



Office of the Mayor

CONSENT CALENDAR
January 17, 2023

To: Honorable Members of the City Council

From: Mayor Jesse Arreguín

Subject: Support for SB 4: Affordable Housing on Faith Lands Act

RECOMMENDATION

Adopt a Resolution in support of Senate Bill 4 with amendments, the Affordable Housing on Faith Lands Act, introduced by Senator Scott Weiner. Send a copy of the Resolution to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assemblymember Buffy Wicks.

BACKGROUND

Development of new affordable housing is essential for meeting our goals of creating a more equitable and accessible city. In a 2020 community survey, 80% of respondents said that affordable housing and homeless services are either extremely or very important. Under the 2023-2031 Regional Housing Needs Allocation (RHNA) cycle, almost 9,000 units of housing is needed to be constructed in Berkeley, with almost 4,000 of those available to those at low and very low-income levels. Despite the need and desire to create affordable housing, restrictive zoning rules, bureaucratic regulations, and increased construction costs have made it increasingly difficult to identify and finance such development. Under the draft Housing Element for the City of Berkeley, infill developments will play a key role in meeting RHNA numbers.

A 2020 report by UC Berkeley's Turner Center for Housing Innovation revealed that around 38,800 acres of land in California, or an area slightly larger than the City of Oakland, is used for religious purposes and potentially developable. Much of this land is located in urban counties and areas the State had identified as high resource opportunity areas. There is a growing trend of religious institutions wanting to develop lots owned by them into affordable housing, but are often met with barriers that significantly limit the size and scope of such developments or makes it financially infeasible altogether.

SB 4, the Affordable Housing on Faith Lands Act, introduced by State Senator Scott Weiner, would streamline the building process for religious institutions and independent institutions of higher education that want to build 100% affordable housing on their land. Qualified proposals, as outlined in the bill, would be eligible for a use by right, and would require construction workers receive prevailing wages. However, to help increase opportunities for employment in the construction industry which is currently experiencing

shortages, the bill should be amended to include apprenticeship and training programs at such projects.

Berkeley is home to an extensive number of religious institutions, with multiple examples of such organizations providing land to create affordable housing. In 2022, Jordan Court opened, providing 34 units of affordable housing for seniors, in partnership with All Souls Episcopal Parish. Also in 2022, a vacant eight unit apartment was renovated and converted into permanently affordable housing under the Small Sites Program, in partnership with the McGee Avenue Baptist Church, which owns the property. Two other projects currently under development that involve partnerships with local religious institutions. St. Paul Terrace, which will provide 49 units at 30-60% AMI near Ashby BART, will be built on land owned by the St. Paul African Methodist Episcopal Church. Another South Berkeley development, the Ephesian Legacy Court will provide 79 one-bedroom units at 30-60% AMI on land owned by the Ephesian Church of God in Christ. These projects, many of which are infill developments would not have been able to go forward without significant support from the City, including funding from Measures O and U1 and zoning changes to enable these developments to move forward.

FINANCIAL IMPLICATIONS

Not applicable.

ENVIRONMENTAL SUSTAINABILITY

Creating infill housing developments, especially in areas near public transit, is a vital goal of the Berkeley Climate Action Plan, as it will help reduce greenhouse gas emissions from transportation, which remains a significant source of the City's emissions.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Resolution

2: Text of SB 4

RESOLUTION NO. ##,###-N.S.

IN SUPPORT OF SB 4 – THE AFFORDABLE HOUSING ON FAITH LANDS ACT

WHEREAS, development of new affordable housing is essential for meeting our goals of creating a more equitable and accessible city; and

WHEREAS, 38,800 acres of land across California, an area slightly larger than the City of Oakland, is used for religious purposes and potentially developable; and

WHEREAS, despite the need and desire to create affordable housing, restrictive zoning rules, bureaucratic regulations, and increased construction costs have made it increasingly difficult to identify and finance such development; and

WHEREAS, under the 2023-2031 Regional Housing Needs Allocation (RHNA) cycle, almost 9,000 units of housing is needed to be constructed in Berkeley, with almost 4,000 of those available to those at low and very low-income levels; and

WHEREAS, under the draft Housing Element for the City of Berkeley, infill developments will play a key role in meeting RHNA numbers; and

WHEREAS, Berkeley is home to many religious institutions, with multiple examples of such organizations providing land to create affordable housing with City support, with 42 units being created in 2022 and 128 units in the pipeline; and

WHEREAS, creating policies that streamline the creation of affordable housing on lots owned by religious institutions will make it easier to meet RHNA goals and create opportunities for low-income families to live in Berkeley; and

WHEREAS, SB 4, the Affordable Housing on Faith Lands Act, introduced by State Senator Scott Weiner, would streamline the building process for religious institutions and independent institutions of higher education that want to build 100% affordable housing on their land; and

WHEREAS, qualified proposals, as outlined in the bill, would be eligible for a use by right, and would require construction workers receive prevailing wages.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby supports SB 4 with an amendment to include apprenticeship and training programs.

BE IT FURTHER RESOLVED that copies of the Resolution be sent to Governor Gavin Newsom, State Senators Nancy Skinner and Scott Weiner, and Assemblymember Buffy Wicks.

SENATE BILL

No. 4

Introduced by Senator Wiener

(Principal coauthor: Assembly Member Wicks)

(Coauthors: Senators Eggman and Gonzalez)

(Coauthors: Assembly Members Gabriel, McKinnor, and Ward)

December 5, 2022

An act to add Section 65913.16 to the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as introduced, Wiener. Planning and zoning: housing development: higher education institutions and religious institutions.

The Planning and Zoning Law requires each county and city to adopt a comprehensive, long-term general plan for its physical development, and the development of certain lands outside its boundaries, that includes, among other mandatory elements, a housing element. That law allows a development proponent to submit an application for a development that is subject to a specified streamlined, ministerial approval process not subject to a conditional use permit, if the development satisfies certain objective planning standards.

Existing law, the Zenovich-Moscone-Chacon Housing and Home Finance Act, establishes the California Tax Credit Allocation Committee within the Department of Housing and Community Development. Existing law requires the committee to allocate state low-income housing tax credits in conformity with state and federal law that establishes a maximum rent that may be charged to a tenant for a project unit constructed using low-income housing tax credits.

This bill would require that a housing development project be a use by right upon the request of an applicant who submits an application for streamlined approval, on any land owned by an independent

institution of higher education or religious institution on or before January 1, 2024, if the development satisfies specified criteria, including that the development is not adjoined to any site where more than one-third of the square footage on the site is dedicated to industrial use. The bill would define various terms for these purposes. Among other things, the bill would require that 100% of the units, exclusive of manager units, in a housing development project eligible for approval as a use by right under these provisions be affordable to lower income households, except that 20% of the units may be for moderate-income households, provided that all of the units are provided at affordable rent, as set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee, or affordable housing cost, as specified. The bill would authorize the development to include ancillary uses on the ground floor of the development, as specified.

This bill would specify that a housing development project that is eligible for approval as a use by right under the bill is also eligible for a density bonus or other incentives or concessions, except as specified. The bill would require a development subject to these provisions to provide off-street parking of up to one space per unit, unless a local ordinance provides for a lower standard of parking, in which case the ordinance applies. The bill would prohibit a local government from imposing any parking requirement on a development subject to these provisions if the development is located within one-half mile walking distance of a high-quality transit corridor or major transit stop, as those terms are defined, and within one block of a car share vehicle.

This bill would require a local government that determines a proposed development is in conflict with any objective planning standards, as specified, to provide the developer with written documentation explaining those conflicts under a specified timeframe. The bill would require a local government to approve a development if the local government fails to provide the requisite documentation explaining any conflicts. The bill would authorize a local government to conduct a design review, as described, only if the design review focuses on compliance with the requisite criteria of a streamlined, ministerial review process. The bill would prohibit a local government from using a design review, as specified, from inhibiting, chilling, or precluding a streamlined, ministerial approval. The bill would require a local government to issue a subsequent permit for developments approved under the provisions of this act.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA does not apply to the ministerial approval of projects.

This bill, by requiring approval of certain development projects as a use by right, would expand the exemption for ministerial approval of projects under CEQA.

By adding to the duties of local planning officials with respect to approving certain development projects, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65913.16 is added to the Government
- 2 Code, to read:
- 3 65913.16. (a) For purposes of this section:
- 4 (1) "Applicant" means a qualified developer who submits an
- 5 application for streamlined approval pursuant to this section.
- 6 (2) "Independent institution of higher education" has the same
- 7 meaning as defined in Section 66010 of the Education Code.
- 8 (3) "Local government" means a city, county, or city and county,
- 9 whether general law or chartered.

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1 (4) “Qualified developer” means any of the following:

2 (A) A local public entity, as defined in Section 50079 of the
3 Health and Safety Code.

4 (B) (i) A developer that is a nonprofit corporation, a limited
5 partnership in which the managing general partner is a nonprofit
6 corporation, or a limited liability company in which the managing
7 member is a nonprofit corporation.

8 (ii) The developer, at the time of submission of an application
9 for development pursuant to this section, owns or manages housing
10 units located on property that is exempt from taxation pursuant to
11 the welfare exemption established in subdivision (a) of Section
12 214 of the Revenue and Taxation Code.

13 (C) A developer that contracts with a nonprofit corporation that
14 has received a welfare exemption under Section 214.15 of the
15 Revenue and Taxation Code for properties intended to be sold to
16 low-income families with financing in the form of zero interest
17 rate loans.

18 (5) “Religious institution” means an institution owned,
19 controlled, and operated and maintained by a bona fide church,
20 religious denomination, or religious organization composed of
21 multidenominational members of the same well-recognized
22 religion, lawfully operating as a nonprofit religious corporation
23 pursuant to Part 4 (commencing with Section 9110) of Division 2
24 of Title 1 of the Corporations Code.

25 (6) “Use by right” means that the local government’s review of
26 the development project under this section may not require a
27 conditional use permit, planned unit development permit, or other
28 discretionary local government review or approval that would
29 constitute a “project” for purposes of Division 13 (commencing
30 with Section 21000) of the Public Resources Code. Any subdivision
31 of the sites shall be subject to all laws, including, but not limited
32 to, the local government ordinance implementing the Subdivision
33 Map Act (Division 2 (commencing with Section 66410)).

34 (b) Notwithstanding any inconsistent provision of a local
35 government’s general plan, specific plan, zoning ordinance, or
36 regulation, upon the request of an applicant, a housing development
37 project shall be a use by right, if all of the following criteria are
38 satisfied:

39 (1) The development is located on land owned on or before
40 January 1, 2024, by an independent institution of higher education

1 or a religious institution, including ownership through an affiliated
2 nonprofit public benefit corporation organized pursuant to the
3 Nonprofit Corporation Law (Part 2 (commencing with Section
4 5110) of Division 2 of Title 1 of the Corporations Code).

5 (2) The development is located on a parcel that satisfies the
6 requirements specified in subparagraphs (A) and (B) of paragraph
7 (2) of subdivision (a) of Section 65913.4.

8 (3) The development is located on a parcel that satisfies the
9 requirements specified in subparagraphs (B) to (K), inclusive, of
10 paragraph (6) of subdivision (a) of Section 65913.4.

11 (4) The development is located on a parcel that satisfies the
12 requirements specified in paragraph (7) of subdivision (a) of
13 Section 65913.4.

14 (5) The development is not adjoined to any site where more
15 than one-third of the square footage on the site is dedicated to
16 industrial use. For purposes of this subdivision, parcels separated
17 by only a street or highway shall be considered to be adjoined.

18 (6) The development project is located on a site that is
19 one-quarter acre in size or greater.

20 (7) One hundred percent of the development project's total units,
21 exclusive of a manager's unit or units, are for lower income
22 households, as defined by Section 50079.5 of the Health and Safety
23 Code, except that up to 20 percent of the total units in the
24 development may be for moderate-income households, as defined
25 in Section 50053 of the Health and Safety Code. Units in the
26 development shall be offered at affordable housing cost, as defined
27 in Section 50052.5 of the Health and Safety Code, or at affordable
28 rent, as set in an amount consistent with the rent limits established
29 by the California Tax Credit Allocation Committee. The rent or
30 sales price for a moderate-income unit shall also be at least 20
31 percent below the market rate for a unit of similar size and bedroom
32 count in the same ZIP Code in the city, county, or city and county
33 in which the housing development is located. The applicant shall
34 provide the city, county, or city and county with evidence to
35 establish that the units meet the requirements of this paragraph.
36 All units, exclusive of any manager unit or units, shall be subject
37 to a recorded deed restriction as provided in this paragraph for at
38 least the following periods of time:

39 (A) Fifty-five years for units that are rented. However, the local
40 government may require that the rental units in the housing

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1 development project be restricted to lower income and
2 moderate-income households for a longer period of time if that
3 restriction is consistent with all applicable regulatory requirements
4 for state assistance.

5 (B) Forty-five years for units that are owner occupied. However,
6 the local government may require that owner-occupied units in
7 the housing development project be restricted to lower income and
8 moderate-income households for a longer period of time if that
9 restriction is consistent with all applicable regulatory requirements
10 for state assistance.

11 (8) The development project complies with all objective
12 development standards of the city or county that are not in conflict
13 with this section.

14 (9) If the housing development project requires the demolition
15 of existing residential dwelling units, the applicant shall comply
16 with subdivision (d) of Section 66300, as that section read as of
17 January 1, 2024.

18 (10) The applicant certifies to the local government that either
19 of the following is true for the housing development project, as
20 applicable:

21 (A) The entirety of the development project is a public work
22 for purposes of Chapter 1 (commencing with Section 1720) of Part
23 7 of Division 2 of the Labor Code.

24 (B) A development that contains more than 10 units and is not
25 in its entirety a public work for purposes of Chapter 1 (commencing
26 with Section 1720) of Part 7 of Division 2 of the Labor Code and
27 approved by a local government pursuant to Article 2 (commencing
28 with Section 65912.110) of, or Article 3 (commencing with Section
29 65912.120) of, Chapter 4.1 shall be subject to all of the following:

30 (i) All construction workers employed in the execution of the
31 development shall be paid at least the general prevailing rate of
32 per diem wages for the type of work and geographic area, as
33 determined by the Director of Industrial Relations pursuant to
34 Sections 1773 and 1773.9 of the Labor Code, except that
35 apprentices registered in programs provided by the Chief of the
36 Division of Apprenticeship Standards may be paid at least the
37 applicable apprentice prevailing rate.

38 (ii) The development proponent shall ensure that the prevailing
39 wage requirement is included in all contracts for the performance

1 of the work for those portions of the development that are not a
2 public work.

3 (iii) All contractors and subcontractors for those portions of the
4 development that are not a public work shall comply with both of
5 the following:

6 (I) Pay to all construction workers employed in the execution
7 of the work at least the general prevailing rate of per diem wages,
8 except that apprentices registered in the programs approved by the
9 Chief of the Division of Apprenticeship Standards may be paid at
10 least the applicable apprentice prevailing rate.

11 (II) Maintain and verify payroll records pursuant to Section
12 1776 of the Labor Code and make those records available for
13 inspection and copying as provided in that section. This
14 subparagraph does not apply if all contractors and subcontractors
15 performing work on the development are subject to a project labor
16 agreement that requires the payment of prevailing wages to all
17 construction workers employed in the execution of the development
18 and provides for enforcement of that obligation through an
19 arbitration procedure. For purposes of this subparagraph, “project
20 labor agreement” has the same meaning as set forth in paragraph
21 (1) of subdivision (b) of Section 2500 of the Public Contract Code.

22 (c) (1) The obligation of the contractors and subcontractors to
23 pay prevailing wages pursuant to this section may be enforced by
24 any of the following:

25 (A) The Labor Commissioner, through the issuance of a civil
26 wage and penalty assessment pursuant to Section 1741 of the Labor
27 Code, that may be reviewed pursuant to Section 1742 of the Labor
28 Code, within 18 months after the completion of the development.

29 (B) An underpaid worker through an administrative complaint
30 or civil action.

31 (C) A joint labor-management committee through a civil action
32 pursuant to Section 1771.2 of the Labor Code.

33 (2) If a civil wage and penalty assessment is issued pursuant to
34 this section, the contractor, subcontractor, and surety on a bond or
35 bonds issued to secure the payment of wages covered by the
36 assessment shall be liable for liquidated damages pursuant to
37 Section 1742.1 of the Labor Code.

38 (3) This subdivision does not apply if all contractors and
39 subcontractors performing work on the development are subject
40 to a project labor agreement that requires the payment of prevailing

1 wages to all construction workers employed in the execution of
2 the development and provides for enforcement of that obligation
3 through an arbitration procedure. For purposes of this subdivision,
4 “project labor agreement” has the same meaning as set forth in
5 paragraph (1) of subdivision (b) of Section 2500 of the Public
6 Contract Code.

7 (d) Notwithstanding subdivision (c) of Section 1773.1 of the
8 Labor Code, the requirement that employer payments not reduce
9 the obligation to pay the hourly straight time or overtime wages
10 found to be prevailing does not apply to those portions of a
11 development that are not a public work if otherwise provided in a
12 bona fide collective bargaining agreement covering the worker.

13 (e) The requirement of this section to pay at least the general
14 prevailing rate of per diem wages does not preclude use of an
15 alternative workweek schedule adopted pursuant to Section 511
16 or 514 of the Labor Code.

17 (f) In addition to the requirements of Section 65912.130, a
18 development of 50 or more housing units approved by a local
19 government pursuant to Article 2 (commencing with Section
20 65912.110) of, or Article 3 (commencing with Section 65912.120)
21 of, Chapter 4.1 shall meet all of the following labor standards:

22 (1) The development proponent shall require in contracts with
23 construction contractors and shall certify to the local government
24 that each contractor of any tier who will employ construction craft
25 employees or will let each subcontracts for at least 1,000 hours
26 shall satisfy the requirements in paragraphs (2) and (3). A
27 construction contractor is deemed in compliance with paragraphs
28 (2) and (3) if it is signatory to a valid collective bargaining
29 agreement that requires use of registered apprentices and
30 expenditures on health care for employees and dependents.

31 (2) A contractor with construction craft employees shall either
32 participate in an apprenticeship program approved by the Division
33 of Apprenticeship Standards pursuant to Section 3075 of the Labor
34 Code, or request the dispatch of apprentices from a state-approved
35 apprenticeship program under the terms and conditions set forth
36 in Section 1777.5 of the Labor Code. A contractor without
37 construction craft employees shall show a contractual obligation
38 that its subcontractors comply with this subdivision.

39 (3) Each contractor with construction craft employees shall
40 make health care expenditures for each employee in an amount

1 per hour worked on the development equivalent to at least the
2 hourly pro rata cost of a Covered California Platinum-level plan
3 for two 40 years of age and two dependents 0 to 14 years of age
4 for the Covered California rating area in which the development
5 is located. A contractor without craft employees shall show a
6 contractual obligation that its subcontractors comply with this
7 subdivision. Qualifying expenditures shall be credited toward
8 compliance with prevailing wage payment requirements set forth
9 in Section 65912.130.

10 (4) (A) The development proponent shall provide to the local
11 government, on a monthly basis while its construction contracts
12 on the development are being performed, a report demonstrating
13 compliance with paragraphs (2) and (3). The report shall be
14 considered public records under the California Public Records Act
15 (Division 10 (commencing with Section 7920.000) of Title 1), and
16 shall be open to public inspection.

17 (B) A development proponent that fails to provide the monthly
18 report shall be subject to a civil penalty for each month for which
19 the report has not been provided, in the amount of 10 percent of
20 the dollar value of construction work performed by that contractor
21 on the development in the month in question, up to a maximum
22 of ten thousand dollars (\$10,000). Any contractor or subcontractor
23 that fails to comply with paragraph (2) or (3) shall be subject to a
24 civil penalty of two hundred dollars (\$200) per day for each worker
25 employed in contravention of paragraph (2) or (3).

26 (C) Penalties may be assessed by the Labor Commissioner
27 within 18 months of completion of the development using the
28 procedures for issuance of civil wage and penalty assessments
29 specified in Section 1741 of the Labor Code, and may be reviewed
30 pursuant to Section 1742 of the Labor Code. Penalties shall be
31 deposited in the State Public Works Enforcement Fund established
32 pursuant to Section 1771.3 of the Labor Code.

33 (5) Each construction contractor shall maintain and verify
34 payroll records pursuant to Section 1776 of the Labor Code. Each
35 construction contractor shall submit payroll records directly to the
36 Labor Commissioner at least monthly in a format prescribed by
37 the Labor Commissioner in accordance with subparagraph (A) of
38 paragraph (3) of subdivision (a) of Section 1771.4 of the Labor
39 Code. The records shall include a statement of fringe benefits.
40 Upon request by a joint labor-management cooperation committee

1 established pursuant to the federal Labor Management Cooperation
2 Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided
3 pursuant to subdivision (e) of Section 1776 of the Labor Code.

4 (6) All construction contractors shall report any change in
5 apprenticeship program participation or health care expenditures
6 to the local government within 10 business days, and shall reflect
7 those changes on the monthly report. The reports shall be
8 considered public records pursuant to the California Public Records
9 Act (Division 10 (commencing with Section 7920.000 of Title 1))
10 and shall be open to public inspection.

11 (7) A joint labor-management cooperation committee established
12 pursuant to the federal Labor Management Cooperation Act of
13 1978 (29 U.S.C. Sec. 175a) shall have standing to sue a
14 construction contractor for failure to make health care expenditures
15 pursuant to subdivision (c) in accordance with Section 218.7 or
16 218.8 of the Labor Code.

17 (g) Notwithstanding any other provision of this section, a
18 development project that is eligible for approval as a use by right
19 pursuant to this section may include the following ancillary uses,
20 provided that those uses are limited to the ground floor of the
21 development:

22 (1) In a single-family residential zone, ancillary uses shall be
23 limited to uses that provide direct services to the residents of the
24 development and have a community benefit, including childcare
25 centers and community centers.

26 (2) In all other zones, the development may include commercial
27 uses that are permitted without a conditional use permit or planned
28 unit development permit.

29 (h) A housing development project that qualifies as a use by
30 right pursuant to subdivision (b) shall be allowed the following
31 density, as applicable:

32 (1) (A) If the development project is located in a zone that
33 allows residential uses, the development project shall be allowed
34 a density of the applicable density deemed appropriate to
35 accommodate housing for lower income households identified in
36 subparagraph (B) of paragraph (3) of subdivision (c) of Section
37 65583.2.

38 (B) If the local government allows for greater residential density
39 on that parcel, or greater residential density or building heights on

1 an adjacent parcel, than permitted in subparagraph (A), the greater
2 density or building height shall apply.

3 (C) A housing development project that is located in a zone that
4 allows residential uses shall be eligible for a density bonus or other
5 incentives or concession pursuant to Section 65915.

6 (2) (A) If the development project is located in a zone that does
7 not allow residential uses, the development project shall be allowed
8 a density of 40 units per acre and a height of one story above the
9 maximum height otherwise applicable to the parcel.

10 (B) If the local government allows for greater residential density
11 or building heights on that parcel, or an adjacent parcel, than
12 permitted in subparagraph (A), the greater density or building
13 height shall apply. A development project shall not use an
14 incentive, waiver, or concession to increase the height of the
15 development to greater than the height authorized under this
16 subparagraph.

17 (C) Except as provided in subparagraph (B) a housing
18 development project that is located in a zone that does not allow
19 residential uses shall be eligible for a density bonus or other
20 incentives or concession pursuant to Section 65915.

21 (i) (1) Except as provided in paragraph (2), the proposed
22 development shall provide off-street parking of up to one space
23 per unit, unless a local ordinance provides for a lower standard of
24 parking, in which case the ordinance shall apply.

25 (2) A local government shall not impose a parking requirement
26 if either of the following is true:

27 (A) The parcel is located within one-half mile walking distance
28 of public transit, either a high-quality transit corridor as defined
29 in subdivision (b) of Section 21155 of the Public Resources Code
30 or a major transit stop as defined in Section 21064.3 of the Public
31 Resources Code.

32 (B) There is a car share vehicle located within one block of the
33 parcel.

34 (j) (1) If the local government determines that the proposed
35 development is in conflict with any of the objective planning
36 standards specified in this section, it shall provide the development
37 proponent written documentation of which standard or standards
38 the development conflicts with, and an explanation for the reason
39 or reasons the development conflicts with that standard or
40 standards, within the following timeframes:

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1 (A) Within 60 days of submittal of the development proposal
2 to the local government if the development contains 150 or fewer
3 housing units.

4 (B) Within 90 days of submittal of the development proposal
5 to the local government if the development contains more than
6 150 housing units.

7 (2) If the local government fails to provide the required
8 documentation pursuant to paragraph (1), the development shall
9 be deemed to satisfy the required objective planning standards.

10 (3) For purposes of this section, a development is consistent
11 with the objective planning standards if there is substantial
12 evidence that would allow a reasonable person to conclude that
13 the development is consistent with the objective planning standards.

14 (4) The determination of whether a proposed project submitted
15 pursuant to this section is or is not in conflict with the objective
16 planning standards is not a “project” as defined in Section 21065
17 of the Public Resources Code.

18 (5) Design review of the development may be conducted by the
19 local government’s planning commission or any equivalent board
20 or commission responsible for review and approval of development
21 projects, or the city council or board of supervisors, as appropriate.
22 That design review shall be objective and be strictly focused on
23 assessing compliance with criteria required for streamlined,
24 ministerial review of projects, as well as any reasonable objective
25 design standards published and adopted by ordinance or resolution
26 by a local jurisdiction before submittal of the development to the
27 local government, and shall be broadly applicable to developments
28 within the jurisdiction. That design review shall be completed as
29 follows and shall not in any way inhibit, chill, or preclude the
30 ministerial approval provided by this section or its effect, as
31 applicable:

32 (A) Within 90 days of submittal of the development proposal
33 to the local government pursuant to this section if the development
34 contains 150 or fewer housing units.

35 (B) Within 180 days of submittal of the development proposal
36 to the local government pursuant to this section if the development
37 contains more than 150 housing units.

38 (6) The local government shall ensure that the project satisfies
39 the requirements specified in subdivision (d) of Section 66300,

1 regardless of whether the development is within or not within an
2 affected city or within or not within an affected county.

3 (7) If the development is consistent with all objective
4 subdivision standards in the local subdivision ordinance, an
5 application for a subdivision pursuant to the Subdivision Map Act
6 (Division 2 (commencing with Section 66410)) shall be exempt
7 from the requirements of the California Environmental Quality
8 Act (Division 13 (commencing with Section 21000) of the Public
9 Resources Code).

10 (8) A local government's approval of a development pursuant
11 to this section shall, notwithstanding any other law, be subject to
12 the expiration timeframes specified in subdivision (f) of Section
13 65913.4.

14 (9) Any proposed modifications to a development project
15 approved pursuant to this section shall be undertaken pursuant to
16 subdivision (g) of Section 65913.4.

17 (10) A local government shall not adopt or impose any
18 requirement, including, but not limited to, increased fees or
19 inclusionary housing requirements, that applies to a project solely
20 or partially on the basis that the project is eligible to receive
21 streamlined, ministerial review pursuant to this section.

22 (11) A local government shall issue a subsequent permit required
23 for a development approved under this section pursuant to
24 paragraph (2) of subdivision (h) of Section 65913.4.

25 (12) A public improvement that is necessary to implement a
26 development that is approved pursuant to this section shall be
27 undertaken pursuant to paragraph (3) of subdivision (h) of Section
28 65913.4.

29 (k) The Legislature finds and declares that ensuring residential
30 development at greater density on land owned by independent
31 institutions of higher education and religious institutions is a matter
32 of statewide concern and is not a municipal affair as that term is
33 used in Section 5 of Article XI of the California Constitution.
34 Therefore, this section applies to all cities, including charter cities.

35 SEC. 2. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 a local agency or school district has the authority to levy service
38 charges, fees, or assessments sufficient to pay for the program or

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- 1 level of service mandated by this act, within the meaning of Section
- 2 17556 of the Government Code.

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