

PUBLIC HEARINGS

CITY COUNCIL
MARCH 25, 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. 0518 for a New 2-Story Residence – Location: 18341 Valley Drive; Applicants: Vinh Le and Tung Ngo.

BACKGROUND

The applicants are requesting conditional use permits for the following:

- ◆ Construction of a two-story single-family residence above 25 feet in height;
- ◆ Construction of 8 garage stalls on the property;
- ◆ Construction of a detached pool cabana;
- ◆ Increase in the 32% maximum floor area allowed to 40%.

The applicants are also requesting a variance approval for retaining walls in excess of 6 feet in height.

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.

Variances. 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 18341 Valley Drive and is in the 100-E4-20,000 Small Estate zoning district. It is an irregularly shaped, unimproved lot with a front property line of approximately 277 feet, a rear property line of approximately 332 feet, and an average depth of approximately 140 feet. The lot area is 34,075 square feet. Surrounding uses are residential.

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

The Villa Park Municipal Code states that a Conditional Use Permit is required for the following:

- 1) 2-story residence over 25 feet in height – as measured from average existing grade, the proposed structure has a maximum height of approximately 26.10 feet, less than the city's limit of 32 feet; and
- 2) Four (4) or more garage spaces – eight (8) are proposed on the project;
- 3) Freestanding pool cabana;
- 4) Floor area exceeding 32% - as proposed, the project has a maximum floor area of 40 %.

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

Due to the topographical configuration of the lot, it will be necessary for the applicants to install a series of retaining walls to get the requested building footprint. The applicants are proposing a retaining wall of increasing height along the front of the property for access. The wall is proposed to be landscaped to soften its impact. In addition, walls are required at the rear of the property, as the home will be graded into the existing slope. All of the walls will be in excess of 6 feet in height and some will be as high as 15 feet in places. A variance is required for walls in excess of 6 feet.

The proposed project meets all the required setback and lot coverage requirements for structures under the City's Zoning Code.

If approved, the applicants are required to work with the City Engineer to address any concerns during construction regarding grading, retaining walls, and drainage. All applicable street improvements will be made at the time of construction.

CEQA Compliance: This project is exempt from requirements of CEQA by Sections 15303 Class 3: New Construction or Conversion of Small Structures.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Staff recommends approval of this application.

APPROVAL MOTION

Adopt Resolution No. 2003-2654, A Resolution of the City Council of the City of Villa Park approving Conditional Use and Variance Permit No. 0518, and the conceptual grading plan for a new two-story residence, with conditions; 18341 Valley Drive – Applicants: Vinh Le and Tung Ngo.

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 and the approved conceptual grading plan 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. The detached structure shall not be converted to a second dwelling unit without prior approval of the City Council.
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. Construct street improvements on Valley Drive. A street improvement plan prepared by a Registered Civil Engineer must be submitted. A separate permit is required.
6. 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. Sewer must be connected to existing City sewer. Separate permit required.
8. A grading plan must be prepared by a Registered Civil Engineer and approved by the City Engineer prior to issuance of a Building Permit.
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 County Fire Authority is required prior to issuance of building permits.
13. Submit retaining wall design and construction method details, sequence of events, temporary shoring details or back-cut requirements, with the final grading plan. An OSHA permit will be required for cuts exceeding five feet in height.
14. Submit soil report with grading plan that addresses retaining wall design and construction method requirements, including back-cut or temporary shoring requirements and methods.
15. Prior to issuance of any building permits for construction over existing easements on the property, the easements shall be quitclaimed or notarized and recorded. Letters of permission to construct shall be obtained from the easement interest holders.
16. Owner shall notify adjacent property owners and holders of easement interests 15 days prior to start of grading construction.
17. A grading bond will be required in an amount to be determined by the City Engineer.
18. A haul permit will be required, including traffic control provisions.