



# CITY OF MONTE SERENO

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## RESIDENTIAL DEVELOPMENTS (SB-9)

### IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65852.21

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 Residential Developments based on the Monte Sereno Municipal Code section 10.05.080.

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

#### Requirements

A Residential Development is a development that proposes no more than two new dwelling units in total on a parcel as follows:

- If a parcel includes an existing single-family dwelling, one additional unit may be developed pursuant to this section.
- If a parcel does not include an existing single-family dwelling, or if an existing single-family dwelling is proposed to be demolished in connection with the creation of a two-unit residential development, two units may be developed pursuant to this section.

Note: If a dwelling unit has been occupied by a tenant in the last three years, such dwelling unit shall be altered or have more than 25% of the exterior walls demolished as part of the SB-9 project.

Such an application, meeting all requirements of Monte Sereno Municipal Code section 10.05.080 shall be reviewed city staff without discretionary review or a public hearing.

#### Eligible Parcels

To be eligible for a Residential Development, the existing parcel shall meet all the following requirements:

1. The parcel is located within a single-family residential zoning district.
2. The parcel is not located within a historic district.

**Use and Development Requirements**

Residential Developments shall conform to all objective property development regulations of the applicable zoning district including, but not limited to, setbacks, building height, building size, structural coverage, and impervious coverage, and any objective requirements in the City’s design guidelines. However, following are modifications to these standards that specifically apply to Residential Developments:

**Objective Design Standards.** Residential developments shall comply with the City’s Objective Design Standards.

**Setbacks.** A setback of at least four feet is required from the rear and side property lines. Front yard setbacks are required based on the zoning district standards as shown below:

Zoning District	Front Yard Setback
R-1-8	25 Feet - First Floor 30 Feet - Second Floor
R-1-20	30 Feet - First Floor 40 Feet - Second Floor
R-1-44	30 Feet – First Floor 45 Feet – Second Floor

No setback shall be required for an existing structure, or a structure constructed in the same location and to the same dimensions as an existing structure.

**Building Height.** Any portion of a new dwelling unit located in the side or rear setbacks of the zoning district as shown below, shall be no more than 16 feet in height:

Zoning District	Side Yard	Rear Yard
R-1-8	6 Feet	30 Feet
R-1-20	15 Feet	30 Feet
R-1-44	20 Feet	30 Feet

**Building Size.** Each new dwelling unit constructed shall be a maximum of 800 square feet.

**Exterior Access.** All dwelling units created shall have independent exterior access. Interior access between attached dwelling units shall be prohibited.

**Separation Between Buildings.** Each dwelling unit shall be separated by a distance of at least ten feet from any other structure on the parcel. However, units may be adjacent or connected if the structures meet building code safety standards and are sufficient to allow a separate conveyance.

**Parking.** A minimum of one off-street parking space shall be provided for each dwelling unit unless the parcel is within ½ mile of public transit or within one block of a car share vehicle.

**Decks, Balconies, and Covered Areas.** Second story exterior decks and balconies, and rooftop decks, are prohibited.

Additionally, exterior covered space that is attached to the dwelling unit (including but not limited to covered porches and patios) shall not exceed a total of 150 square feet, with at least one third of such square footage at the front of the dwelling unit.

**Exterior Materials.** When construction of a new dwelling unit is proposed on a parcel with an existing dwelling unit, the new dwelling unit shall utilize the same exterior materials and colors as the existing dwelling unit. Where two new units are proposed to be constructed on a parcel, each unit shall utilize the same exterior materials and colors as the other unit.

**Electric Vehicle Chargers.** Each new dwelling unit shall provide pre-wiring for one electrical vehicle charger as required by the California Green Building Standards Code section 4.106.4.1.

**No Short-Term Rental.** Dwelling units shall not be rented for a period of less than thirty days.

**Utility Connections.** Each dwelling unit shall have separate utility connection directly between each dwelling unit and the utility for water, sewer, and electrical services. Gas utility connections shall be prohibited for such dwelling units.

**Onsite Wastewater Treatment.** If a proposed dwelling unit will be connected to an onsite wastewater treatment system, the applicant shall provide a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last ten years.

### **Filing, Processing, and Action**

A Site Development Permit application shall be filed for all Residential Development projects. Such applications will be reviewed ministerially and without a public hearing by the City Planner.

The City Planner shall deny a Site Development Permit application if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed 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 or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

The City Planner shall send notices to property owners within 600 feet of a proposed Residential Development upon the submission of an application, and again upon completion of such application.