



SB 1123 Eligibility Checklist

This checklist is designed to provide applicants and the public with an overview of the SB 1123 requirements and process for ministerial approval of small lot subdivisions of 10 or fewer parcels. Projects must meet all the criteria listed in this document to potentially qualify for an SB 1123 ministerial process. The criteria are state-mandated and cannot be waived or amended.

SB 1123 projects must also adhere to County of San Mateo Subdivision Regulations [Title 9- Subdivision Regulations](#)

Questions? Please contact Planning Department staff at planningprojects@smcgov.org

Project Information:

Applicant name:	
Site address(es):	
Assessor's Parcel Number(APN):	
Parcel zoning designation	Zone: Zone Description:
Project Proposal:	SB 1123, SB 330 application to subdivide a ____ sq. ft. vacant parcel into ____ parcels for ____-family development.

Table 1: Subdivision Map Qualifying Criteria Checklist

Instructions: For this table, each and every row must be YES to qualify.

Table 1: Parcel/Lot Qualifying Criteria	Must be YES to Qualify Check Yes or No
<p>Government Code section 66499.41 (a)(1) The proposed subdivision will result in 10 or fewer parcels.</p> <hr/> <p><i>Staff response:</i></p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p>Government Code section 66499.41 (a)(2) The lot proposed to be subdivided meets all of the following sets of requirements:</p> <ul style="list-style-type: none"> • The lot is zoned to allow multi-family residential development or is vacant and zoned for single-family residential development. • The lot is no larger than five acres if zoned to allow multifamily residential development, or no larger than 1.5 acres if zoned for single-family residential development. In either case the lot is substantially surrounded by qualified urban uses. • The lot is a <u>legal parcel</u>. • The lot was not established pursuant to Section 66499.41 (SB 1123 small lot subdivision) or an urban lot split pursuant to Government Code Section 66411.7 (SB 9). 	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<hr/> <p><i>Staff response:</i></p> <ul style="list-style-type: none"> • 	

<p>Government Code section 66499.41 (a)(3)</p> <p>If the parcel is zoned for multi-family residential development, the newly created parcels are no smaller than 600 square feet. If the parcel is zoned for single-family residential development, the newly-created parcels are no smaller than 1,200 square feet.</p>	<p><input type="checkbox"/> Yes (Qualifies)</p> <p><input type="checkbox"/> No (Disqualified)</p>
<p><i>Staff response:</i></p>	
<p>Government Code section 66499.41 (a)(4)</p> <p>The housing units on the lot proposed to be subdivided are one of the following:</p> <ul style="list-style-type: none"> • Constructed on fee simple ownership lots; • Part of a common interest development; • Part of a housing cooperative, as defined in Civil Code Section 817; • Constructed on land owned by a community land trust meeting the requirements of Government Code Section 66499.41; or. • Part of a tenancy in common, as described in Civil Code Section 685. 	<p><input type="checkbox"/> Yes (Qualifies)</p> <p><input type="checkbox"/> No (Disqualified)</p>
<p><i>Staff response:</i></p>	

Table 1 cont.: Parcel/Lot Qualifying Criteria	Must be YES to Qualify Check Yes or No
<p>Government Code section 66499.41 (a)(5)</p> <p>The proposed development must meet one of the following:</p> <ul style="list-style-type: none"> • If the parcel is identified in the County of San Mateo Housing Element, 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. • 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 as specified by local zoning or 19.8 units per acre⁴, whichever is greater. If the zoning does not specify a maximum allowable density, then the development must result in at least 20 units per acre. 	<p><input type="checkbox"/> Yes (Qualifies)</p> <p><input type="checkbox"/> No (Disqualified)</p>
<p><i>Staff response:</i> Parcel is not identified in housing element, default density for the County of San Mateo is 30 units per acre. 66% of 30 units per acre is 19.8 units per acre. Project proposes _____ units per acre.</p>	
<p>Government Code section 66499.41 (a)(10)</p> <p>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)</p> <p><input type="checkbox"/> No (Disqualified)</p>
<p><i>Staff response:</i></p>	
<p>Government Code section 66499.41 (a)(12)</p> <p>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)</p> <p><input type="checkbox"/> No (Disqualified)</p>
<p><i>Staff response:</i></p>	

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Table 2: Project and Parcel Qualifying Criteria Checklist

Instructions: For this table, each and every row must be NO to qualify.

Table 2: Project and Parcel Qualifying Criteria	Must be NO to Qualify (Check Yes or No)
<p>Government Code section 66499.41 (a)(8)(A) Rental Restrictions for Lower Incomes. 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>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)
<p>Government Code section 66499.41 (a)(8)(B) Subject to Rent Control. Requires demolition or alteration 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>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)
<p>Government Code section 66499.41 (a)(8)(C) Occupied by Tenants. 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>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)
<p>Government Code section 66499.41 (a)(8)(D) Owner’s Rights. 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>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)

<p>Government Code section 66499.41 (a)(9)(A) Farmland. 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 or preservation.</p>	<p><input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)</p>
<p>Government Code section 66499.41 (a)(9)(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).</p>	<p><input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)</p>
<p>Government Code section 66499.41 (a)(9)(C) Fire Hazard. 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.</p>	<p><input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)</p>

<p>Government Code section 66499.41 (a)(9)(D) Hazardous Waste. 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, 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.</p>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)
<p>Government Code section 66499.41 (a)(9)(E) Earthquake 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 Government Code.</p>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)
<p>Government Code section 66499.41 (a)(9)(F) 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.</p>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)
<p>Government Code section 66499.41 (a)(9)(G) 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.</p>	<input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)

<p>Government Code section 66499.41 (a)(9)(H) 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.</p>	<p><input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)</p>
<p>Government Code section 66499.41 (a)(9)(I) 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).</p>	<p><input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)</p>
<p>Government Code section 66499.41 (a)(9)(J) Conservation Easement. The lot is on lands under conservation easement.</p>	<p><input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)</p>
<p>Government Code section 66499.41 (a)(13) Separate Title. The proposed subdivision may result in an existing dwelling unit being sold separately from any other existing dwelling unit on the lot.</p>	<p><input type="checkbox"/> Yes (Disqualified) <input type="checkbox"/> No (Qualifies)</p>
<p><i>Staff response:</i></p>	

Table 3: Housing Development Qualifying Criteria Checklist for Projects on Parcels to be Subdivided Pursuant to Government Code Section 66499.1

Instructions: For this table, each and every row must be YES to qualify.

Table 3: Housing Development Qualifying Criteria	Must be YES to Qualify (Circle Yes or No)
<p>Government Code section 66499.41 (a)(1) & (g) The housing development project on the lot proposed to be subdivided will contain 10 or fewer residential units. The County of San Mateo is not required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels created through this process.</p> <hr/> <p><i>Staff response:</i></p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p>Government Code section 66499.41 (a) (6) 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> <hr/> <p><i>Staff response:</i></p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>
<p>Government Code section 66499.41 (a)(7) The housing development project on the lot proposed to be subdivided complies with Inclusionary Affordable Housing Ordinance.</p> <hr/> <p><i>Staff response:</i></p>	<p><input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)</p>

Table 4: Development and Objective Standards Review Checklist for Projects on Parcels Created Pursuant to Government Code Section 66499.1

Instructions: For this table, each and every row must be YES to qualify.

Development and Objective Standards for Projects on Parcels Created Pursuant to Government Code Section 66499.1	Must be YES to Qualify (Circle Yes or No)
<p>65852.28 (b)(1) and 66499.41 (d) Objective Zoning Standards. The proposed housing development complies with all objective zoning</p>	

<p>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> <hr/> <p><i>Staff response:</i></p>	<input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)
<p>65852.28 (b)(2)(C), (E) Setbacks.</p> <ul style="list-style-type: none"> • No setback between the units is required, except as provided in the California Building Code (Title 24 of the California Code of Regulations). • 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. <hr/> <p><i>Staff response:</i></p>	<input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)
<p>65852.28 (b)(2)(D), (F) Parking. 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> <hr/> <p><i>Staff response:</i></p>	<input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)
<p>65852.28 (b)(2)(G) Floor Area Ratio Standards. The following floor area ratios shall apply:</p> <ul style="list-style-type: none"> • For a housing development project consisting of three to seven units, inclusive, the floor area ratio is 1.0. • For a housing development project consisting of eight to ten units, inclusive, the floor area ratio is 1.25. 	<input type="checkbox"/> Yes (Qualifies) <input type="checkbox"/> No (Disqualified)

<i>Staff response:</i>	
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Attachments: