

RESOLUTION NO. 3578

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO APPROVING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (ED 14-01), GRANTING A GRADING USE PERMIT (GUP-14-01) FOR THE GRADING OF APPROXIMATELY 4,290 SQ. FT. AND A SITE DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING UNIT OF 6,674 SQ. FT. AND THE REMOVAL OF 38 TREES (SS-14-15) FOR 18420 HERNANDEZ AVENUE (Leeming)

WHEREAS, Jean Leeming (collectively referred to as "Applicant") applied for [1] a grading use permit for the removal of 4,290 sq. ft., Application No. GUP-14-01 ("GUP") and [2] a site development permit to construct a single family dwelling unit of approximately 6,674 sq. ft. and the removal of 38 trees, Application No. SS-14-15 ("SDP") (collectively referred to as the "Applications"); and

WHEREAS, based on the proximity of the Property to a creek and the potential for environmental impacts, the Applications are a "project" pursuant to the California Environmental Quality Act ("CEQA"); and

WHEREAS, a Mitigated Negative Declaration ("MND") has been prepared pursuant to Section 15070 et seq. of the California Environmental Quality Act ("CEQA") for use in conjunction with the Applications; and

WHEREAS, the MND has been prepared and circulated for a 20-day review period and the MND was available for review as provided pursuant to the requirements of CEQA; and

WHEREAS, no comments were received on the MND; and

WHEREAS, with the proposed mitigation measures, the Applications are determined to not have a significant impact on the environment based upon the results of the MND; and

WHEREAS, a public hearing was set for February 3, 2015, to take evidence on the Applications and the MND and at that hearing evidence was given both orally and in writing; and

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

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

SECTION 1: The City Council of the City of Monte Sereno hereby specifically makes the following findings:

1. The MND for the Applications have been completed in compliance with CEQA.
2. The Applications will not result in any significant impacts to the environment.
3. The MND represents the independent judgment of the City Council. The MND was prepared by the City. All reports and supporting information has been reviewed and approved by the City.
4. Documents and other materials constituting the record of the proceedings upon which the City's decision and its findings are based will be located at the Office of the City Clerk of the City of Monte Sereno.
5. All mitigation measures identified in the Mitigated Negative Declaration are included in the Mitigation Monitoring and Reporting Program.

SECTION 2: The City Council hereby finds as follows with respect to the GUP for grading on the property:

- 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 based on the amount of grading as the house will be built into the hillside.
 2. The proposed use would not be detrimental to public health, safety or general welfare since public health, safety and general welfare are not impacted by the Applications.

3. The proposed use of the property is in harmony with the various elements or objectives of the General Plan and the purposes of Title 10 of the Monte Sereno Municipal Code.
4. The proposed use as designed and mitigated will not cause a substantial adverse impact upon the environment.
5. The potentially significant impacts associated with the Applications will be mitigated in accordance with the MND.

SECTION 3: The City Council hereby finds as follows with respect to the SDP:

- A. Pursuant to Code section 10.08.040(A) a site development permit is required for any new building or structure.
- B. In accordance with Code section 10.08.050(B), no site development permit may be issued unless certain specific findings can be made.
- C. The City Council hereby makes the following findings:
 1. The proposed improvement retains the existing character of the neighborhood in which it is located.
 2. The architectural design proposed and the topography will mitigate any significant visual impact which could result from the proposed improvement because there are no significant visual impacts.
 3. The proposed improvement provides for minimum grading and retention of the natural contours of the land on the property as the house is designed in such a way that it steps up the site and fits the contours of the land.
 4. The proposed improvement provides for the retention of significant trees except for the trees that are in declining condition and must be removed for construction purposes.
 5. The proposed landscaping for the proposed improvement emphasizes the use of native materials.
 6. The site drainage for the proposed improvement provides for no increase in water runoff to neighboring lots.

7. The proposed improvement is consistent with the City Design Guidelines.

SECTION 4: Based upon the findings set out above, the City Council hereby determines, concludes and orders that the Applications should be approved and they are hereby issued.

SECTION 5: The City Clerk is hereby directed to give notice of this decision to the Applicant by serving them by first class mail, postage prepaid, with a copy of this resolution.

REGULARLY PASSED AND ADOPTED this 3rd day of February, 2015, by the following roll call vote:

AYES: Mayor Huff, Vice Mayor Allan, Council Members Anstandig, Craig

NOES:

ABSENT: Council Member Garner

BY:



Walter Huff, Mayor

ATTEST:



ANDREA CHELEMENGOS, CITY CLERK