



CITY OF MONTE SERENO

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URBAN LOTS SPLITS (SB9)

IN ACCORDANCE WITH GOVERNMENT CODE SECTION 66411.7

This handout summarizes the requirements for Urban Lots Splits based on the Monte Sereno Municipal Code section 13.06 as amended and effective on December 7, 2023 and Government Code section 66411.7. This brochure is intended to provide general information, contact the Planning Department or Engineering Department with any questions or additional information.

Requirements

An Urban Lot Split allows a ministerial approval of a one-time, two-lot subdivision of any single-family zoned lot meeting requirements as specified in the Municipal Code section 13.06 and Government Code Section 66411.7.

Eligible Parcels

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

- The parcel to be subdivided is located within a single-family residential zoning district;
- The parcel is not located within a historic district;
- The parcel has not been established through prior Urban Lot Split; and
- 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.
- The property owner shall intend to occupy one of the dwelling units on the property as their principal residence for a minimum of three years from the date of approval of the Urban Lot Split application.

Restriction on Demolition

The urban lot split 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.
- 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.

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 all of 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 for each new parcel 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.
 - No setback shall be required for an existing structure.
2. The owner of the parcel to be subdivided signs an affidavit under penalty of perjury as well as including the following language in the Owner's Statement on the cover sheet of the map, 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 from the date of approval of the Urban Lot Split application.
 - The owner has not previously subdivided an adjacent parcel using an Urban Lot Split nor has acted in concert with any person that has.

Development Standards

Parcels created by an SB9 Urban Lot Split have the same development standards as other parcels within the city. As required by the Zoning Code, the development standards that typically apply depend on the parcel size and average slope of the parcel.

The newly created parcels shall comply with the regulations of the zoning district whose minimum lot area requirement is closest to the actual lot area of the particular parcel. The development standards, including minimum lot size, for each zoning district are online at:

<https://www.montesereno.org/2342/Zoning-and-Development-Standards>

Additionally, if the parcel has an average slope of greater than 10%, the Slope Density Formula requirements will also apply, which could reduce the allowable building area and structural/impervious coverages. In order to determine the development standards, a topographic survey (prepared, stamped, and signed by a licensed land surveyor or qualified civil engineer) which shows the parcel area and average slope calculations, shall be provided to the city. Staff will calculate the allowable development standards. Additional information on the Slope Density Formula is online at: <https://www.montesereno.org/DocumentCenter/View/4120/Slope-Density-Formula>.

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.
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.
4. The City shall send notices to property owners within 600 feet of a proposed Urban Lot Split upon submission of an application.