

AMENDED IN SENATE MARCH 28, 2023

AMENDED IN SENATE FEBRUARY 22, 2023

**SENATE BILL**

**No. 4**

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**Introduced by Senator Wiener**

(Principal coauthors: Assembly Members ~~McKinnor~~ *Berman, McKinnor,*  
and Wicks)

**(Coauthors: Senators Becker, Cortese, Eggman, Gonzalez,  
Menjivar, and Skinner)**

(Coauthors: Assembly Members Alvarez, Friedman, Gabriel,  
Quirk-Silva, and Ward)

December 5, 2022

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

LEGISLATIVE COUNSEL'S DIGEST

SB 4, as amended, 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, and 5% of the units may be for staff of the independent institution of higher education or the ~~religions~~ *religious* institution that owns the land, provided that the units affordable to lower income households are offered 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~~, *bonus, incentives, or concessions, or waivers or reductions of development and parking standards*, 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 *state law or* local ordinance provides for a lower standard of parking, in which case the *law or* 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 public transit, either a high-quality transit corridor or a major transit stop, as those terms are defined, or it is 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

provide that the development shall be deemed to satisfy the required objective planning standards 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.

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:

1 65913.16. (a) ~~For~~ *This section shall be known, and may be*  
2 *cited, as the Affordable Housing on Faith and Higher Education*  
3 *Lands Act of 2023.*

4 (b) *For* purposes of this section:

5 (1) “Applicant” means a qualified developer who submits an  
6 application for streamlined approval pursuant to this section.

7 (2) “Development proponent” means a developer that submits  
8 a housing development project application to a local government  
9 under the streamlined, ministerial review process pursuant to this  
10 chapter.

11 (3) “Health care expenditures” include contributions pursuant  
12 to Section 501(c) or (d) or 401(a) of the Internal Revenue Code  
13 and payments toward “medical care” as defined in Section  
14 213(d)(1) of the Internal Revenue Code.

15 (4) “Housing development project” has the same meaning as  
16 defined in Section 65589.5.

17 (5) “Independent institution of higher education” has the same  
18 meaning as defined in Section 66010 of the Education Code.

19 (6) “Industrial use” means utilities, manufacturing, transportation  
20 storage and maintenance facilities, and warehousing facilities.  
21 “Industrial use” does not include power substations or utility  
22 conveyance such as power lines, broadband wires, and pipes.

23 (7) “Local government” means a city, including a charter city,  
24 county, including a charter county, or city and county, including  
25 a charter city and county.

26 (8) “Qualified developer” means any of the following:

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

29 (B) (i) A developer that is a nonprofit corporation, a limited  
30 partnership in which the managing general partner is a nonprofit  
31 corporation, or a limited liability company in which the managing  
32 member is a nonprofit corporation.

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

38 (C) A developer that contracts with a nonprofit corporation that  
39 has received a welfare exemption under Section 214.15 of the  
40 Revenue and Taxation Code for properties intended to be sold to

1 low-income families with financing in the form of zero interest  
2 rate loans.

3 *(D) A developer that the religious institution or independent*  
4 *institution of education, as defined in this section, has contracted*  
5 *with before to construct housing or other improvements to real*  
6 *property.*

7 (9) “Religious institution” means an institution owned,  
8 controlled, and operated and maintained by a bona fide church,  
9 religious denomination, or religious organization composed of  
10 multidenominational members of the same well-recognized  
11 religion, lawfully operating as a nonprofit religious corporation  
12 pursuant to Part 4 (commencing with Section ~~9110~~ 9110), or as  
13 a corporation sole pursuant to Part 6 (commencing with Section  
14 10000), of Division 2 of Title 1 of the Corporations Code.

15 (10) “Use by right” means a development project that satisfies  
16 both of the following conditions:

17 (A) The development project does not require a conditional use  
18 permit, planned unit development permit, or other discretionary  
19 local government review.

20 (B) The development project is not a “project” for purposes of  
21 Division 13 (commencing with Section 21000) of the Public  
22 Resources Code.

23 ~~(b)~~

24 (c) Notwithstanding any inconsistent provision of a local  
25 government’s general plan, specific plan, zoning ordinance, or  
26 regulation, upon the request of an applicant, a housing development  
27 project shall be a use by right, if all of the following criteria are  
28 satisfied:

29 (1) The development is located on land owned on or before  
30 January 1, 2024, by an independent institution of higher education  
31 or a religious institution, including ownership through an affiliated  
32 or associated nonprofit public benefit corporation organized  
33 pursuant to the Nonprofit Corporation Law (Part 2 (commencing  
34 with Section 5110) of Division 2 of Title 1 of the Corporations  
35 Code).

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

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

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

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

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

13 ~~(7)~~

14 (6) One hundred percent of the development project's total units,  
15 exclusive of a manager's unit or units, are for lower income  
16 households, as defined by Section 50079.5 of the Health and Safety  
17 Code, except that up to 20 percent of the total units in the  
18 development may be for moderate-income households, as defined  
19 in Section 50053 of the Health and Safety Code, and 5 percent of  
20 the units may be for staff of the independent institution of higher  
21 education or religious institution that owns the land. Units in the  
22 development shall be offered at affordable housing cost, as defined  
23 in Section 50052.5 of the Health and Safety Code, or at affordable  
24 rent, as set in an amount consistent with the rent limits established  
25 by the California Tax Credit Allocation Committee. The rent or  
26 sales price for a moderate-income unit shall be affordable and shall  
27 not exceed 30 percent of income for a moderate-income household  
28 or homebuyer for a unit of similar size and bedroom count in the  
29 same ZIP Code in the city, county, or city and county in which the  
30 housing development is located. The applicant shall provide the  
31 city, county, or city and county with evidence to establish that the  
32 units meet the requirements of this paragraph. All units, exclusive  
33 of any manager unit or units, shall be subject to a recorded deed  
34 restriction as provided in this paragraph for at least the following  
35 periods of time:

36 (A) Fifty-five years for units that are rented. ~~However, the local~~  
37 ~~government may require that the rental units in the housing~~  
38 ~~development project be restricted to lower income and~~  
39 ~~moderate-income households for a longer period of time if that~~  
40 ~~restriction is consistent with all applicable regulatory requirements~~

1 ~~for state assistance, rented unless a local ordinance or the terms~~  
2 ~~of a federal, state, or local grant, tax credit, or other project~~  
3 ~~financing requires, as a condition of the development of residential~~  
4 ~~units, that the development include a certain percentage of units~~  
5 ~~that are affordable to, and occupied by, low-income, lower income,~~  
6 ~~very low income, or extremely low income households for a term~~  
7 ~~that exceeds 55 years for rental housing units.~~

8 (B) ~~Forty-five years for units that are owner-occupied. However,~~  
9 ~~the local government may require that owner-occupied units in~~  
10 ~~the housing development project be restricted to lower income and~~  
11 ~~moderate-income households for a longer period of time if that~~  
12 ~~restriction is consistent with all applicable regulatory requirements~~  
13 ~~for state assistance, owner-occupied or the first purchaser of each~~  
14 ~~unit participates in an equity sharing agreement as described in~~  
15 ~~subparagraph (C) of paragraph (2) of subdivision (c) of section~~  
16 ~~65915.~~

17 (8)

18 (7) The development project complies with all objective  
19 development standards of the city or county that are not in conflict  
20 with this section.

21 (9)

22 (8) If the housing development project requires the demolition  
23 of existing residential dwelling units, *or is located on a site where*  
24 *residential dwelling units have been demolished within the last*  
25 *five years*, the applicant shall comply with subdivision (d) of  
26 Section ~~66300, as that section read as of January 1, 2024.~~ 66300.

27 (10)

28 (9) The applicant certifies to the local government that either  
29 of the following is true for the housing development project, as  
30 applicable:

31 (A) The entirety of the development project is a public work  
32 for purposes of Chapter 1 (commencing with Section 1720) of Part  
33 7 of Division 2 of the Labor Code.

34 (B) A development that contains more than 10 units and is not  
35 in its entirety a public work for purposes of Chapter 1 (commencing  
36 with Section 1720) of Part 7 of Division 2 of the Labor Code and  
37 approved by a local government pursuant to Article 2 (commencing  
38 with Section 65912.110) of, or Article 3 (commencing with Section  
39 65912.120) of, Chapter 4.1 shall be subject to all of the following:

(i) All construction workers employed in the execution of the development 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 provided by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

(ii) The development proponent shall ensure that the prevailing wage requirement is included in all contracts for the performance of the work for those portions of the development that are not a public work.

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

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

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

*(10) (A) The development proponent completes a phase I environmental assessment, as defined in Section 25319.1 of the Health and Safety Code.*

*(B) If a recognized environmental condition is found, the development proponent shall undertake a preliminary endangerment assessment, as defined in Section 25319.5 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*

1 *occupants to significant health hazards from any nearby property*  
2 *or activity.*

3 *(i) If a release of hazardous substance is found to exist on the*  
4 *site, the release shall be removed, or any significant effect of the*  
5 *release shall be mitigated to a level of insignificance in compliance*  
6 *with state and federal requirements.*

7 *(ii) If a potential for exposure to significant hazards from*  
8 *surrounding properties or activities is found to exist, the effects*  
9 *of the potential exposure shall be mitigated to a level of*  
10 *insignificance in compliance with current state and federal*  
11 *requirements.*

12 ~~(e)~~

13 *(d) (1) The obligation of the contractors and subcontractors to*  
14 *pay prevailing wages pursuant to this section may be enforced by*  
15 *any of the following:*

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

20 *(B) An underpaid worker through an administrative complaint*  
21 *or civil action.*

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

24 *(2) If a civil wage and penalty assessment is issued pursuant to*  
25 *this section, the contractor, subcontractor, and surety on a bond or*  
26 *bonds issued to secure the payment of wages covered by the*  
27 *assessment shall be liable for liquidated damages pursuant to*  
28 *Section 1742.1 of the Labor Code.*

29 *(3) This subdivision does not apply if all contractors and*  
30 *subcontractors performing work on the development are subject*  
31 *to a project labor agreement that requires the payment of prevailing*  
32 *wages to all construction workers employed in the execution of*  
33 *the development and provides for enforcement of that obligation*  
34 *through an arbitration procedure. For purposes of this subdivision,*  
35 *“project labor agreement” has the same meaning as set forth in*  
36 *paragraph (1) of subdivision (b) of Section 2500 of the Public*  
37 *Contract Code.*

38 ~~(d)~~

39 *(e) Notwithstanding subdivision (c) of Section 1773.1 of the*  
40 *Labor Code, the requirement that employer payments not reduce*

1 the obligation to pay the hourly straight time or overtime wages  
2 found to be prevailing does not apply to those portions of a  
3 development that are not a public work if otherwise provided in a  
4 bona fide collective bargaining agreement covering the worker.

5 ~~(e)~~

6 (f) The requirement of this section to pay at least the general  
7 prevailing rate of per diem wages does not preclude use of an  
8 alternative workweek schedule adopted pursuant to Section 511  
9 or 514 of the Labor Code.

10 ~~(f)~~

11 (g) In addition to the requirements of Section 65912.130, a  
12 development of 50 or more housing units approved by a local  
13 government pursuant to Article 2 (commencing with Section  
14 65912.110) of, or Article 3 (commencing with Section 65912.120)  
15 of, Chapter 4.1 shall meet all of the following labor standards:

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

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

33 (3) Each contractor with construction craft employees shall  
34 make health care expenditures for each employee in an amount  
35 per hour worked on the development equivalent to at least the  
36 hourly pro rata cost of a Covered California Platinum-level plan  
37 for two adults 40 years of age and two dependents 0 to 14 years  
38 of age for the Covered California rating area in which the  
39 development is located. A contractor without construction craft  
40 employees shall show a contractual obligation that its

1 subcontractors comply with this paragraph. Qualifying expenditures  
2 shall be credited toward compliance with prevailing wage payment  
3 requirements set forth in Section 65912.130.

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

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

20 (C) Penalties may be assessed by the Labor Commissioner  
21 within 18 months of completion of the development using the  
22 procedures for issuance of civil wage and penalty assessments  
23 specified in Section 1741 of the Labor Code, and may be reviewed  
24 pursuant to Section 1742 of the Labor Code. Penalties shall be  
25 deposited in the State Public Works Enforcement Fund established  
26 pursuant to Section 1771.3 of the Labor Code.

27 (5) Each construction contractor shall maintain and verify  
28 payroll records pursuant to Section 1776 of the Labor Code. Each  
29 construction contractor shall submit payroll records directly to the  
30 Labor Commissioner at least monthly in a format prescribed by  
31 the Labor Commissioner in accordance with subparagraph (A) of  
32 paragraph (3) of subdivision (a) of Section 1771.4 of the Labor  
33 Code. The records shall include a statement of fringe benefits.  
34 Upon request by a joint labor-management cooperation committee  
35 established pursuant to the federal Labor Management Cooperation  
36 Act of 1978 (29 U.S.C. Sec. 175a), the records shall be provided  
37 pursuant to subdivision (e) of Section 1776 of the Labor Code.

38 (6) All construction contractors shall report any change in  
39 apprenticeship program participation or health care expenditures  
40 to the local government within 10 business days, and shall reflect

1 those changes on the monthly report. The reports shall be  
2 considered public records pursuant to the California Public Records  
3 Act (Division 10 (commencing with Section 7920.000 of Title 1))  
4 and shall be open to public inspection.

5 (7) A joint labor-management cooperation committee established  
6 pursuant to the federal Labor Management Cooperation Act of  
7 1978 (29 U.S.C. Sec. 175a) shall have standing to sue a  
8 construction contractor for failure to make health care expenditures  
9 pursuant to paragraph (3) in accordance with Section 218.7 or  
10 218.8 of the Labor Code.

11 ~~(g)~~  
12 (h) Notwithstanding any other provision of this section, a  
13 development project that is eligible for approval as a use by right  
14 pursuant to this section may include the following ancillary uses,  
15 provided that those uses are limited to the ground floor of the  
16 development:

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

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

24 ~~(h)~~  
25 (i) Notwithstanding any other provision of this section, a  
26 development project that is eligible for approval as a use by right  
27 pursuant to this section ~~may include~~ *includes* any religious  
28 institutional use, or any use that was previously existing and legally  
29 permitted by the city or county on the site, if all of the following  
30 criteria are met:

31 (1) The total square footage of nonresidential space on the site  
32 does not exceed the amount previously existing or permitted in a  
33 conditional use permit.

34 (2) The total parking requirement for nonresidential space on  
35 the site does not exceed the lesser of the amount existing or of the  
36 amount required by a conditional use permit.

37 (3) The new uses abide by the same operational conditions as  
38 contained in the ~~previous~~ *previous* conditional use permit.

39 (i)

1 (j) A housing development project that qualifies as a use by  
2 right pursuant to subdivision (b) shall be allowed the following  
3 density, as applicable:

4 (1) (A) If the development project is located in a zone that  
5 allows residential uses, the development project shall be allowed  
6 a density of the applicable density deemed appropriate to  
7 accommodate housing for lower income households identified in  
8 subparagraph (B) of paragraph (3) of subdivision (c) of Section  
9 ~~65583.2~~ 65583.2 and a height of one story above the maximum  
10 height otherwise applicable to the parcel.

11 (B) If the local government allows for greater residential density  
12 on that parcel, or greater residential density or building heights on  
13 an adjacent parcel, than permitted in subparagraph (A), the greater  
14 density or building height shall apply.

15 (C) A housing development project that is located in a zone that  
16 allows residential uses shall be eligible for a density ~~bonus or other~~  
17 ~~incentives or concession~~ bonus, incentives, or concessions, or  
18 waivers or reductions of development standards and parking ratios,  
19 pursuant to Section 65915.

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

24 (B) If the local government allows for greater residential density  
25 or building heights on that parcel, or an adjacent parcel, than  
26 permitted in subparagraph (A), the greater density or building  
27 height shall apply. A development project shall not use an  
28 incentive, waiver, or concession to increase the height of the  
29 development to greater than the height authorized under this  
30 subparagraph.

31 (C) Except as provided in subparagraph ~~(B)~~ (B), a housing  
32 development project that is located in a zone that does not allow  
33 residential uses shall be eligible for a density ~~bonus or other~~  
34 ~~incentives or concession~~ bonus, incentives, or concessions, or  
35 waivers or reductions of development standards and parking ratios,  
36 pursuant to Section 65915.

37 (j)

38 (k) (1) Except as provided in paragraph (2), the proposed  
39 development shall provide off-street parking of up to one space

1 per unit, unless a *state law or* local ordinance provides for a lower  
2 standard of parking, in which case the *law or* ordinance shall apply.

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

5 (A) The parcel is located within one-half mile walking distance  
6 of public transit, either a high-quality transit corridor or a major  
7 transit stop as defined in subdivision (b) of Section 21155 of the  
8 Public Resources Code.

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

11 ~~(k)~~

12 (l) (1) If the local government determines that the proposed  
13 development is in conflict with any of the objective planning  
14 standards specified in this section, it shall provide the development  
15 proponent written documentation of which standard or standards  
16 the development conflicts with, and an explanation for the reason  
17 or reasons the development conflicts with that standard or  
18 standards, within the following timeframes:

19 (A) Within 60 days of submittal of the development proposal  
20 to the local government if the development contains 150 or fewer  
21 housing units.

22 (B) Within 90 days of submittal of the development proposal  
23 to the local government if the development contains more than  
24 150 housing units.

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

28 (3) For purposes of this section, a development is consistent  
29 with the objective planning standards if there is substantial  
30 evidence that would allow a reasonable person to conclude that  
31 the development is consistent with the objective planning standards.

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

36 (5) Design review of the development may be conducted by the  
37 local government’s planning commission or any equivalent board  
38 or commission responsible for review and approval of development  
39 projects, or the city council or board of supervisors, as appropriate.  
40 That design review shall be objective and be strictly focused on

1 assessing compliance with criteria required for streamlined,  
2 ministerial review of projects, as well as any reasonable objective  
3 design standards published and adopted by ordinance or resolution  
4 by a local jurisdiction before submittal of the development to the  
5 local government, and shall be broadly applicable to developments  
6 within the jurisdiction. That design review shall be completed as  
7 follows and shall not in any way inhibit, chill, or preclude the  
8 ministerial approval provided by this section or its effect, as  
9 applicable:

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

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

16 (6) The local government shall ensure that the project satisfies  
17 the requirements specified in subdivision (d) of Section 66300,  
18 regardless of whether the development is within or not within an  
19 affected city or within or not within an affected county.

20 (7) If the development is consistent with all objective  
21 subdivision standards in the local subdivision ordinance, an  
22 application for a subdivision pursuant to the Subdivision Map Act  
23 (Division 2 (commencing with Section 66410)) shall be exempt  
24 from the requirements of the California Environmental Quality  
25 Act (Division 13 (commencing with Section 21000) of the Public  
26 Resources Code).

27 (8) A local government's approval of a development pursuant  
28 to this section shall, notwithstanding any other law, be subject to  
29 the expiration timeframes specified in subdivision (f) of Section  
30 65913.4.

31 (9) Any proposed modifications to a development project  
32 approved pursuant to this section shall be undertaken pursuant to  
33 subdivision (g) of Section 65913.4.

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

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

4 (12) A public improvement that is necessary to implement a  
5 development that is approved pursuant to this section shall be  
6 undertaken pursuant to paragraph (3) of subdivision (h) of Section  
7 65913.4.

8 ~~(f)~~

9 (m) The Legislature finds and declares that ensuring residential  
10 development at greater density on land owned by independent  
11 institutions of higher education and religious institutions is a matter  
12 of statewide concern and is not a municipal affair as that term is  
13 used in Section 5 of Article XI of the California Constitution.  
14 Therefore, this section applies to all cities, including charter cities.

15 ~~(m)~~

16 (n) The provisions of paragraph (3) of subdivision ~~(f)~~ (g)  
17 concerning health care expenditures are distinct and severable  
18 from the remaining provisions of this section. However, all other  
19 provisions of subdivision ~~(f)~~ (g) are material and integral parts of  
20 this section and are not severable. If any provision of subdivision  
21 ~~(f)~~, (g), exclusive of those included in paragraph (3), is held invalid,  
22 the entire section shall be invalid and shall not be given effect.

23 SEC. 2. No reimbursement is required by this act pursuant to  
24 Section 6 of Article XIII B of the California Constitution because  
25 a local agency or school district has the authority to levy service  
26 charges, fees, or assessments sufficient to pay for the program or  
27 level of service mandated by this act, within the meaning of Section  
28 17556 of the Government Code.

May 3, 2023

The Honorable Scott Wiener  
1021 O Street, Suite 8620  
Sacramento, CA  
95814-4900

RE: **SB 4 – Planning and Zoning: Housing Development: Higher Education Institutions and Religious Institutions**

**Notice of Opposition**

Dear Senator Wiener:

The City of Huntington Beach writes to express our opposition to SB 4 which would limit local control over planning, zoning, and approving new housing.

SB 4 would require that a housing development project be a use by right upon the request of an applicant who submits an application for streamline approval on any land owned by an independent institution of higher education or religious institution.

We believe that local governments should have the authorization to enact policies that shape development tailored to its community. SB 4 overrides these local preferences by directing local officials to ministerially approve housing on properties that are zoned for other uses. By-right legislation limits cities' discretionary review processes for local development projects, inherently restricting local representatives' ability to directly respond to the needs and interests of their constituents.

For these reasons, the City of Huntington Beach respectfully opposes SB 4.

Sincerely,

Tony Strickland  
Mayor  
City of Huntington Beach

Cc: Senator Janet Nguyen  
Senator Dave Min  
Assembly Member Diane Dixon  
ACC-OC Board of Directors (via email)  
Bismarck Obando, Director of Public Affairs (*bismarck@calcities.org*)  
League of California Cities (*cityletters@calcities.org*)