

**AB 130 CEQA INFILL HOUSING EXEMPTION APPLICANT CHECKLIST
(PUBLIC RESOURCES CODE SECTION 21080.66)**

TO BE COMPLETED BY APPLICANT
Use Extra Sheets as Needed

Project Name: _____

Project Address (Street & APN(s)): _____

Applicant: _____

INSTRUCTIONS:

This checklist is intended to assist the City to evaluate whether the proposed housing development project ("Project") qualifies for the CEQA Infill Housing Exemption as set forth in Public Resources Code Section 21080.66. All criteria must be satisfied for this exemption to apply.

Applicants intending to invoke the CEQA Infill Housing Exemption must check each box when the criterion is met and provide supporting facts, reasonable assumptions based on facts, or expert opinion supported by facts ("substantial evidence") for each criterion in the spaces provided.

CRITERION 1: HOUSING DEVELOPMENT PROJECT DEFINITION

The proposed Project qualifies as a "Housing Development Project."¹ In order to qualify as a "housing development project," the proposed Project must consist of either of the following:

Residential units only²

OR

A Mixed Use project meeting ONE of the following:

At least 2/3 of the square footage is residential;³

OR

At least 50% of the new or converted square footage is residential AND the project includes at least 500 net new residential units;⁴

¹ Public Resources Code Section 21080.66(a); Government Code Sections 65905.5(b) and 65589.5(h)(2).

² Government Code Section 65589.5(h)(2)(A).

³ Government Code Section 65589.5(h)(2)(B)(i).

⁴ Government Code Section 65589.5(h)(2)(B)(ii).

OR

At least 50% of the new or converted square footage is designated for residential use AND the project includes at least 500 net new residential units AND involves demolition or conversion of at least 100,000 square feet of nonresidential use AND demolishes at least 50% of the existing non-residential uses on the site;⁵

OR

Transitional housing or supportive housing;⁶

OR

Farmworker housing.⁷

Restriction: Mixed uses cannot include hotels, motels, bed and breakfast inns, or other transient lodging except residential hotels.

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

⁵ Government Code Section 65589.5(h)(2)(B)(iii).

⁶ Government Code Section 65589.5(h)(2)(C).

⁷ Government Code Section 65589.5(h)(2)(D); Health & Safety Code Section 50199.7(h)(2).

CRITERION 2: SITE SIZE REQUIREMENTS

The proposed Project site is twenty (20) acres or less. If the proposed Project is a builder's remedy project, the Project site or parcel size is not more than four (4) acres in size.⁸

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 3: CITY LOCATION (URBAN AREA)

All proposed Projects in the City meet this criterion.⁹

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

The City is an incorporated municipality. The proposed Project would be located within the incorporated boundaries of the City.

⁸ Public Resources Code Section 21080.66(a)(1)(A), (B).

⁹ Public Resources Code Section 21080.66(a)(1)(A)(2).

CRITERION 4: URBAN DEVELOPMENT

The proposed Project site meets any of the following urban development requirements:

The proposed Project site has been previously developed with an urban use;¹⁰

OR

At least 75% of the perimeter of the proposed Project site adjoins parcels that are developed with urban uses;

OR

At least 75% of the area within a ¼ mile radius of the proposed Project site is developed with urban uses;

OR

For proposed Project site with four-sides: at least 3 out of 4 sides are developed with urban uses AND at least 2/3 of the perimeter of the Project site adjoins parcels developed with urban uses.¹¹

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

¹⁰ Per Public Resources Code Section 21080.66(g), "adjoins" includes parcels that are only separated from the site by a street, pedestrian path, or bicycle path.

¹¹ Public Resources Code Section 21080.66(a)(3). Per Public Resources Code Section 21080.66(g), "urban use" means current or previous residential/commercial development, public institution, or public park surrounded by other urban uses, parking lot/structure, transit or transportation facility, retail use, or any combination.

CRITERION 5: GENERAL PLAN, ZONING, AND LOCAL COASTAL PROGRAM CONSISTENCY

The proposed Project is consistent with the applicable general plan and zoning ordinance and any applicable local coastal program.¹²

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 6: MINIMUM DENSITY REQUIREMENT

The density of the proposed Project will be at least fifteen (15) dwelling units per acre.¹³

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

¹² Public Resources Code Section 21080.66(a)(4)(A)-(C). A housing development project shall be deemed consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program, if there is substantial evidence that would allow a reasonable person to conclude that the housing development project is consistent. If the zoning and general plan are inconsistent with each other, a project shall be deemed consistent with both if the Project is consistent with one. The approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios shall not be grounds for determining that the project is inconsistent with the applicable general plan, zoning ordinance, or local coastal program.

¹³ Public Resources Code Section 21080.66(a)(5); Government Code Section 65583.2(c)(3)(B).

CRITERION 7: COASTAL ZONE RESTRICTION

All proposed Projects in the City meet this criterion, as no portion of the City is within a designated Coastal Zone (current as of 4/2026).¹⁴

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts: The California Coastal Commission's Coastal Zone Boundary Maps can be found here: <https://www.coastal.ca.gov/maps/czb/>

CRITERION 8: AGRICULTURAL LAND RESTRICTION

For this criterion, the proposed Project must meet BOTH of the following:

The proposed Project site is not located on either prime farmland or farmland of statewide importance, as defined pursuant to the 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;

AND

The proposed Project site is not located on land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters.¹⁵

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

¹⁴ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(A).

¹⁵ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(B).

CRITERION 9: WETLANDS RESTRICTION

The proposed Project is NOT located on wetlands as defined by the U.S. Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).¹⁶

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 10: FIRE HAZARD ZONE RESTRICTION

The proposed Project is NOT located within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within the state responsibility area, as defined in Public Resources Code Section 4102.

OR

The proposed Project site has adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions: (1) Public Resources Code Section 4291 or Section 51182, as applicable; (2) Public Resources Code Section 4290; (3) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).¹⁷

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

¹⁶ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(C).

¹⁷ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(D).

CRITERION 11: HAZARDOUS WASTE SITE RESTRICTION

The proposed Project is NOT located on a hazardous waste site that is listed pursuant to Government Code Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health & Safety Code Section 25356.

OR

The proposed Project IS located on such a site, but either of the following apply:

The proposed Project site is an underground storage tank site that received a uniform closure letter issued pursuant to Health & Safety Code Section 25296.10(g) based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses.

OR

The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency has otherwise determined that the Project site is suitable for residential use or residential mixed uses pursuant to Health & Safety Code Section 25296.10(c).¹⁸

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 12: EARTHQUAKE FAULT ZONE RESTRICTION

The proposed Project is NOT located within delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist.

OR

The development complies with applicable seismic protection building code standards adopted by the State 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),

¹⁸ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(E).

and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.¹⁹

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 13: FLOOD HAZARD RESTRICTION

The proposed Project site is NOT located within a special flood hazard area subject to inundation by the 1% annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA.

OR

The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction.

OR

The site meets FEMA 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.²⁰

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

¹⁹ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(F).

²⁰ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(G).

CRITERION 14: REGULATORY FLOODWAY

The proposed Project is NOT located within a regulatory floodway as determined by FEMA in any official maps published by FEMA.

OR

The proposed Project has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.²¹

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 15: CONSERVATION PLAN RESTRICTION

The proposed Project is NOT located on a site on which there are 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.²²

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

²¹ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(H).

²² Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(I).

CRITERION 16: PROTECTED SPECIES HABITAT RESTRICTION

The proposed Project is NOT located on a site on which there is 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. Section 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).²³

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 17: CONSERVATION EASEMENT RESTRICTION

The proposed Project is NOT located on a site that includes lands under conservation easement.²⁴

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

²³ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(J).

²⁴ Public Resources Code Section 21080.66(a)(6); Government Code Section 65913.4(a)(6)(K).

CRITERION 18: HISTORIC STRUCTURE RESTRICTION

The proposed Project does NOT require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the Project pursuant to Government Code Section 65941.1.²⁵

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

CRITERION 19: TRANSIENT LODGING RESTRICTION

No portion of the proposed Project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.²⁶

Note: “Transient lodging” does not include a residential hotel as defined by Health & Safety Code Section 50519 or, after the issuance of a certificate of occupancy, a resident’s use or marketing of a unit as short-term lodging per Business & Professions Code Section 17568.8 in a manner consistent with local law.

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

²⁵ Public Resources Code Section 21080.66(a)(7).

²⁶ Public Resources Code Section 21080.66(a)(8).

CRITERION 20: FREEWAY PROXIMITY REQUIREMENTS

The proposed Project does not include the construction of housing within 500 feet of a freeway.

OR

If the Project proposes any housing located within 500 feet of a freeway, ALL of the following requirements are satisfied:

- The building has a centralized heating, ventilation, and air-conditioning (HVAC) system;
- Outdoor air intakes for HVAC system face away from the freeway;
- The building provides air filtration media for outside and return air that provides a minimum efficiency reporting value of 16;
- The air filtration media shall be replaced at manufacturer's designated interval; and,
- The building does not have any balconies facing the freeway.²⁷

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

²⁷ Public Resources Code Section 21080.66(c)(2).

CRITERION 21: ADDITIONAL LABOR REQUIREMENTS FOR 100% AFFORDABLE HOUSING PROJECTS AND PROJECTS THAT INCLUDE BUILDINGS OVER 85 FEET IN HEIGHT (IF APPLICABLE)

The Project does not propose the construction of 100% affordable units that are dedicated to lower income households OR a building that is over 85 feet in height.

OR

If the Project proposes the construction of 100% affordable units that are dedicated to lower income households OR includes a building that is over 85 feet in height, the following requirements will be satisfied:

For a proposed Project that consists of housing where 100 percent of the units are dedicated to lower income households, as defined by Health & Safety Code Section 50079.5, all construction workers will 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 the 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, regardless of whether the housing development project is a public work.

For a proposed Project that includes buildings over 85 feet in height above grade, the labor standards of Government Code Section 65913.4(a)(8) will be met.²⁸

Explanation supported by facts, reasonable assumptions based on facts, expert opinion supported by facts:

²⁸ Public Resources Code Section 21080.66(d).

ADDITIONAL REQUIREMENTS

Tribal Consultation

To qualify for the AB 130 CEQA Infill Housing Exemption, the City is required consult with Native American tribes regarding the proposed Project. The aim of this tribal consultation process is to identify measures to avoid potentially significant impacts to tribal cultural resources.

The tribal consultation process begins with the City sending out a formal notification letter to each California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed Project within 14 days of the application being deemed complete.²⁹ This formal notification must include detailed project information, site maps, proposed project scope, and any known cultural resource studies.³⁰ Tribes then have 60 days to request consultation.³¹ If a tribe does not notify the City within 60 days, the consultation shall be considered to have concluded.³² If a tribe requests consultation, the City must initiate consultation within 14 days of the request, and the consultation shall conclude within 45 days of initiation, with a possible one time 15-day extension upon the tribe's request.³³ The Project proponent may participate in the consultation if the tribe agrees, the Project proponent agrees to engage in good faith, and the Project proponent agrees to comply with applicable confidentiality provisions.³⁴

The City will ask the tribe whether the applicant will participate in the tribal consultation process and will inform the applicant accordingly.

Phase I Environmental Assessment

Projects eligible for the AB 130 CEQA Infill Housing Exemption will be required to complete a Phase 1 Environmental Assessment as a condition of approval for the Project.³⁵ If a recognized environmental condition is found, the applicant shall complete a preliminary endangerment assessment, 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.³⁶

Further, if a release of a hazardous substance is found to exist on the Project site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the City issues a certificate of

²⁹ Public Resources Code § 21080.66(b)(1)(A). Note that “deemed complete” is defined in Government Code Section 65589.5(h) to mean, “that the applicant has submitted a preliminary application pursuant to [Government Code] Section 65941.1 or, if the applicant has not submitted a preliminary application, has submitted a complete application pursuant to [Government Code] Section 65943.”

³⁰ Public Resources Code § 21080.66(b)(1)(B).

³¹ Public Resources Code § 21080.66(b)(2)(A).

³² Public Resources Code § 21080.66(b)(2)(B).

³³ Public Resources Code § 21080.66(b)(3).

³⁴ *Id.*

³⁵ Public Resources Code Section 21080.66(c)(1)(A).

³⁶ Public Resources Code Section 21080.66(c)(1)(B).

occupancy.³⁷ If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure must be mitigated to levels required by current federal and state statutory and regulatory standards before the City issues a certificate of occupancy.³⁸

³⁷ Public Resources Code Section 21080.66(c)(1)(C).

³⁸ Public Resources Code Section 21080.66(c)(1)(D).