CITY OF CARLSBAD

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

SDP 2024-0009, Fairfield Apartments at Bressi Ranch

September 16, 2026

Assembly Bill (AB) 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 Checklist documents the eligibility of the proposed Fairfield Apartments at Bressi Ranch Project (project) for this CEQA exemption.

PROJECT INFORMATION

1. Project Title

Fairfield Apartments at Bressi Ranch

2. Lead Agency Name and Address

City of Carlsbad
Community Development Department
1635 Faraday Avenue
Carlsbad, CA 92008

3. Contact Person and Phone Number

Shannon Harker, Senior Planner
City of Carlsbad, Community Development Department
442-339-2621
shannon.harker@carlsbadca.gov

4. Project Location

The 5.32-acre-acre project site (APNs 213-263-19, -20) spans two properties, on the south side of Palomar Airport Road and east and south sides of Gateway Road.

5. Project Sponsor's Name and Address

Shon Finch
Fairfield Gateway Road LLC
5355 Mira Sorrento Pl., Ste. 100
San Diego, CA 92121

6. General Plan Designation

The site is designated Planned Community (P-C)

7. Zoning

The site is zoned R-40 (Residential, 37.5-40 du/ac) and is in the Bressi Ranch Master Plan.

8. Description of Project

The project developer, Fairfield Residential (herein referred to as "Developer"), has submitted a Site Development Plan application for the development of a 320-unit, four-to-five story multi-family residential apartment building which will wrap around a six-level parking garage. The four-to-six story building ranges in height from approximately 44'-2" to 68'. A total of 175 one-bedroom, 116 two-bedroom, and 29 three-bedroom units are proposed. Of the 320 units, 43 units will be deed restricted as affordable to lower income households. A general breakdown of the apartment unit types and sizes is summarized in Table "B" below.

DETAILS FOR UNIT TYPE

Unit Type	Unit Range in Square Feet (SF)	Market Rate Quantity	Affordable Quantity	Total
One-Bedroom	660-810 SF	151	24	175
Two-bedroom	1,027-1,255 SF	101	15	116
Three-bedroom	1,322-1504 SF	25	4	29
TOTAL UNITS		**277**	**43**	**320**

The project proposes a density of 60.1 dwelling units per acre. The Developer is seeking a density bonus pursuant to State Density Bonus Law, which would allow an increase above the base maximum density of the project for the R-40 General Plan Land Use designation of 40 dwelling units per acre. In exchange for designating at least 15% of the project's 213 base dwelling units or 32 units as very low-income units, the Developer is eligible for a density bonus up to 50 percent, resulting in the proposed 60.1 dwelling per acre density. The density bonus that is authorized by State law (Gov. Code §65915) is set on a sliding scale based upon the percentage of affordable units in the project, ranging from 5% to 50% additional units over the base number of units permitted pursuant to the General Plan and the Bressi Ranch Master Plan. With the 50% density bonus, the maximum number of residential units allowed on the site is 320 units, of which 15% or 32 units are required to be restricted as affordable to

very low-income households.

In addition to the affordable housing units required for eligibility under State Density Bonus Law, the Developer is required to comply with the city's Housing Element and Inclusionary Housing Ordinance requirements. For the sites that were re-designated as part of the update to the Housing Element, 20% of the base units are required to be designated as low income units. This requirement is also reflected in the amendments approved to the Bressi Ranch Master Plan in 2024 in conjunction with the update to the Housing Element. The Developer proposes to designate 20% of the base units or 43 affordable housing units, specifically 32 very low income (50% of area median income) and 11 low income (80% of area median income) units, thus satisfying the requirement.

Under the inclusionary ordinance, developments proposing a total of seven or more units must provide at least 15% of the development's base density units as affordable to lower income households. The Developer's proposal to deed restrict 43 units, specifically 32 very low-income and 11 low income units, satisfies the requirements of the State Density Bonus Law, Inclusionary Housing Ordinance, Housing Element and Bressi Ranch Master Plan. The project proposes five density bonus waivers that are summarized in more detail below as well as within Exhibits 4 and 6.

A total of 556 parking spaces (1.7 spaces per unit) are proposed within the parking garage. Pursuant to State Density Bonus Law, 335 parking spaces are required (Gov. Code §65915(p)(1)). Site grading consists of 3,420 cubic yards of cut and 14,485 cubic yards of fill, resulting in an import of 11,065 cubic yards. Primary access to the building is proposed mid-block, along the eastern segment of Gateway Road. Secondary access to the parking garage is off the southern segment of Gateway Road. Four (4) existing street trees are proposed to be removed to accommodate the access driveways. Included as part of the scope of the project is the replacement of approximately 578 linear feet of an eight-inch-wide PVC sewer line with a 12-inch-wide PVC sewer line in El Fuerte, between Greenhaven Drive and Poinsettia Lane, southwest of the project site.

Pursuant to the Residential Density-Multiple (RD-M) Zone, the site is subject to a maximum building height limit of 45 feet. The project will utilize a density bonus waiver to exceed the 45 foot height maximum with a proposed building height of 68' feet measured to the top of the rooftop amenity area and the fifth floor. The residential building design is subject to the Citywide Objective Design Standards and incorporates stucco as the primary building material, complemented by brick and horizontal and vertical siding accents. To create visual interest and roofline variation, a mixture of parapets, as well as mansard and gable roofs are incorporated into the design.

A total of 63,501 square feet of open space is proposed, including 15,660 and 47,841 square feet of private and common open space, respectively. Common recreation amenities include four at-grade courtyards, two of which are located on the south side of the development with public views from the street. Additional amenities include a pool, fitness center, community room, tot lot, dog run, dog wash area and a 155-space long-term bicycle storage area in the parking garage. A 6,847-square foot rooftop amenity deck located on the sixth floor would include a community room, open air lounge and fitness facility. The sixth floor occupies 2% of the building footprint. Private open space, where provided, consists of at-grade porches for the 1st floor units and balconies for all other units above the 1st floor.

9. Surrounding Land Uses and Setting

The project site is vacant. The site has been previously pad graded. The surrounding land uses include light industrial development to the north and east, permanently protected open space to the south and the Pizza Port brewery and restaurant to the west.

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

None.

DETERMINATION

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

EVALUATION OF EXEMPTION CRITERIA AND REQUIREMENTS

The table below identifies the criteria and requirements 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 the criteria and requirements.

PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation Checklist	
Criteria and Requirements	**Evaluation**
21080.66(a) ***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]:*** Additional Description/Referenced Code Section(s) Government Code Section 65905.5(b) reads in relevant part: *…(3) (A) "Housing development project" has the same meaning as defined in paragraph (2) of subdivision (h) of Section 65589.5. [see below]* *(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.*	Project Qualifies. The project consists of a 320-unit residential apartment building on a site designated for residential use. Therefore, the project meets the criteria pursuant to Government Code Section 65589.5(h)(2)(B)(i).

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(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] Government Code Section 65589.5(h)(2) reads: *"Housing development project" means a use consisting of any of the following:* *(A) Residential units only.* *(B) Mixed-use developments consisting of residential and nonresidential uses that meet any of the following conditions:* *(i) At least two-thirds of the new or converted square footage is designated for residential use.* *(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:* *(I) The project includes at least 500 net new residential units.* *(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 the project may be designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.* *(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) The project includes at least 500 net new residential units.* *(II) The project involves the demolition or conversion of at least 100,000 square feet of nonresidential use.* *(III) The project demolishes at least 50 percent of the existing nonresidential uses on the site.* *(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.*	

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(C) Transitional housing or supportive housing. *(D) Farmworker housing, as defined in subdivision (h) of Section 50199.7 of the Health and Safety Code.*	
21080.66(a)(1) ***(A) Except as provided in subparagraph (B), the project site is not more than 20 acres.*** ***(B) The project site or the parcel size for a builder's remedy project, as defined in paragraph (11) 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.***	Project Qualifies. The project site is 5.32 acres and as such, satisfies the condition of not being more than 20 acres. The project is not a builder's remedy project. Therefore, the project site meets the criteria set forth in Section 21080.66(a)(1)(A) and (B).
21080.66(a)(2) ***The project site meets either of the following criteria:*** ***(A) Is located within the boundaries of an incorporated municipality.*** ***(B) Is located within an urban area, as defined by the United States Census Bureau.***	Project Qualifies. The project is located within the boundaries of the city. Therefore, the project site meets the criteria set forth in Section 21080.66(a)(2)(A).
21080.66(a)(3) ***The project site meets any of the following criteria:*** ***(A) Has been previously developed with an urban use.*** ***(B) At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.*** ***(C) At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.*** ***(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.*** Additional Description/Referenced Code Section(s) Per 21080.66 (f)(3):	Project Qualifies. The project site satisfies all criteria. Therefore, the project site meets the criteria set forth in Section 21080.66(a)(3)(A)(B), (C), and (D).

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(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.	
21080.66(a)(4) ***(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 30108.6. 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.*** ***(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.*** ***(C) The approval of a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to Section 65915 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.***	Project Qualifies. The project site is located outside of the Coastal Zone and is consistent with the General Plan, Zoning Ordinance and the Bressi Ranch Master Plan. The site's General Plan Land Use designation is Residential, 37.5 to 40 dwelling units per acre (R-40) and the Zoning designation is Planned Community (P-C). The project is also located within the Bressi Ranch Master Plan, which allows up to 40 dwelling units per acre, exclusive of any density bonus, and defers to the standards of the Residential Multiple Density zone. The proposed project includes the development of a 320 units with a four-to-five story multi-family residential apartment building wrapping around a six-level parking garage. The four-to-six story building ranges in height from approximately 44'-2" to 67'-2". Since the proposed density is 60 du/ac, exceeding the maximum of 40 dwelling units per acre allowed pursuant to the R-40 designation, the applicant is requesting a 50% density bonus, authorized by state law (Gov. Code §65915). To satisfy state density bonus requirements, as well as the requirements of the Bressi Ranch Master Plan, Housing Element and Inclusionary Housing Ordinance, a total of 20% of the base number of units (213 units) or 43 units will be designated as affordable to lower income households, specifically 32 very low income units and 11 low income

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	units. The applicant is requesting five density bonus waivers. The waivers requested are for building height, width of landscape planters, visibility of roof and parapet elements from the rooftop amenity area, building coverage for the upper floors, and private open space for each unit. The requested waivers do not have an adverse impact on property listed on the California historical register and do not violate state or federal law. Therefore, the project site meets the criteria set forth in Section 21080.66(a)(4)(A), (B), and (C). **References:** *City of Carlsbad, General Plan Land Use Map, https://www.carlsbadca.gov/home/showpublisheddocument/18761/638639185832030000, updated July 2024.* *City of Carlsbad, General Plan Zoning Map, https://www.carlsbadca.gov/home/showpublisheddocument/246/638636302563818331, updated July 2024.* *City of Carlsbad, Local Coastal Program, published 2019.*
21080.66(a)(5) ***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.*** Additional Description/Referenced Code Section(s) Government Code Section 65583.2(c)(3)(B): *The following densities shall be deemed appropriate to accommodate housing for lower income households:*	Project Qualifies. The proposal to construct 320 units on a 5.32-acre site results in a density of 60 dwelling units per acre. Therefore, the project meets the criterium set forth in 21080.66(a)(5)(iv) since it exceeds 30 du/ac.

PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation Checklist	
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(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. *(ii) For an unincorporated area in a nonmetropolitan county not included in clause (i): sites allowing at least 10 units per acre.* *(iii) For a suburban jurisdiction: sites allowing at least 20 units per acre.* *(iv) For a jurisdiction in a metropolitan county: sites allowing at least 30 units per acre.* Government Code Section 65583.2(d)defines metropolitan county, nonmetropolitan county, and nonmetropolitan county with a micropolitan area as follows: *(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.*	
21080.66(a)(6) ***The project satisfies the requirements specified in paragraph (6) of subdivision (a) of Section 65913.4 of the Government Code*.** **<u>Additional Description/Referenced Code Section(s)</u>** **Government Code Section 65913.4(a)(6):** ***The development is not located on a site that is any of the following:*** **[See rows A-K, below.]**	See items A-K, below.

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(A) [**Coastal Zone**] *(i) An area of the coastal zone subject to paragraph (1) or (2) of subdivision (a) of Section 30603 of the Public Resources Code.* *(ii) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan.* *(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.* *(iv) In a parcel within the coastal zone that is not zoned for multifamily housing.* *(v) In a parcel in the coastal zone and located on either of the following:* *(I) On, or within a 100-foot radius of, a wetland, as defined in Section 30121 of the Public Resources Code.* *(II) On prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.*	Not Applicable. The project site is not located in the coastal zone. **Reference:** *City of Carlsbad, Local Coastal Program, published 2019*
(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.*	Not Applicable. The project site is not located on a site that is classified as Prime Farmland or Farmland of Statewide Importance. **Reference:** *California Department of Conservation, California Important Farmland Finder, https://maps.conservation.ca.gov/DLRP/CIFF/*
(C) [Wetlands] *Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).*	Not Applicable. The project development limits are not within any wetlands, as defined in the United States Fish and Wildlife Service Manual.
(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*	Not Applicable. The project site is not located within a Very High Fire Hazard Severity Zone.

PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation Checklist	
Criteria and Requirements	**Evaluation**
to sites that have 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: *(i) Section 4291 of the Public Resources Code or Section 51182, as applicable.* *(ii) Section 4290 of the Public Resources Code.* *(iii) Chapter 7A of the California Building Code (Title 24 of the California Code of Regulations).*	**Reference:** *CAL FIRE, Fire Hazard Severity Zones Maps, Fire Hazard Severity Zone Viewer, https://fire-hazard-severity-zones-rollout-calfire-forestry.hub.arcgis.com/pages/access-map*
(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:* *(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.* *(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.*	Not Applicable. The project site is not listed as a hazardous waste site by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code. **Reference:** *Department of Toxic Substances Control (DTSC), Envirostor Online Database, https://www.envirostor.dtsc.ca.gov/public/map/* *California State Water Resources Control Board, GeoTracker, https://geotracker.waterboards.ca.gov/map/*
(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*	Not Applicable. The project site is not mapped in an earthquake fault zone. **Reference:** *California Geological Survey, Earthquake Zones of Required Investigation Map, https://maps.conservation.ca.gov/cgs/informationwarehouse/eqzapp/*

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department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.	
(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 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) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.* *(ii) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.*	Not Applicable. The project site is not within a special flood hazard area. **Reference:** *FEMA, Flood Service Map Service Area (FIRM Map No. 06073C0769G), https://msc.fema.gov/portal/home, effective date May 16, 2012*
(H) [Regulatory Floodway] *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*	Not Applicable. The project site is not mapped within a regulatory floodway.

PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation Checklist	
Criteria and Requirements	**Evaluation**
additional permit requirement, standard, or action adopted by that local government that is applicable to that site.	
(I) [Conservation Lands in a Natural Community Conservation Plan] *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.*	Not Applicable. The project site is not located in a Natural Community Conservation Plan area. **Reference:** *City of Carlsbad, City of Carlsbad Habitat Management Plan, https://www.carlsbadca.gov/home/showpublisheddocument/1600/638366818940500000, amended December 1999.*
(J) [Habitat for Protected Species] *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).*	Not Applicable. The project site has been previously graded and does not contain any sensitive habitat.
(K) [Conservation Easement] *Lands under conservation easement.*	Not Applicable. The project site is not under a conservation easement.
21080.66(a)(7) ***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 65941.1 of the Government Code.***	Not Applicable. The property is vacant.

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21080.66(a)(8) ***For a project that was deemed complete pursuant to paragraph (5) of subdivision (h) of Section 65589.5 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:*** ***(A) A residential hotel, as defined in Section 50519 of the Health and Safety Code.*** ***(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.***	Not Applicable. The project does not contain hotel, motel, bed and breakfast inn, or other transient lodging components.
21080.66(b) Tribal Notification/Consultation and Measures for Tribal Cultural Resources **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.**	Project Complies. The tribal notification and consultation process has been completed. Two Native American tribes requested consultation within the required timeframe, the Rincon Band of Luiseno Indians and the Pala Band of Mission Indians. The city met with both tribes within the prescribed timelines and each representative requested tribal monitoring on behalf of the respective tribes during the grading operations. The requested conditions for monitoring are included in the draft Planning Commission Resolution (Exhibit 1). Therefore, the project site meets the criteria set forth in Section 21080.66(a)(7). **References:** *-Email correspondence, Pala Band of Mission Indians, June 16, 2026* *-Email correspondence, Rincon Band of Luiseno Indians, June 23, 2026*
21080.66(c)(1) ***(A) The local government shall, as a condition of approval for the development, require the development***	Project Complies. The project is conditioned to complete a Phase I

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proponent to complete a phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code. ***(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.*** ***(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.*** ***(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.***	Environmental Site Assessment prior to issuance of the grading permit.
21080.66(c)(2) ***For any housing on the site located within 500 feet of a freeway, all of the following shall apply:*** ***(A) The building shall have a centralized heating, ventilation, and air-conditioning system.*** ***(B) The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.*** ***(C) The building shall provide air filtration media for outside and return air that provides a minimum efficiency reporting value of 16.*** ***(D) The air filtration media shall be replaced at the manufacturer's designated interval.*** ***(E) The building shall not have any balconies facing the freeway.***	Not Applicable. The project site is located approximately 4.2 miles east of the Interstate 5 freeway and 4.2 miles west of the State Route 78.
21080.66(d)(1) ***Notwithstanding any other law, all construction workers employed in the execution of a housing development***	Not Applicable. The proposed residential units are not 100 percent dedicated to lower income households.

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project exempt from this division pursuant to this section where 100 percent of the units within the development project are dedicated to lower income households, as defined by Section 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.	
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 pursuant to this section.***	Not Applicable. The maximum height of 67'-2". As the project height would not exceed 85 feet, the labor standards do not apply.
21080.66(d)(3) ***(A) Notwithstanding any other law, the labor standards of Article 4 (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 50079.5 of the Health and Safety Code.***	Not Applicable. The project site is not within the City or County of San Franscisco.

PRC Section 21080.66 Housing Development Project CEQA Exemption Evaluation Checklist	
Criteria and Requirements	**Evaluation**
(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 Industrial Relations shall use the annual progress report data as reported by the jurisdiction pursuant to Section 65400 of the Government Code.***	