

PUBLIC HEARINGS

**CITY COUNCIL
June 24, 2003**

To: Mayor and City Councilmember
From: George J. Rodericks, City Manager
Originated by: Kathy Adrian, City Clerk

SUBJECT: Consideration of Conditional Use and Variance Application No. 0536 –
Location: 18922 Santiago Boulevard; Applicant: Carl Beckmann.

BACKGROUND

The applicant is requesting conditional use permits for the following:

- Two-story single-family residence above 25 feet in height;
- Four (4) garage stalls on the property;
- Second dwelling unit;
- Increase in the maximum floor area allowed.

The applicant is also requesting variance approvals for the following:

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

AUTHORITY

Conditional Use Permits. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. In order to achieve these purposes, the City Council is empowered to grant and to deny applications for use permits for such conditional uses in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of conditional use permits.

The Villa Park Municipal Code requires a Conditional Use Permit for the following:

- Residential structures exceeding 25 feet in height. The height limit is established at a maximum of 32 feet;
- Any newly constructed garages that would bring the total number of garage stalls to four or more or where garage doors are 8 feet or more in height;
- Any accessory building or structure that is usual and customary or incidental to a principal use permitted in residential zones;
- To exceed the 32% maximum floor area allowed.

The public hearing process allows for a review of the exterior elevations of a construction project in order to assess its impact on adjacent properties.

Variiances. The Zoning Code authorizes the City Council to approve, conditionally approve, or disapprove variance applications. Variances from the terms and regulations of the Zoning Code are to be granted when, because of special circumstances applicable to the property, a strict application of the terms and regulations of the Zoning Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

FINDINGS

The subject property is located at 18922 Santiago Boulevard and is in the 100-E4-20,000 Small Estate zoning district. 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 31,798 square feet. Surrounding uses are residential.

Staff has visited the site for purposes of viewing the property as it relates to this request.

As measured from average existing grade, the proposed structure will have a maximum ridgeline height of 32 feet with a 27-foot average roof plane. The applicant is also requesting a Conditional Use Permit for 4 or more garage spaces on the property. The applicant is also proposing a second dwelling unit on the property.

The applicant is requesting Variance approval for a reduction in the front setback for the detached second dwelling unit. The City's Zoning Code requires that all detached structures be located 50 feet back from the front property line. As submitted, the detached second dwelling unit is approximately 25 feet back from the front property line. Second dwelling units are required to maintain the same vehicular access which serves the main unit. Due to the proposed location of the second dwelling unit, the applicant is requesting separate access for the unit through the Variance process. Second dwelling units may be rented or leased, but shall not be sold or owned separately from the principal dwelling unit. One of the residential dwellings on a lot on which a second dwelling unit is proposed to be established shall be for the exclusive occupancy of the owner of the lot and shall not be rented or leased as long as the second dwelling unit exists.

Historical Review

The applicant is proposing development of the property known as the Smith-Clark Brothers Ranch. This property is listed on the National Historic Register for Historic Places as NRHP #8300122. Approval of any development of this property must comply with the California Environmental Quality Act (CEQA) in order to assess the potential environmental impacts of the proposed project. As a result, the City conducted an Initial Study. Based on this assessment from the Initial Study, a Mitigated Negative Declaration was prepared. The Mitigated Negative Declaration was properly posted and noticed pursuant to CEQA and City requirements.

In recognition of the historic property and contributions made by the Smith-Clark family to Villa Park and Orange County, the applicant is proposing 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.

In light of the fact that the City is requiring the applicant to rehabilitate the historic main house and maintain it on the property, the applicant is requesting that development on the site be held harmless as to the lot coverage and floor area ratio impact of the historic structure. To accomplish this, the applicant is requesting a Variance from the lot coverage requirement of 24% to 28% and a Conditional Use Permit for the floor area ratio increase from 32% to 36%.

Based on the Initial Study, the project as proposed would have less-than-significant effects or no impacts in all areas, except Cultural Resources. The applicant proposes to save the 200-year-old California Live Oak tree, but the rest of the mature trees, as well as, the 100-year-old Morton Bay Fig are proposed to be demolished. This action is justified because the extensive and large root system of the Fig has caused damage to adjacent properties. The tree is planted on the edge of the property line and will continue to damage neighboring properties if not removed. The applicant is proposing to provide areas of citrus orchard, vineyard, and rose gardens to evoke the agricultural history of Orange County's past. The applicant is proposing to place a plaque on the large concrete headgate marking the history of the site and the Smith-Clark family.

Measures have been formulated to effectively mitigate the environmental impacts to the cultural resources. Implementation of these mitigation measures can avoid the impacts or reduce them to a less-than-significant level. The mitigation measures that the applicant has incorporated into the project plan are incorporated into the Mitigated Negative Declaration.

It is recommended that the following modifications be made to the mitigation measures:

Change Mitigation Measure #1 to "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.

Change Mitigation Measure #4 to "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."

Change Mitigation Measure #8 to "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."

CEQA Compliance: This project is not exempt from CEQA. Based on the historic nature of this property and potential environmental assessment, an Initial Study was prepared. Based on the assessment from the Initial Study, a Mitigated Negative Declaration has been prepared.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

1. Adopt Resolution No. 2003-2695, A Resolution of the City Council of the City of Villa Park approving Conditional Use and Variance Permit No. 0536, for a new two-story residence, with conditions; 18922 Santiago Boulevard – Applicant: Carl Beckmann.
2. Adopt Resolution No. 2003-2696, A Resolution of the City Council of the City of Villa Park approving Mitigated Negative Declaration for 18922 Santiago Boulevard – Applicant: Carl Beckmann.

RECOMMENDED ACTION

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

STANDARD 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. Construct street improvements on Santiago Boulevard. A street improvement plan prepared by a Registered Civil Engineer must be submitted. A separate permit is required.
5. 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. Sewer must be connected to existing City sewer. Separate permit required.
7. A grading plan must be prepared by a Registered Civil Engineer and approved by the City Engineer prior to issuance of a Building Permit.
8. An erosion control plan must be submitted for City Engineer approval. Erosion control must be in place prior to.
9. Temporary toilet facilities are not permitted in the front setback areas.
10. The conditional use and variance 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.
11. The conditional use and variance 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.
12. A residential site review from the Orange Council Fire Authority is required prior to issuance of building permits.

MITIGATION MEASURES

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. The historic plaque, once installed, shall be accessible by the public at all times.
8. 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.