



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

**MIXED-INCOME HOUSING DEVELOPMENT  
ELIGIBILITY CHECKLIST**

P-45

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 Mixed-Income 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 Affordable Housing Development under AB 2011.*

**PROJECT SITE REQUIREMENTS**

The following pertains to the property being considered for an AB 2011 application for Mixed-Income 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.

**Commercial Corridor.** Does the property abut a commercial corridor and has a minimum of 50 feet frontage along the commercial corridor? (The commercial corridor must have a right-of-way of at least 70 and not greater than 150 feet.)

**Acreage.** Is the property less than 20 acres or larger in size?

**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.

**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 3,000 feet of a facility that actively extracts or refines oil or natural gas.

<b>Freeway.</b> The housing on the site is <b>not</b> located within 500 feet of a freeway, as defined in Vehicle Code Section 332.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Protected Habitat.</b> The property does <b>not</b> 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 <b>not</b> identified for conservation pursuant to the city’s “Habitat Management Plan for Natural Communities in the City of Carlsbad” and, is <b>not</b> under a conservation easement.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percentage of Demolition.</b> The proposed housing development does <b>not</b> allow the demolition of more than 25 percent of the existing exterior structural walls, unless the housing development meets at least one of the following conditions: (A) If a local ordinance so allows. (B) The site has not been occupied by a tenant in the last three years.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Withdraw of Units from Rental Market.</b> The property has <b>not</b> exercised owners’ rights under Government Code §7060 to withdraw accommodations from rent or lease within 15 years.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Historic Structure.</b> The property is <b>not</b> located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Dwelling Units.</b> The project is <b>not</b> on a property that contains one to four dwelling units.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other Laws.</b> The property is <b>not</b> 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.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Vacant Properties.</b> The project is <b>not</b> on a property that is vacant and zoned for housing but not for multifamily residential use. If the property is vacant, the site must <b>not</b> 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 <b>not</b> located in a very high fire severity zone.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Density.</b> The project does <b>not</b> meet or exceed the greater of the following density requirements:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• The Residential density allowed on the parcel by the city; or</li> <li>• 30 du/ac for sites less than one acre</li> <li>• 40 du/ac for sites greater than one acre and located on a commercial corridor less than 100 ft in width</li> <li>• 60 du/ac for sites greater than one acre and located on a commercial corridor greater than 100 ft in width</li> <li>• 80 du/ac for sites within ½ mile of a major transit stop</li> </ul>		
<b>Height.</b> The project does <b>not</b> meet or exceed the greater of the following height requirements:	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> <li>• The height limit allowed on the property by the city; or</li> <li>• 35 ft height limit for properties located on a commercial corridor of less than 100 ft in width</li> <li>• 45 ft height limit for properties located on a commercial corridor greater than 100 ft in width</li> <li>• 65 ft height limit if the project is within ½ mile of a major transit stop and located outside of the coastal zone.</li> </ul>		

**Setbacks.** Does the project meet the following setback requirements:

- 10 ft setback required for the ground floor 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.
- Starting with the second floor, each floor shall be stepped back in the amount equal to 7 ft multiplied by the floor number.
- 15 ft setback required 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.

**Parking.** Does the project meet the requirements related to bicycle parking, electric vehicle spaces or parking spaces accessible to persons with disabilities?

## AFFORDABLE HOUSING REQUIREMENTS

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**Rental Projects.** If the project is a rental property, does it meet one of the following criteria:

- 8% very-low income and 5% extremely low income and a deed restriction of 55 years
- 15% lower income, and a deed restriction of 55 years

**Owner-Occupied Projects.** If the project will be owner-occupied, does it meet one of the following criteria:

- 30% moderate income and a deed restriction of 45 years or,
- 15% lower income and a deed restriction of 45 years

**Local Affordable Housing Requirement.** If the project is subject to a local affordable housing requirement, the project shall include the percentage of affordable units required by AB 2011 or the local requirement, whichever is highest. Does the project meet the lowest income targeting in either policy?

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

**Unit Type.** Are the affordable units equally distributed and have the same bedroom/bathroom count ratios and same quality finishes as market rate units?

## LABOR REQUIREMENTS

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**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 certification to the city:

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

## SIGNATURES

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*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

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Name: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## APPLICANT Same as above

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Name: \_\_\_\_\_ Email: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### City Staff Only

App. Vesting Date:

Staff Name:

Staff Signature:

Date: