

RESOLUTION NO. 3550

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO
GRANTING A USE PERMIT (GU-13-03) FOR SIGNIFICANT GRADING AND A
SITE DEVELOPMENT PERMIT (SS-13-18A)
FOR 18125 CONSTITUTION AVENUE
(Calhoun)**

WHEREAS, John Calhoun ("Applicant") applied for [1] a use permit to grade approximately 3,960 cubic yards, Application No. GU-13-03 ("UP") and [2] a site development permit to construct a new single family dwelling of approximately 5,295 square feet and a detached secondary dwelling unit of approximately 940 square feet, Application No. SS-13-04A ("SDP") (collectively referred to as "Applications"); and

WHEREAS, a public hearing was set and held on April 1, 2014, 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 3,960 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.
4. The proposed use, as designed, will not cause a substantial adverse impact upon the environment because the proposed grading will not create any additional surface water runoff or create any soil/slope issues that do not already exist.
5. There are no adverse impacts associated with the use so no conditions are necessary.

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.
 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 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 to construct a new single family dwelling and associated uses considering the constraints of the site 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.
6. Site drainage for the proposed improvement provides for no increase in water run-off to neighboring lots.
7. The proposed improvements are consistent with the City's Design Guidelines in that the project is compatible with the natural terrain and the project was previously modified to reduce the bulk and mass of the structure as is described in Chapter 5 of the City's Design Guidelines.

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;
- B. The approved Landscape Plan shall include Crepe Myrtle and Flowering Cherry Trees, 15 gallon size.
- C. The approved Landscape Plan shall be planted prior to the issuance of the final inspection of the building permit.

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 1st day of April, 2014, by the following roll call vote:

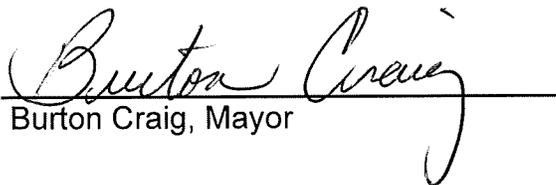
AYES: Council Members Anstandig, Huff, Rogers and Mayor Craig

NOES: None

ABSENT: Council Member Allan

ABSTAIN:

BY:


Burton Craig, Mayor

ATTEST:


ANDREA M. CHELEMENGOS, CITY CLERK