

SB 4 (2024)

Senate Bill (SB) 4, cited as the Affordable Housing on Faith and Higher Education Lands Act of 2023¹, was signed by Governor Newsom on October 11, 2023, and became effective on January 1, 2024.

SB 4 allows any land owned by an independent institution of higher education or religious institution to be principally permitted if certain criteria are met.

SB 4 remains in effect until January 1, 2036.

Pursuant to SB 4, housing development projects meeting the specified criteria of this Government Code Section 65913.16 are CEQA-exempt and shall be reviewed and approved ministerially in accordance with Chapter 19.43 of the West Hollywood Municipal Code (WHMC).² The following pages include a checklist of key details.

- For a site where multifamily is not an existing permitted use, the development is not located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.⁷
- Project site is not on vacant sites with tribal resources⁸ that could be affected by the development, and the effects of which cannot be mitigated pursuant to Public Resources Code Section 21080.3.2.
- Applicant has completed a Phase I environmental assessment (and Phase 2 if warranted) and mitigated any health hazards to a level of insignificance.

Yes	No	N/A

ADDITIONAL CRITERIA FOR PROJECTS⁹

- The proposed development would not require the demolition of any of the following:
 - Housing subject to a recorded covenant pursuant to Section 19.22.030 (Affordable Units Required) of the West Hollywood Municipal Code (WHMC) that restricts rents to levels affordable to moderate, low, or very low-income households.
 - Housing subject to Title 17 (Rent Stabilization) of the WHMC.
 - Housing occupied by tenants at any time in the last 10 years prior to the project application, excluding manager’s units.
 - A historic structure placed on a national, state, or local historic register.
- The applicant certifies:
 - That a prior residential use occupied by tenants was not demolished within 10 years before the development project application; **and**
 - That the property does not contain 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.

Yes	No	N/A

LABOR REQUIREMENTS

The applicant certifies on of the following

- The entirety of the development project is a public work pursuant to Government Code Section 65913.16(c)(12)(A)
- The development contains more than 10 units, is not in its entirety a public work, and satisfies the requirements of Government Code Section 65913.16(c)(12)(B) et. seq.

Yes	No	N/A

If the project certifies the latter (contains more than 10 units and is not in its entirety a Public Work for purposes of Chapter 1 (Commencing with Section 1720) of Part 7 of Division 2 of the Labor Code), then the following applies¹⁰:

- All construction workers are paid at least the general prevailing rate of per diem wages for the type of work and geographic area pursuant to Sections 1773 and 1773.9 of the Labor Code, except for registered apprenticeships.¹¹
- The prevailing wage requirement is included in all contracts that are not a Public Work.
- Payroll records are maintained and verified pursuant to Section 1776 of the Labor Code and are made available for inspection and copying. This does not apply to contractors or subcontractors who are subject to a project labor agreement.

Yes	No	N/A

For projects with more than 50 units only:

- The applicant agrees to employ construction craft employees or let subcontracts for at least 1,000 hours to participate in an apprenticeship program¹² and make specified health care contributions.¹³
- The applicant agrees to provide the City with monthly compliance reports during construction, subject to a civil penalty of \$10,000 per month for failure to provide a report.

Yes	No	N/A

AFFORDABLE HOUSING INCLUSIONARY REQUIREMENTS

- One hundred percent (100%) of the project’s total units, exclusive of a manager’s unit or units, are for lower-income households,¹⁴ **except** that up to:
 - Twenty percent (20%) of the total units may be for moderate-income households¹⁵, and
 - Five percent (5%) may be for staff of the independent institution of higher education or religious institution that owns the land.

Yes	No	N/A

REQUIREMENTS FOR A PROJECT THAT INCLUDES ANCILLARY USES

- Ancillary use(s) are strictly located on the ground floor of the development and comply with the following scenarios:
 - For a single-family residential zone (RIA, RIC), the use is a childcare center or facility operated by a community-based organization for recreational, social, or educational use for the residents and community.
 - For all other zones, the use may be a commercial use permitted by the WHMC without a conditional use permit (CUP).

Yes	No	N/A

REQUIREMENTS FOR A PROJECT THAT INCLUDES A RELIGIOUS USE OR PREVIOUSLY EXISTING USE

- If the project site contains a religious institutional use or any use that was previously existing and legally permitted on the site, then the following applies:
 - The total parking for nonresidential space does not exceed the lesser amount existing or required by CUP.
 - The total square footage of nonresidential space does not exceed the previous existing amount or permitted in a CUP.
 - The new uses abide by the same operational conditions as in the previous CUP.

Yes	No	N/A

DEVELOPMENT STANDARDS

Density¹⁶

For sites in a zone that allows for residential uses, the project density is limited to the greater of the following:

- The existing residential density permitted;
- The existing residential density permitted on an adjoining parcel; or
- 30 units per acre.¹⁷

Yes	No	N/A

For sites in a zone that does not allow residential uses, the project density is limited to the greater of the following:

- The existing residential density permitted on an adjoining parcel; or
- 40 units per acre.

Yes	No	N/A

Height¹⁸

For all projects, project height is limited to the greater of the following:

- One story above the maximum height currently permitted by the applicable zone of the subject site; or
- The building height permitted on an adjoining parcel.

Yes	No	N/A

Parking

- No parking shall be required.

Yes	No	N/A

Objective Standards

- Project complies with all objective development standards of the city.

Yes	No	N/A

Note: Development shall be permitted at least at the maximum density allowed by the zoning district in which its located, regardless of any maximum average unit size ceilings that may result in fewer units of housing being permitted.

REVIEW TIMELINES AND APPROVAL PROCESS

Projects submitted pursuant to SB 4 must be ministerially processed as a Ministerial Permit pursuant to WHMC Section 19.43 and according to the following timelines:

- Any inconsistencies with qualifying criteria must be identified and presented to applicant within the following timelines, otherwise development is deemed to be in compliance:
 - Projects with 150 units or less; 60 days of application submission.
 - Projects with 150 units or more; 90 days of application submission.
- Design review shall be limited to objective standards within the following timelines:
 - Projects with 150 units or less; within the 90 days of application submission.
 - Projects with 150 units or more; within the 180 days of application submission.

DISCLAIMER: This document is intended solely as a technical overview of the provisions of Senate Bill (SB) 4 and how it applies in the City of West Hollywood. It is not intended to serve as legal advice regarding any proposed development project nor a full listing of all provisions in the bill. Applicants should consult with city staff and their counsel when determining the applicability of these provisions to any proposed development project in West Hollywood.

¹ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB4

² This bill would repeal its provisions as of January 1, 2036.

³ Pursuant to the Nonprofit Corporation Law (Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code).

⁴ Industrial uses as defined by Government Code Section 65913.16(b).

⁵ Use that is a Title V source, as defined by [Section 39053.5 of the Health and Safety Code](#).

⁶ Earthquake Zones of Required Investigation (<https://maps.conservation.ca.gov/cgs/EQZApp/app/>).

⁷ [California Department of Conservation Well Finder Map](#).

⁸ Defined by Section 21074 of the Public Resources Code.

⁹ A proposed project is ineligible for SB 4 if it will require demolition of any residential units or structures listed in the first part of this section. It is also ineligible for SB 4 if the applicant cannot certify that both of the statements in the second part of this box are true. (Gov. Code, § 65913.16(c)(4), citing Gov. Code, § 65913.4(a)(7).) For all other scenarios where existing residential units will be demolished, or the project is on a site where residential units were demolished within the last five years, the applicant must comply with Government Code Section 66300.6 (formerly Government Code Section 66300(d). (Government Code § 65913.16(c)(11)).

¹⁰ In compliance with the requirements of [Government Code Section 65913.16\(c\)\(12\)](#).

¹¹ Apprentices registered in program provided by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate.

¹² Approved by the State of California Division of Apprenticeship Standards pursuant to Section 3075 of the Labor Code, or request the dispatch of apprentices from a state-approved apprenticeship program under the terms and conditions

set forth in Section 1777.5 of the Labor Code. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision.

¹³ Each contractor with construction craft employees shall make health care expenditures for each employee in an amount per hour worked on the development equivalent to at least the hourly pro rata cost of a Covered California Platinum level plan for two 40-year-old adults and two dependents 0 to 14 years of age for the Covered California rating area in which the development is located. A contractor without construction craft employees shall show a contractual obligation that its subcontractors comply with this subdivision. Qualifying expenditures shall be credited toward compliance with prevailing wage payment requirements set forth in Section 65912.130.

¹⁴ As defined by [Section 50079.5 of the Health and Safety Code](#).

¹⁵ As defined by [Section 50053 of the Health and Safety Code](#).

¹⁶ Density bonus, incentives, or concessions, waivers or reductions of development standards and parking ratios pursuant to Government Code Section 65915 may still apply.

¹⁷ Pursuant to Government Code Section 65583.2.

¹⁸ Incentive, waiver or concession to increase height in a zone that does not allow residential uses do **not** apply.