



AB 130 INFILL STATUTORY EXEMPTION - PUBLIC RESOURCES CODE SECTION 21080.66

INFORMATIONAL AND SUPPLEMENTAL APPLICATION PACKET

ATTENTION: A Project Application must be completed and/or attached prior to submitting this Supplemental Application. See the [Project Application](#) for instructions.

For questions, you can call the Planning counter at 628.652.7300 or email pic@sfgov.org where planners are able to assist you.

Español: Si desea ayuda sobre cómo llenar esta solicitud en español, por favor llame al 628.652.7550. Tenga en cuenta que el Departamento de Planificación requerirá al menos un día hábil para responder.

中文：如果您希望獲得使用中文填寫這份申請表的幫助，請致電628.652.7550。請注意，規劃部門需要至少一個工作日來回應。

Filipino: Kung gusto mo ng tulong sa pagkumpleto ng application na ito sa Filipino, paki tawagan ang 628.652.7550. Paki tandaan na mangangailangan ang Planning Department ng hindi kukulangin sa isang araw na pantrabaho para makasagot.

Tiếng Việt: Nếu quý vị muốn được hỗ trợ hoàn thành đơn này bằng tiếng Việt, vui lòng gọi 628.652.7550. Xin lưu ý rằng Sở Quy Hoạch cần ít nhất một ngày làm việc để phản hồi.

WHAT IS THE AB 130 INFILL EXEMPTION?

In response to California's housing crisis, the State Legislature has introduced numerous bills to fund, incentivize, and legalize new housing. On June 30, 2025, Governor Gavin Newsom signed Assembly Bill 130 (AB 130) into law. AB 130 establishes a statutory exemption for housing development projects on specific sites, provided they meet labor requirements if applicable and engage in tribal consultation.

Public Resources Code Section 21080.66, created under AB 130, is part of California's initiative to streamline housing development and update the California Environmental Quality Act (CEQA) review process. This section offers a statutory exemption for certain housing development projects from CEQA requirements, aiming to speed up the approval process.

IS MY PROJECT ELIGIBLE FOR THE AB 130 HOUSING DEVELOPMENT STATUTORY EXEMPTION?

A project is eligible for statutory exemption under AB 130 if it meets the following criteria:

Project Requirements

- **Housing Development Project.** The project is a "housing development project" that meets any one of the following criteria:
 - it consists of residential units only;

- it is a mixed-use development that includes both residential and nonresidential uses, with at least two-thirds of the square footage designated for residential use;
 - it is a mixed-use development with at least 50 percent of the new or converted square footage designated for residential use and includes at least 500 net new residential units, with no portion of the project designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except that 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;
 - it is a mixed-use development with at least 50 percent of the net new or converted square footage designated for residential use, includes at least 500 net new residential units, demolishes or converts at least 100,000 square feet of nonresidential use and at least 50 percent of existing nonresidential uses on the site, and does not include any portion designated for transient lodging except a residential hotel under Section 50519; or
 - it consists of transitional housing or supportive housing.
- No portion of the project can be designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.
 - **Plan and Zoning Consistency.** The project is consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program. The project must meet all objective standards of the planning code, including any applicable design standards. Exceptions granted through the state density bonus law would be considered code-complying.
 - **Site Acreage Limits.** The project site is not more than 20 acres (or 5 acres for a “builder’s remedy” project).
 - **Density Requirements.** The project includes a residential density of at least 15 units per acre. For example, the minimum density would be 1 unit for a 2,500-square-foot parcel.
 - **Historic Buildings.** The project cannot involve the demolition of a historic structure that was listed on a national, state, or local historic register prior to the filing of a project application. A local historic register includes those properties listed within Article 10 or 11 of the San Francisco Planning Code. For Article 10 buildings, structures identified as contributing and contributing-altered are considered historic while structures identified as non-contributing are not considered historic structures for the purposes of AB 130. For Article 11, contributory and significant buildings (I, II, III, IV) are considered historic structures while unrated (V) buildings are not historic structures for the purposes of AB 130. For Article 10 and Article 11 properties, demolition is defined in Planning Code Section 1005(f). Projects that exceed this definition are ineligible for the AB 130 statutory exemption.

Site Requirements

- **Urban Infill.** The project site must meet one of the following criteria: has been previously developed with an urban use; at least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses; at least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses; or 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.
- **Location.** The development must be located on a property that is not located on prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or under a conservation easement.

- **Hazardous Waste Site.** The project site may not be located on 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 the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control has cleared the site for residential use or residential mixed uses. A clearance letter or determination confirming suitability for residential use must be obtained prior to submittal of an AB 130 project.
- **Coastal Zone.** If the development is in the coastal zone, the site must be subject to and compliant with a certified local coastal program or a certified land use plan. The site may not be in an area vulnerable to five feet of sea level rise, located within 100-feet of a wetland, or on prime agricultural land. For more information, please see the requirements in Government Code Section 65913.4(a)(6)(A).

If a project is located on a Coastal Zone site that is eligible for this program, the project sponsor shall submit a coastal zone permit, and the department will review the project for compliance with any objective criteria of the Local Coastal Program.

- **Proximity to Freeways.** For any housing located within 500 feet of a freeway, the project must include MERV 16 (“minimum efficiency reporting value”) filtration and all outdoor intakes as well as building balconies must face away from the freeway. A freeway is defined in California Vehicle Code Section 332 but does not include on ramps or off ramps.
- **Phase I Environmental Site Assessment and Remediation.** The project applicant agrees to complete a phase I environmental assessment as defined in Section 78090 of the Health and Safety Code and, if applicable, agrees to the requirements below as a condition of project approval.

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.

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.

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.

TRIBAL CONSULTATION

To qualify for the AB 130 exemption, the planning department would engage in a scoping consultation regarding the proposed development with any California Native American tribe that is traditionally and culturally affiliated with the geographic area. The process begins with the city sending out a tribal consultation letter within 14 days of the complete application notice. Tribes then have 60 days to request consultation. If a tribe does not notify the department within 60 days, the consultation shall

be considered to have concluded. If a tribe requests consultation, the department must initiate it within 14 days, and the consultation shall conclude within 45 days of initiation, with a possible one-time 15-day extension upon the tribe's request. The formal notification must include detailed project information, site maps, proposed project scope, and any known cultural resource studies. On average, it takes 150 days to complete tribal consultation in San Francisco.

The aim of the consultation is to find measures to avoid significant impacts on tribal cultural resources (TCRs). Following the consultation, the city must include any enforceable agreements reached as binding conditions of project approval. These measures could include tribal monitoring during all ground-disturbing activities (the project sponsor would be required to compensate tribal monitors), avoidance of TCRs where feasible, culturally appropriate treatment and documentation of TCRs, completion of archaeological and tribal cultural records searches, compliance with relevant health and safety codes upon discovery of human remains or burial grounds, and the application of tribal ecological knowledge in habitat restoration efforts. If the project sponsor does not agree to impose these measures, or the sponsor and requestor cannot agree on a set of measures, then the project may not be eligible for the AB 130 statutory exemption. When a tribe and the project sponsor mutually agree not to include impact reduction measures as a binding condition, the project may still qualify for the statutory exemption.

PROJECT LABOR REQUIREMENTS

To qualify for the AB 130 exemption, a project must meet certain labor standards if it is 100 percent affordable, over 85 feet tall, or located in San Francisco with 50 or more residential units, as specified under Public Resources Code § 21080.66(d). This generally includes paying prevailing wages and, in some cases, using a skilled and trained workforce. Sponsors are encouraged to consult legal or labor compliance professionals to understand how these requirements apply to their project.

WHAT IS THE PROCESS FOR REQUESTING AN “AB 130 INFILL” STATUTORY EXEMPTION AND WHAT IS THE TIMELINE?

To apply for the AB 130 infill statutory exemption, submit a complete AB 130 supplemental application and a complete [Project Application \(PRJ\)](#) to CPC.Intake@sfgov.org.

Following issuance of the complete application notice, the Department will begin tribal consultation within 14 days.

AB 130 amended the Permit Streamlining Act to require that projects eligible for this exemption be approved or disapproved by the lead agency within 30 days following the conclusion of the tribal consultation process.

FEES

The Planning Department will apply the CEQA exemption certificate fee for AB 130 statutory exemption determinations. If the cost of staff time exceeds this initial fee, additional charges based on time and materials may apply.

If you have any questions about this supplemental application, please contact don.lewis@sfgov.org or 628.652.7543.



AB 130 INFILL STATUTORY EXEMPTION – PUBLIC RESOURCES CODE SECTION 21080.66

GENERAL INFORMATION

Property Information

Project Address:

Block/Lot(s):

Property Owner's Information

Name:

Address:

Email Address:

Telephone:

Applicant Information

Same as above

Name:

Company/Organization:

Address:

Email Address:

Telephone:

PROJECT ELIGIBILITY CRITERIA SUPPLEMENTAL

(Pursuant to Public Resources Code Section 21080.66)

ELIGIBILITY OF PROJECT		
Requirements	Applicants: <i>Please respond to the question.</i>	
<p>Does the project meet one of the following criteria to be considered a “housing development project”? (select all that apply):</p> <p>Residential units only.</p> <p>Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.</p> <p>Mixed-use development with at least 50 percent of the new or converted square footage designated for residential use and includes at least 500 net new residential units and 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.</p> <p>Mixed-use development with at least 50 percent of the net new or converted square footage designated for residential use, includes at least 500 net new residential units, demolishes or converts at least 100,000 square feet of nonresidential use and at least 50 percent of existing nonresidential uses on the site, and does not include any portion designated for transient lodging except a residential hotel under Section 50519.</p> <p>Transitional housing or supportive housing.</p>	Yes	No
Is a portion of the project designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging?	Yes	No
Is the project consistent with the applicable general plan and zoning ordinance, and any applicable local coastal program?	Yes	No
Is the project site size limited to 20 acres, or 5 acres if the project qualifies as builder’s remedy?	Yes	No
Will the project include at least 15 units per acre?	Yes	No
Does the project avoid demolishing any historic building that was officially listed on a national, state, or local historic register before the application was submitted?	Yes	No
<p>Does the project site meet any of these conditions? (select all that apply):</p> <p>It has previously been developed with an urban use.</p> <p>At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses.</p> <p>At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses.</p> <p>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>	Yes	No

ELIGIBILITY OF PROJECT		
Requirements	Applicants: <i>Please respond to the question.</i>	
<p>Is the development located on a property that contains prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway, a community conservation plan area, a habitat for protected species, or that is under a conservation easement? (CA Govt. Code Section 65912.121(g).)</p> <p>If yes, the development is not eligible for a statutory exemption under AB 130.</p>	Yes	No
<p>Is the development in the coastal zone?</p> <p>If the development is in the coastal zone, the site must be subject to and compliant with a certified local coastal program or a certified land use plan. The site may not be in an area vulnerable to five feet of sea level rise, located within 100-feet of a wetland, or on prime agricultural land. For more information, please see the requirements in CA Govt. Code Section 65913.4(a)(6)(A).</p>	Yes	No
<p>Is the development site a hazardous waste site? (CA Govt. Code Section 65912.121(g); 65913.4(a)(6)(e).)</p> <p>If yes, you must secure a letter from the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control stating that the site is suitable for residential use or residential mixed uses prior to submitting a project application. Applications for AB 130 on hazardous waste sites without a letter from the appropriate government agency stating that the site is suitable for residential uses will not be accepted as complete.</p>	Yes	No
<p>The project applicant agrees to complete a Phase I environmental assessment as defined in Section 78090 of the Health and Safety Code and, if applicable, agrees to the requirements below as a condition of project approval.</p> <ul style="list-style-type: none"> • 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. • 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. • 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. 	Yes	No
<p>Will any of the housing on the development site be located less than 500 feet from a freeway, defined in California Vehicle Code section 332, but not including freeway on ramps or off ramps?</p> <p>If yes, the project must include MERV 16 (“Minimum efficiency reporting value”) filtration and all outdoor intakes as well as building balconies, must face away from the freeway.</p>	Yes	No

ELIGIBILITY OF PROJECT		
Requirements		Applicants: <i>Please respond to the question.</i>
<p>Tribal Consultation Requirements</p> <p>The project must meet tribal consultation requirements to qualify for the AB 130 exemption (as outlined in Public Resources Code Section 21080.66b). The Planning Department sends tribal consultation letter within 14 days of issuance of the complete application notice. Tribal consultation takes 150 days on average in San Francisco.</p> <p>By checking ‘yes’ to this box, the project sponsor is aware that tribal consultation is a mandatory requirement for eligibility under the AB 130 exemption and agrees to incorporate any enforceable agreements reached during tribal consultation, including the measures specified in Public Resources Code Section 21080.66(b)(4)(B)(i), as a condition of project approval, unless the tribe and the project applicant mutually agree not to include those measures.</p>		<p>Yes No</p>
<p>Project Labor Requirements</p> <p>By checking “yes” to this box, the applicant certifies that the project will comply with all labor requirements under Public Resources Code § 21080.66(d), including but not limited to prevailing wage and skilled and trained workforce standards, as applicable based on the project’s height, affordability, and number of proposed residential units.</p> <p>The Planning Department may require an affidavit to confirm compliance.</p>		<p>Yes No</p>

APPLICANT’S AFFIDAVIT

Under penalty of perjury the following declarations are made:

- a) The undersigned is the owner or authorized agent of the owner of this property.
- b) The information presented is true and correct to the best of my knowledge.
- c) Other information or applications may be required.
- d) I attest that personally identifiable information (PII) - i.e. social security numbers, driver’s license numbers, bank accounts - have not been provided as part of this application, or any supplemental information. I understand that any information provided to the Planning Department becomes part of the public record and can be made available to the public for review and/or posted to Department websites.

Signature

Name (Printed)

Date

Relationship to Project
(i.e. Owner, Architect, etc.)

Phone

Email

For Department Use Only
Application received by Planning Department:

By: _____

Date: _____