

APPENDIX B: Senate Bill 131 Exclusions of Certain Types of Housing Development Projects CEQA Exemption Evaluation

CITY OF CARLSBAD**PUBLIC RESOURCES CODE SECTION 21080.1 (SENATE BILL 131)
EXCLUSIONS OF CERTAIN TYPES OF HOUSING DEVELOPMENT PROJECTS
CEQA EXEMPTION EVALUATION****SALK AVENUE APARTMENTS****February 2026**

California Senate Bill (SB) 131, signed into law by Governor Gavin Newsom on June 30, 2025, and codified in Public Resources Code (PRC) Section 21080.1, establishes a statutory exemption from the California Environmental Quality Act (CEQA) for qualifying “housing development projects” that meet certain criteria and requirements. This SB 131 Exclusion of Certain Types of Housing Development Projects CEQA Exemption Evaluation Checklist documents the eligibility of the proposed Salk Avenue Apartments Project (project) for this CEQA exemption.

Criteria and Requirements	Evaluation
PRC Section 21080.1(4) <i>This subdivision does not apply to any of the following housing development projects:</i>	See Rows (A) through (D), below.
<i>(A) A proposed housing development project that is not similar in kind to the projects listed in the statutory or categorical exemption.</i>	The project is similar in kind to the projects that would qualify for an Assembly Bill (AB) 130 housing development project statutory exemption. The project includes 397 residential units; no commercial or institutional uses are proposed. As the project designates greater than two-thirds of the new square footage for residential use, it is a housing development project that satisfies Government Code Section 65589.5(h)(2)(B)(i). Therefore, SB 131 applies to the project.
<i>(B) A proposed housing development project that is ineligible for the statutory exemption or categorical exemption due to two or more conditions.</i>	The project would have qualified for the housing development project statutory exemption established by AB 130 except for the single condition of the project site potentially being habitat for protected species (refer to the project-specific AB 130 Housing Development Project CEQA Exemption Evaluation Checklist; Appendix A). Therefore, SB 131 applies to the project.
<i>(C) A proposed housing development project that includes a distribution center or oil and gas infrastructure.</i>	The project does not include a distribution center or oil and gas infrastructure. Therefore, SB 131 applies to the project.
<i>(D)(i) A proposed housing development project located on natural and protected lands, as defined pursuant to PRC Section 21067.5. (ii) The definition of “natural and protected lands” described in clause (i) does not include</i>	The project is not located on natural and protected lands, as further discussed in rows (a) through (p), below. Therefore, SB 131 applies to the project.

Criteria and Requirements	Evaluation
<i>the lands described in subdivision (o) of PRC Section 21067.5.</i> <u>Additional Description/Referenced Code Section(s)</u> PRC Section 21067.5: <i>“Natural and protected lands” means sites located within any of the following locations:</i> [See Rows (a) through (p), below. Please note that per PRC Section 21081.1(D)(ii) above, PRC Section 21067.5(o) is not included in the conditions for SB 131.]	
<i>(a) The state park system, as described in Article 1 (commencing with PRC Section <u>5001</u>) of Chapter 1 of Division 5.</i>	The project site is not included in the state park system. The project site is privately owned and has a City of Carlsbad (City) General Plan land use designation of Residential, 23-30 Dwelling Units Per Acre (du/ac) (R-30) within the Fenton Carlsbad Center Specific Plan (FCCSP) and a zoning designation of Residential Density-Multiple (RD-M). Reference: <i>California State Parks, Find a California State Park, https://www.parks.ca.gov/Find-a-Park, accessed January 13, 2026.</i>
<i>(b) A wilderness area, as defined in Section <u>5093.32</u>.</i>	The project site is not located in a wilderness area. The U.S. Department of Agriculture (USDA) Forest Service map of the wilderness study areas did not identify any official boundaries of wilderness areas in the immediate vicinity of the project site. Reference: <i>USDA Forest Service, Wilderness & Wild and Scenic Rivers & Wilderness Study Areas, https://data.fs.usda.gov/geodata/other_fs/wilderness/stateMap.php?stateID=CA, accessed January 12, 2026.</i>
<i>(c) A marine protected area, as defined in Section <u>2852</u> of the Fish and Game Code.</i>	The project site is not located in a marine protected area. Additionally, the project site is not located in any marine or estuarine area or near the mouth of a coastal river. Reference: <i>California Department of Fish and Wildlife, California Marine Protected Areas (MPAs), https://wildlife.ca.gov/Conservation/Marine/MPAs, accessed January 13, 2026.</i>
<i>(d) The national park system, as defined in Section <u>100102</u> of Title 54 of the United States Code.</i>	The project site is not included in the national park system. The project site is privately owned and has a General Plan land use designation of Residential, 23-30 Dwelling Units Per Acre (du/ac)

Criteria and Requirements	Evaluation
	(R-30) within the FCCSP and a zoning designation of Residential Density-Multiple (RD-M). Reference: <i>National Park Service, California Parks,</i> https://www.nps.gov/state/ca/index.htm, accessed January 12, 2026.
(e) A national recreation area.	The project site is not designated as a national recreation area. A review of National Park Service, Bureau of Land Management, and Bureau of Reclamation websites did not identify any national recreation areas in the immediate vicinity of the project site. Reference: <i>Bureau of Land Management, California National Conservation Lands,</i> https://www.blm.gov/programs/national-conservation-lands/california, accessed January 12, 2026. <i>Bureau of Reclamation, Recreation: National Recreation Areas at Bureau of Reclamation Federal Water Projects,</i> https://www.usbr.gov/recreation/recreationAreas.html, accessed January 12, 2026. <i>National Park Service, California Parks,</i> https://www.nps.gov/state/ca/index.htm, accessed January 12, 2026.
(f) A national monument.	The project site is not designated as a national monument. A review of National Park Service, Bureau of Land Management, U.S. Forest Service, and Bureau of Reclamation websites did not identify any national monuments in the immediate vicinity of the project site. Reference: <i>Bureau of Land Management, California National Conservation Lands,</i> https://www.blm.gov/programs/national-conservation-lands/california, accessed January 12, 2026. <i>Bureau of Reclamation, Recreation: National Recreation Areas at Bureau of Reclamation Federal Water Projects,</i> https://www.usbr.gov/recreation/recreationAreas.html, accessed January 12, 2026. <i>National Park Service, California Parks,</i> https://www.nps.gov/state/ca/index.htm, accessed January 12, 2026.

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	USDA Forest Service, <i>USDA Forest Service Managed National Monuments</i>, https://www.fs.usda.gov/visit/national-monuments, accessed January 12, 2026.
(g) <i>The national wild and scenic rivers system, as defined in Section 1273 of Title 16 of the United States Code.</i>	The project site is not located in national wild and scenic rivers system. The USDA Forest Service map of the wild and scenic rivers did not identify any such rivers in the immediate vicinity of the project site. Reference: USDA Forest Service, <i>Wilderness & Wild and Scenic Rivers & Wilderness Study Areas</i>, https://data.fs.usda.gov/geodata/other_fs/wilderness/stateMap.php?stateID=CA, accessed January 7, 2026.
(h) <i>Any ecological reserve or wildlife management area acquired and managed by the Department of Fish and Wildlife pursuant to Article 2 (commencing with Section 1525) or Article 4 (commencing with Section 1580) of Chapter 5 of Division 2 of the Fish and Game Code.</i>	The project site is covered by the City of Carlsbad Habitat Management Plan, which serves as the Natural Community Conservation Plan for the City. However, the project site is not within a HMP Conservation Area, HMP Proposed Hardline Conservation Area, Standards area, or otherwise identified for conservation, which are identified in the Habitat Management Plan for conservation. Additionally, the land is in private ownership. Reference: City of Carlsbad, 1999, <i>City of Carlsbad Habitat Management Plan</i>, https://www.carlsbadca.gov/home/showpublisheddocument/1600/638366818940500000.
(i) <i>A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:</i> (1) <i>The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for the use proposed by the project. This paragraph does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5 of the Government Code.</i> (2) <i>The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant</i>	The project site is not listed as a hazardous waste site by the California Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code. In addition, a Phase I Environmental Site Assessment was completed for the project site and did not identify the project site as a hazardous waste site. References: California Department of Toxic Substances Control (DTSC), <i>Envirostor Online Database</i>, https://www.envirostor.dtsc.ca.gov/public/map/, accessed November 20, 2025. California State Water Resources Control Board, <i>GeoTracker</i>, https://geotracker.waterboards.ca.gov/map/, accessed November 20, 2025. Verdantas Inc., 2025, <i>Phase I Environmental Site Assessment Report, Assessor's Parcel Number 212-021-04, Carlsbad CA</i>.

Criteria and Requirements	Evaluation
to subdivision (c) of Section 25296.10 of the Health and Safety Code has otherwise determined that the site is suitable for the use proposed by the project.	
(j) Within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published 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.	The project site is not located within a regulatory floodway. Reference: FEMA, National Flood Hazard Layer (NFHL) Viewer, https://msc.fema.gov/portal/search?AddressQuery=salk%20avenue%2C%20carlsbad , accessed November 26, 2025.
(k) Lands under conservation easement.	The project site is not under a conservation easement. Reference: California Natural Resource Agency, National Conservation Easement Database (CCED) Viewer, https://gis.cnra.ca.gov/apps/cced/ , accessed January 12, 2026.
(l) On, or within a 300-foot radius of, a wetland, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).	The project development limits are not within a 300-foot radius of any wetlands, as defined in the United States Fish and Wildlife Service Manual. Reference: Michael Baker International, Biological Resources Technical Letter Report for the Salk Avenue Apartments Project in Carlsbad, San Diego County, February 5, 2026.
(m) An environmentally sensitive area within the coastal zone, as defined in PRC Section 30107.5 .	No portion of the project site is located in the coastal zone. Reference: California Coastal Commission, Critical Coastal Areas Map, https://experience.arcgis.com/experience/268e7af00a904510bac77312e0f39fc0/page/Page , accessed January 12, 2026.
(n) 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) or 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.	The project site is covered by the City of Carlsbad Habitat Management Plan, which serves as the Natural Community Conservation Plan for the City. However, the project site is not within a HMP Conservation Area, HMP Proposed Hardline Conservation Area, Standards area, or otherwise identified for conservation, which are identified in the Habitat Management Plan for conservation. Reference: Michael Baker International, Biological Resources Technical Letter Report for the Salk Avenue

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	<i>Apartments Project in Carlsbad, San Diego County, February 5, 2026.</i> <i>City of Carlsbad, 1999, City of Carlsbad Habitat Management Plan,</i> https://www.carlsbadca.gov/home/showpublisheddocument/1600/638366818940500000.
<i>(p) 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, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.</i>	The project site is not located on a site that is classified as Prime Farmland or Farmland of Statewide Importance. The project site is classified as Urban and Built-Up Land. Reference: <i>California Department of Conservation, California Important Farmland Finder,</i> https://maps.conservation.ca.gov/DLRP/CIFF/, accessed January 12, 2026.