

RESOLUTION NO.3687

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO APPROVING FOR A SITE DEVELOPMENT PERMIT (SS-18-07) FOR THE CONSTRUCTION OF A NEW 5,953 SQUARE FOOT SINGLE-STORY HOME; AND, REQUEST FOR A VARIANCE (V-18-02) TO THE FRONT SETBACK FOR AN ACCESSORY DWELLING UNIT (ADU) REQUIRING IT TO BE IN THE REAR HALF OF THE PROPERTY TO ALLOW THE CONVERSION OF AN EXISTING DWELLING TO A 1,200 SQUARE FOOT ADU FOR THE PROPERTY AT 18240 BANCROFT AVENUE (FORMERLY 16110 RIDGECREST AVENUE) (MASSIH)

WHEREAS, Molly Massih (collectively referred to as “Applicant”) applied for a Site Development Permit, Application No. SS-18-07, to allow for construction of a new home; and a Variance, Application No. V-18-02, to allow for an encroachment into the required front setback for an ADU to support the conversion of an existing home located within the front half of the property at 18240 Bancroft Avenue (application referred to as “Application”); and

WHEREAS, a public hearing was set and held on May 15, 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 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 a traditional design consistent with the mix of traditional style 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 to the eastern side of the lot, as well as the retention of the existing single-story home (with minor modifications) maintaining a lower scaled development overall. The new home is set back beyond the minimum required setback thus further reducing any visual impact on both Bancroft and Ridgecrest Avenues.
3. The proposed improvement will provide for minimum grading and retention of the natural contours of the land than 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 with the exception of 4 trees at a driveway entrance; and
 - b. Preservation of solar access because the structure does not cast shadows onto neighboring properties.
5. With respect to the removal of significant trees:
 - a. The trees proposed to be removed are the minimum needed to accommodate a driveway off Bancroft;
 - b. 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 trees along the perimeter of the lot and there will be additional trees planted on the lot.
 - c. With the planting of replacement trees, the removal of the requested trees will not affect the established standard of the area nor affect surrounding property values.
 - d. 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.
6. The proposed landscape improvement emphasizes the use of native trees and material in the area specifically in the choice of replacement trees, minimizing the use of non-native ornamental landscaping.
7. Site drainage for the proposed improvement provides for no increase in water run-off to neighboring lots 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.
8. The proposed design is consistent with the City's Design Guidelines in that the new home is set back from the street on both frontages and has a low

profile design on the lot which is slightly upslope from the street. The design utilizes a mix of materials and details that work together to provide a design that fits well into the overall neighborhood which has a mix of traditional house designs.

Section 2. The City Council hereby finds as follows with respect to the front setback Variance for 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 current configuration of the lot has the original home located at the northeast corner. This home was built in 1949 and represents the agricultural and development history of the area and of the City. In order to retain this representation, a variance for the front yard setback is required.
2. Strict application of the requirement for the ADU to be placed at the rear half of the lot would require demolition of a potential historic resource only to have a new ADU built 30 feet south and the same distance from Ridgecrest Avenue. This would deprive the property owner of a privilege enjoyed by other properties under an identical zoning classification in that other properties that are interior properties tend to have existing accessory structures at the rear of the properties consistent with the requirement to be in the rear half of the property.
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 would be able to meet the required setbacks for an ADU.

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 subject to the following conditions:

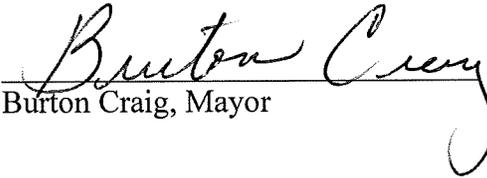
- a. Given the hillside setting and the narrowness of the existing street network, all construction related activity, including but not limited parking, staging, and storage, take place on the subject property.
- b. Any construction related damage to public and private roads and private property directly associated with the proposed project will be the responsibility of the property owner for said project. Repair of the public

right-of-way shall be completed to the satisfaction of the City Engineer. Any repair to private roads and private property shall be completed in consultation with the property owners of said private road.

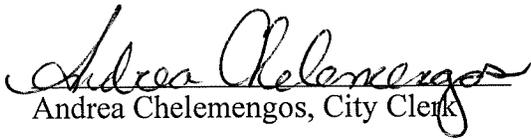
Section 4. The City Clerk is hereby directed to give notice of this decision to the Applicant by serving Applicant by first class mail, postage prepaid, with a copy of this resolution.

REGULARLY APPROVED this 15TH day of May, 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