



# SMALL LOT SUBDIVISIONS CHECKLIST – Low Density Residential Property

Development Service Department • 777 B Street Hayward, CA 94541

**Eligibility Worksheet** – Below are eligibility requirements and objective development standards for approval of projects through Senate Bill 1123 (2024). This checklist is applicable to small lot subdivisions on Low Density Residential (RL) zoned properties.

Each Section of this Checklist is intended to determine eligibility for the site and proposed development to meet the criteria set forth in Government Code Sections 65852.28, 65913.4.5 and 66499.41. Please 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.

Section 1. Parcel & Parcel Qualifying Criteria (Lot Criteria)	Compliance (Circle One)
1. The lot proposed to be subdivided meets all of the following sets of requirements: a. The parcel is zoned to allow single family residential development (RL District). b. The lot is no larger than 1.5 acres and substantially surrounded by qualified urban uses which are defined as any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses per Public Resources Code (PRC) Section 21072. c. The lot is <b>vacant</b> pursuant to Government Code Section 66499.41(a)(2)(A)(ii). d. The lot is a legal parcel. e. The lot being subdivided was <u>not</u> previously established pursuant to Section 66499.41(Senate Bill 684, Small Lot Subdivision) or an urban lot split pursuant to Government Code Section 66411.7 (Senate Bill 9, Urban Lot Split).	<b>Yes</b> No  <b>Yes</b> No  <b>Yes</b> No <b>Yes</b> No  <b>Yes</b> No
2. The housing units on the lot proposed to be subdivided are one of the following: a. Constructed on fee simple ownership lots; b. Part of a common interest development; c. Part of a housing cooperative, as defined in Civil Code Section 817; or d. Constructed on land owned by a community land trust meeting the requirements of Government Code Section 66499.41. e. Part of a tenancy in common as described in Section 685 of the Civil Code.	<b>Yes</b> No
3. 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 Small Lot Subdivisions (Government Code Section 66499.41).	<b>Yes</b> No
4. The parcels created pursuant to Government Code Section 66499.41 are served by a public water system and a municipal sewer system.	<b>Yes</b> No
Section 2. Project & Parcel Qualification Criteria (Existing Conditions & Environmental)	Compliance (Circle One)
5. The development of a housing development project on the lot proposed to be subdivided does not require the demolition or alteration of any of the following types of housing: 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. b. Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power. c. 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. Applicant is required to submit an Affidavit. d. 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 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.	Yes <b>No</b>  Yes <b>No</b>  Yes <b>No</b>  Yes <b>No</b>
6. The proposed subdivision will not result in any existing dwelling unit being alienable separate from the title to any other existing dwelling unit on the lot (Government Code Section 66499.41(a)(13)).	<b>Yes</b> No <b>N/A</b>

<p>7. <b>Prohibited Site Locations.</b> The project site shall not contain or be located in any of following areas. <b>Is the site located in any of the following areas or/and does it include any of the following?</b> By circling "Yes" or "No", the applicant is confirming that they have verified this information and will provide documentation (maps, links, studies or other information) with this application.</p> <p>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. Government Code Section 66499.41(a)(9)(A). (See <a href="https://maps.conservation.ca.gov/agriculture">https://maps.conservation.ca.gov/agriculture</a>)</p> <p>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). Government Code Section 66499.41(a)(9)(B) (See <a href="https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper">https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper</a>) (See <a href="https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper">https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper</a>)</p> <p>c. High or very high severity zone: 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. Government Code Section 66499.41(a)(9)(C) (See <a href="https://egis.fire.ca.gov/FHSZ/">https://egis.fire.ca.gov/FHSZ/</a>.)</p> <p>d. Lands under a conservation easement. Government Code Section 66499.41(a)(9)(J)</p> <p>e. 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. Government Code Section 66499.41(a)(9)(H)</p>	<p>Yes <b>No</b></p> <p>Yes <b>No</b></p> <p>Yes <b>No</b></p> <p>Yes <b>No</b></p> <p>Yes <b>No</b></p>
<p>f. 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). Government Code Section 66499.41(a)(9)(I) (See <a href="https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77">https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77</a> for federal protected species habitat)</p>	<p>Yes <b>No</b></p>
<p>8. <b>Restricted Site Locations:</b> The project site shall not contain or be located in any of the following areas unless certain requirements are met. <b>If the site contains or is located in any of the following, does it meet the applicable requirements?</b> 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.</p> <p>a. Hazardous Waste Site: 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 former Section 25356 of the Health and Safety Code, <b>and</b> 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. Government Code Section 66499.41(a)(9)(D) (See <a href="https://geotracker.waterboards.ca.gov/">https://geotracker.waterboards.ca.gov/</a> or <a href="https://www.envirostor.dtsc.ca.gov/public/">https://www.envirostor.dtsc.ca.gov/public/</a>)</p> <p>b. 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, <b>and</b> 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 Government Code. Government Code Section 66499.41(a)(9)(E) <u>Hayward 2040 General Plan Background Report.</u></p> <p>c. 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, <b>and</b> either the site has not been subject to a Letter of Map Revision prepared by FEMA and issued to the local jurisdiction <b>or</b> 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</p>	<p>Yes No N/A</p> <p>Yes No N/A</p> <p>Yes No N/A</p>

<p>of Chapter I of Title 44 of the Code of Federal Regulations. Government Code Section 66499.41(a)(9)(F) (See <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>.)</p> <p>d. 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, <b>and</b> 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. Government Code Section 66499.41(a)(9)(G) (See <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>.)</p>	Yes No N/A
<b>Section 3. Housing Development Qualifying Criteria</b>	<b>Compliance</b> (Circle One)
9. <b>Maximum Number of Lots.</b> The housing development project will result in 10 or fewer parcels and contain 10 or fewer residential units.	<b>Yes</b> No
10. <b>Minimum Parcel Size.</b> The newly created lots are a minimum of 1,200 square feet in size. Proposed lots are not required to comply with any additional minimum requirements on size, width, depth, or dimensions, other than the minimum parcel size.	<b>Yes</b> No
<p>11. <b>Density.</b> Notwithstanding the maximum number of lots permitted as noted in 9 above, the proposed development must meet one of the following:</p> <p>a. If the parcel being subdivided was 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.</p> <p>b. If the parcel is not identified in the Housing Element for the current planning period, the development must result in at least 66 percent of the maximum allowable residential density specified in local zoning, or 66 percent of the applicable residential density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 (30 units), whichever is greater. <i>Provide density assumption and calculation on architectural or Tentative Map plans submitted with application.</i></p>	<p><b>Yes</b> No N/A</p> <p><b>Yes</b> No</p>
<p>12. <b>Objective Zoning Standards.</b></p> <p>a. The proposed housing development complies with all objective zoning standards, objective subdivision standards, and objective design review standards applicable to the proposed development as provided in the applicable zoning district and General Plan land use designation and that do not conflict with Government Code Sections 65852.28 and 66499.41, except as provided below.</p> <p>b. A local agency may impose a height limit of no less than the height allowed in the existing zoning designation applicable to the lot provided that the height limit does not physically preclude development built to the allowable density. (Gov Code Section 65852.28(b)(A)(i-ii)).</p>	<p><b>Yes</b> No</p> <p><b>Yes</b> No N/A</p>
13. <b>Average Area of Floorspace.</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. For purposes of this paragraph, "net habitable square feet" means the finished and heated floor area fully enclosed by the inside surface of walls, windows, doors, and partitions, and having a headroom of at least six and one-half feet, including working, living, eating, cooking, sleeping, stair, hall, service, and storage areas, but excluding garages, carports, parking spaces, cellars, half-stories, and unfinished attics and basements.	<b>Yes</b> No
<p>14. <b>Floor Area Ratio Standards.</b> The minimum following floor area ratios shall apply:</p> <p>a. For a housing development project consisting of three to seven units, inclusive, the floor area ratio is 1.0.</p> <p>b. For a housing development project consisting of eight to ten units, inclusive, the floor area ratio is 1.25.</p>	<p><b>Yes</b> No</p> <p><b>Yes</b> No</p>
<p>15. <b>Setbacks.</b></p> <p>a. No minimum setback is required between units except as provided in the California Building Code (Title 24 of the California Code of Regulations). (Government Code Section 65852.28(b)(2)(C))</p> <p>b. For existing structures. No setback shall be required for a legally constructed existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure (Government Code Section 65852.21(b)(2)(B)(i))</p> <p>c. For new structures. Notwithstanding subsections a and b above, a minimum of four feet from the side and rear lot lines shall be provided. (Government Code Section 65852.21(b)(2)(B)(ii))</p>	<p>Yes No N/A</p> <p>Yes No N/A</p> <p>Yes No N/A</p>

<p>16. <b>Parking.</b> One parking space, which may be uncovered and not enclosed, shall be provided for each unit. Except that no parking is 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><b>Yes</b>    <b>No</b></p>
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