



## Councilmember Ben Bartlett

City of Berkeley, District  
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### CONSENT CALENDAR

April 21, 2020

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett (Author), Mayor Jesse Arreguin (Author),  
 Councilmember Cheryl Davila (Co-Sponsor)  
 Subject: Send a letter to CA Assemblymember Buffy Wicks in support of AB 1851  
 “Faith-based organization affiliated housing development projects: parking requirements.”

### RECOMMENDATION

Send a letter to Assemblymember Buffy Wicks expressing the City of Berkeley’s support for AB 1851, which would allow for the elimination of residential parking requirements on faith-based properties for density bonus qualifying housing development projects.

### CURRENT SITUATION

The City of Berkeley is currently experiencing a housing crisis. The high cost of living in Berkeley makes it impossible for many city residents to find affordable housing, and there is an immediate need to expand the affordable housing supply to prevent further homelessness and housing insecurity.

As the housing affordability crisis continues to grow, the need to increase the amount of affordable housing grows in urgency. Incentives such as the Density Bonus Law have been legislated to expedite the construction of affordable housing and increase the total number of housing units developers are allowed to build, with the stipulation that more affordable housing units are included in the project.

Underused faith-based property lots have been identified as prime development sites to combat the affordable housing crisis. AB 1851 would accelerate the creation of affordable housing by eliminating minimum parking requirements for units built on faith-based properties if the housing development project qualifies as a faith-based organization affiliated housing development project.

### BACKGROUND

California's communities of faith are interested in redeveloping portions of their properties to alleviate the state's housing crisis. This new initiative, originating in San Diego, gained traction when a local tax collector compiled a list of more than 1,100 properties zoned for religious use that could potentially be developed into new homes that would include affordable units.

One key roadblock is the inability for faith-based properties to meet residential parking requirement quotas. Faith-based properties often have religious service parking spaces that are widely available for use to the public but stand empty for much of the year. However, local parking requirements generally bar the application of these empty spaces from meeting residential parking requirements. Not requiring faith-based

institutions to have empty space for parking and lifting the segregation of religious service parking and residential parking could significantly increase the project feasibility and ultimately create more affordable housing in California.

#### REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

Existing law provides for various incentives to facilitate and expedite the construction of affordable housing, including the Density Bonus Law.

#### RATIONALE FOR RECOMMENDATION

The City of Berkeley could benefit from the passage of Assembly Bill 1851 because the city is home to numerous faith-based properties. Many of these religious entities are considering developing affordable housing on their properties but are subject to restrictive parking requirements. These parking rules impact the cost of affordable housing production on faith-based properties.

By supporting Assembly Bill 1851, the Mayor and Berkeley City Councilmembers would allow faith-based organizations to develop housing on/around spaces designated for religious-use parking, bolstering the supply of affordable housing and opening new opportunities for very low, low-, and moderate-income households in Berkeley to continue living in their communities.

#### FISCAL IMPACTS OF RECOMMENDATION

No fiscal impacts.

#### ENVIRONMENTAL SUSTAINABILITY

No impact.

#### CONTACT PERSON

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#### ATTACHMENTS

1. Letter to Assemblymember Buffy Wicks
2. City of Oakland's Resolution to Support AB 1851

Attachment 1:  
March XX, 2020

The Honorable Assemblymember Wicks  
State Capitol Office, Room 5160  
Sacramento, CA 94249

Re: Assembly Bill 1851 (Wicks) – Faith-based organization affiliated housing development projects: parking requirements - SUPPORT

Dear Assemblymember Wicks:

The Honorable Mayor and Members of the Berkeley City Council are pleased to support Assembly Bill 1851 (AB-1851). AB-1851 will eliminate minimum parking requirements for affordable housing units built on underutilized faith-based properties' parking lots, in turn creating more sites for affordable housing.

It is vital that very low, low-, and moderate-income households have access to housing that they can afford. Partnering with faith-based organizations will open new opportunities all over California to provide much needed affordable housing units. For these reasons, we would like to strongly support AB1851.

Respectfully,  
The Honorable Mayor and Members of the Berkeley City Council

Jesse Arreguin  
Mayor, City of Berkeley

Members of the Berkeley City Council



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REBECCA KAPLAN  
Council President  
atlarge@oaklandnet.com

(510) 238-7008  
FAX: (510) 238-6910  
TDD: (510) 839-6451

Date: January 30, 2020  
To: Members of City Council and Members of the Public  
From: Council President Kaplan  
Re: File No. 20-0142

**A RESOLUTION IN SUPPORT OF AB 1851 (WICKS), FAITH-BASED AFFILIATED HOUSING DEVELOPMENT PROJECTS, TO REDUCE OR ELIMINATE ANY PARKING REQUIREMENTS FOR HOUSING DEVELOPMENT PROJECTS BUILT ON RELIGIOUS-USE PARKING LOTS.**

Dear Colleagues on the City Council and Members of the Public,

I am writing to extend and stand in support of AB 1851.

The City of Oakland is suffering from a serious housing crisis as housing costs in the City increase drastically, making housing at all levels of affordability unavailable for many Oakland residents; and expanding the housing supply is necessary to address the immediate need to house Oakland's growing population

In 2019, the EveryOne Counts Homeless Point-in-Time Count & Survey, saw a rise of 47% of individuals experiencing homelessness.

AB 1851 will allow faith-based organizations to build housing development projects on and/or adjacent to parcels designated for religious-use parking; this bill will make it easier for thousands of faith-based organizations that would like to dedicate their resources to helping resolve the housing crisis.

For questions regarding this report, please email Desmond I. Jeffries, Policy Director for the Council President, at [djeffries@oaklandca.gov](mailto:djeffries@oaklandca.gov) or call at 510.238.7082.

Sincerely,

Rebecca Kaplan  
Oakland City Council President

**Assembly Bill 1851**  
**Housing Production on Faith-Based Properties**  
Assemblymember Buffy Wicks (AD-15)

**THIS BILL**

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This bill will eliminate residential parking requirements in order to construct a density bonus qualifying housing development project built on faith-based properties.

**THE ISSUE**

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California's communities of faith are taking interest in redeveloping portions of their property to alleviate the state's housing crisis. This new initiative is called the "Yes in God's Backyard" or YIGBY – a play on the YIMBY, or the "yes in my backyard" movement. Originating in San Diego, this idea became trendy when a local tax collector compiled a list of more than 1,100 properties zoned for religious use that could potentially be developed into new units.

Faith-based communities across the state are expressing interest. Cities like Oakland, Berkeley, Walnut Creek and East Palo Alto are convening meetings with local congregations to discuss turning underused land into housing.

However, plans to build new housing on church sites have often struck roadblocks. One of the most common is the inability to count available church properties toward residential parking requirements due to restrictive local ordinances. With many faith-based parking spaces not used more than a few times per year, church communities could influence the state's housing stock if allowed to share parking between religious and residential units.

**SOLUTION**

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AB 1851 will allow for the elimination of residential parking requirements on faith-based properties for qualifying housing development projects.

**SUPPORT**

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California YIMBY (Co-Sponsor)  
New Way Homes (Co-Sponsor)

**CONTACT**

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Melanie Morelos  
Office of Assemblymember Wicks  
State Capitol Office, Room 5160  
(916)319-2015  
[melanie.morelos@asm.ca.gov](mailto:melanie.morelos@asm.ca.gov)

**ASSEMBLY BILL**

**No. 1851**

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**Introduced by Assembly Member Wicks**

January 6, 2020

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An act to add Section 65913.6 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 1851, as introduced, Wicks. Faith-based organization affiliated housing development projects: parking requirements.

Existing law provides for various incentives intended to facilitate and expedite the construction of affordable housing, including the Density Bonus Law, which requires, when an applicant proposes a housing development within the jurisdiction of a local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill would upon the request of a developer of a housing development project, require a local agency to ministerially approve a request to that local agency to reduce or eliminate any parking requirements that would otherwise be imposed by that local agency on the development if the housing development project qualifies as a faith-based organization affiliated housing development project, as defined. This bill would prohibit a local agency from requiring the replacement of religious-use parking spaces proposed to be eliminated by a faith-based organization affiliated housing development project

pursuant to a request made and ministerially approved pursuant to the bill, or from requiring the curing of any preexisting deficit of religious-use parking as a condition of approval of a faith-based organization affiliated housing development project. The bill would include findings that the 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.

By adding to the duties of local planning officials, 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 65913.6 is added to the Government  
2 Code, to read:

3 65913.6. (a) For purposes of this section, all of the following  
4 definitions shall apply:

5 (1) "Faith-based organization" means a nonprofit corporation  
6 organized and registered for religious purposes.

7 (2) "Faith-based organization affiliated housing development  
8 project" means a housing development project that meets all of  
9 the following criteria:

10 (A) The housing development project is located on one or more  
11 contiguous parcels that are each owned entirely, whether directly  
12 or through a wholly owned company or corporation, by a  
13 faith-based organization.

14 (B) The housing development project qualifies as being near  
15 colocated religious-use parking by being any of the following:

16 (i) Located on one or more parcels that collectively contain  
17 religious-use parking.

18 (ii) Located adjacent to a parcel owned by the faith-based  
19 organization that contains religious-use parking.

1 (iii) Located on one or more parcels separated by no more than  
2 0.1 miles from a parcel owned by the faith-based organization that  
3 contains religious-use parking.

4 (C) The housing development project qualifies for a density  
5 bonus under Section 65915.

6 (3) "Housing development project" means a housing  
7 development project as defined in paragraph (2) of subdivision (h)  
8 of Section 65589.5.

9 (4) "Local agency" means any county, city, or city and county,  
10 including any charter county, city, or city and county.

11 (5) "Religious-use parking" means existing parking spaces that  
12 are required under the local agency's parking requirements for  
13 places of worship.

14 (b) Notwithstanding any other law or ordinance, a local agency,  
15 upon the request of a developer of a housing development project,  
16 shall ministerially approve a request to that local agency to reduce  
17 or eliminate any parking requirements that would otherwise be  
18 imposed by that local agency on the development if the housing  
19 development project qualifies as a faith-based organization  
20 affiliated housing development project.

21 (c) Notwithstanding any other law or ordinance, a local agency  
22 shall not require the replacement of religious-use parking spaces  
23 proposed to be eliminated by a faith-based organization affiliated  
24 housing development project pursuant to a request made and  
25 ministerially approved pursuant to this section.

26 (d) Notwithstanding any other law or ordinance, a local agency  
27 shall not require the curing of any preexisting deficit of  
28 religious-use parking as a condition of approval of a faith-based  
29 organization affiliated housing development project.

30 (e) The Legislature finds and declares that the provision of  
31 adequate housing, in light of the severe shortage of housing at all  
32 income levels in this state, is a matter of statewide concern rather  
33 than a municipal affair as that term is used in Section 5 of Article  
34 XI of the California Constitution, and therefore this section applies  
35 to all cities, including charter cities.

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



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Approved as to Form and Legality

**DRAFT**  
City Attorney's Office

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBER KAPLAN

**A RESOLUTION IN SUPPORT OF AB 1851 (WICKS), FAITH-BASED AFFILIATED HOUSING DEVELOPMENT PROJECTS, TO REDUCE OR ELIMINATE ANY PARKING REQUIREMENTS FOR HOUSING DEVELOPMENT PROJECTS BUILT ON RELIGIOUS-USE PARKING LOTS.**

**WHEREAS**, expanding the housing supply is necessary to address the immediate need to house Oakland's growing population; and

**WHEREAS**, Oakland is suffering from a serious housing crisis as housing costs in the City increase drastically, making housing at all levels of affordability unavailable for many Oakland residents; and

**WHEREAS**, the 2019 EveryOne Counts Homeless Point-in-Time Count & Survey, saw a rise of 47% of individuals experiencing homelessness; and

**WHEREAS**, AB 1851 will allow faith-based organizations to build housing development projects on and/or adjacent to parcels designated for religious-use parking; and

**WHEREAS**, AB 1851 would make it easier for thousands of faith-based organizations that would like to dedicate their resources to helping resolve the housing crisis; and

**WHEREAS**, AB 1851 qualifies housing development projects for a density bonus pursuant to Section 65915; and

**WHEREAS**, AB 1851 shall waive local agency's parking requirements and shall ministerially approve and request local agencies to reduce or eliminate any parking requirements that would otherwise be imposed, if the housing development project qualifies as a faith-based organization affiliated housing development project; and

**WHEREAS**, the City of Oakland finds and declares the provision of adequate housing in-light of a shortage in the supply of housing at all income levels, is a matter of great concern; now, therefore, be it

**RESOLVED:** That the Oakland City Council hereby endorses AB 1851 and urges the California State Legislature and Governor Gavin Newsom to support its enactment into law, and be it

**FURTHER RESOLVED:** That the Oakland City Council requests that the City Administrator transmit a copy of this Resolution to our local state legislative representatives and to the lobbyist for the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES -

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
City Clerk and Clerk of the Council of the  
City of Oakland, California