

RESOLUTION NO.3722

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO APPROVING A SITE DEVELOPMENT PERMIT (SS-19-02) FOR THE CONSTRUCTION OF A NEW 6,493 SQUARE FOOT SINGLE-STORY HOME, A NEW 902 SQUARE FOOT DETACHED ACCESSORY GARAGE, A FENCE THAT EXCEEDS 3 FEET WITHIN THE FRONT SETBACK AND APPROVING A GRADING USE PERMIT (GUP-19-01) FOR GRADING IN EXCESS OF 1,000 CUBIC YARDS FOR THE PROPERTY AT 18165 CONSTITUTION AVENUE (MOCKLER)

WHEREAS, Patrick and Vanessa Mockler (collectively referred to as "Applicant") applied for a Site Development Permit, Application No. SS-19-01, to allow for the demolition of an existing single-story home and the construction of a new single-story home, 902 square foot detached accessory garage, a fence that exceeds 3 feet within the front setback; and Grading Use Permit, Application No. GUP-19-01 to allow for grading in excess of 1,000 cubic yards for the property at 18165 Constitution Avenue (application referred to as "Application"); and

WHEREAS, a public hearing was set and held on March 19, 2019 to take evidence on the Application and at that hearing evidence was given both orally and in writing; and

WHEREAS, the City Council has considered all the evidence presented regarding the Application.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MONTE SERENO AS FOLLOWS:

Section 1. The City Council hereby finds as follows with respect to the Site Development Permit and Tree Removal Permit:

- A. The Monte Sereno Municipal Code ("Code") requires the following:
 1. Pursuant to Code section 10.08.040(A) a SDP is required for any new building or structure exceeding one hundred twenty (120) square feet, except any Accessory Dwelling Unit permitted in accordance with Section 10.06.140.
 2. In accordance with Code section 10.08.050(B), no SDP may be issued unless certain specific findings can be made.
 3. The City Council hereby makes the following findings:
 - a. The proposed improvements are compatible with the character of the surrounding neighborhood in which it is located in that the

proposed new house and garage design is to be set back from the street similar to the existing home thus retaining the existing established streetscape in the neighborhood. The proposed fencing is open in nature consistent with the City's Design Guidelines. The project as a whole is respectful of the larger rural character with its single-story design open fencing and larger front setback.

- b. The visual impact of the new home is minimized through the large setback of over 70+ feet from the street and the single-story design thus minimizing the mass of the structure and its impact on the streetscape.
- c. The proposed design is consistent with the City's Design Guidelines in that the home is set back from the street in a similar location as the existing home. The design is a contemporary modern design which fits within the context of the mix of designs in the neighborhood..
- d. The proposed improvement although includes the movement of dirt, the impact of the grading is predominantly behind the new home and thus does not impact the view of the lot from the street. .
- e. The proposed improvement provides for:
 - (1) A building footprint designed in such a way as to protect significant trees as defined elsewhere in the Code unless the findings required by Section 10.15.080 as follows:
 - (2) The predominance of the trees being removed will allow for full use of the property and include fruit trees, olives and various other species. All remaining trees including several significant trees around the perimeter will be retained primarily due to the use of the existing building pad and central location of the new home.
 - (3) The removal of the requested trees will not adversely affect soil erosion, soil retention, or divert or increase flow of surface waters in that there still remains a significant number of existing trees on the lot and any replacement trees will happen at a 1:1 or greater ration.
 - (4) With the planting of a replacement trees, the removal of the requested trees will not affect the established standard of the area nor affect surrounding property values. Replacement trees and new landscaping will be installed on a lot that has seen little maintenance of the trees in the recent past.
 - (5) Removal of the requested trees will not affect the number of trees the property can support according to good forestry

practices in that a significant number of trees remain in the area as well as new native trees to be introduced through the replacement plan.

- f. Preservation of solar access in that the new structure is being placed on central to the lot and it's single-story design does not cast shadows onto neighboring properties.
- g. The proposed landscape improvement emphasizes the use of native trees as replacement for those removed.

Section 2. The City Council hereby finds as follows with respect to Grading Use Permit for the grading in excess of 1,000 cubic yards:

A. The Monte Sereno Municipal Code ("Code") requires the following:

- 1. Pursuant to Code section 9.04.080 a Grading Use Permit (GUP) is required for any grading in excess of 1,000 cubic yards.
- 2. In accordance with Code section 10.10.010(C), no GUP may be issued unless certain specific findings can be made.
- 3. The City Council hereby finds as follows:
 - a. In accordance with the Code section 9.04.080, an engineered grading permit is required for any grading in excess of 1000 cubic yards and the grading permit shall be issued in accordance with the same procedures required for a use permit in chapter 10.10 of the Code.
 - b. The project involves the grading of approximately 4,290 cubic yards so the Applicant was required to obtain a use permit.
 - c. Section 10.10.010(C) of the Code requires the City Council to make certain specific findings before a use permit may be granted and the Council finds as follows:
 - (1) The proposed use will not impair the integrity and character of the zoning district in that the proposed grading is to better accommodate the use of the one-acre lot as for a new single-family home and providing for a usable multi-level rear yare area to the rear back behind the new home.
 - (2) The proposed use would not be detrimental to public health, safety or general welfare in that the proposed

grading minimizes any impact to the adjacent properties and any retaining wall in close proximity to the adjacent properties will be constructed according to established engineering standards.

- (3) The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of this Title in that the overall design of the project confirms with the applicable zoning regulations and is designed respectful of the large lot rural character of the neighborhood.
- (4) The proposed use as designed, will not cause a substantial adverse impact upon the environment, or the proposed use will provide public benefits which outweigh the substantial adverse impact upon the environment, in that allowing for the amount of grading in the rear of the lot, the proposed home can remain setback on the lot and the front half of the lot can remain in a more natural state.

Section 3. Based upon the findings set out above, the City Council hereby determines, concludes and orders that the Site Development Permit and the Grading Use Permit should be approved.

Section 4. The City Clerk is hereby directed to give notice of this decision to the Applicant by serving Applicant by first class mail, postage prepaid, with a copy of this resolution.

REGULARLY APPROVED this 19th day of March, ²⁰¹⁹~~2008~~ *dec* by the following roll call vote:

Ayes: Council Members Ellahie, Lawler, Leuthold and Mayor Turner
Noes: None
Abstain: None
Absent: None

BY: *Rowena Turner*
Rowena Turner, Mayor

ATTEST:

Andrea Chelemengos
Andrea Chelemengos, City Clerk