

RESOLUTION NO. 3709

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
APPROVING A SITE DEVELOPMENT PERMIT (SS-18-08) FOR THE
CONSTRUCTION OF A NEW 4,331 SQUARE FOOT SINGLE-STORY HOME; AND,
APPROVING A VARIANCE (V-18-03) TO THE FRONT AND SIDE SETBACK FOR
THE PRIMARY DWELLING AND THE SIDE AND REAR SETBACK FOR A NEW
ACCESSORY DWELLING UNIT (ADU) FOR THE PROPERTY AT 16320
ALEXANDER AVENUE
(ADZICH)**

WHEREAS, George and Arynn Adzich (collectively referred to as “Applicant”) applied for a Site Development Permit, Application No. SS-18-08, to allow for construction of a new home; and a Variance, Application No. V-18-03, to allow for an encroachment into the required front and side setback for the primary dwelling and the side and rear setback for a new ADU for the property at 16320 Alexander Avenue (application referred to as “Application”); and

WHEREAS, a public hearing was set and held on September 18, 2018 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 Variance.

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:

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.

B. Regarding the Application, the City Council finds as follows:

1. The proposed construction retains the character of the surrounding neighborhood in which it is located in that the proposed new house design is single-story and of an architectural design consistent with the mix of homes within the immediate neighborhood.

2. The visual impact of the new home is minimized through use of a single-story design and the placement of it 25 feet back from the end of the cul-de-sac.
3. The proposed improvement will provide for minimum grading and retention of the natural contours of the land then existing in order to protect the natural slope of the lot in that the new home is placed on the existing lot such that minimal grading is required.
4. The proposed improvement provides for:
 - a. A building footprint designed in such a way as to protect significant trees as defined elsewhere in the Code in that ; and
 - b. Preservation of solar access because the structure does not cast shadows onto neighboring properties.
5. The proposed landscape improvement emphasizes the preservation of the existing trees along the creek with new plantings appropriate to the site.
6. Site drainage for the proposed improvement provides for no increase in water run-off to neighboring lots or the creek because the applicant is required to maintain additional surface water runoff on the lot as part of any building permit issued as a result of the SDP.
7. The proposed design is consistent with the City's Design Guidelines in that the new home is single story that is nestled at the end of the cul-de-sac with a design that fits well into the overall neighborhood which has a mix of house designs.

Section 2. The City Council hereby finds as follows with respect to the setback Variance for both the primary dwelling and the ADU:

- A. Section 65906 of the California Government Code only allows a variance to be granted when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.
- B. With Respect to the Variance, the City Council finds:
 1. Special circumstances do exist on this property to justify the variance. The lot is 16,988 square feet thus requiring an increase to all setbacks; however, the lot is encumbered by a sewer easement, and a required creek top of bank setback thus reducing the buildable area to less than 12,000 square feet. Almendra Creek with its circuitous route makes up the northern property line of the subject lot.

2. Strict application of the increased setbacks required by the gross square footage of the lot when applied to the available building area outside the sewer easement and creek setback would deprive the property owner of a privilege enjoyed by other properties under an identical zoning classification in that other properties do not have a creek running through them or a sewer easement taking up a significant part of the building area on the lot.
3. The granting of this Variance will not result in a special privilege for the property not enjoyed by other properties because other properties do not present similar constraints or existing configurations and do not have their lots encumbered by easements or creek setbacks.

Section 3. Based upon the findings set out above, the City Council hereby determines, concludes and orders that the Site Development Permit and the Variance 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 18th day of September, 2018 by the following roll call vote:

Ayes:	Council Members Anstandig, Rogers, Turner, Wolsheimer, and Mayor Craig
Noes:	None
Abstain:	None
Absent:	None

BY: 
Burton Craig, Mayor

ATTEST:


Andrea Chelemengos, City Clerk