

PUBLIC HEARINGS

**CITY COUNCIL
JANUARY 27, 2004**

To: Mayor and City Council

From: George J. Rodericks, City Manager **GR**

SUBJECT: Consideration of Conditional Use Permit No. 0567; Increase in maximum allowable floor area ratio by 5% – Location: 10161 Sunkist Circle (Suresh Jain)

BACKGROUND

The applicant is requesting permission to add an elevator to the property which will increase the maximum allowable floor area ratio (40%) by 5% to 45%.

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.
- 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.

Article 23-6.7 of the Villa Park Municipal Code requires a Conditional Use Permit for all structures exceeding the maximum allowable floor area ratio.

FINDINGS

The subject property is located at 10161 Sunkist Circle and is in the R-1 zoning district. Lot areas within this district range from 8,000 to 13,500 square feet. Surrounding uses are residential.

The applicant is proposing to add an elevator to the structure which will add approximately 215 square feet to the property. A large majority of the properties developed in the Villa Park Orchards were developed at their maximum allowable floor areas. The addition of 215 square feet to this property will result in this property exceeding the maximum allowable floor area ratio of 40% by 5%.

The property is within an established Homeowner's Association and written approval from the Association will be required.

Based on a review of the project application, the proposed project meets the objectives of the Villa Park Zoning Code and complies with lot coverage, setback, and height requirements. A Conditional Use Permit is required for the increase in floor area.

CEQA COMPLIANCE

This project is exempt from requirements of the California Environmental Quality Act by Section 15303 – New Construction or Conversion of Small Structures – Class 3. Class 3 includes the construction of new structures; the installation of new equipment and facilities in small structures; and the construction of a single-family residence or a second dwelling unit in a residential zone.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2004-2729, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0567, for an increase in the maximum allowable floor area ratio of 5% to 45%, with conditions; Location: 10161 Sunkist Circle.

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.

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.
3. 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.
4. 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.
5. 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.
6. Temporary toilet facilities are not permitted in the front setback areas.
7. This 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.
8. This 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.
9. 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.
10. A residential site review from the Orange County Fire Authority is required prior to issuance of building permits.
11. Written approval from the Homeowner's Association is required prior to issuance of any required building permits.