

**RESOLUTION NO. 3589**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO  
GRANTING A USE PERMIT (GU-15-01) FOR SIGNIFICANT GRADING AND A  
SITE DEVELOPMENT PERMIT (SS-15-01)  
FOR 18335 Lexington Drive  
(Sarup)**

WHEREAS, Vinod Sarup ("Applicant") applied for [1] a use permit to grade approximately 2,255 cubic yards, Application No. GU-15-01 ("UP") and [2] a site development permit to construct a new single family dwelling of approximately 6,593 square feet and a detached secondary dwelling unit of approximately 1,196 square feet, Application No. SS-15-01 ("SDP") (collectively referred to as "Applications"); and

WHEREAS, a public hearing was set and held on May 1, 2015, to take evidence on the Applications 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 hereby finds as follows with respect to the UP for the grading:

- 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 UP was to grade approximately 2,255 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 due to the size of the lot.
  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. The development is similar to neighboring properties.
4. The proposed use, as designed, will not cause a substantial adverse impact upon the environment because grading has been minimized so that the project fits the natural contours of the land.
5. Conditions exist, or can be required, to mitigate any adverse impacts associated with the grading by requiring an approved grading and drainage plan.

Section 2. 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 as the house is single story.
  2. The architectural design proposed to be employed and the landscape plan will mitigate any significant visual impact that could result from the proposed improvement as it is located on an existing flat area of the property and significant trees will remain on the property.
  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.
  4. The proposed improvement provides:
    - [a] a building footprint designed in such a way as to protect significant trees as defined elsewhere in the Code; and

[b] preservation of reasonable solar access.

5. The proposed improvement emphasizes the use of native material in the area and is consistent with the Design Guidelines.
6. Site drainage for the proposed improvement provides for no increase in water run-off to neighboring lots based on the improvements proposed by the applicant.
7. The proposed improvements are consistent with the City's Design Guidelines in that they are single story structures that fits the contours of the land.

Section 3. 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 subject to the following conditions:

- A. The Applicant shall submit a Landscape Plan for City approval prior to the issuance of a building permit. The Landscape Plan shall include landscape screening for the garage and the secondary dwelling unit in the rear of the property;
- B. The approved Landscape Plan shall be planted prior to the issuance of the certificate of occupancy.

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 PASSED AND ADOPTED** this 1<sup>st</sup> day of May, 2015, by the following roll call vote:

AYES: Council Members Anstandig, Craig and Garner  
NOES: None  
ABSENT: Council Member Allan and Mayor Huff  
ABSTAIN: None

BY: \_\_\_\_\_

Walter Huff, Mayor

ATTEST:

  
ANDREA M. CHELEMENGOS, CITY CLERK