



**City of Santa Clara**  
The Center of What's Possible

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## SB 684 Small Lot Subdivision and Housing Development Eligibility Checklist and Processing Procedures

SB 684 requires a local agency to ministerially consider, without discretionary review or a hearing, a parcel map or a tentative and final map for a housing development project that meets certain requirements if the proposed subdivision will result in 10 or fewer parcels and the housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units. SB 684 can be used within an incorporated city, the boundaries of which include some portion of an urbanized area.

*Applicants are to complete the following eligibility checklist and submit the checklist with their application.*

Table 1: Parcel/Lot Qualifying Criteria	Must be YES to Qualify Check Yes or No
<p><b>Government Code Section 66499.41 (a)(1)</b> The proposed subdivision will result in 10 or fewer parcels.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(2)</b> The lot proposed to be subdivided meets all the following sets of requirements:</p> <ul style="list-style-type: none"> <li>(A) The parcel is zoned for multi-family residential development.</li> <li>(B) The lot is no larger than five acres and substantially surrounded by qualified urban uses.</li> <li>(C) The lot is a legal parcel.</li> <li>(D) The lot was not established pursuant to Section 66499.41 (small lot subdivision) or an urban lot split pursuant to Government Code Section 66411.7.</li> </ul>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(3)</b> The newly created parcels are no smaller than 600 square feet.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(4)</b> The housing units on the lot proposed to be subdivided are one of the following:</p> <ul style="list-style-type: none"> <li>(A) Constructed on fee simple ownership lots;</li> <li>(B) Part of a common interest development;</li> <li>(C) Part of a housing cooperative, as defined in Civil Code Section 817; or</li> <li>(D) Owned by a community land trust meeting the requirements of Government Code Section 66499.41.</li> </ul>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>

Table 1: Parcel/Lot Qualifying Criteria	Must be YES to Qualify Check Yes or No
<p><b>66499.41 (a)(5)</b>                      The proposed development must meet one of the following:                      (A) If the parcel is identified in the Housing Element for the current planning period, the development must result in at least as many units as projected for the parcel in the Housing Element. If the parcel is identified to accommodate low- or very low-income households, the development must result in at least as many low- or very-low-income units as projected in the Housing Element. These units shall be subject to a recorded affordability restriction of at least 45 years.                      (B) If the parcel is not identified in the Housing Element for the current planning period, the development must result in at least as many units as the maximum allowable residential density for the parcel.</p>	<p><input type="checkbox"/> Yes (Qualifies)  <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(10)</b>                      The proposed subdivision conforms to all applicable objective requirements of the Subdivision Map Act (commencing with Government Code Section 66410), except as otherwise expressly provided in Government Code Section 66499.41.</p>	<p><input type="checkbox"/> Yes (Qualifies)  <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(11)</b>                      The proposed subdivision complies with all applicable standards established in Section Government Code Section 65852.28, in below checklist.</p>	<p><input type="checkbox"/> Yes (Qualifies)  <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(12)</b>                      The parcels created pursuant to Government Code Section 66499.41 are served by a public water system and a municipal sewer system.</p>	<p><input type="checkbox"/> Yes (Qualifies)  <input type="checkbox"/> No (Disqualified)</p>

Table 2: Project and Parcel Qualifying Criteria	Must be NO to Qualify (Check Yes or No)
<p><b>Government Code Section 66499.41 (a)(8)(A)</b>  <b>Rental Restrictions for Lower Incomes.</b> Requires demolition or alteration of 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.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(8)(B)</b>  <b>Subject to Rent Control.</b> Requires demolition or alteration of any of the following types of housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>

Table 2: Project and Parcel Qualifying Criteria	Must be NO to Qualify (Check Yes or No)
<p><b>66499.41 (a)(8)(C)</b>  <b>Occupied by Tenants.</b> Requires demolition or alteration of housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(8)(D)</b>  <b>Owner's Rights.</b> Requires demolition or alteration of a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(9)(A)</b>  <b>Farmland.</b> 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.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(9)(B)</b>  <b>Wetlands.</b> The site is in Wetlands as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(9)(C)</b>  <b>Fire Hazard.</b> The lot is within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(9)(D)</b>  <b>Hazardous Waste.</b> The lot is within a hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, <b>unless</b> the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has determined the site is suitable for residential use or residential mixed uses.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies if requirements are met)</p>

Table 2: Project and Parcel Qualifying Criteria	Must be NO to Qualify (Check Yes or No)
<p><b>66499.41 (a)(9)(E)</b>  <b>Earthquake Zone.</b> The lot is within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, <b>unless</b> the development complies 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 Government Code.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies if requirements are met)</p>
<p><b>66499.41 (a)(9)(F)</b>  <b>Flood Hazard Zone.</b> 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 in any official maps published by the Federal Emergency Management Agency.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(9)(G)</b>  <b>Regulatory Floodway.</b> 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, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies if requirements are met)</p>
<p><b>66499.41 (a)(9)(H)</b>  <b>Natural Community Conservation Plan.</b> 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.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(9)(I)</b>  <b>Habitat for Protected Species.</b> 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).</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>
<p><b>66499.41 (a)(9)(J)</b>  <b>Conservation Easement.</b> The lot is on lands under conservation easement.</p>	<p><input type="checkbox"/> Yes (Disqualified)  <input type="checkbox"/> No (Qualifies)</p>

Table 3: Housing Development Qualifying Criteria	Must be YES to Qualify (Check Yes or No)
<p><b>Government Code Section 665852.28 (a)</b> The proposed housing development is on a lot created in accordance with Chapter 17.05 of the Santa Clara City Code and Government Code Section 66499.41.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(1)</b> The housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a) (6)</b> The average total area of floorspace for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (a)(7)</b> The housing development project on the lot proposed to be subdivided complies with Chapter 17.40 of the Santa Clara City Code.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66499.41 (g)</b> Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) are proposed as part of the housing development project.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>66300.6 (b)</b> <b>Replacement Housing.</b> If any existing dwelling unit is proposed to be demolished, the development project complies with the replacement housing provisions of Government Code Section 66300.6(b).</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>

Table 4: Development and Objective Standards Checklist	Must be YES to Qualify (Check Yes or No)
<p><b>Government Code Sections 65852.28 (b)(1) and 66499.41 (d)</b> <b>Objective Zoning Standards.</b> The proposed housing development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the parcel as provided in the zoning district in which the parcel is located that do not conflict with Government Code Sections 65852.28 and 66499.41.</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p><b>65852.28 (b)(2)(E)</b> <b>Setbacks.</b> (A) No setback between the units is required, except as provided in the California Building Code (Title 24 of the California Code of Regulations).</p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>

<b>Table 4: Development and Objective Standards Checklist</b>	<b>Must be YES to Qualify (Check Yes or No)</b>
(B) Required rear and side yard setbacks from the original lot line shall equal four feet, except that no setback shall be required for an existing legally created structure or a structure constructed in the same location and to the same dimensions as an existing legally created structure.	
<p><b>65852.28 (b)(2)(D), (F)</b>  <b>Parking.</b> One parking space, which may be uncovered or not enclosed, shall be required per unit constructed on a parcel created pursuant to the procedures in this section, except that no parking may be required where the parcel is located within one-half mile walking distance of either a stop located in a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3.</p>	<p><input type="checkbox"/> <b>Yes (Qualifies)</b>  <input type="checkbox"/> <b>No (Disqualified)</b></p>
<p><b>65852.28 (b)(2)(G)</b>  <b>Floor Area Ratio Standards.</b> The following floor area ratios shall apply:</p> <ul style="list-style-type: none"> <li>• For a housing development project consisting of three to seven units, inclusive, the floor area ratio is 1.0.</li> <li>• For a housing development project consisting of eight to ten units, inclusive, the floor area ratio is 1.25.</li> </ul>	<p><input type="checkbox"/> <b>Yes (Qualifies)</b>  <input type="checkbox"/> <b>No (Disqualified)</b></p>