



CITY OF MONTE SERENO

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URBAN LOTS SPLITS (SB-9)

IN ACCORDANCE WITH GOVERNMENT CODE SECTION 66411.7

Senate Bill (SB) 9 was signed into law by Governor Newsom on September 16, 2021 and was effective on January 1, 2022. The most significant component of this bill is that it requires (1) ministerial approval of up to two housing units per lot (Residential Development) and (2) ministerial approval of a one-time, two-lot subdivision of any single-family zoned lot meeting specific requirements (Urban Lot Split). This handout summarizes the requirements for Urban Lots Splits based on the Monte Sereno Municipal Code section 13.06.

This brochure is intended to provide general information, contact the Planning Division or Engineering Division for any questions or additional information.

Eligible Parcels

To be eligible for an Urban Lot Split, the existing parcel shall meet all the following requirements:

1. The parcel to be subdivided is located within a single-family residential zoning district.
2. The parcel is not located within a historic district.
3. The parcel has not been established through prior Urban Lot Split.
4. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split provisions.
5. The existing dwelling unit(s) has not been occupied by a tenant in the last three years.

Use and Development Requirements

Following is a summary of use and development standards specific to parcels created using an Urban Lots Splits:

1. New dwelling units constructed shall be no more than 800 square feet each.
2. A maximum of two dwellings are allowed on a lot, not Accessory Dwelling Unit or Junior Accessory Dwelling is allowed.

3. New dwelling units shall comply with the requirements of the SB9 Residential Development standards. See handout titled *Residential Developments (SB-9)* for more information.

The maximum impervious coverage shall be that which was applicable to the original parcel prior to the approval of the Urban Lot Split as set forth in Chapter 10.05.

4. No rental of any unit(s) shall be allowed for less than 30 days.

Subdivision Requirements

Following is a summary of subdivision standards:

1. The Urban Lot Split will create no more than two new parcels and each of the newly created parcel shall meet the following requirements:
 - Has at least 1,200 square feet in size,
 - Has at least 40 percent of the lot area of the original parcel,
 - Has access to or adjoins the public right-of-way, sufficient to allow development on the parcel to comply with any property access requirements of the Santa Clara County Fire Marshal.
 - New parcel lines that abut a street shall maintain right angles to streets, or radial to the centerline of curved streets, or be parallel to existing parcel lines.
 - A minimum of one off-street parking space shall be provided on each parcel.
 - No setback shall be required for an existing structure. New structures shall have a minimum four-foot setback from the side and rear property lines.
3. The owner of the parcel to be subdivided signs an affidavit under penalty of perjury declaring all the following to be true:
 - The housing units proposed to be demolished or altered have not been occupied by a tenant at any time within three years.
 - The owner of the parcel intends to occupy one of the housing units as their principal residence for a minimum of three years.
 - The owner has not previously subdivided an adjacent parcel using an Urban Lot Split nor has acted in concert with any person that has.

Filing, Processing, and Action

Following is a summary of application processing and review requirements:

1. Parcel Maps shall be prepared, filed, and recorded in accordance with the Map Act. Applications shall include a current title report.

2. Right-of-way dedication, construction of off-site improvements, or correct non-conforming conditions are not required unless necessary for a parcel to have access to the right-of-way.
3. The City Engineer shall deny the tentative map if any of the following is found:
 - The map fails to meet or perform one of more objective requirements imposed by the Subdivision Map Act or by this title. Any such requirement or condition shall be specified.
 - The building official makes a written finding, based upon a preponderance of the evidence, that the proposed subdivision 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 or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
5. The City Engineer shall send notices to property owners within 600 feet of a proposed Urban Lot Split upon submission of an application, and again upon completion of such application.