (part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and CMC §18.04.010 where the city adopted by reference the 2019 California Building Code chapter 16, section 1613 Earthquake Loads which references chapter 18 of the American Society of Civil Engineers ASCE 7-16 manual.

Flood Hazards. The property is **not** located within a special flood hazard area in any official maps published by the Federal Emergency Management Agency unless the development complies with the city's FEMA floodplain requirements.

High Fire Severity Zone. The property is **not** located within a high fire severity zone.

Hazardous Waste Site. The property is **not** located within a hazardous waste site and is **not** located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

Freeway. The housing on the site is **not** located within 500 feet of a freeway, as defined in Vehicle Code Section 332.

Protected Habitat. The property does **not** contain 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), is **not** identified for conservation pursuant to the city’s “Habitat Management Plan for Natural Communities in the City of Carlsbad” and, is **not** under a conservation easement.

Other Laws. The property is **not** located within a parcel of land governed by the Mobile home Residency Law, Recreational Vehicle Occupancy Law, Mobile home Parks Act, and the Special Occupancy Parks Act.

Vacant Properties. If the property is vacant, the site must **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.

Objective Design Standards. Does this project meet objective zoning, subdivision and design review standards, for the zone that allows residential use at a greater density between the following:

- The existing zoning designation for the property if it allows multifamily residential use.
- If the property does not allow for 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 shall be used.

Density. Does the project **not** meet or exceed the applicable density deemed appropriate to accommodate lower-income households pursuant to housing element law? 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?

Affordable Housing Requirements

Lower-Income. 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?

Number of Units. Does the development have five or more housing units for sale or for rent?

Deed Restriction. Does the project have a recorded deed restriction of 55 years for rental units and 45 years for owner-occupied units?

Labor Requirements

Prevailing Wage. Has the project proponent committed to the prevailing wage requirements and labor standards of Article 2 of the California Labor Code?

Number of Units. Does the project include more than 50 units? If so, has the developer provided the following contracts and certified to the city:

- Participate in an apprenticeship program
- Make specified health care contributions
- Developer must provide monthly compliance reports to the city

SIGNATURES

Under penalty of perjury the following declarations are made:

1. I hereby certify, that all statements contained in this application and any accompanying documents are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer may be grounds for denial or subsequent revocation of the deemed complete status.
2. I understand this application is not a development application that authorizes an entitlement and is strictly for the purposes of Assembly Bill 2011, the AFFORDABLE HOUSING AND HIGH ROADS JOBS ACT of 2022.
3. I understand and agree that any report, study, map or other information submitted to the city in furtherance of this application will be treated by the city as a public record which may be reviewed by any person and if requested, that a copy will be provided by the city.
4. I understand that if this application cannot be submitted and deemed complete by staff at the submittal appointment.
5. If the applicant is not the Property Owner, both the Property Owner and Applicant must sign this affidavit. By signing this affidavit, the Property Owner authorizes the Applicant listed in this application to act as the Property Owner's agent on all matters in connection with this application.
6. I understand and agree to defend, indemnify, and hold harmless, the City of Carlsbad, its officers, agents, employees, and volunteers (collectively "city"), from any and all legal actions, claims, or proceedings (including administrative or alternative dispute resolution and Public Records Act requests (collectively "actions"), arising out of any city process or approval prompted by this Action, either in whole or in part. Such actions include but are not limited to: actions to attack, set aside, void, or otherwise modify, an entitlement approval, environmental review, or subsequent permit decision; actions for personal or property damage; actions based on an allegation of an unlawful pattern and practice; inverse condemnation actions; and civil rights or an action based on the protected status of the petitioner or claimant under state or federal law (e.g. ADA or Unruh Act). I understand and agree to reimburse the city for any and all costs incurred in defense of such actions. This includes, but it not limited to, the payment of all costs (including litigation costs, administrative record preparation, public records act responses) and attorneys' fees, all judgments or awards, damages, and settlement costs. The City will promptly notify a subdivider of any claim, action, or proceeding arising out of any city process or approval prompted by this Action and that the local agency will cooperate fully in the defense. The indemnity language in this paragraph is intended to be interpreted to the broadest extent permitted by law and shall be in addition to anyother indemnification language agreed to by the applicant.

The city requires original signatures below – the signatures do not need to be notarized.

PROPERTY OWNER

Name: _____ Email: _____
Address: _____ Phone: _____
Signature: _____ Date: _____

APPLICANT Same as above

Name: _____ Email: _____
Address: _____ Phone: _____
Signature: _____ Date: _____

City Staff Only

App. Vesting Date: _____

Staff Name: _____ Staff Signature: _____ Date: _____