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## **The Starter Home Revitalization Act**

### **Effective 7/1/2024**

### **General Overview**

SB684 (CA Gov. Code Sections 65852.28, 65913.4.5, and 66499.41) was approved by the Governor on October 11, 2023 and is effective July 1, 2024. The bill amends California State Laws to allow for the ministerial approval (without discretionary review or a hearing) of a tentative map for a housing development project that results in 10 or fewer parcels and 10 or fewer dwelling units on the newly created parcels. This legislation does not allow for the development of 10 or fewer dwelling units absent a land division.

### **Criteria for Eligibility**

- ☐ Site is not located within a residential horse keeping zone as specified in a master plan. [No such zones are located in the city.]
- ☐ Results in 10 or fewer parcels and 10 or fewer residential units on the lot to be subdivided.
  - The legislation uses the term “parcel”; therefore, while the project must include a subdivision, resulting parcels may include airspace condos or townhouses. The city does not count common area as a separate lot. All condos or townhouses must be mapped concurrently.
- ☐ The proposed housing units are one of the following: (Note: The project may not result in an apartment building, however, the legislation does not prohibit one owner of multiple parcels.)
  - Constructed on fee simple ownership lots.
  - Part of a common interest development.
  - Part of a housing cooperative, as defined in Section 817 of the Civil Code.
  - Owned by a community land trust. [See 66499.41(a)(4)(d)]
- ☐ The lot to be subdivided is zoned for to allow for Multifamily Residential Dwelling use.
- ☐ The lot is no larger than five acres.
- ☐ The proposed development meets one of the following:
  - If the parcel is identified in the jurisdiction’s housing element for the current planning period, the development will result in at least as many units as projected

for that parcel in the housing element. If the parcel is identified to accommodate any portion of the jurisdiction's share of the regional housing need for low- or very low income households, the development will 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 jurisdiction's housing element for the current planning period, the development will result in at least as many units as the maximum allowable residential density.
- The 6<sup>th</sup> Cycle Sites Inventory is located on page 40 of Exhibit G:

<https://www.cityofsantacruz.com/government/city-departments/planning-and-community-development/long-range-policy-planning/general-plan/housing-element>

- Please contact the Planning Department at [planningcounter@santacruzca.gov](mailto:planningcounter@santacruzca.gov) for assistance in determining maximum allowable density of a site.

☐ The lot is substantially surrounded by qualified urban uses. For purposes of this subparagraph, the following definitions apply:

- "Qualified urban use" means any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.
- "Substantially surrounded" means at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified.

☐ The lot is a legal parcel located within an incorporated city, the boundaries of which include some portion of an urbanized area.

- The city meets this requirement, however, the applicant will need to provide evidence that the proposed site is a legal lot.

☐ The lot was not established pursuant to this section or SB9 (Section 66411.7).

☐ The newly created parcels (including individual condo and townhouse parcels) are not less than 600 square feet.

☐ The average total area of floorspace (ie. Floor Area defined in Section 24.22.366) for the proposed housing units on the lot proposed to be subdivided does not exceed 1,750 net habitable square feet.

- This only applies to the proposed new housing units.

☐ The housing development project on the lot proposed to be subdivided complies with any local inclusionary housing ordinances adopted by the local agency.

- The following developments are subject to inclusionary housing requirements:
    - Ownership residential development, two or greater units
    - Rental residential development, five or greater units.
  - Note that an Affordable Housing Development Agreement will be required to be recorded to maintain the inclusionary units in perpetuity. The agreement shall be finalized prior to recordation of the Final Map/Parcel Map and would need to be amended to include additional APN's created after the map is recorded.
- ☐ 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:
- Housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of low, very low, or extremely low income.
  - Housing that is subject to any form of rent or price control through a local public entity's valid exercise of its police power.
  - 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.
  - 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. [Ellis Act]
- ☐ The lot proposed to be subdivided is not located on a site that is any of the following:
- 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.
  - Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
  - Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, 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.
  - A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless either of the following apply:
    - The site is an underground storage tank site that received a uniform closure letter issued pursuant to subdivision (g) of Section 25296.10 of the Health and Safety Code based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. This section does not alter or change the conditions to remove a site from the list of hazardous waste sites listed pursuant to Section 65962.5.
    - The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health

and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.

- Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless 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 any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.
  - Within a special flood hazard area subject to inundation by the 1-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. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this paragraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:
    - The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.
    - The site meets Federal Emergency Management Agency 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.
  - 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. If a development proponent is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, a local government shall not deny the application on the basis that the development proponent did not comply with any additional permit requirement, standard, or action adopted by that local government that is applicable to that site.
  - Land 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 another adopted natural resource protection plan.
  - 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).
  - Land under conservation easement.
- ☐ Any parcels proposed to be created pursuant to this section would be served by a public water system and a municipal sewer system.

## Standards

The following standards apply to a housing development project on a lot that is subdivided pursuant to this section.

- Lots may be mapped as separate lots, condos, or townhouses.
- ADU's and JADU's are not permitted on a parcel created through this process
- Apply objective zoning standards, objective subdivision standards and objective design standards.
  - Objective standards can't physically preclude the development of a project at less than 20 units/acre.
- Substandard Lot Criteria shall apply to any single-family development on a lot less than 50' wide or less than the minimum lot size for the zone district. See section 24.08.440 for standards.
- Objective standards in section 24.10.185 shall apply to all multifamily buildings (ie. more than one unit in a building. )
- Objective subdivision standards shall apply to the newly created lots with the exception of minimum lot width, depth, and other dimensions (including frontage), and the formation of a HOA.
- Subdivision improvements shall be required, including requirements for public improvements.
- Newly created parcels must be provided legal access. Shared access may be provided with the formation of a Road Association for maintenance.
- Pursuant to Government code section 66499.41, existing units cannot be separated by new lot lines or ownership rights (aka "condo conversion"):
  - *(a) A local agency shall ministerially consider, without discretionary review or a hearing, a parcel map or a tentative and final map for a housing development project that meets all of the following requirements:*
    - *(13) 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.*

SITE STANDARDS		
	Required	Notes
Height		
Front Yard	Required per zone district	
Side Yard	0' – existing and reconstructed structures  4' – New Structures (65852.21(b)(2)(B))  Townhouse (Interior end of townhouse group)- per zone district	No requirement for side and rear yard setbacks from the original lot line for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.  New Structures-

<b>Rear Yard</b>	0' – existing or reconstructed structures  4' – New Structures (65852.21(b)(2)(B))	Gov. Code 66499.41 refers to 65852.28 refers to 65852.21 (as noted)
<b>Separation Between Buildings</b>	0'	Building code may require a greater setback.
<b>Landscaping</b>	All portions of front and exterior side yards require landscaping (24.12.125) Landscaping for MF (24.12.185)	See 24.12.185(7)
<b>Private Open Space</b>	Required per Zone District for SF Required per 24.12.185 (8) for MF	
<b>Common Open Space</b>		
<b>Parking</b>	None	If located within ½ mile of a major transit stop or if there is a car share vehicle located within 1 block of the parcel.
	Studio/1-bedroom: 1 2+ bedrooms: 2	SCMC 24.12.240 if above not applicable. No requirement for covered or uncovered parking.
<b>Min. Lot Size</b>	5 acres max. (lot to be subdivided) 600 square feet (newly created)	
<b>Min. Lot Width</b>	None	
<b>Min. Lot Depth</b>	None	
<b>Floor Area Ratio</b>	N/A	No FAR maximum per Zoning Ordinance or GP.
<b>Average Size</b>	1750 square feet	Average size of all proposed new housing units. Does not include existing unit(s).
<b>Bird Safe Requirements</b>	If site meets locational requirements.	

## Process/Timing

- 1) Ministerial Tentative Map Approval. No public hearing, not appealable, no discretionary review, and exempt from CEQA if the lot and map meets the criteria above.
  - Applicant shall work with the Planning Department to submit an application for approval of a Tentative Map.
  - Local agency must take action within 60 days of receiving a complete application. If not, application is deemed approved.
  - Tentative must include building envelopes.
  - To deny, local agency makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- 2) Ministerial Final Map/Parcel Map Approval. No public hearing, not appealable, no

discretionary review, and exempt from CEQA if the development meets the criteria above and is consistent with the approved Tentative Map.

- Following approval of the Tentative Map, the applicant shall work with the Public Works Department to submit an application for a Parcel Map or Final Map.
  - Local agency must take action within 60 days of receiving a complete application. If not, map is deemed approved.
  - To deny, local agency makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
- 3) Building Permit. Housing units constructed on newly created parcels requires no public hearing, not appealable, no discretionary review, and exempt from CEQA if:
- A Tentative Map was approved for the subdivision.
  - The applicant has submitted a building permit application that has been deemed complete.
  - Development complies with all applicable objective standards.
  - Issuance of the building permit conditional on the applicant submitting proof of recorded covenant and agreement enforceable by the local agency that states that applicant and the applicant's successors and assignees agree that the building permit is issued on the condition that a certificate of occupancy or equivalent final approval for the building will not be issued unless the final map has been recorded.
  - Any conditions for dedication, improvement, and sewer requirements shall be secured as determined by the local agency.
    - A bond may be required to ensure performance of requirements, up to 300% of the total estimated cost of the improvements.
- 4) If the project site is located within the Coastal Zone, a Coastal Permit shall be required unless the project is subject to exemption (24.08.230.1) or Exclusion (24.08.230.2). If a Coastal Permit is required, it must be obtained prior to approval of a tentative map or final map and prior to issuance of a building permit. A Coastal Permit requires approval by the Zoning Administrator at a noticed public hearing and is appealable to the Planning Commission and the City Council. If a project site is located within the Coastal Appeal Zone, the permit is also appealable to the Coastal Commission. For more information, please contact the city planning department at 831-420-5416.