



CITY OF MONTE SERENO

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RESIDENTIAL DEVELOPMENTS (SB9)

IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65852.21

This handout summarizes the requirements for Residential Developments based on the Monte Sereno Municipal Code section 10.05.080 as amended and effective on December 7, 2023 and Government Code section 65852.21. This handout is intended to provide general information, contact the Planning Department 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, subject to the requirements of Municipal Code section 10.05.080.
- 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 subject to the requirements of Municipal Code section 10.05.080.

Eligible Parcels

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

- The parcel is located within a single-family residential zoning district.
- The parcel is not located within a historic district.
- The parcel subject to the proposed housing development is a parcel on which an owner of residential real property has exercised the owner's rights under Government Code Section 7060 et seq. (Ellis Act) to withdraw accommodations from rent or lease within fifteen (15) years before the date that the development proponent submits an application.

Restriction on Demolition

The residential development shall not be approved if it would require demolition or alteration of any of the following types of housing:

- Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

- Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- Housing that has been occupied by a tenant in the last three (3) years.

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.

Two Units Required. One main dwelling unit and one secondary unit meeting the requirements of an ADU/JADU shall be constructed. The ADU/JADU shall be constructed first or concurrently with the main unit.

Building Area. The maximum building area of the main dwelling and the ADU/JADU unit combined shall be as follows:

Zoning District Building Size	
Zoning District	Maximum Building Size
R-1-8	2,850 square feet
R-1-20	4,500 square feet
R-1-44	6,150 square feet

In addition to the building area specified above, an additional 450 square feet can be constructed for an enclosed attached garage. If a larger garage is constructed, the area in excess of 450 square feet will be included in the maximum area allowed above.

The maximum building area for lots with an average slope of 10% or greater is based on the area allowed by the Slope Density formula defined in Municipal Code section 13.04.080 less 450 square feet.

Setbacks. A setback of at least four feet is required from the rear and side property lines. However, if any portion of the main dwelling unit is located within the front, side, or rear setbacks required by the zoning district (as noted below), the building shall be limited to 800 square feet in size.

Zoning District Single-Story Setbacks				
Zoning District	Front Yard	Interior Side Yard	Side Corner Yard (corner lot)	Rear Yard
R-1-8	25 Feet	6 Feet	15-1/2 Feet	30 Feet
R-1-20	30 Feet	15 Feet	22-1/2 Feet	30 Feet
R-1-44	30 Feet	20 Feet	25 Feet	30 Feet

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. Maximum building height shall be equal to that allowed for a single-story building in the zoning district as follows:

Zoning District Single-Story Building Height		
Zoning District	At Setback Line	Maximum Overall Height
R-1-8	14 Feet	21 Feet*
R-1-20	14 Feet	21 Feet*
R-1-44	14 Feet	21 Feet**

* Height can be increased 1 foot for each additional 1 feet from required setback

** Height can be increased 1 foot for each additional 2 feet from required setback

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

Rooftop Decks. Rooftop decks are prohibited.

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.

Lot Slope. The footprint of the proposed buildings shall not be located on any portion of a lot with a slope of 30% or greater.

Grading. Grading shall not exceed 50 cubic yard of cut plus fill, except such grading activities as specified in Municipal Code section 9.04.090.

No Short-Term Rental. Dwelling units shall not be rented for a period of less than 30 consecutive days.

Utility Connections. Each dwelling unit shall have a 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 shall send notices to property owners within 600 feet of a proposed Residential Development upon the submission of an application.