

SENATE BILL 4 - Affordable Housing on Faith & Higher Education Land

Development Service Department • 777 B Street Hayward, CA 94541

Eligibility Worksheet – Below are site and development criteria for projects proposed pursuant to Senate Bill 4 (2023) as amended by Assembly Bill 130 (2025), Affordable Housing on Faith & Higher Education Land (Gov Code Section 65913.16). Each Section of this Checklist is intended to determine eligibility for the site, developer and proposed development to meet the site, developer and development criteria set forth in Gov Code. Indicate whether the proposed project meets these standards by filling in the blanks and circling "YES", "NO" or "N/A" for each section. In order to be eligible for approval of the application, the proposed project must meet all applicable eligibility requirements and objective development standards below and set forth in Gov Code.

Se	ction 1. Site and Developer Qualifying Criteria		Compliance (Circle One)	
l.	Religious or Higher Education Institution. The project is located on a site that was owned, as of January 1, 2024, by either of the following: (1) an independent institution of higher education (defined in Section 66010 of the Education Code); or (2) a religious institution (defined in Gov Code Section 65913.16). The project may be located on the same site as an existing religious or higher education institution, or the same site as any use previously existing and legally permitted, provided all of the following are met: the total square footage of non-residential space on the site does not exceed the amount previously existing or permitted with a conditional use permit; and the total parking requirement for non-residential space on the site does not exceed the lesser of the amount existing or of the amount required by a conditional use permit; and the new uses abide by the same operational conditions as contained in the previous conditional use permit. [Gov Code Section 65913.16(c)(1) and (b)(6) and (b)(10) and (i)].	Yes	No	
2.	Qualified Developer . The project will be developed by a "qualified developer" consisting of any of the following: (1) a local public entity; (2) a non-profit corporation, a limited partnership where a managing general partner is a non-profit corporation, or a limited liability company where a managing general partner is a non-profit corporation; (3) a developer that at the time of submission of an application for development owns property or manages housing units on property exempt from taxation pursuant to the welfare exemption; (4) a developer that contracts with a non-profit corporation that has received a welfare exemption; or (5) a developer that the religious or higher education institution has contracted with before to construct housing or other improvements to real property. [Gov Code Section 65913.16(b)(9)].	Yes	No	
3.	Site Location.	Yes	No	
	 a. The site is an "urbanized area" or "urban cluster." [Gov Code Section 65913.16(c)(2)]. b. Urban Perimeter. A minimum 75% of the site perimeter is developed with urban uses. [Gov Code Section 65913.16(c)(2)]. 			
4.	 Surrounding Uses. a. Light Industrial Use. The development does not adjoin a site where more than 1/3 of the square footage on the site has a light industrial use; where light industry is the most recently permitted use; or the General Plan designates the property for light industrial use. Note: Parcels separated by only a street or highway are considered to be adjoined. [Gov Code Section 65913.16(c)(5)(A) and (B)]. 	Yes	No	
	b. Heavy Industrial Use. The housing units are not located within 1,200 feet of a site that is either currently used for heavy industry or where the most recent permitted use was heavy industry. [Gov Code Section 65913.16(c)(A) and (B)].	Yes	No	
	c. Title V Industrial Use. The housing units are not located within 1,600 feet of a site that is currently a Title V industrial use, or where the most recent permitted use was a Title V industrial use. [Gov Code Section 65913.16(b)(11) & (c)(7)(A) and (B)].		No	
	d. Oil and Gas Facility. For a site where multi-family housing is not an existing permitted use, the housing units are not within 3,200 feet of a facility that actively extracts or refines oil or natural gas. [Gov Code Section 65913.16(c)(8)].	Yes	No	
5.	Public Work Project.	Yes	No	
	 a. The housing development project is entirely a public work project. b. If the answer to "a" is no, the development contains more than 10 units and is not in its entirety a public work and will comply with the requirements of Gov Code Section 65913.16(c)(12)(B). 	Yes	No	
6.	Minimum Labor Standards. Developments of 50 or more housing units approved by a local government pursuant to Article 2 (commencing with Section 65912.110) of, or Article 3 (commencing with Section 65912.120) of, Chapter 4.1 shall meet all of the labor standards outlined in Gov Code Section 65913.16(g).	Yes	No	

7.	the d	Cultural Resources . For a vacant site, the site does not contain tribal cultural resources that could be affected by evelopment project that were found pursuant to a consultation, and the effects of which cannot be mitigated. Code Section 65913.16(c)(15)].	Yes No	o N/A
•	Envir define subdi found	commental Site Assessment . The development proponent completes a Phase I environmental assessment, as ed in Section 78090 of the Health and Safety Code, and a Phase II environmental assessment, as defined in ivision (o) of Section 25403 of the Health and Safety Code, if warranted. If a recognized environmental condition is d, the proponent undertakes an endangerment assessment, and any hazardous release or exposure is mitigated to el of insignificance. [Gov Code Section 65913.16(c)(13)].	Yes	No
	Demo	olition of Housing . The development of a housing development project on the lot proposed to be livided does not require the demolition or alteration of any of the following types of housing [Gov Code on 65913.16(c)(4)]:		
	a.	Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low-, very low-, or extremely low-income.	Yes	No
		Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power.	Yes	No
	C.	Housing that has been occupied by tenants within the past 10 years.	Yes	No
		The site was previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submits an application under this section.	Yes	No
0.	the s "Yes" docu	ibited Site Locations. The project site shall not contain or be located in any of the following areas. Is site located in any of the following areas or/and does it include any of the following? By circling or "No", the applicant is confirming that they have verified this information and will provide imentation (maps, links, studies or other information) with this application. [Gov Code Section 3.16(c)(3)].		
	a.	Prime Farmland or Farmland of Statewide Importance. The lot is on either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction. [Gov Code Section 66499.41(a)(9)(A)]. (See https://maps.conservation.ca.gov/agriculture)	Yes	No
	b.	Wetlands. The site is in Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993). Gov Code Section 66499.41(a)(9)(B) (See https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper)(See https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper)	Yes	No
	c.	Lands under a conservation easement. [Gov Code Section 66499.41(a)(9)(J)]	Yes	No
	d.	Natural Community Conservation Plan. The lot is on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan. [Gov Code Section 66499.41(a)(9)(H)]	Yes	No
	e.	Habitat for protected species. The lot is located on a site that is habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code). [Gov Code Section 66499.41(a)(9)(l)] (See https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbf	Yes	No
	f.	The development would require the demolition of a historic structure that was placed on a national, state, or local historic register.	Yes	No
	g.	The property contains housing units that are occupied by tenants, and units at the property are, or were, subsequently offered for sale to the general public by the subdivider or subsequent owner of the property [Gov Code Sections 65913.16(c)(4) and GC 65913.4(a)(7)(D))].	Yes	No

11. Restricted Site Locations. The project site shall not contain or be located in any of the following areas unless certain requirements are mel. If the site contains or is located in any of the following, does it meet the applicable requirements? By circling "Ves" or "No; "the applicant is confirming they have verified this information and will provide documentation (maps, hins, studies) with the application. Circle "Vy/A" if the project site does not contain or is located in any of the following, IGov Code Section G5913.16(GIV). a. Hazardous Waste Site: The lot is within a hazardous waste site that is listed pursuant to Section G5925.25 of the Gov Code or a hazardous waste site designated by the Department of Tools (G5925.25 of the Gov Code or a hazardous waste site designated by the Department of Tools (G5925.25 of the Gov Code or a hazardous waste site designated by the Department of Tools (G5925.25 of the Gov Code or a hazardous waste site that is listed pursuant to Section 1816.15 of the state of the part of the state of					
65962.5 of the Gov Code or a hazardous waste site designated by the Department of Toxic Substances Control Department of Public Health, State Water Resources So of the Health and Safety Code, and the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has not determined the site is suitable for residential user or residential mixed uses. [Gov Code Section 66499.41(a)(9)(D)] (See https://geotracker.waterboards.ca.gov/ or https://www.em/orisord.cis.ca.gov/public/.) b. High or very high severity zone. The site is within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within the state responsibility area, as defined in Section 4102 of the Public Resources Code. This subparagraph does not apply to sites that have adopted fire Parazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions detailed in Gov Code Section 65913.16(c)(3). c. Earthquake Fault Zone: The lot is within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, and the development does not comply with applicable seismic protection building code standards adopted by the California Building Section 159011 of Division 13 of the Health and Safety Code), and by the building department under Chapter 122 (commencing with Section 8875) of Division 1 of Title 2 of the Gov Code. [Gov Code Section 66499.41(a)(9)(E)] Hayward 2040 General Plan Background Report). d. Flood Hazard Zone: The lot is within a special flood hazard area subject to inundation by the one percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency, experiment of the Code of Federal Regulations. [Gov Code Section 66499.41(a)(9)(G)] of Title 4 of the Co	11.	unle mee verif "N/A	ss certain requirements are met. If the site contains or is located in any of the following, does it the applicable requirements? By circling" Yes" or "No," the applicant is confirming they have ied this information and will provide documentation (maps, links, studies) with the application. Circle "if the project site does not contain or is located in any of the following. [Gov Code Section		
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		b.			

C. Notwithstanding a and b above, if a city allows greater residential density or building heights on that parcel or an adjoining parcel than the defaults noted above, the greater density or building height shall apply, including a height of one story or 11 feet above the maximum height otherwise applicable to the parcel.	
17. Building Height. A height of no more than one story or 11 feet above the maximum height otherwise applicable to the site is provided. [Gov Code Section 65913.16(j)(1)(A) and (j)(2)(A).] Note: SB 4 projects in non-residential zones are eligible for a Density Bonus but may not use it to increase the height of a project, Gov. Code section 65913.16(j)(2)(B).	Yes No N/A
18. Parking. No parking is required if the development parcel is located within ½-mile walking distance of public transit, either a high-quality transit corridor or a major transit stop, OR if there is a car share vehicle located within one block of the parcel. Otherwise, the development provides at least 1 parking space per unit. [Gov Code Section 65913.16(k)].	Yes No
19. Air Quality . If the development is within 500 feet of a freeway, all regularly occupied areas of any buildings incorporate air filtration media for outside and return air that provides a minimum efficiency reporting value (MERV) of 13. [Gov Code Section 65913.16(c)(14)].	Yes No
 20. Ancillary Uses. a. The project is in a single-family residential zone. - If "yes," ancillary uses are limited to childcare centers and facilities operated by a community-based organization for the recreational, social or educational services for use by the residents of the development and members of the local community. Ancillary uses must be located on the ground floor. - If "no," ancillary uses may include the childcare centers and facilities allowed in single-family residential zones, and any commercial uses that are permitted without a conditional use permit, provided they are located on the ground floor of the development. (Note: No other ancillary uses beyond those listed are permitted). [Gov Code Section 65913.16(h)]. 	Yes No N/A