INSTRUCTIONS

AB 2011 – AFFORDABLE HOUSING AND HIGH ROAD JOBS ACT
Filing Instructions

Related Code Section

On July 1 2023, Assembly Bill (AB) 2011, also known as the Affordable Housing and High Road Jobs Act of 2022, took effect. AB 2011 allows eligible residential development projects complying with certain housing affordability and labor standards to be subject to a streamlined, ministerial review process that is exempt from CEQA in certain commercial areas.

Purpose

The purpose of AB 2011 Streamlining is to provide eligible residential developments in certain commercial zones a Streamlined Ministerial Approval Process that is not subject to the California Environmental Quality Act (CEQA). Applicants may request that their entitlement for an eligible development be approved through a streamlined, administrative process (AB 2011 Streamlining). AB 2011 streamlining applies distinct eligibility requirements, affordability criteria, and development standards to 100% Affordable Housing and Mixed-Income Housing projects.

Note: For more information on what entitlement requests are eligible for AB 2011 Streamlining, please consult the Affordable Housing Services Section (AHSS) at planning.ahss@lacity.org.

Additional information on AB 2011 is available in the Department's implementation memo, available here and on the Department's website.

Eligible Developments

Site and Project Criteria

In order for a development project to be eligible for AB 2011 Streamlining, it must comply with the following site and project criteria including, but not limiting to:

1. The project proposes a multifamily housing development project with five units or more.
2. The project must be in zones where office, retail, or parking are principally permitted uses.
3. The site is located within an urbanized area or urban cluster (designated "urban area" by the US Census Bureau).
4. At least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses (any current or former residential, commercial, industrial, transit/transportation use).

5. No more than one-third of the square footage of the site or any adjoining sites are dedicated to industrial use[1]. Dedicated to industrial use means any of the following: (1) square footage is currently being used as industrial use; (2) most recently permitted use of the square footage is an industrial use; or (3) site is designated for industrial land use in the most recent Community Plan, adopted prior to 2022.

6. The site satisfies environmental criteria found in Government Code Section 65913.4(a)(6)(B) to (K), inclusive.

7. The site is not governed under the Mobilehome Residency Law (Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of the Civil Code), the Recreational Vehicle Park Occupancy Law (Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code), the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code), or the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

8. For sites within a neighborhood or specific plan area, the site permits multifamily housing development of at least five units (including live-work).

9. Where the site is vacant, the site satisfies both of the following:

    a. The site is not located in a Very High Fire Hazard Severity Zone.
    b. The project would not result in a non-mitigated effect on tribal cultural resources pursuant to Section 21080.3.1 of the Public Resources Code. Vacant sites require a tribal consultation prior to application filing to identify potential resources per Section 21080.3.1 of the Public Resources Code.

10. None of the housing on the site is located within 500 feet of a freeway, as defined in Section 332 of the Vehicle Code.

11. 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.

12. The development proponent has completed a Phase I Environmental Site Assessment at the time of project submittal. If a recognized environmental condition is found, the proponent must complete 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 hazardous materials are found, the project sponsor must coordinate with the Los Angeles Fire Department or to conduct additional investigation and, if required, soil and/or groundwater remediation. This would be conditioned as part of the AB 2011 approval.

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[1] "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.

The following site and project eligibility criteria must additionally be met for **Mixed Income Housing** projects:

13. The project site abuts a commercial corridor, defined as a local road with an existing right-of-way of 70 to 150 feet, and has a frontage along the commercial corridor of a minimum of 50 feet. A right-of-way includes the area between the private property on each side of the roadway, including any sidewalks and parkway.

14. The site is 20 acres or less.

15. The Development is **not located on a site** where any of the following apply:
    - **a.** The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.
    - **b.** The development would require the demolition of:
        - **i.** Housing subject to a recorded covenant, ordinance or law that restricted rents to levels affordable to moderate, low or very low income households
        - **ii.** Housing subject to the Rent Stabilization Ordinance (RSO)
        - **iii.** Housing occupied by tenants in the last 10 years, excluding managers' units.
    - **c.** 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 the development proponent submits an application under this article.
    - **d.** The property contains one to four dwelling units
    - **e.** The property is vacant and zoned for housing but not for multifamily residential use (five units or more).

16. The development proponent shall provide notice and relocation assistance to each eligible commercial tenant located on the site.

Affordable Housing Requirements

For 100% Affordable Housing projects under AB 2011 Streamlining, all units except managers' units must be dedicated to lower-income households for either a 55-year period (for rental units) or a 45-year period (for owner-occupied units).

For Mixed-Income Housing projects, the following affordable housing requirements must be met as a condition of AB 2011 Streamlining, calculated as a percent of the total units in the project.

- Rental Projects (55-year term):
    - 8% very-low income and 5 % extremely low-income, OR
    - 15% lower income

- Owner-Occupied Projects (45-year term):
    - 30% moderate income, OR
    - 15% lower income

Labor Requirements

The development must certify compliance with all the labor provisions by completing the AB 2011 Labor Compliance Certification form (CP-4081). Monthly reports must also be sent to the state Labor Commission and the City.

For more information on these and other requirements, please review AB 2011 and the Implementation of AB 2011 (2022) and SB 6 (2022) Department of City Planning Memo.

Application Process

The general sequence for the application process is listed below:

1. Confirm that your project site is eligible for AB 2011 Streamlining on ZIMAS, under the "Planning and Zoning" tab. If a required eligibility criteria is not evaluated or requires further review, please submit additional documentation to establish eligibility.

2. Request a consultation with AHSS to discuss your development by making an appointment through BuildLA at https://appointments.lacity.org/.

3. Fill out Section I of the Preliminary Zoning Assessment (PZA) Form (CP-4064 / CP-4064.A), and follow the instructions on the form. Make sure to inform City Planning's Zoning Review Division staff that the project is seeking review under the AB 2011 Streamlined Ministerial Review process. Contact the Zoning Review Division directly for any questions related to Zoning Plan Check at planning.zoningreview@lacity.org.

4. Submit the form, materials, and fees necessary to obtain the SB 8 Replacement Unit Determination to the Los Angeles Housing Department (LAHD) at lahd-landuse@lacity.org. Make sure to inform LAHD Staff that the project is seeking review under the AB 2011 Streamlining. This step can be done concurrently with Step 2 above. Contact LAHD directly for any questions related to this step.

5. Obtain Specialized Requirement Forms as applicable, including but not limited to:
    a. A signed Geographic Project Planning Referral Form (CP13-7812) from the planner assigned to the geography in which the proposed development is located. You may view the latest Assignment List at https://planning.lacity.org/about/staff-directory.
    b. A signed Redevelopment Referral Form for the applicable Redevelopment Plan Area . See Redevelopment Plan Administrative Review Instructions (CP-3540). The Redevelopment Project Unit can be contacted at planning.redevelopment@lacity.org.

    This step can be done concurrently with Step 2 above.

6. Submit the appropriate Housing Referral Form (Affordable Housing, Transit Oriented Communities [TOC], or Qualified Permanent Supportive Housing [QPSH] Referral Form), and a complete set of architectural plans to AHSS at planning.ahss@lacity,org. This step can also be done concurrently with Step 3 above. Standard pre-application review fees will apply.

7. Vacant sites only. Once the applicable Housing Referral Form has been assigned to an AHSS planner and AB 2011 eligibility has been determined, the Geographic Project Planner will conduct the Tribal Consultation as described by Section 21080.3.1 of the Public Resources Code. **Tribal consultation must be concluded prior to filing the entitlement application with City Planning.**

Once all of the above steps have been completed, the main entitlement application together with a completed Department of City Planning Application (CP13-7771.1) may be filed at one of the Development Services Center (DSC) locations. When filing for the above application, the following items are required in addition to those specified in the Department of City Planning (DCP) Application Filing Instructions (CP13-7810):

☐ Replacement Unit Determination (RUD) Letter

This letter may be required for a complete application if the project proposes a Housing Development Project or a non-residential Development Project subject to the Housing Crisis Act of 2019 (HCA) or the Resident Protections Ordinance (RPO). To determine whether the subject property requires a RUD from LAHD, check "*Housing Crisis Act Replacement Review*" under the Housing tab on ZIMAS. If the project results in a loss of protected units or is located on a lot where protected units were demolished in the last five years), then a RUD letter must be obtained from LAHD, unless the project qualifies for a No Net Less Declaration (CP-4069). The RUD will determine whether any replacement units are required, their affordability levels, and if HCA or RPO occupant protections apply. For assistance, contact lahd-landuse@lacity.org.

☐ No Net Loss Declaration

For a complete application, a signed No Net Loss Declaration (CP-4069) with supporting documentation may be submitted instead of obtaining a Replacement Unit Determination (RUD) from the Los Angeles Housing Department if the project meets the eligibility criteria to qualify for the No Net Loss Declaration as detailed on the form.

For more information, refer to the Housing Development Project Applicability Matrix and the Replacement and Occupant Protection Matrix.

☐ Preliminary Zoning Assessment Form

This form (CP-4064 / CP-4064.A) is required if the proposed project creates two or more residential units (including Accessory Dwelling Units). **Section VI** shall be completed by City Planning's Zoning Review Division staff, along with signed project plans, at the conclusion of the informational Zoning Plan Check. For more information, refer to the Housing Development Project Applicability Matrix or contact the Zoning Review Division at planning.zoningreview@lacity.org.

☐ Specialized Requirements for Entitlements

Additional Referral forms may be required if your project is located in an area for which there is a Specialized Requirement Form available. Review and complete forms, if applicable, and include it with your application. Forms are listed alphabetically on the City Planning website.

☐ Commercial Tenants

If there are existing commercial tenants, they may be eligible for relocation assistance. Please complete a Commercial Tenant Relocation form (CP-4084). See Government Code Section 65912.123 for additional guidance.

☐ Labor Standards

Projects with less than 50 units must follow the prevailing wage requirements in Section 65912.130 of the Government Code, while those with 50 or more units must follow the apprenticeship and health care provisions of Section 65912.131. An AB 2011 Labor Compliance Certification form (CP-4081) will need to be completed as part of the application, as will monthly reports.

☐ (Optional) Supporting Materials

Provide any additional materials to support the eligible development's compliance with the requirements of AB 2011.

An appointment to file an entitlement application at one of the DSC locations is required. To schedule an appointment, visit BuildLA at https://appointments.lacity.org/. You will need to create an Angeleno account if you don't have one.

All forms are available at the DSC Public Counters and on the City Planning Website at https://planning.lacity.org/development-services/forms. Please note that some of the City Planning forms described above may also be available through our Online Application System (OAS) Portal through the website: https://plncts.lacity.org/oas.

Projects that are eligible for AB 2011 Streamlining are not required to submit materials for environmental review. For projects determined to be ineligible for AB 2011 Streamlining during application review, applicants will be required to provide any materials required for environmental review otherwise associated with the specific request. If these materials are not submitted, the application will be considered incomplete, and review will not proceed.

For additional information regarding AB 2011 Streamlining, contact the AHSS at planning.ahss@lacity.org.