

PUBLIC HEARINGS

**CITY COUNCIL
APRIL 26, 2005**

To: Mayor and City Council

From: George J. Rodericks, City Manager

SUBJECT: Consideration of Revision to Variance and Conditional Use Permit No. 0536; Addition of a new 2-story residence with a 4-car garage – Location: 18922 Santiago Boulevard (Sam Olson)

BACKGROUND

The applicant is requesting a revision to Variance and Conditional Use Permit No. 0536.

The approved Conditional Use Permit provided for:

- Two-story single-family residence above 25 feet in height;
- Four (4) garage stalls;
- 2nd dwelling unit; and
- Increase in the maximum floor area.

The approved Variance Permit provided for:

- Reduction in the required front yard setback for the 2nd dwelling unit;
- Separate driveway access to the 2nd dwelling unit; and
- Increase in the maximum lot coverage allowed.

AUTHORITY

Conditional Use Permits

In order to give the City's current zoning regulations the flexibility necessary to achieve the objectives of the Zoning Code, the City Council has the authority to permit conditional uses subject to the approval of a Conditional Use Permit. Because of their unusual characteristics, Conditional Use Permits require special review and consideration so that they may be located properly with respect to the objectives of the City's zoning regulations and with respect to their effects on surrounding properties. To achieve these objectives, the City Council is empowered to grant and to deny applications for conditional use permits and to impose reasonable conditions upon the granting of such permits. The City Council shall make the following findings before granting a Conditional Use Permit:

- 1) The project is in accord with the objectives of the Villa Park Zoning Code and the purpose of the Zone in which it is located.

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- 2) The project is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- 3) The project complies with all applicable provisions of the Zoning Code.

The Villa Park Municipal Code requires a Conditional Use Permit for the addition of a 2nd story exceeding 25 feet; 4 or more garage spaces; and an increase in the maximum floor area and lot coverage.

Variance Permits

The Zoning Code authorizes the City Council to approve Variances from the terms of the zoning chapter when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the zoning chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone. The City Council shall make the following findings before granting a Variance Permit:

1. That strict or literal interpretation and enforcement of the regulation would result in an practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Code; or
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property or the intended use of the property that do not apply generally to other properties in the same zone; or
3. That strict or literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone; and
4. That the granting of the variance will not constitute the granting of a special privilege; and
5. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

A Variance is required for any reduction in a required setback area.

FINDINGS

The subject property is located at 18922 Santiago Boulevard and is in the E-4 Small Estate zoning district. Lot areas within this district are a minimum of 20,000 square feet. Surrounding uses are residential. It is an irregularly shaped lot with a front property line of 247.49 feet, a rear property line of 261.03 feet and an average depth of approximately 188 feet. The lot area is 36,527 square feet. Surrounding uses are residential.

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Ownership of the property changed since the prior Variance and Conditional Use Permit approvals. All conditions and approvals transferred to the new owner. The new owner is presenting a revision to the original Variance and Conditional Use Permit and is requesting approval of a modification to the configuration of the new home. The new structure is approximately 1,340 square feet less than the prior approved structure through the elimination of the basement area and a reduction in the size of the first floor area.

With these modifications, the applicant is proposing to bring the property into compliance with the floor area and lot coverage requirements – this is still without counting the restoration of the historic residence on the property against the required ratios.

The applicant is requesting all other conditions of approval remain the same. These include:

- The height of the proposed structure with a maximum ridgeline height of 31 feet 6 inches;
- 4 or more garage spaces on the property with garage doors at 8 feet in height;
- Use of the historic structure as a 2nd dwelling unit on the property;
- Reduction in the required 50 foot front setback for the detached second dwelling unit – to 25 feet;
- Maintenance of a separate entrance via driveway to the 2nd dwelling unit;
- All applicable historic review conditions of approval.

Historical Review

In 2003 an Initial Study through the California Environmental Quality Act was conducted and a Mitigated Negative Declaration was adopted.

The study reflected the applicant's desire to rehabilitate, in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the existing main house as the second unit on the property and place it close to Santiago Boulevard so the public has a view of the historic character of the site. In addition, the applicant is proposing to plant and landscape around the historic building to bring it into character of the 1880's "Victorian" ranch house style.

Based on the Initial Study, the project had a less-than-significant effect or no impact in all areas, except Cultural Resources. The following conditions were addressed by the Council:

- The 200-year-old California Live Oak tree was required to be preserved on the property. *This tree remains on the property and remains a part of the applicant's proposed plan.* The Morton Bay Fig was removed due to its extensive and large root system.

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- The applicant is to provide areas of citrus orchard, vineyard, and rose gardens to evoke the agricultural history of Orange County's past around the restored historic structure. *The proposed plans continue to reflect the requirements of this condition.*
- The applicant is to provide a plaque on the large concrete head gate marking the history of the site and the Smith-Clark family. *This is a continuing condition of approval.*

Based on a review of the Villa Park Zoning Code, the proposed project complies with height, lot coverage, floor area, and setback requirements.

CEQA COMPLIANCE

A Mitigated Negative Declaration was adopted by the City Council for this project in 2003. The revisions proposed by the applicant do not significantly revise the conditions of the property. All relevant conditions of approval with respect to the Cultural Resource, as defined under the California Environmental Quality Act, have been retained.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval.

APPROVAL MOTION

Adopt Resolution No. 2005-2813, a Resolution of the City Council of the City of Villa Park approving a Revision to Variance and Conditional Use Permit No. 0536, addition of a new 2nd story residence with a 4-car garage; Location: 18922 Santiago Boulevard.

RECOMMENDED ACTION

It is recommended that the City Council conduct a Public Hearing, review the application, and make appropriate findings thereto.

CONDITIONS OF APPROVAL

1. The structure(s) shall be in accordance with approved plans on file with the City Clerk. Any significant deviation from the approved plans will require subsequent approval by the City Council through a separate Public Hearing. All work will be suspended on the project until such approvals are obtained.

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2. Building permits and approvals must be obtained prior to commencement of construction. If the approval is after-the-fact, building permits and approvals are still required. Pursuant to section 9-2.20 of the Villa Park Municipal Code, every permit issued by the City's Building Official shall expire by limitation and become null and void if the building or work authorized by such permit is not completed through final inspection within the allowed time from the date of issuance of such permit, which time shall be as follows: up to 5,000 square feet, 12 months; 5,000 to 10,000 square feet, 18 months; over 10,000 square feet, 24 months. Failure to complete the project within such time shall be grounds for revocation of the discretionary approval. Such revocation will place the property owner in violation of the City's Zoning Ordinance and subject the property owner to possible civil or criminal legal action by the City.
3. Noise associated with construction, repair, remodeling, or grading may only take place between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 8 p.m. on Saturday. Noise associated with the preceding shall not take place at any time on Sunday or a Federal holiday.
4. Separate review and approval by the City Engineer is required for all grading, driveway approaches, street improvements, sewer connections, and work within the right-of-way or City easement prior to issuance of any building permit for the project. Additional conditions may apply.
5. If deemed necessary by the City Engineer, a street dedication and improvement bond shall be required for all work exceeding three hundred (300) square feet of floor area prior to issuance of any building permit.
6. If deemed necessary by the Building Inspector or City Engineer, a cash bond in the amount of \$575 shall be posted to protect the City from any damages to any public improvements impacted directly or indirectly by the proposed improvements.
7. Temporary toilet facilities are not permitted in the front setback areas.
8. This Variance and Conditional Use Permit shall lapse and become void one year following the date of approval unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site.
9. This Variance and Conditional Use Permit may be renewed for an additional period of one year, provided that prior to the expiration of one year from the date when it or the renewal of same became effective, an application for renewal is filed.
10. Construction activities must comply with all applicable NPDES Best Management Practices (BMP's), as determined by the City Building Inspector and City Engineer, to include, but not limited to: Erosion Control Measures, Perimeter Protection, Sediment Capturing, Waste Management, and Materials Management.
11. A landscape plan shall be submitted and approved by the City's Community Development Committee prior to completion of plan check through the City's Building Department. Landscaping shall be implemented pursuant to the approved plan within six months of issuance of any applicable Certificate of

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Occupancy. Failure to implement the plan shall be grounds for revocation of the discretionary approval. Such revocation will place the property owner in violation of the City's Zoning Ordinance and subject the property owner to possible civil or criminal legal action by the City.

12. A residential site review from the Orange County Fire Authority is required prior to issuance of building permits.
13. The following Mitigation Measures shall apply:
 - a. The property owner must keep and rehabilitate the historic structure (main residence located at 18922 Santiago Boulevard) in conformance with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.
 - b. Architectural treatment of new main residence shall conform to the historic design of the restored structure as determined and approved by the Community Development Committee.
 - c. The second unit (existing main house relocated and restored) shall be visible from the street by the public with the front door orientated to the street.
 - d. Prior to issuance of a Certificate of Occupancy for the new main residence, the applicant shall either 1) complete the rehabilitation of the historic preservation on the property to include rehabilitation of the historic structure and associated landscaping as depicted on the plans; or 2) provide a cash bond in an amount sufficient to complete the rehabilitation. The estimate and bond amount shall be approved by the City in advance of its posting. If the applicant posts a bond, the rehabilitation shall be completed within 18 months of issuance of the Certificate of Occupancy for main residence. Failure to complete the rehabilitation will result in the City taking action against the bond to complete the work.
 - e. Prior to the issuance of any building permit, the applicant shall prepare a photographic survey of the historic features of the property and buildings including but not limited to the trees, grounds, exterior and interior of all structures. The photographic survey shall be approved by the City and remain the property of the City.
 - f. The applicant shall submit draft wording and location of the historic plaque prior to issuance of any building permit. The City shall approve the wording and location on the site of the historic plaque. The historic plaque shall be placed at the approved location prior to issuance of Certificate of Occupancy for the new main residence.
 - g. The historic plaque, once installed, shall be accessible by the public at all times.
 - h. The applicant shall protect in place the existing California Live Oak and plant historic period landscaping of a citrus orchard, rose garden and vineyard as depicted on the plans in an area around the historic structure. The plantings shall be appropriately maintained so long as the property continues as a historic structure.