

CEQA Notice of Exemption

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Community Development Department
411 W. Ocean Blvd, 3rd Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Exemption Number: SE-25-137

Project Title (Application Number): 321 W. Ocean Blvd., "Mid-Block" Project, Case No. 2511-05

Project Location – Specific: 321 W. Ocean Blvd., APN 7280-025-903

Project Location – City/County: **City of Long Beach, Los Angeles County, California**

Description of Nature, Purpose and Beneficiaries of Project:

Modification to Approved Permit (MOD25-018) for the previously approved Case No. 1908-14 for Site Plan Review (SPR19-035) and a Vesting Tentative Tract Map (VTTM19 003, No. 82912) for the "Mid-Block" project, aka "the center block of the Long Beach Civic Center," which was approved on March 19, 2020, consisting of two eight-story buildings with 580 dwelling units, approximately 40,000 square feet of ground floor retail and 885 parking stalls in two levels of subterranean parking; the requested modification would change the project to 729 dwelling units and approximately 2,651 square feet of ground floor commercial with 817 parking stalls in three levels of at-grade parking garage, and the Vesting Tentative Tract Map would change from two ground lots with 13 airspace subdivisions, to only two ground lots, located on a 4.59-acre site at 321 W. Ocean Blvd. in the Downtown Plan (PD-30) Planned Development District.

Public Agency Approving Project: **City of Long Beach, California**

Person or Agency Carrying Out Project: Ryan Guthrie for Mill Creek Residential


Exempt Status: **(Check One)**

- Ministerial (Sec 21080(b)(1); 15268);
- Declared Emergency (Sec 21080(b)(3); 15269(a));
- Emergency Project (Sec 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemption. State code number: Public Resources Code (PRC) Section 21080.66

Reasons why project is exempt:

Project meets all requirements to qualify for a Statutory Exemption under Public Resources Code (PRC) Section 21080.66. The project is a housing development project on a site not more than 20 acres within the incorporated limits of the City and is consistent with the zoning and general plan, meeting the required density and other locational requirements of Section 21080.66. Please see attached Exemption Evaluation Report for details.

Lead Agency

Contact Person: Scott Kinsey Contact Phone: (562) 570-6194
Signature:  Date: 3/19/26 Title: Planner V

**PUBLIC RESOURCES CODE SECTION 21080.66 (ASSEMBLY BILL 130)
HOUSING DEVELOPMENT PROJECT CEQA EXEMPTION EVALUATION REPORT**

Assembly Bill 130, signed into law by Governor Gavin Newsom on June 30, 2025 and codified in Public Resources Code (PRC) Section 21080.66, establishes a statutory exemption from the California Environmental Quality Act (CEQA) for qualifying “housing development projects” that meet certain criteria and requirements. This Exemption Evaluation Report documents the eligibility of the subject project for this CEQA exemption.

PROJECT INFORMATION

1. Project Title

“Mid-Block” Project (aka “Center Block of the Civic Center”)
Case No. 2511-05 (MOD25-018), modification to Case No. 1908-14 (SPR19-035, VTTM19-003)

2. Lead Agency Name and Address

City of Long Beach, Department of Community Development
411 W. Ocean Blvd., 3rd Floor, Long Beach, California 90802
APN: 7280-025-903

3. Contact Person and Phone Number

Scott Kinsey, AICP
Planner V
(562) 570-6461
Scott.Kinsey@longbeach.gov

4. Project Location

321 W. Ocean Blvd.

5. Project Sponsor’s Name and Address

Ryan Guthrie
Mill Creek Residential
2601 Airport Dr., Suite 350
Torrance, CA 90505

6. General Plan Designation

DT (Downtown)

7. Zoning

Downtown Plan (PD-30) Planned Development District

8. Description of Project

Modification to Approved Permit (MOD25-018) for the previously approved Case No. 1908-14 for Site Plan Review (SPR19-035) and a Vesting Tentative Tract Map (VTTM19-003, No. 82912) for the "Mid-Block" project, aka "the center block of the Long Beach Civic Center," which was approved on March 19, 2020, consisting of two eight-story buildings with 580 dwelling units, approximately 40,000 square feet of ground floor retail and 885 parking stalls in two levels of subterranean parking; the requested modification would change the project to 729 dwelling units and approximately 2,651 square feet of ground floor commercial with 817 parking stalls in three levels of at-grade parking garage, and the Vesting Tentative Tract Map would change from two ground lots with 13 airspace subdivisions, to only two ground lots, located on a 4.59-acre site at 321 W. Ocean Blvd. in the Downtown Plan (PD-30) Planned Development District.

The applicant, Mill Creek Residential, requests a Modification to an Approved Permit (MOD25-018) to modify the Planning Commission's March 19, 2020 approval for this project (Case No. 1908-14). The modification would change the project from 580 residential units to 729 residential units, change the provided parking from two full subterranean levels to one partial subterranean level and three at- and above-grade levels, change the unit mix, reduce the commercial/retail component from approximately 40,000 square feet to approximately 2,651, and revise the building architectural materials selections. The approved building envelope, form, and massing, consisting of two eight-story buildings, will largely remain unchanged. Changes to the proposed site plan will eliminate the previously proposed driveway on the north side of the site between the project's north building and the City's Broadway Garage, and will change drive access for both proposed buildings so that access for each is taken from Chestnut Avenue. The previously proposed reconnection of Cedar Avenue as a vehicular road between Broadway and Ocean Boulevard will be changed to a wide pedestrian paseo connecting the project with the adjacent Lincoln Park to the east, and the previously proposed east-west road and part-time pedestrian paseo between the project buildings connecting Cedar and Chestnut Avenues also will be converted to a pedestrian-only paseo. Lastly, the approved Tentative Tract Map will be changed from two ground lots with 13 commercial airspace condominiums to only two ground lots.

9. Surrounding Land Uses and Setting

The project site is located on a 4.59-acre parcel on the former site of the 1976 Long Beach City Hall and Civic Center Plaza. The site currently is vacant and is surrounded by long-

term construction fencing. The site has been partially excavated below grade to complete the removal of the former city hall footings and basement, and slopes down from west to east, beginning at approximately grade level at Chestnut Avenue, to approximately 35 feet below grade abutting Lincoln Park. The table below describes the surrounding land uses, zoning, and general plan designations.

Table 1: Summary of site and surrounding zoning and general plan designations

Direction	Location	Zoning	PlaceType (land use district)
N/A	Subject site	PD-30	DT (Downtown)
West	Long Beach Civic Center (2019)	PD-30	DT
Northwest	Public Safety Parking Garage, Long Beach Police Headquarters, Fire Station No. 1	PD-30	DT
North	Broadway Garage	PD-30	DT
Northeast	BJK Main Library	PD-30	DT
East	Lincoln Park	PD-30	OS (Open Space)
Southeast	Victory Park	PD-6	OS
South	Victory Park	PD-6	OS
Southwest	Victory Park	PD-6	OS
Southeast – beyond	Camden Apartments	PD-6	WF (Waterfront)
South – beyond	Camden Apartments, Blackstone Apartments*, Sovereign Apartments*	PD-6	WF
Southwest – beyond	West Ocean Towers	PD-6	WF

*Historic landmark building

10. Other Public Agencies Whose Approval Is Required (e.g., Permits, Financing Approval, or Participation Agreement)

N/A

DETERMINATION

Based on the evaluation included in this report, the subject project qualifies for a statutory exemption from CEQA pursuant to Section 21080.66 of the CEQA Statute.

EVALUATION OF EXEMPTION CRITERIA AND REQUIREMENTS

Table A on the following pages identifies the criteria and requirements, in verbatim, that a project must meet to qualify for a statutory exemption from CEQA pursuant to PRC Section 21080.66, along with an evaluation of the project’s compliance with all such criteria and requirements. Where applicable, additional description of the criteria/requirement is provided, which in many cases includes other sections of California law referenced in PRC Section 21080.66. Following the table are additional subsections of PRC Section 21080.66 that are not, in themselves, qualifying criteria or requirements but provide further background, clarification, definitions, and descriptions of procedures.

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation

Criteria and Requirements	Evaluation
<p>21080.66(a) <i>Without limiting any other statutory or categorical exemption, this division [CEQA] does not apply to any aspect of a housing development project, as defined in subdivision (b) of Section 65905.5 of the Government Code, including any permits, approvals, or public improvements required for the housing development project, as may be required by this division, if the housing development project meets all of the following conditions [see rows 21080.66(a)(1-8), below]:</i></p> <p>Additional Description/Referenced Code Section(s) Government Code Section 65905.5(b) reads in relevant part:</p> <p>...(3) (A) "Housing development project" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5. [see below]</p> <p>(B) "Housing development project" includes, but is not limited to, projects that involve no discretionary approvals and projects that involve both discretionary and nondiscretionary approvals.</p> <p>(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5. [see below]</p> <p>Government Code Section 65589.5(h)(2) reads:</p> <p>"Housing development project" means a use consisting of any of the following:</p> <p>(A) Residential units only.</p> <p>(B) Mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:</p> <p>(i) At least two-thirds of the new or converted square footage is designated for residential use.</p> <p>(ii) At least 50 percent of the new or converted square footage is designated for residential use and the project meets both of the following:</p> <p>(I) The project includes at least 500 net new residential units.</p> <p>(II) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of</p>	<p>The project meets Section 21080.66(a) criteria per the following:</p> <p>Gov Code Section 65589.5(h)(2):</p> <ul style="list-style-type: none"> • (B) – Mixed-Use Development with Residential Units: • The project proposes two eight-story buildings totaling 143,740 square feet with a total of 729 residential units, 817 parking spaces, and 2,651 square feet of commercial space. At least two thirds of the building square footage is designated for residential use. The project involves 1) a non-discretionary approval for a Modification to Approved Permit to an approved Site Plan Review for the project buildings themselves, as well as 2) a discretionary approval for a modification to the Vesting Tentative Tract Map originally approved with the Site Plan Review. The project thus involves a non-discretionary and a discretionary approval, consistent with the definition of a housing development project in Government Code Section 65905.5(b). <p>Regarding the non-discretionary status of Site Plan Review (and any modification to a prior Site Plan Review approval), while the City does exercise some discretion in the Site Plan Review process, this discretion is limited to site planning and design issues such as scale, orientation, bulk, mass, materials, and colors without authority to mitigate environmental effects, as design review elements are not considered environmental. Because Section 21.25.503 of the Zoning Regulations prevents disapproval of a Site Plan Review permit (or modification thereof) for issues unrelated to design (the Site Plan Review authority to deny cannot be used to prohibit a permitted use on the property), the action is non-discretionary and falls outside of CEQA.</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation
Criteria and Requirements

Criteria and Requirements	Evaluation
<p><i>the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.</i></p> <p><i>(iii) At least 50 percent of the net new or converted square footage is designated for residential use and the project meets all of the following:</i></p> <ul style="list-style-type: none"> <i>(I) The project includes at least 500 net new residential units.</i> <i>(II) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.</i> <i>(III) The project demolishes at least 50 percent of the existing nonresidential uses on the site.</i> <i>(IV) No portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except a portion of the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.</i> <p><i>(C) Transitional housing or supportive housing.</i></p> <p><i>(D) Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.</i></p>	
<p>21080.66(a)(1) <i>(A) Except as provided in subparagraph (B), the project site is not more than 20 acres.</i></p> <p><i>(B) The project site or the parcel size for a builder's remedy project, as defined in paragraph (1) of subdivision (h) of Section 65589.5 of the Government Code, or the project site or the parcel size for a project that applied pursuant to paragraph (5) of subdivision (d) of Section 65589.5 of the Government Code as it read before January 1, 2025, is not more than five acres.</i></p>	<p>The project site totals 4.59 acres and is not a builder's remedy project.</p> <p>References: Project plans with site area analysis can be referenced in the project file for Case No. 2511-05.</p>
<p>21080.66(a)(2) The project site meets either of the following criteria: <i>(A) Is located within the boundaries of an incorporated municipality.</i> <i>(B) Is located within an urban area, as defined by the United States Census Bureau.</i></p>	<p>The project is located within the incorporated city of Long Beach, California, and within an Urban Area.</p>
<p>21080.66(a)(3)</p>	<p>The project site meets all of the Section 21080.66(a)(3) criteria (A) through (D), but specifically, has been previously developed with a public institution</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation

Criteria and Requirements	Evaluation
<p><i>The project site meets any of the following criteria:</i></p> <p>(A) Has been previously developed with an urban use.</p> <p>(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.</p> <p>(C) At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.</p> <p>(D) For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.</p> <p><u>Additional Description/Referenced Code Section(s)</u> Per 21080.66 (f)(3): (3) "Urban use" means any current or previous residential or commercial development, public institution, or public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses.</p>	<p>development (former Long Beach City Hall), thus meeting the criteria of 21080.66(a)(3).</p> <p>References:</p> <p>21080.66 (f)(3) includes a public institution as an "urban use".</p>
<p>21080.66(a)(4)</p> <p>(A) The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program as defined in Section <u>30108.6</u>. For purposes of this section, 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.</p> <p>(B) If the zoning and general plan are not consistent with one another, a project shall be deemed consistent with both if the project is consistent with one.</p> <p>(C) The approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section <u>65915</u> of the Government Code shall not be grounds for determining that the project is inconsistent with the applicable general plan, zoning ordinance, or local coastal program.</p>	<p>The project is located in the downtown core of Long Beach where the general plan designation is Downtown (DT) and the zoning designation is Downtown Planned Development 30 (PD-30). The project consists of a mixed-use residential development with a commercial component, which is consistent with the intent, use, and development standards of the general plan and zoning ordinance. Substantial evidence exists that a reasonable person can conclude consistency; refer to the Downtown Plan (PD-30) Planned Development District ordinance, which implements the DT PlaceType (land use district) of the General Plan Land Use Element, summarized in Table 1 on page 3 of this AB 130 Evaluation Report. The general plan and zoning are consistent with each other and no density bonus is sought or granted.</p>
<p>21080.66(a)(5)</p> <p>The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code.</p>	<p>The City of Long Beach is a jurisdiction in Los Angeles County, a metropolitan county as defined by the United States Census Bureau. The applicable density for a jurisdiction in a metropolitan county is 30 units per acre. The project proposes approximately 158.82 units per acre (du/ac) thus meeting satisfying</p>

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Criteria and Requirements	Evaluation
<p><u>Additional Description/Referenced Code Section(s)</u> Government Code Section 65583.2(c)(3)(B):</p> <p><i>The following densities shall be deemed appropriate to accommodate housing for lower income households:</i></p> <p><i>(i) For an incorporated city within a nonmetropolitan county and for a nonmetropolitan county that has a micropolitan area: sites allowing at least 15 units per acre.</i></p> <p><i>(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.</i></p> <p><i>(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.</i></p> <p><i>(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.</i></p> <p>Government Code Section 65583.2(d) defines metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area as follows:</p> <p><i>(d) For purposes of this section, a metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area shall be as determined by the United States Census Bureau. A nonmetropolitan county with a micropolitan area includes the following counties: Del Norte, Humboldt, Lake, Mendocino, Nevada, Tehama, and Tuolumne and other counties as may be determined by the United States Census Bureau to be nonmetropolitan counties with micropolitan areas in the future.</i></p>	<p>section (iv) of Government Code 65583.2(c)(3)(B); see plans in project file for Case No. 2511-05.</p>
<p>21080.66(a)(6) The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code.</p> <p><u>Additional Description/Referenced Code Section(s)</u> Government Code Section 65913.4(a)(6): The development is <u>not</u> located on a site that is any of the following: [See rows A-K, below.]</p> <p>(A) [Coastal Zone]</p>	<p>See rows A-K, below.</p>
<p>(A) [Coastal Zone]</p>	<p>The project is not located in the coastal zone.</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation

Criteria and Requirements	Evaluation
<p>References: City of Long Beach Coastal Zone Map</p>	<p>References: City of Long Beach Coastal Zone Map</p>
<p>(i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.</p> <p>(ii) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan.</p> <p>(iii) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment.</p> <p>(iv) In a parcel within the coastal zone that is not zoned for multifamily housing.</p> <p>(v) In a parcel in the coastal zone and located on either of the following:</p> <p>(I) On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.</p> <p>(II) On prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.</p> <p>(B) [Prime Farmland or Farmland of Statewide Importance] 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.</p> <p>(C) [Wetlands] Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).</p>	<p>The project site is not located in any farmland.</p> <p>References: California Department of Conservation Prime Farmland Map</p> <p>The project site is not located in any wetlands.</p> <p>References: U.S. Fish and Wildlife Service National Wetlands Inventory Map</p>
<p>(D) [Very High Fire Hazard Severity Zone] Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire</p>	<p>The project site is not located in any fire hazard severity zone.</p> <p>References: CalFire Fire Hazard Severity Zone Map</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation	
Criteria and Requirements	Evaluation
<p><i>mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions:</i></p> <p>(i) Section 4291 of the Public Resources Code or Section 51182, as applicable.</p> <p>(ii) Section 4290 of the Public Resources Code.</p> <p>(iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).</p> <p>(E) [Hazardous Waste Sites] 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 either of the following apply:</p> <p>(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 residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.</p> <p>(ii) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.</p>	<p>The project site is not located in any hazardous waste site.</p> <p>References: California Department of Toxic Substances Control Hazardous Waste and Substances Site List (Cortese List)</p>
<p>(F) [Earthquake Fault Zone] Within 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.</p> <p>(G) [Special Flood Hazard Area] Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. If a development proponent is able to satisfy all applicable</p>	<p>The project site is not located in any earthquake fault zone.</p> <p>References: California Department of Conservation Geological Survey Earthquake Zones Map</p> <p>The project site is not located in any flood hazard area.</p> <p>References: Federal Emergency Management Agency National Flood Hazard Layer Viewer</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation

Criteria and Requirements	Evaluation
<p><i>federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:</i></p> <p>(i) <i>The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.</i></p> <p>(ii) <i>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 1 of Title 44 of the Code of Federal Regulations.</i></p>	
<p>(H) [Regulatory Floodway] <i>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. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.</i></p>	<p>The project site is not located in any regulatory floodway.</p> <p>References: Federal Emergency Management Agency National Flood Hazard Layer Viewer</p>
<p>(I) [Conservation Lands in a Natural Community Conservation Plan] <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.</i></p>	<p>The project site is not located in any Conservation Lands.</p> <p>References: California Department of Fish and Wildlife Natural Community Conservation Plans Map</p>
<p>(J) [Habitat for Protected Species] <i>Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species</i></p>	<p>The project site does not contain any habitat for protected species.</p> <p>References:</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation

Criteria and Requirements		Evaluation
<p><i>protected by the <u>Federal Endangered Species Act</u> of 1973 (16 U.S.C. Sec. 1531 et seq.), the <u>California Endangered Species Act</u> (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the <u>Native Plant Protection Act</u> (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).</i></p>	<p><u>U.S. Fish and Wildlife Service Habitat for Protected Species Map</u> <u>California Department of Fish and Wildlife Threatened and Endangered Species</u></p>	<p>The project site is not located in any conservation easement.</p> <p>References:</p> <p><u>National Conservation Easement Database</u> <u>U.S. Geological Service Protected Areas Database</u></p>
<p>(K) [Conservation Easement] <i>(K) Lands under conservation easement.</i></p>	<p>The 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 Section <u>65941.1</u> of the Government Code.</p>	<p>The property does not contain a historic structure designated in the National Register of Historic Places, California Register of Historical Resources, or as City of Long Beach Landmark or contributor to a City of Long Beach historic district.</p> <p>References:</p> <p><u>National Park Service National Register of Historic Places Map</u> <u>National Park Service National Register of Historic Places Database</u> <u>California Office of Historic Preservation Built Environment Resource Directory (BERD)</u> <u>City of Long Beach Historic Landmarks and Districts Map</u></p>
<p>21080.66(a)(7) <i>For a project that was deemed complete pursuant to paragraph (5) of subdivision (h) of Section <u>65589.5</u> of the Government Code on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging. For the purposes of this section, "other transient lodging" does not include either of the following:</i></p>	<p>This project does not include a transient lodging use as defined in 21080.66(a)(8). The project is a mixed use project with 729 dwelling units and 2,651 square feet of commercial space.</p>	<p>This project does not include a transient lodging use as defined in 21080.66(a)(8). The project is a mixed use project with 729 dwelling units and 2,651 square feet of commercial space.</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation

Criteria and Requirements		Evaluation
<p>(A) A residential hotel, as defined in Section 50519 of the Health and Safety Code.</p> <p>(B) After the issuance of a certificate of occupancy, a resident's use or marketing of a unit as short-term lodging, as defined in Section 17568.8 of the Business and Professions Code, in a manner consistent with local law.</p> <p>21080.66(b) Tribal Notification/Consultation and Measures for Tribal Cultural Resources</p> <p>PRC section 21080.66(b) requires the local government to complete a notification/consultation process with each California Native American tribe traditionally and culturally affiliated with the project site. PRC section 21080.66(b) also requires that certain measures and additional enforceable agreements be made binding conditions of project approval. PRC section 21080.66(b) is provided in its entirety in the "Additional Subsections of PRC Section 21080.66" portion of this document for reference.</p>	<p>Notification to each California Native American tribe traditionally and culturally affiliated with the project site was carried out as required by Section 21080.66(b). City staff consulted with each tribal representative who requested consultation. Requests for consultation, and the results of consultations, are documented in the project case file.</p> <p>Binding conditions to the project's approval pursuant to Section 21080.66(b), including a requirement for an enforceable agreement, and incorporating measures to avoid significant impacts to a tribal cultural resource as requested by tribal representatives in consultation, as required by this Section, have been included for this project.</p>	
<p>21080.66(c)(1)</p> <p>(A) The local government shall, as a condition of approval for the development, require the development proponent to complete a phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code.</p> <p>(B) If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 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.</p> <p>(C) If a release of a hazardous substance is found to exist on the 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 local government issues a certificate of occupancy.</p> <p>(D) 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 levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.</p>	<p>The project includes as a condition of approval that a Phase I Environmental Site Assessment be completed prior to issuance of demolition, grading, excavation, or building permits. Additional conditions are also included should the assessment discover any environmental conditions identified in 21080.66(c)(1).</p>	

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation
Criteria and Requirements

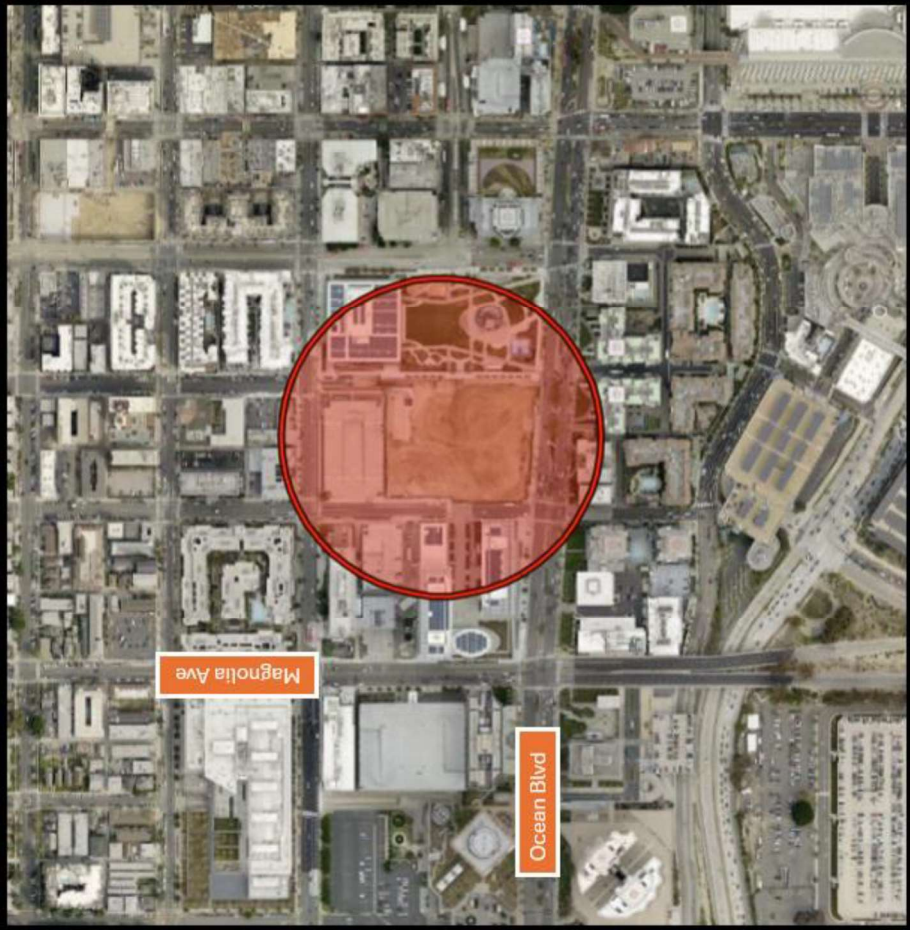
<p>21080.66(c)(2) <i>For any housing on the site located within 500 feet of a freeway, all of the following shall apply:</i></p> <ul style="list-style-type: none"> <i>(A) The building shall have a centralized heating, ventilation, and air-conditioning system.</i> <i>(B) The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.</i> <i>(C) The building shall provide air filtration media for outside and return air that provides a minimum efficiency reporting value of 16.</i> <i>(D) The air filtration media shall be replaced at the manufacturer's designated interval.</i> <i>(E) The building shall not have any balconies facing the freeway.</i> 	<p>The subject site is not located within 500 feet of a freeway. Site map with 500' buffer:</p> 
<p>21080.66(d)(1) <i>Notwithstanding any other law, all construction workers employed in the execution of a housing development project exempt from this division [CEQA] pursuant to this section where 100 percent of the units within the development project are dedicated to lower income households, as defined by Section</i></p>	<p>The project does not include 100 percent affordable units and therefore this section does not apply; see plans in project file for Case No. 2511-05.</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation
Criteria and Requirements

Criteria and Requirements	Evaluation
<p>50079.5 of the Health and Safety Code, 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 Sections 1773 and 1773.9 of the Labor Code, 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.</p>	<p>The project proposes a top of roof height of 84'-6" and therefore this section does not apply; see plans in project file for Case No. 2511-05.</p>
<p>21080.66(d)(2) Notwithstanding any other law, the labor standards of paragraph (8) of subdivision (a) of Section 65913.4 of the Government Code shall apply to buildings over 85 feet in height above grade in any housing development project exempt from this division [CEQA] pursuant to this section.</p>	<p>The project is not located in the City or County of San Francisco; this project is located in the City of Long Beach within Los Angeles County, and this requirement does not apply.</p>
<p>21080.66(d)(3) (A) Notwithstanding any other law, the labor standards of <u>Article 4</u> (commencing with Section 65912.130) of Chapter 4.1 of Division 1 of Title 7 of the Government Code shall apply for projects of 50 units or greater in the City and County of San Francisco that are not covered by paragraph (2), for any construction craft where at least 50 percent of the units in market-rate multifamily housing projects that received their certificate of occupancy between 2022 and 2024, inclusive, were built by workers that were paid not less than the general prevailing rate of per diem wages. (B) For purposes of this section, "market-rate multifamily housing development project" means a housing development project of greater than 10 units where less than 95 percent of the units are dedicated to lower income households, as defined by Section <u>50079.5</u> of the Health and Safety Code. (C) (i) The eligibility of this subparagraph, by classification, will be determined by the Department of Industrial Relations and published on its internet website by January 1, 2026. (ii) In making a determination of eligibility pursuant to this subparagraph, the Director of Industrial Relations shall obtain and consider data from the labor organizations and employers or employer associations concerned no later than October 1, 2025. (iii) To determine the number of market-rate multifamily housing projects that received their certificate of occupancy in a given year, the Department of</p>	<p>The project is not located in the City or County of San Francisco; this project is located in the City of Long Beach within Los Angeles County, and this requirement does not apply.</p>

Table A. PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation	
Criteria and Requirements	Evaluation
<i>Industrial Relations shall use the annual progress report data as reported by the jurisdiction pursuant to Section <u>65400</u> of the Government Code.</i>	

Additional Subsections of PRC Section 21080.66

In addition to the criteria and requirements identified in the table above, PRC Section 21080.66 (AB 130) includes the following clarifications, definitions, and descriptions of procedures:

Tribal Notification/Consultation-Related Subsections

PRC Section 21080.66(b)

(1)

(A) A local government shall provide formal notification via certified mail and email to each California Native American tribe that is traditionally and culturally affiliated with the project site as an invitation to consult on the proposed project, its location, and the project's potential effects on tribal cultural resources pursuant to one of the following deadlines:

(i) Within 14 days of the application for the project being deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code.

(ii) For projects whose applications were deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 of the Government Code before July 1, 2026, within 14 days of notifying the local government that the project is eligible to be exempt from this division pursuant to this section.

(B) The formal notification shall include all of the following:

(i) Detailed project information to help inform the consultation, including site maps, proposed project scope, and any known cultural resource studies.

(ii) Contact information for the local government.

(iii) Contact information for the project proponent.

(iv) Notice that the California Native American tribe has 60 days to request consultation with the local government pursuant to this subdivision.

(2)

(A) Each California Native American tribe has 60 days to notify the local government that it accepts the invitation to consult.

(B) If a California Native American tribe chooses not to accept the invitation to consult, or does not notify the local government of its decision within 60 days, the consultation shall be considered to have concluded.

(3)

- (A) *Within 14 days of receiving the notification that the California Native American tribe has elected to consult, pursuant to subparagraph (A) of paragraph (2), the local government shall initiate the consultation.*
- (B) *During the consultation, the local government shall act in good faith to identify whether a tribal cultural resource could be affected by the proposed project and shall give deference to the tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe.*
- (C) *The project proponent may participate in the consultation with the approval of the California Native American tribe if the project proponent agrees to engage in good faith and comply with the confidentiality requirements of Sections 7927.000 and 7927.005 of the Government Code, subdivision (d) of Section 21082.3, subdivision (d) of Section 15120 of Title 14 of the California Code of Regulations, and any confidentiality standards adopted by the California Native American tribe participating in the consultation.*
- (D) *The consultation shall seek to find measures that would avoid significant impacts to a tribal cultural resource.*
- (E) *The local government shall document the results of the consultation.*
- (F) *The consultation shall conclude within 45 days of initiation, subject to a one-time 15-day extension upon request by a participating California Native American tribe.*

(4) *The local government shall include, as binding conditions of the project approval, all of the following:*

- (A) *Any enforceable agreements reached during the project consultation.*
- (B) *All of the following measures, unless there is mutual agreement between the California Native American tribe and the project proponent not to include the measure as a binding condition:*
 - (i) *Upon request by a California Native American tribe, the project shall include tribal monitoring during all ground-disturbing activities, as follows:*
 - (I) *The California Native American tribe shall designate the monitor.*
 - (II) *The tribal monitor shall comply with applicant's site access and workplace safety requirements.*
 - (III) *The applicant shall compensate the tribal monitor at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as the scope and duration of the project.*
 - (ii) *Tribal cultural resources shall be avoided where feasible, in accordance with subdivision (a) of Section 21084.3. In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences*

regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes.

- (iii) All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Section 21083.9.*
 - (iv) A California Historical Resources Information System archaeological records search and a tribal cultural records search shall be completed for the project site.*
 - (v) A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission.*
 - (vi) The project shall comply with Section 7050.5 of the Health and Safety Code and Section 5097.98, including immediate work stoppage upon discovery of human remains or burial grounds, and treatment in accordance with applicable law and in consultation with the affected California Native American tribe.*
 - (vii) An application of tribal ecological knowledge into habitat restoration efforts undertaken by the project as applicable to the specific environmental context and conditions of the project.*
- (5) For purposes of this subdivision, the following definitions apply:*
- (A) "California Native American tribe" has the same meaning as defined in Section 21073.*
 - (B) "Enforceable agreement" means an agreement between the local government, project proponent, and any California Native American tribe that has engaged in consultation pursuant to this subdivision regarding the methods, measures, and conditions for tribal cultural resource identification, treatment, and protection, including consideration of avoidance. Compliance with the enforceable agreement shall be a required condition of approval for the project and its terms must be enforceable against the project proponent by the local government and the California Native American tribe.*
 - (C) "Tribal cultural resource" means a site, feature, place, cultural landscape, sacred place, including a Native American sanctified cemetery, Indian cemetery, or Indian burial area, or an object with cultural value to a California Native American tribe that is any of the following:*
 - (i) Included or eligible for inclusion in the California Register of Historical Resources or the National Register of Historic Places.*
 - (ii) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*
 - (iii) Identified by the Native American Heritage Commission as a sacred place pursuant to Section 5097.94 or 5097.96.*
 - (iv) Included in a local tribal register.*

Labor-Related Clarifications and Definitions

PRC Section 21080.66(d)(4)

The provisions of Section 218.8 of the Labor Code shall extend to the development proponent in addition to the direct contractor or subcontractor. For purposes of this paragraph, "development proponent" shall mean a developer who submits the housing development project application to a local government that is exempt from this division pursuant to this section.

PRC Section 21080.66(d)(5)

(A) A joint labor-management cooperation committee established pursuant to the federal Labor Management Cooperation Act of 1978 (29 U.S.C. Sec. 175a) may undertake any of the following on a housing development project that is exempt from this division pursuant to this section:

(i) Bring an action in a court of competent jurisdiction against a contractor or subcontractor at any tier on behalf of construction workers employed by the contractor or subcontractor on a housing development project that is exempt from this division pursuant to this section to enforce Section 226 of the Labor Code. A contractor is not subject to an action pursuant to this subparagraph due to the failure of a subcontractor to comply with Section 226 of the Labor Code.

(ii) Bring an action in a court of competent jurisdiction on behalf of an affected employee against an employer for damages as if Division 4 (commencing with Section 3200) of the Labor Code did not apply, if the employer fails to secure the payment of compensation as required by Article 1 (commencing with Section 3700) of Chapter 4 of Part 1 of Division 4 of the Labor Code.

(iii) In addition to the remedies set forth in Section 7028.3 of the Business and Professions Code, on proper showing by a joint labor-management cooperation committee of a continuing violation of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code by a person who constructs a housing project and does not hold a state contractor's license in any classification, an injunction shall issue by a court specified in Section 7028.3 of the Business and Professions Code at the request of the joint labor-management cooperation committee, prohibiting that violation.

(B) For any action brought pursuant to this paragraph, the court shall award a prevailing joint labor-management committee its reasonable attorney's fees and costs incurred maintaining the action.

(C) An action brought pursuant to this paragraph shall be filed within one year of a local government issuing a certificate of occupancy for the housing development project or for the portion relating to the action.

(D) This paragraph shall apply only to violations that occur on the site of construction of the housing development project.

Additional Clarifications and Definitions

PRC Section 21080.66(e)

This section does not affect the eligibility of a housing development project for a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 of the Government Code.

PRC Section 21080.66(f)

For purposes of this section, the following terms apply:

(1) "Adjoins" includes parcels that are only separated by a street, pedestrian path, or bicycle path.

(2) "Construction worker" means one performing onsite work associated with construction, including work involving alteration, demolition, building, excavation, renovation, remodeling, maintenance, improvement, repair work, and any other work as described by Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and other similar or related occupations or trades.

(3) "Urban use" means any current or previous residential or commercial development, public institution, or public park that is surrounded by other urban uses, parking lot or structure, transit or transportation passenger facility, or retail use, or any combination of those uses.