

PUBLIC HEARINGS

**CITY COUNCIL
MARCH 22, 2005**

To: Mayor and City Council

From: George J. Rodericks, City Manager

SUBJECT: Consideration of Conditional Use Permit No. 0613; Commercial parking and storage facility – Location: 9412 Villa Vista Way (Brian J. Smart)

BACKGROUND

The applicant is requesting permission to operate a commercial parking and storage facility from a portion of 9412 Villa Vista Way.

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

The Villa Park Municipal Code provides that Conditional Use Permit is required for any accessory use or structure not expressly permitted under Section 23-6.5 of the Villa Park Municipal Code.

FINDINGS

The subject property is located at 9412 Villa Vista Way 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.

The subject property is 2.659 acres or 115,390 square feet. Of the total area, approximately 96,000 square feet is located within a Southern California Edison Right-of-Way easement. The remainder of the property (approximately 20,000 square feet) is improved with a single-family dwelling accessible off of Villa Vista Way. The right-of-way easement prohibits the construction of a residential dwelling and severely limits the approvable uses within the area. The easement is approximately 350 to 400 feet wide covering the majority of the subject property. The subject property also consists of a separate parcel on the south side of Meats Avenue adjacent to the rear of Serrano Elementary School (the applicant is proposing to donate or transfer interest in this lot to the City of Villa Park).

Surrounding properties consist of residential uses and nursery and landscape companies. The nurseries and landscape companies have been granted Conditional Use Permits for their operations.

A Conditional Use Permit is required for all accessory uses not expressly permitted under Section 23-6.5 of the Villa Park Municipal Code. Wholesale nursery operations and related uses are expressly permitted as a principal use, subject to a Conditional Use Permit, under Section 23-6.3 of the City's Zoning Code. Wholesale nursery operations are considered a use that is compatible with adjacent residential uses. The type of operation contemplated under the present application is not expressly permitted and therefore does not enjoy consideration as a compatible use absent findings by the City Council.

To approve the application, the City Council must make the following findings:

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.

The subject property is located within the E-4 Single-family Residential Estate Zone. The E-4 Zone is established to provide for the development of medium-low density single-family residential neighborhoods in which open spaces and deep setbacks predominate. Only those additional uses are permitted that are complementary to, and can exist in harmony with, a residential neighborhood.

The proposed project is not expressly permitted as a principle use within the E-4 Zone. Based on a review of the project, the project is not complementary to or in harmony with a residential neighborhood. Mitigation measures may be developed to make the

operation less intrusive and more compatible; however, it is unlikely that these measures would fully insulate the project from impact to adjacent properties.

The project is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

While not impacting the public health or welfare, the proposed project will potentially impact the safety of adjacent properties and other improvements in the vicinity. It is staff's opinion that traffic flow in and out of the facility will create a potential traffic hazard along portions of Meats Avenue. Large vehicles or vehicles traveling with vehicles in tow will create a turning and stopping hazard as they attempt to enter and exit the facility. Further assessment of traffic concerns will need to be addressed through an environmental review of the traffic circulation for the project. Mitigation measures may be developed to make the operation safer in this regard; however, it is unlikely that these measures would be sufficient to eliminate all potential hazards as vehicles enter along the curve of Meats Avenue.

The project complies with all applicable provisions of the Zoning Code.

The project, as designed, would comply with all applicable provisions of the Zoning Code with respect to fencing and wall heights. However, the applicant has not provided sufficient information for an accurate assessment of compliance with respect to lighting and landscaping. A full architectural design, with detail, with respect to exact placement of facilities, concept drawings, dimensional details, and other architectural renderings would likely provide sufficient information to assess further compliance.

CEQA COMPLIANCE

This project is not exempt from requirements of the California Environmental Quality Act.

The typical categorical exemption is found under Section 15303, "New Construction or Conversion of Small Structures – Class 3, including 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" does not apply. A secondary exemption is Class 11, "Construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities, including, but not limited to: on-premise signage and small parking lots."

Staff interpretation of this categorical exemption is that it applies to existing commercial or institutional type uses and the project site does not conform to this condition.

Therefore, the project will be required to complete an evaluation under the California Environmental Quality Act. The applicable deposit for the Environmental Impact Report

is \$14,000. The actual costs are to be withdrawn from that deposit plus a thirty (30%) percent administrative overhead charge.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff cannot recommend approval. If the City Council is desirous of further review of the project, staff recommends that the City Council continue the item pending completion of the CEQA review and further detailed plans to address the project more specifically.

APPROVAL MOTION

Adopt Resolution No. 2004-2808, a Resolution of the City Council of the City of Villa Park approving Conditional Use Permit No. 0613, construction of a commercial parking and storage facility; Location: 9412 Villa Vista Way.

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. 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 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 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 to mitigate the impact of the property and its use with respect to adjacent residential properties. Landscaping shall be implemented pursuant to the approved plan within six months of issuance of any applicable Certificate of 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. Lighting on the property shall conform to the City's standards for recreational court lighting and shall not impact adjacent properties as described in those standards.
 14. Hours of operation shall be limited to:
 - a. Monday through Friday from 9 a.m. to 1 p.m.
 - b. Saturday from 7:30 a.m. to 6 p.m.
 - c. Sunday from 7:30 a.m. to 6 p.m.

15. Gates and access shall be prohibited outside of the approved hours of operation.
16. There shall be no permanent facilities erected on the property.
17. Abandoned or inoperable vehicles shall not be maintained on the site.
18. Retail sales activity shall not occur on the site.
19. Storage of toxic or hazardous materials shall not be maintained on the site.
20. Written approval from Southern California Edison shall be obtained and delivered to the City prior to initiating any construction on the facility.
21. The applicant shall submit a deposit for the completion of an environmental review pursuant to the California Environmental Quality Act. Mitigation measures as recommended pursuant to the Report shall be incorporated into the Conditions of Approval for the project, specifically, traffic control, noise control, landscaping, and points of access.