



**AB 2011 SUPPLEMENTAL APPLICATION:  
ELIGIBILITY CHECKLIST**

**PURPOSE:** Assembly Bill 2011 (AB 2011), codified in California Government Code Sections [65912.100 – 65912.140](#), requires the City to review qualifying housing development projects using a streamlined ministerial review process. Eligible projects must comply with objective planning standards, provide specified levels of affordable housing, and meet other specific requirements, as detailed in this application.

Applicants intending to invoke the AB 2011 Streamlined Ministerial Review approval process must complete this supplemental application and provide supporting documentation for each item (as applicable) to demonstrate eligibility.

Incomplete checklists that do not include required attachments or supporting documentation will not be processed and the request will be deemed incomplete. If any of the answers to the questions below are “no,” the project is not eligible for AB2011 review and the City’s standard development review process will apply. There is no guarantee, expressed or implied, that any permit or application will be granted. Each project matter must be carefully investigated, and the resulting decision may be contrary to a position taken or implied in any preliminary discussions. The burden of proof regarding this application rests upon the applicant.

*NOTE: In the event of any conflict or inconsistency between state law and the City’s requirements, the provisions of state law shall prevail and take precedence.*

## **AB 2011 – Eligibility Checklist**

The following checklist is intended to help applicants and the City's Planning Division determine if a project is eligible for streamlined processing under AB 2011. To be eligible for AB 2011, a project must meet **ALL** of the following criteria:

**NUMBER AND TYPE OF UNITS.** The project must be a multifamily *housing development project*, as defined in Government Code (GC) Section [65589.5](#), that contains at least five residential units and complies with the minimum and maximum residential density range permitted for the site per the Land Use Element of the Burbank 2035 General Plan, unless preempted by state law, plus any applicable state density bonus pursuant to GC Sections [65915-65918](#). If the multifamily housing development is a mixed-use development, at least two-thirds of the project's square footage must be designated for residential use.

In addition, the project must be one of the following two types of projects:

- 100% Affordable Housing Projects where:
  - 100% of the units (excluding managers’ units) are dedicated to lower-income households at an affordable cost, as defined by Section [50052.5](#) of the Health and Safety Code *or* an affordable rent set in amount consistent with the rent limits established by the California Tax Credit Allocation Committee.
  - The units shall be subject to a recorded deed restriction for a period of 55 years for renter-occupied units and 45 years for owner-occupied units.
- Mixed-Income Housing Projects that satisfy at least one of the following two affordability requirements:
  - Rental housing with 8% percent of the base density units for very low-income households *and* 5% of the units for extremely low-income households *or* 15% of the base density units for lower-income households (see GC Section [65912.122\(c\)\(1\)](#)).
  - Owner-occupied housing development shall include either 30% of the base density units offered at an affordable housing cost, as defined in Section [50052.5](#) of the Health and Safety Code to moderate-income households *or* 15% offered at an affordable housing cost to lower-income households.
  - In addition, all affordable units shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the project, and have the same type or quality of appliances, fixtures, and finishes.
  - The affordable units will also be subject to a recorded deed restriction for a period of 55 years for rental units and 45 years for owner-occupied units.



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- DENSITY.** The project shall have the following maximum proposed density:
- 100% Affordable housing development projects shall have a maximum density that is the higher between the density allowed for the underlying land use designation per the Burbank 2035 General Plan Land Use Element or 30 units/acre, as specified GC Section [65583.2\(c\)\(3\)\(B\)\(iv\)](#).
  - Mixed-Income housing development projects shall have a maximum density that is the higher between the density allowed for the underlying land use designation per the Burbank 2035 General Plan Land Use Element and that density specified in GC Section [65912.123\(b\)\(1\)\(A\) – \(E\)](#), which ranges between 30 and 80 units per acre.
  - The required minimum residential density depends on when the AB 2011 application has been determined by the local government to be consistent with applicable objective planning standards:
    - If that consistency determination occurs *before* January 1, 2027, the project must be developed at 50% (or greater) of the applicable “allowable” residential density. A higher requirement applies to project sites within one-half mile of an existing passenger rail or bus rapid transit station, in which case the project must be developed at 75% (or greater) of the applicable “allowable” residential density.
    - The 75% requirement will apply to all projects where the consistency determination is made on or *after* January 1, 2027.
  - No residential density limit shall be imposed for the conversion of existing buildings to residential use, except where the project would include net new square footage exceeding 20% of the overall square footage of the project.
- URBAN INFILL.** The project must be located on a legal parcel or parcels within the incorporated City limits. At least 75 percent of the perimeter of the site must adjoin parcels that are developed with urban uses. For purposes of AB 2011, “urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. Parcels that are only separated by a street, pedestrian path, or bicycle path shall be considered adjoined.
- ZONING AND EXISTING USES.** The project must be located on a site that:
- Is located in a zone where office, retail, or parking are principally permitted, or “by-right” uses pursuant to the Burbank Municipal Code. Parking shall be deemed principally permitted even where a conditional use permit is required.
  - Is not site or is not adjoined (directly abutting or separated by a street) to any site where more than one-third of the square footage is currently, or was most recently (for the past three years) dedicated to industrial use, including utilities, manufacturing, transportation storage and maintenance facilities, and warehousing uses.
- CONSISTENT WITH OBJECTIVE STANDARDS.** The project must meet all objective design and development standards in effect at the time the application is submitted.
- Objective standards are those that require no personal or subjective judgment and must be verifiable by reference to an external and uniform source available prior to submittal. Sources of objective standards include, but are not limited to the following:
    - Burbank 2035 General Plan.
    - Burbank Municipal Code.
    - Any density bonus or any concessions, incentives, or waivers of development standards or reduction of parking standards requested under the Density Bonus Law in GC Section [65915](#) are deemed consistent with objective standards.
    - Any project that is a conversion of the use of an existing nonresidential use building to a residential use, no additional common open space beyond what is already existing on the project site is required.



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**ADDITIONAL REQUIREMENTS FOR MIXED-INCOME PROJECTS.**

- The project site is 20 acres or less in size, unless the site is a regional mall, as defined in subdivision (r) of Section 65912.101, in which case the site is not greater than 100 acres.
- The project site abuts a commercial corridor (a highway, that has a right-of-way of at least 70 feet) and have a frontage along a commercial corridor of a minimum 50 feet.
- The project does not exceed the maximum heights listed in GC Sections [65912.123\(c\)\(1\) – \(4\)](#), which ranges between 35 and 65 feet in height.
- The project meets the minimum setback standards listed in GC Section [65912.123\(d\)\(1\) – \(3\)](#)
- If located at a regional mall, the project must the development standards in GC Section [65912.123 \(d\)\(4\)](#).
- The project site is not on a site that would require demolition of housing that is:
  - Subject to recorded restrictions or law that limits rent to levels affordable to moderate, low, or very low-income households.
  - Subject to rent or price control.
  - Currently occupied by tenants or that was occupied by tenants within the past 10 years.
- The project site is not a site that previously contained housing occupied by tenants that was demolished within the past 10 years.
- The project does not require the demolition of one to four existing dwelling units.
- The project site is vacant and zoned for housing, but not for multifamily residential use.

**PARKING.** The project meets the following parking requirements:

- 100% affordable projects that are not within one-half mile an accessible major transit stop are subject to parking requirements pursuant to the Burbank Municipal Code, unless preempted by state law.
- All requirements for bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if the project were not an AB2011 project are satisfied.

**LOCATION.** The project meets the following location criteria:

- For housing proposed within 500 feet of a freeway, as defined in Section [332](#) of the Vehicle Code (except for portion of a freeway that is an onramp or off ramp), the following shall apply:
  - The building shall have centralized heating, ventilation, and air condition system.
  - The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.
  - The building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value of 16.
  - The air filtration media shall be placed at the manufacturer's designated interval.
  - The building shall not have any balconies facing the freeway.
  - None of the housing of the site is located within 3,200 of a facility that actively extracts or refines oil or natural gas.
- If the site is vacant, it does not contain tribal cultural resources that were found pursuant to a consultation as described by Section [21074](#) of the Public Resources Code (PRC) that could be affected by the development and cannot be mitigated pursuant to the process described in Section [21080.3.2](#). of the PRC.
- The project does not require the demolition of an historic structure that is listed on a local, state, or federal register.
- The project is not proposed on a parcel of land or site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.
- In addition, the project must be located on a property that is outside each of the following areas:



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- Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the City's voters.
- Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
- A very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section [51178](#), or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section [4202](#) of the PRC. This does not apply to sites excluded from the specified hazard zones by the City, pursuant to subdivision (b) of Section [51179](#), or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- A hazardous waste site that is listed pursuant to Section [65962.5](#) or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section [25356](#) of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed-uses.
- 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 building code standards adopted by the California Building Standards Commission under the California Building Standards Law ([Part 2.5](#) (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under [Chapter 12.2](#) (commencing with Section 8875) of Division 1 of Title 2.
- A special flood hazard area, as determined by maps promulgated by the Federal Emergency Management Agency, unless *either* of the following are met:
  - ✓ The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
  - ✓ The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- A regulatory floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- 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).
- Lands under conservation easement.



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**HAZARDOUS MATERIALS.** The project proponent will submit a Phase I environmental assessment, as defined in Section [25319.1](#) of the Health and Safety Code as a Condition of Approval of the project, to be completed prior to the issuance of a Certificate of Occupancy for the project.

- o If a recognized environmental condition is found, the development proponent shall undertake 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.
- o If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be mitigated to a level of insignificance in compliance with current state and federal requirements. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements.

**LABOR STANDARDS.** The project proponent must certify in writing that at least one of the following is true:

- o The entirety of the project is a public work as defined in GC Section [65913.4\(a\)\(8\)\(A\)\(i\)](#). *OR*
- o The project is not in its entirety a public work, and will comply with those Labor Standards contained in GC Sections [65912.130 through 131](#), including, but not limited to the following:
  - All construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area.
  - If the project proposes more than 50 units, contractors shall employ construction craft employees or let subcontractors for at least 1,000 hours to participate in an apprenticeship program and make specified health care contributions.
  - Developer must ensure these standards be included in all construction contracts.
  - Developer must certify to the local government that the labor requirements will be met in the project construction.
  - Developer must provide local agency with monthly compliance reports.

**RELOCATION ASSISTANCE.** The project complies with the provisions related to the notification of commercial tenants and relocation assistance to certain qualifying independently-owned commercial tenants as specified in GC Sections [65912.123\(h\)](#), if applicable.

**Owner and Applicant Signature.** *Acknowledgement that the project would comply with all items in the AB 2011 eligibility checklist above, and that supporting information has been provided demonstrating compliance.*

Owner Name:	Signature:	Date:
Applicant Name:	Signature:	Date: