



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.

Section 1. Site and Developer Qualifying Criteria	Compliance (Circle One)
1. 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. 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)].	Yes No
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)]. 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)]. 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)]. 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 Yes No Yes No Yes No
5. Public Work Project. 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 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

<p>11. Restricted Site Locations: The project site shall not contain or be located in any of the following areas unless certain requirements are met. If the site contains or is located in any of the following, does it meet the applicable requirements? By circling "Yes" or "No," the applicant is confirming they have verified this information and will provide documentation (maps, links, studies) with the application. Circle "N/A" if the project site does not contain or is located in any of the following. [Gov Code Section 65913.16(c)(3)].</p> <p>a. Hazardous Waste Site: The lot is within a hazardous waste site that is listed pursuant to Section 65962.5 of the Gov Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to former Section 25356 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 use or residential mixed uses. [Gov Code Section 66499.41(a)(9)(D)] (See https://geotracker.waterboards.ca.gov/ or https://www.envirostor.dtsc.ca.gov/public/)</p> <p>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 hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development, including, but not limited to, standards established under all of the following or their successor provisions detailed in Gov Code Section 65913.16(c)(3).</p> <p>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 Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the building department under Chapter 12.2 (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.)</p> <p>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 (FEMA) in any official maps published by FEMA, and either the site has not been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction or the site does not meet FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations. [Gov Code Section 66499.41(a)(9)(F)] (See https://msc.fema.gov/portal/home.)</p> <p>e. FEMA Regulatory Floodway: The lot is within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, and the development has not received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. [Gov Code Section 66499.41(a)(9)(G)] (See https://msc.fema.gov/portal/home.)</p>	<p>Yes No N/A</p> <p>Yes No N/A</p> <p>Yes No N/A</p> <p>Yes No N/A</p> <p>Yes No N/A</p>
<p>Section 2. Development Qualifying Criteria</p>	<p>Compliance (Circle One)</p>
<p>12. Multi-Family Housing. The project is a multi-family housing development of 2 or more units.</p>	<p>Yes No</p>
<p>13. Affordable Housing Units. The applicant has dedicated 100% of the units as affordable to lower income households, OR has dedicated a minimum 80% of the total units as affordable to lower income, and a maximum of 20% of the total units as affordable to moderate income, households. Managers' units are exempt from affordability requirements. (Note: a maximum of 5% of the total units may be for staff of the higher education or religious institution). [Gov Code Section 65913.16(c)(9)].</p>	<p>Yes No</p>
<p>14. Deed Restricted. All units, exclusive of managers' units, are subject to a recorded deed restriction for at least the following time periods: 55 years for rental units, and 45 years for owner-occupied units. [Gov Code Section 65913.16(c)(9)(A) and (B)].</p>	<p>Yes No</p>
<p>15. Objective Standards. The project meets objective design and development standards, and objective subdivision standards, based on the applicable site General Plan and zoning designations. [Gov Code Section 65913.16(c)(10)].</p>	<p>Yes No</p>
<p>16. Density [Gov Code Section 65913.16(j)].</p> <p>a. Project sites located in a zone that allows residential uses, including single family residential uses, are permitted the greater of the following two density options: (1) the permitted density on an adjoining parcel; or (2) the "Mullin densities" (30 units per acre in Hayward).</p> <p>b. Project sites located in zones that do not allow residential uses are permitted no more than 40 units/acre or the density that is applicable to the site or adjoining parcel, whichever is greater.</p>	<p>Yes No</p>

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