

CITY OF OAKLAND

Affordable Housing and High Road Jobs Act of 2022 (AB 2011) Supplemental Application for Streamlined Housing Approval

250 Frank H. Ogawa Plaza, Suite 2114, Oakland, CA 94612-2031 Zoning Information: 510-238-3911 https://www.oaklandca.gov/topics/planning

This document serves as a supplemental application form for housing development projects that are subject to streamlined, ministerial review pursuant to Chapter 4.1 (commencing with California Government Code section 65912.100) of Division 1 of Title 7 of the Government Code. Eligible projects must comply with site criteria, affordability criteria, and objective development standards. In addition, applicants must certify their compliance with labor standards provided in Government Code Section 65912.130 and 65912.131 Applicants must also submit the City of Oakland Planning Bureau Basic Application for Development Review and in Section 1, under "Other Applications" write in AB 2011 under "Other" along with the Zoning Worksheet (ZW).

1. GENERAL INFORMATION
APPLICANT'S NAME/COMPANY:
PROPERTY ADDRESS:
ASSESSOR'S PARCEL NUMBER(S):
EXISTING USE OF PROPERTY: Include identification of major physical alterations to the property.
DESCRIPTION OF PROPOSAL:

SELECT TIPE OF I ROPOSED STREAMLINED DEVELOPMENT.				
☐ Affordable Housing Development in Commercial Zones (Gov. Code §§ 65912.110 – 65912.114): available for qualifying housing developments where one hundred percent of the units, excluding manager's units are dedicated to lower income households at an affordable cost or affordable rent.				
☐ Mixed-Income Housing Developments Along Commercial Corridors (Gov. Code §§ 65912.120 – 65912.124): available for qualifying housing developments that provide between 13% and 30% on-site Below Market Rate ("BMR") units, depending on the tenure of the project and depth of affordability, as described further below.				
2. PROPERTY OWNER AND APPLICANT INFORMATION Original signatures or clear & legible copies are required.				
Owner:				
Owner Mailing Address:				
City/State:				
Zip:				
Phone No.:				
E-mail:				
To be completed only if Applicant is not the Property Owner:				
I authorize the applicant indicated below to submit the application on my behalf.				
Signature of Property Owner				
Applicant (Authorized Agent), if different from Owner:				
Applicant Mailing Address:				
City/State:				
Zip:				
Phone No.:				
E-mail:				



3. SITE CRITERIA

(Gov. Code §§ 65912.111 and 65912.121)

A. Located in zone where office, retail, or parking are principally permitted activities:
Applicable Zoning Designation:
Note: Oakland PBD has preliminarily determined that all zones meet this requirement except for the following: OS, RH, RD, RM, RU-1, RU-2, RU-3, R-80, S-1, D-WS-1, D-WS-3, D-WS-7, D-WS-9, and D-OK.
B. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. Parcels only separated by a street or highway are treated as adjoining. "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.
Provide description of surrounding urban uses:
C. Not located on a site or adjoined to any site where more than one-third of the square footage of the site is dedicated to industrial use.
Parcels only separated by a street or highway are treated as adjoining. "Dedicated to industrial use" means any of the following:
 (A) The square footage is currently being used as an industrial use. (B) The most recently permitted use of the square footage is an industrial use. (C) The site was designated for industrial use in City of Oakland General Plan Land Use and Transportation Element.
Provide description of any applicable industrial uses:
Note: Oakland PBD has preliminarily determined that the following General Plan land use designations include

designations for industrial use: Business Mix, General Industry and Transportation, and Housing and Business Mix.

D. Satisfies the requirements specified in Government Code Section 65913.4(a)(6), subparagraphs (B) to (K).

	Yes	No	Attachment Provided?
Is the project site located wholly or partially within:			
(B) Prime farmland or farmland of statewide importance?			
(C) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)?			
(D) A Very High Fire Hazard Severity Zone (VHFHSZ), as determined by the Department of Forestry and Fire Protection?			
(E) 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?			



	Yes	No	Attachmen		
(F) 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?					
(G) A special flood hazard area subject to inundation by the 1 percent annual chance floor (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA?					
(H) A regulatory floodway as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA, 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.					
(I) 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.					
(J) 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).					
(K) Lands under conservation easement?					
If you answered yes to any of the questions above, include attachments further illustrating	each sit	e condit	ion at issue.		
E. Is not an existing parcel of land or site that is governed under the Mobilehome Residency Law (Civil Code Sec. 798 et seq.), the Recreational Vehicle Park Occupancy Law (Civil Code Section 799.20 et seq.), the Mobilehome Parks Act (Health and Safety Code Section 18200 et seq.), or the Special Occupancy Parks Act (Health and Safety Code Section 18860 et seq.)					
Yes □ No □					
If the site is located in a City of Oakland specific plan or neighborhood plan adopted prior to January 1, 2022, then the specific plan designation for the site must allow for multifamily housing development on the site.					
West Oakland Specific Plan Lake Merritt Station Area Plan Downtown Oakland Specific Pla Broadway Valdez District Specific Plan Coliseum Area Specific Plan Gateway Industrial District North Oakland Hill Area Specific Plan Description of allowance for multifamily housing development on the site:	, ,)			
2 total plant of all of materiality housing act or priority on the site.					



Is the site vacant?	
Yes	No
If "Yes" does the si	te satisfy both of the following?
Yes	No
could be affect Resources Coo described in Po	not contain tribal cultural resources, as defined by Public Resources Code Section 21074, that ted by the development that were found pursuant to a consultation as described by Public le Section 21080.3.1 and the effects of which cannot be mitigated pursuant to the process ablic Resource Code Section 21080.3.2.
Please describe:	
2. The site is not a	ishin a samuhish fina hangad associas asso
2. The site is not w	rithin a very high fire hazard severity zone.
Please describe:	
Additional Site	REQUIREMENTS FOR MIXED-INCOME PROJECTS (GOV. CODE § 65912.121)
	ust abut a commercial corridor (right of way between 70 feet and 150 feet), have a frontage cial corridor of a minimum of 50 feet, and not be greater than 20 acres.
Applicable corridor	:
Width of frontage o	n applicable corridor:
Lot size:	
The development r	nust not be located on a site where any of the following apply (check all that apply):
	relopment would require demolition of housing that is subject to a recorded covenant, ordinance or tricts rents to levels affordable to persons and families of moderate, low, or very low income.
☐ The dev	elopment would require demolition of housing that is subject to any form of rent or price control.



☐ The development would require demolition (years (excluding any manager's units)	of housing that has been occupied by tenants within the past ten
☐ The site was previously used for permanent units) that was demolished within 10 years before	housing that was occupied by tenants (excluding any manager's re this application was submitted.
☐ The development would require demolition of local historic register.	of a historic structure that was placed on a national, state, or
☐ The property contains one to four units.	
☐ The property is vacant and zoned for housi	ing but not for multifamily residential use.
	DABILITY CRITERIA 55912.112 and 65912.122)
Select from one of the following required criteria	a:
-	ment project, excluding managers' units, will be dedicated to ordable rent, subject to a recorded deed restriction for a period pied units. (Gov. Code § 65912.112.)
	velopment where at least eight percent of the units will be eholds and at least five percent of the units will be reserved for deed restriction for a period of 55 years. (Gov. Code §
	velopment where at least fifteen percent of the units will be lds subject to a recorded deed restriction for a period of 55
units will be offered at an affordable housing costs to me	housing development where at least thirty (30) percent of the oderate income households, subject to a recorded deed ordable ownership units for a period of 45 years. (Gov. Code §
	housing development where at least fifteen (15) percent of the wer income households, subject to a recorded deed restriction mership units for a period of 45 years. (Gov. Code §
	project shall have the same bedroom and bathroom count ed within the project, and have the same type or quality of \$\text{912.122(d).)}



OBJECTIVE DEVELOPMENT REQUIREMENTS (Gov. Code §§ 65912.113 and 65912.123) **5.**

REQUIREMENTS FOR AFFORDABLE HOUSING DEVELOPMENT IN COMMERCIAL ZONES

Lot Size:	Units Proposed:	Residential Density:	
density between (A) to multifamily resident	he existing zoning designation fo	For the zone that allows residential use or the parcel if the existing zoning allowing for the closest parcel that allows re	ws
Does the existing zoni	ng designation allow multifamily	residential use? Yes □ No	
If yes, density	allowed under existing zoning des	ignation:	
_	• •	of at least 30 du/acre, then the objective be entered into the remaining question be	
Zoning designation of	closest parcel that allows resident	ial use at 30 du/acre:	
REQUIREMENTS FOR M	IXED-INCOME HOUSING DEVELOPM	MENT ON COMMERCIAL CORRIDOR	
or exceed the greater (Gov. Code § 65912.1 ☐ The residential der ☐ For sites of less that	of the following (select as applied 23(a), (b).) asity allowed on the parcel by the zen one acre, 30 units per acre.		
*	re in size or greater located on a co	ommercial corridor of 100 feet in width o	or greater, 60
	e-half mile of a major transit stop,	80 units per acre.	
Description:			
Gov. Code § 65912.1 ☐ The height allowed ☐ For sites on a community ☐ For sites on a community	l be the greater of the following (23(c).) I on the parcel by the zoning designercial corridor of less than 100 femercial corridor of 100 feet in widhalf mile of a major transit stop, 65 femercial corridor.	nation. eet in width, 35 feet. th or greater, 45 feet.	
Description:			



The development shall meet the following setback standards: (Gov. Code § 65912.123(d).)

For the portion of the property that fronts a commercial corridor, the following shall occur:

- (A) No setbacks shall be required.
- (B) All parking must be set back at least 25 feet.
- (C) On the ground floor, a building or buildings must abut within 10 feet of the property line for at least 80 percent of the frontage.

Description:
For the portion of the property that fronts a side street, a building or buildings must abut within 10 feet of the property line for at least 60 percent of the frontage.
Description:
For the portion of the property that abuts an adjoining property that also abuts the same commercial corridor as the property, no setbacks are required unless the adjoining property contains a residential use that was constructed prior to January 1, 2023, in which case the requirements of subparagraph (A) below apply.
Description:
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, the following shall occur:
(A) Along property lines that abut a property that contains a residential use, the ground floor of the development project shall be set back at 10 feet. Starting with the second floor of the property, each subsequent floor of the development project shall be stepped back in an amount equal to seven feet multiplied by the floor number. For purposes of this paragraph, the ground floor counts as the first floor. The amount required to be stepped back may be decreased by the local government.
(B) Along property lines that abut a property that does not contain a residential use, the development shall be set back 15 feet.
Description:
No parking shall be required.
Parking proposed:



6. ENVIRONMENTAL ASSESSMENT REQUIREMENTS

(Gov. Code §§ 65912.113 and 65912.123)

Projects streamlined under the Affordable Housing and High Road Jobs Act of 2022 are exempt from CEQA. However, the development shall complete a Phase I Environmental Assessment, as defined in California Health and Safety Code Section 25319.1. If a recognized environmental condition (REC) is found, the applicant shall undertake a preliminary endangerment assessment, as defined in California Health and Safety Code Section 25319.5, prepared by an environmental assessor to determine the existence of any release of 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 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.

(§ 65912.113(c), § 65912.123(f).)

Provide a description of compliance with Environmental Assessment Requirements.

None of the housing on the site is located within 500 feet of a freeway or within 3200 feet of a facility that actively extracts or refines oil or natural gas. (§ 65912.113(d), (e), § 65912.123(g), (h).)

Closest Freeway: _______ Distance to closest point of project site: _______

Will any of the housing on the development be located within 3200 feet from a facility that actively extracts or refines oil or natural gas?



Yes

П

No

 \Box

Additional Information:

7. COMMERCIAL TENANT PROTECTIONS

(Gov. Code § 65912.123(i)) Not Applicable to 100% Affordable Housing Developments

Applicant must provide written notice of the pending application to each commercial tenant on the parcel when the application is submitted.

☐ I have already provided written notice to the following listed commercial tenants, which is a list of all existing commercial tenants, and have enclosed copies of such notice with this application.			
☐ I will provide written notice to the following listed commercial tenants, which is a list of all existing commercial tenants, and understand I must submit copies of such notice prior to this application's eligibility determination.			
Name of Tenant	Years of Operation at Site	Monthly Rent (List N/A if not eligible)	Relocation Assistance (List \$0 if not eligible)

Calculation of Relocation Assistance to be provided upon expiration of lease:

Years of Operation at the Site	Relocation Assistance to Pay
Less than One Year	Not applicable
One Year to Less Than Five Years	6 months' rent
Five Years to Less Than Ten Years	9 months' rent
Ten Years to Less Than Fifteen Years	12 months' rent
Fifteen Years to Less than Twenty Years	15 months' rent
Twenty Years to Longer	18 months' rent

A commercial tenant is <u>eligible</u> for relocation assistance if (A) The commercial tenant is an independently owned and operated business with its principal office located in Alameda County; (B) The commercial tenant's lease expired and was not renewed by the property owner; (C) The commercial tenant's lease expired within the three years following the development proponent's submission of the application for a housing development pursuant to this article; (D) The commercial tenant employs 20 or fewer employees and has an annual average gross receipts under one million dollars (\$1,000,000) for the three taxable year period ending with the taxable year that precedes the expiration of their lease; (E) The commercial tenant is still in operation on the site at the time of the expiration of its lease.

A commercial tenant is <u>ineligible</u> for relocation assistance if (A) The commercial tenant entered into a lease on the site after the development proponent's submission of the application for a housing development pursuant to this article and (B) The commercial tenant had not previously entered into a lease on the site.

The commercial tenant shall utilize the funds provided by the development proponent to relocate the business or for costs of a new business. If the commercial tenant elects not to use the funds provided as required, the applicant may provide only assistance equal to three months' rent, regardless of the duration of the commercial tenant's lease.



8. LABOR STANDARDS

(Gov. Code § 65912.130 and § 65912.131)

A development project streamlined under the Affordable Housing and High Road Jobs Act of 2022 must comply with all the following labor standards:

Requirement	Certify Compliance		
(a) The development proponent shall require in contracts with construction contractors, and shall certify to the local government, that the standards specified in California Government Code Section 65912.130 will be met in project construction.	☐ Yes ☐ No		
(b)(1) All construction workers employed in the execution of the development shall be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Labor Code Sections 1773 and 1773.9, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.	☐ Yes ☐ No		
(b)(2) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work for those portions of the development that are not a public work.	☐ Yes ☐ No		
(b)(3) All contractors and subcontractors shall (A) pay to all construction workers at least the general prevailing rate of per diem wages, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate; and (B) Maintain and verify payroll records pursuant to Section 1776 of the Labor Code and make those records available for inspection and copying as provided in that section.	☐ Yes ☐ No		
Additional Requirements for Development of 50 or More Housing Units (Gov. Code Sec. 65912.131)			
(a) The development proponent shall require in contracts with construction contractors and shall certify to the City that each contractor of any tier who will employ construction craft employees or will let subcontracts for at least 1,000 hours shall satisfy the requirements in subdivisions (b) and (c) below. A construction contractor is deemed in compliance with subdivisions (b) and (c) if it is signatory to a valid collective bargaining agreement that requires utilization of registered apprentices and expenditures on health care for employees and dependents.	☐ Yes ☐ No ☐ N/A		
(b) A contractor with construction craft employees shall either participate in an apprenticeship program approved by the California Division of Apprenticeship Standards pursuant to Labor Code Section 3075 or request the dispatch of apprentices from a state-approved apprenticeship program under the terms and conditions set forth in Labor Code Section 1777.5. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision.	☐ Yes ☐ No ☐ N/A		



	
(c) Each contractor with construction craft employees shall make health care expenditures for each employee in an amount per hour worked on the development equivalent to at least the hourly pro rata cost of a Covered California Platinum level plan for two 40-year-old adults and two dependents 0 to 14 years of age for the Covered California rating area in which the development is located. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision.	☐ Yes ☐ No ☐ N/A
(d) The development proponent shall provide to the City, on a monthly basis while its construction contracts on the development are being performed, a report demonstrating compliance with subdivisions (b) and (c) above.	☐ Yes☐ No☐ N/A
(e) Each construction contractor shall maintain and verify payroll records pursuant to Labor Code Section 1776. Each construction contractor shall submit payroll records directly to the Labor Commissioner at least monthly in a format prescribed by the Labor Commissioner in accordance with Labor Code Section 1771.4(a)(3)(A). The records shall include a statement of fringe benefits. Upon request by a joint labor-management cooperation committee established pursuant to the Federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided pursuant to subdivision Labor Code Section 1776(e).	☐ Yes ☐ No ☐ N/A
(f) All construction contractors shall report any change in apprenticeship program participation or health care expenditures to the City within 10 business days, and shall reflect those changes on the monthly report.	 ☐ Yes ☐ No ☐ N/A
I hereby affirm that I have selected "yes" to each of the requirements above, or selected on the project proposing fewer than 50 units, and certify, under penalty of perjury, that labor standards will be applied to the development project, will be fully complied with, monitored for compliance through the duration of the construction of the development	at the required , and will be
Signature of Owner or Authorized Agent Date	

Note: The obligation of the contractors and subcontractors to pay prevailing wages pursuant to this section may be enforced by any of the following: (A) The Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the development; (B) An underpaid worker through an administrative complaint or civil action; and/or (C) A joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment shall be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code. The requirements of Gov. Code Sec. 65912.130 do not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires the payment of prevailing wages to all construction workers employed in the execution of the development and provides for enforcement of that obligation through an arbitration procedure.

A development proponent that fails to provide required monthly reports shall be subject to a civil penalty for each month for which the report has not been provided, in the amount of 10 percent of the dollar value of construction work performed by that contractor on the development in the month in question, up to a maximum of ten thousand dollars (\$10,000). Any contractor or subcontractor that fails to comply with subdivision (b) or (c) shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of subdivision (b) or (c). Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the procedures for issuance of civil wage and penalty assessments specified in Labor Code Section 1741 and may be reviewed pursuant to Labor Code Section 1742.

All reports provided under Government Code Section 65912.131 shall be considered public records open to public inspection pursuant to the California Public Records Act.



9. OTHER PROJECT INFORMATION

Automobile Parking Spaces (number):
Total Number of Existing Units Occupied:
Total Number of Existing Occupied Units Proposed for Demolition:
Total Building Footprint Area (square feet):
Building Height (feet):
Building Stories (number):
Total Lot Area (square feet):
Bicycle Parking Spaces (number):
Will the project proponent seek bonus units, incentives, waivers, or parking reductions pursuant to the State Density Bonus Law, California Government Code Section 65915? Yes □ No □
If "Yes" please describe:
Will the project proponent seek any approvals under the Subdivision Map Act? Yes \square No \square
If "Yes" please describe:
Number of Existing Lots:
Number of Resulting Lots:



Current hours of operations for the Permit Center are on the Planning & Building Department website at https://www.oaklandca.gov/departments/planning-and-building.

The Permit Counter is located at:

250 Frank H. Ogawa Plaza, 2nd Floor Oakland CA 94612

Zoning Information Line:

(510) 238-3911

You may leave a message to include the details of the location you have questions about, your email address and phone number. Response times vary from 48 hours or longer. Please send an email to oakplancounter@oaklandca.gov and in the subject line note "AB 2011 inquiry".

Questions may be submitted to the Permit Questions portal at: https://www.oaklandca.gov/services/permit-questions

To obtain an electronic PDF fillable copy of this form please visit https://www.oaklandca.gov/resources/planning-and-building-forms-planning-and-building-applications

