

MINUTES OF THE CITY COUNCIL

CITY OF VILLA PARK, CALIFORNIA

The City Council of the City of Villa Park met in regular session Tuesday, February 24, 2004 at 7:30 PM in the City Council Chambers, 17855 Santiago Boulevard, Villa Park, California.

CALL TO ORDER: Mayor Bortle called the meeting to order.

ROLL CALL:

COUNCILMEMBERS PRESENT:

Patricia Bortle	Mayor
Bill MacAloney	Mayor Pro Tem
Bob Bell	Councilmember
Rich Freschi	Councilmember
Robert McGowan	Councilmember

STAFF PRESENT:

George Rodericks	City Manager
Cristina Sundstrom	Administrative Secretary/Deputy City Clerk
Leonard Hampel	City Attorney
Warren Repke	City Engineer

FLAG SALUTE:

Villa Park Elementary School sixth-graders Olivia Schafer, Adam Hammer and Madison Tracewell led the flag salute.

INTRODUCTIONS AND PRESENTATIONS:

Presentation of Commendation for Outstanding Academic Achievement to Mark Schroeder, Seventh-Grade Student at Cerro Villa Middle School.

Proclamation Presented to National Foundation for Trauma Care, Irvine.

Mayor Bortle wanted to bring the public's attention to the astonishing number of fatal collisions that occur each year from red light running in California.

Sanitary Sewer Master Plan – City Engineer Warren Repke.

City Engineer Repke gave a Power Point presentation on the City's sewer system. One of the highlights of the presentation was the footage shown from the closed circuit television camera (CCTV).

City Engineer Repke reported that in 2001, the City began a process to evaluate our sanitary sewer system. A total of three grants from the Orange County Sanitation

District Cooperative Projects Program assisted the City in completing the system evaluation.

The evaluation of the system has been completed by the consultant, Norris-Repke, and a Master Plan of Sewer Report was prepared.

Substantial funding will be required to address various system deficiencies over the next 7 to 10 years. He reported it will require about \$1.8 million dollars to maintain the sewer system. He advised the Council that the City needs to put aside this much money to maintain the sewers at an acceptable level over a 7-10 year Capital Projects Plan. Orange County Sanitation District provides some grant money, however, the rest of the funding will have to be forthcoming over the next seven years.

It was moved by Councilmember Bell, seconded by Councilmember McGowan, and carried by the following roll call vote to receive and accept the report as a guidance document to be used in the development of sewer system improvements:

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ORAL COMMUNICATIONS:

Dr. Robert Helton, 10051 Briley Way, asked the Council for an update on cellular reception.

City Manager Rodericks gave an update on the cypress tree cell tower alternative. Site Management Services, Inc. is looking into the logistics of placing a tower on Taft Avenue. This company is working to identify locations of sewer lines and water lines under Taft Avenue before making a final recommendation to the City Manager. This matter will come back to the Public Utilities Committee in about two weeks along with some alternative sites.

Teri Elmendorf, 10291 Camden Circle, offered her opinion to Council regarding the Town Hall meeting formats. She expressed her interest in the format reverting to the way they were under Mayor MacAloney, that is without an Agenda and with the Mayor giving an opening State of the City Address, followed by open-microphone to the studio audience. She would like to see the return of a more informal Town Hall Meeting.

Erik Kuli, 9102 El Rito Drive, spoke to Council on behalf of the Villa Park Community Services Foundation, Inc. He reported that last year's Premiere Gala was very successful and that both the Eagle Scouts and Celebration, U.S.A. received donations from the organization. He announced that a letter went out to all charter members to renew their memberships to the Foundation. The second annual gala will take place at the Town Center on April 24, 2004. The theme of this year's gala is secret for now.

The Annual Picnic will take place on Sunday May 30, 2004. Last year's emcee was Barnaby, as he will be this year. He entertained all age groups successfully. Wayne's Liquor contributed \$2,000 for wine last year and will be doing so this year.

CONSENT AGENDA:

1. Consideration to Waive Reading in Full of All Ordinances on the Agenda. Approved Action: That the City Council waive the reading in full of all ordinances on the Agenda.
2. Consideration of City Council Minutes of January 27, 2004. Approved Action: That the City Council approve the City Council Minutes of January 27, 2004.
3. Consideration of Town Hall Meeting Minutes of February 10, 2004. Approved Action: That the City Council approve the Town Hall Meeting Minutes of February 10, 2004.
4. Consideration of List of Demands for January 31, 2004. Approved Action: That the City Council approve the List of Demands for January 31, 2004, numbered 1 through 30 in the amount of \$23,846.40.
5. Consideration of List of Demands for February 24, 2004. Approved Action: That the City Council approve the List of Demands for February 24, 2004, numbered 1 through 28 in the amount of \$163,028.06.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember McGowan, and carried by the following roll call vote to approve Consent Agenda Items 1 through 5:

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

MATTERS PRESENTED BY COUNCILMEMBERS:

Consideration of \$100.00 Contribution to the Boy Scouts of America to Support Government Involvement – Mayor Bortle.

Mayor Bortle explained to Council that the Boy Scouts would be manning an informational booth at the League of California Cities Annual Conference in Long Beach. They had requested a donation of \$100 to help cover the cost of the booth. After some discussion, it was decided that the Community Services Foundation, Inc. would be the appropriate organization from which to seek the contribution.

CITY COMMISSION AND COMMITTEE REPORTS OR REFERRALS:

Councilmember Bell discussed Proposition 172. He reported that the Orange County Fire Authority will attempt to place an initiative on the November 2004 ballot to ask the voters to allocate the Fire Authority a share of Proposition 172 funds.

Councilmember McGowan discussed the Serrano Water District's Board Meeting of February 17, 2004. It was decided at this meeting that the price of water will increase by 29% and that the residents of Villa Park will be seeing an increase on their water bills soon.

City Manager Rodericks stated that the Water District's Board discussed building up their water reserves again. The cost of water is going up, and the amount of water they can purchase is decreasing.

PUBLIC HEARINGS:

1. Consideration of Continued Variance Permit No. 0566 for fence, pilasters, and gates over 42 inches within the required front setback – Location: 18961 Valley Drive; Applicants: Billy and Laurie Skeffington.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicants have requested permission for continuance so that they have time to work out some more of the details of their project.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to continue Variance Permit No. 0566 (Location: 18961 Valley Drive; Applicants: Billy and Laurie Skeffington) until the next City Council Meeting on March 23, 2004:

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	MacAloney

2. Consideration of Conditional Use Permit No. 0569 to allow construction of a detached garage/workshop of approximately 1,050 square feet – Location: 18411 Santiago Boulevard; Applicants: Kerry and Kim Robinson.

Councilmember Bell recused himself from voting since he had some real estate dealings with the applicants within the last 18 months.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a detached garage/workshop of approximately 1,050 square feet.

The subject property is located at 18411 Santiago Boulevard and is in the E-4 zoning district. The subject property is approximately 22,882 square feet. Surrounding uses are residential.

The applicant is proposing to demolish an existing detached garage and construct a new detached garage/workshop of approximately 1,050 square feet. The height of the structure is proposed at 15 feet.

Detached structures require a Conditional Use Permit, are limited to a height of 15 feet, and must abide by the ten (10) foot setback requirement. 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, floor area, setback, and height requirements.

Staff recommends approval of this application.

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

Public testimony was given by the applicant, Kerry Robinson. He came to answer questions.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2731, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0569 for a detached garage/workshop, with conditions (Location: 18411 Santiago Boulevard; Applicants: Kerry and Kim Robinson):

AYES:	COUNCILMEMBERS:	McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	Bell

3. Consideration of Conditional Use Permit No. 0570 to allow construction of a detached patio cover (approximately 625 square feet) and outdoor fireplace—Location: 18172 Charter Road; Applicants: Daniel and Freddie Anne Wiens.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicants are requesting permission to construct a detached patio cover and outdoor fireplace. The patio cover is proposed at approximately 625 square feet.

The subject property is located in the E-4 zoning district and is approximately 20,000 square feet.

The applicant is proposing to construct a detached patio cover and outdoor fireplace. The proposed structure is approximately 625 square feet. The height of the patio structure is proposed at 13 feet 4 inches. The chimney of the fireplace extends above the height of the patio cover by an additional 2 feet to the top of the chimney box. The spark arrestor extends beyond the 15 foot height limit. Such features, as they are required by the Uniform Building Code, *are not* included in the calculation of height.

Detached structures require a Conditional Use Permit, are limited to a height of 15 feet, and must abide by the ten (10) foot setback requirement. 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, floor area, setback, and height requirements.

Staff recommends approval of this application.

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

Public testimony was given by the applicant, Daniel Wiens.

Mayor Pro Tem MacAloney inquired about the spark arrestor and the two-foot extension over the fireplace. He thought the spark arrestor would be an eye-sore.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Freschi, seconded by Mayor Pro Tem MacAloney, and carried by the following roll call vote to adopt Resolution No. 2004-2732, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0570 for a detached patio cover (approximately 625 square feet) and outdoor fireplace, with conditions (Location: 18172 Charter Road; Applicants: Daniel and Freddie Anne Wiens):

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

4. Consideration of Conditional Use Permit No. 0571 to allow construction of a second-story addition to a single-story residence – Location: 9491 Lemon Street; Applicant: B.K. Subbarao.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct a second -story addition to a single-story residence.

The subject property is located at 9491 Lemon Street and is in the E-4 zoning district and is approximately 20,500 square feet.

The applicant is proposing a second story addition to an existing single-story residence. The height of the structure is proposed at 30 feet.

Lots within the E-4 Small Estate zone are restricted to 24% lot coverage for two-story homes and 32% floor area for single-story. Structures are limited to a height of 25 feet without a Conditional Use Permit, and 32 feet with a Conditional Use Permit. 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, floor area, setback, and height requirements.

Staff recommends approval of this application.

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

City Manager Rodericks noted that there are three letters of opposition to the project on file.

Public testimony was given by the architect, Rick Moser from Lake Forest. He stated that there should not be a problem with privacy due to the proposed height of the project.

Mayor Pro Tem MacAloney expressed privacy concerns over the height of the second addition. He voiced his privacy concern for an adjacent neighbor, Mr. Dante.

Mayor Bortle questioned Mr. Moser about the privacy issue for the Dante family. Mr. Moser explained that he designed the house to lend itself to the neighbors' privacy.

Councilmember Freschi made reference to westerly neighbors and their privacy.

Public testimony was also given by the applicant, B.K. Subbarao. He explained to the Council that the Dante's remodeled about ten years ago and he did not object to their project. He is concerned that they are now complaining about his proposed project.

Councilmember Bell stated that he saw no problem with the application, as long as an adequate landscaping plan was received.

Councilmember McGowan agreed with resolving the landscaping issue so that the concerns of neighbors to the south and west (where the balcony faces) are sufficiently addressed.

Some discussion ensued about whether to have the landscape plan come back to Council or whether to let the Community Development and Public Safety Committee handle it. The consensus was for the latter to occur.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember McGowan, seconded by Councilmember Bell, and carried by the following roll call vote to adopt Resolution No. 2004-2733, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0571 for a second-story addition, with conditions (Location: 9491 Lemon Street; Applicant: B.K. Subbarao):

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

5. Consideration of Conditional Use Permit No. 0572 for the operation of a wine tasting license – Location: 17851 Santiago Boulevard; Applicant: Khaled Dahdoul.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to operate a wine tasting facility in conjunction with the current liquor store operation.

The subject property is located at 17851 Santiago Boulevard and is in the CN zoning district. The lot area is approximately 10,000 square feet and surrounding uses are commercial, residential, and educational.

The applicant is requesting permission to operate the tasting facility using in-house staff six days a week between the hours of 11 a.m. and 8 p.m. The applicant is proposing two educational events per month using the services of a certified sommelier. These educational events are proposed one Saturday per month between the hours of 12 p.m. to 4 p.m. and one Thursday per month between the hours of 7 p.m. and 10:30 p.m.

Portions are limited to one ounce per consumer. The tasting facility will be located within the facility in a roped off location within the wine cellar.

Tasting facilities are regulated by the California Department of Alcoholic Beverage Control under the Alcohol Beverage Control Act within the California Business and Professions Code. Conditions imposed under the ABC guidelines include limitations on the size and quantity of tasting, location and protection of the tasting area, and appropriate signage, and other similar conditions.

Section 23386(b) of the Business and Professions Code provides that an on-sale retail licensee is authorized to instruct consumers at the on-sale retail licensed premises regarding distilled spirits. The instruction may include, without limitation, the history, nature, values, and characteristics of the product, and the methods of presenting and serving the product. The instruction may include the furnishing of not more than three tastings to any individual in one day. A single tasting of distilled spirits may not exceed one-fourth of one ounce and a single tasting of wine may not exceed one ounce.

Staff recommends approval of this application, with conditions. Condition #10 shall be modified to read, "An introductory banner shall be permitted for a period of 60 days to introduce the new wine tasting operation."

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

Public testimony was given by the applicant and proprietor of Wayne's Liquor, Kelly Dahdoul. He said that he chose the slower times in the town center to have his wine tasting classes so as not to impact the parking of other businesses.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2734, a Resolution of the City Council of the City of Villa Park, approving Conditional Use Permit No. 0572 for the operation of a wine tasting facility in conjunction with the current liquor store operation, with conditions (Location: 17851 Santiago Boulevard; Applicant: Khaled Dahdoul):

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

6. Consideration of Variance Permit No. 0574 for wall and pilasters over 42 inches within the required front setback – Location: 18481 Jocotal Avenue; Applicants: Michael and Denise Branson.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct portions of a wall and pilasters over 42 inches in height within the required front setback.

Article 23-6.11 of the Villa Park Municipal Code specifies that the maximum height of any fence, wall, or other structure within the first 20 feet of the property shall be limited to 42 inches.

The subject property is located in the E-4 zoning district.

The applicant is proposing to construct a front yard wall and pedestrian gate with pilasters with portions of the wall to exceed a height of 42 inches. Based on the drawings submitted by the owner, the pedestrian gate pilasters are at a height of 63 inches connecting to a descending wall from 48 inches down to 40 inches and terminating at a second set of pilasters proposed at 48 inches. The walls and pilasters are located at the edge of the property line immediately adjacent to the City's right-of-way.

The Villa Park Code also allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application exceeds a 25% reduction in the required front setback.

Variance permits require that the City Council find that the strict or literal interpretation of the Code would result in a practical difficulty or unnecessary physical hardship that is inconsistent with the objectives of the Zoning Code. The Council must also find that there are exceptional or extraordinary circumstances applicable to the property that do not apply generally to other properties in the same zone. Based on a review of the project application, the proposed project does not meet the objectives of the Villa Park Zoning Code and there does not appear to be any significant exceptional or extraordinary circumstances applicable to the property. However, the property is located on a curved section of Jocotal Avenue and the grade of the home itself is slightly elevated, such that designing a wall at the location in conformance with the Zoning Code creates an architectural impact as addressed in the applicant's letter of justification.

Staff cannot recommend approval of this application.

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

Public testimony was given by the applicant, Mike Branson. He noted that he was not creating a gate. His intention was to build a so-called wall to create a defined entryway into the property as an access away from the grass and garden. Speeding cars down Jocotal Avenue was one reason the applicant decided to propose building a wall.

Councilmember Freschi remarked approval of this application could be perceived by the public to be special consideration for this project. The Council needs to be able to justify its approval.

Councilmember Bell agreed with Councilmember Freschi that there is no justification for approving this Variance application.

Public testimony was also given by Mark Gordon, a friend of the applicant, who resides in Mission Viejo. He pointed out to the Council that the curve of the street ought to be taken into consideration. Also, he stated that the wall would not extend the entire length of the home.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Councilmember McGowan, and carried by the following roll call vote to adopt Resolution No. 2004-2735, a Resolution of the City Council of the City of Villa Park, denying approval of Variance Permit No. 0574 for a wall and pilasters over 42 inches within the required front setback (Location: 18481 Jocotal Avenue; Applicants: Michael and Denise Branson):

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

A brief recess was called by Mayor Bortle at 9:30 p.m. The meeting reconvened at 9:40 p.m.

6. Consideration of Conditional Use Permit No. 0575 for an outdoor fireplace – Location: 19062 San Ramon; Applicant: Ray Thagard.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct an outdoor fireplace.

The subject property is located in the E-4 zoning district and is approximately 21,460 square feet.

The applicant is proposing to construct an outdoor fireplace that is 15 feet in height. The chimney of the fireplace extends to the maximum 15 foot height requirement. The applicant contends that the height of the chimney stack is important to provide adequate ventilation and to ensure smoke control.

Features such as spark arrestors and other items required to conform to the Uniform Building Code are not typically included in the calculation of height – and in this case, will be an additional requirement from the Building Department on top of the proposed height as shown in the plans. The spark arrestor added after the approval process will bring the total height of the structure to 16 or 17 feet. The City Council may condition the approval in such a way that the total height of the structure, including the spark arrestor, is limited to 15 feet.

Portions of the structure are proposed within an existing sanitary sewer and drainage easement. If approved, an Encroachment Agreement will be required.

Detached structures require a Conditional Use Permit, are limited in height to 15 feet, and must abide by the ten (10) foot setback requirement. 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, floor area, setback and height requirements.

Staff recommends approval of this application, with conditions and the addition of condition #11 for the Encroachment Agreement.

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

Mayor Pro Tem MacAloney questioned the applicant about the location of some trees on his property that could be a fire hazard if a fireplace is constructed.

Public testimony was given by the applicant, Ray Thagard, who offered to screen the project and not use it on windy days. He stated to Mayor Pro Tem MacAloney that the trees are not near the proposed fireplace site.

Further testimony was given by a neighbor, Sherry Swickard, 9392 Loma Street, who sent a letter to the Council expressing her opposition to the project. Her main concern was the fire hazard. She asked the Council if they could assure her that there would be a screen on the fireplaces at all times.

Testimony was also given by the project director from the architectural firm, Cummings Curley, Inc. (name not audible on tape). He stated that the applicant would never burn all four fireplaces simultaneously. He addressed landscaping and the fact that the trees on the property are evergreens, watered often, and that the 15 foot spark arrestor would be sufficient.

Councilmember McGowan asked the applicant whether he would be providing a screen and his response was in the affirmative.

Final testimony was given by neighbor Susan Shumizu, 19051 Canyon Drive, who stated that she is not assured that the project will be done well and be attractive. She pointed out that the neighbors' shrubbery will have to hide his tall wall, which is also a potential fire hazard.

Mayor Bortle closed the Public Hearing.

It was moved by Councilmember Bell, seconded by Mayor Bortle, and carried by the following roll call vote to adopt Resolution No. 2004-2736, a Resolution of the City Council of the City of Villa Park, approving of Conditional Use Permit No. 0575 for an outdoor fireplace, with conditions and specifically the modification of condition #11 (Location: 19062 San Ramon Circle; Applicant: Ray Thagard):

AYES:	COUNCILMEMBERS:	Bell, Freschi, Bortle
NOES:	COUNCILMEMBERS:	McGowan, MacAloney
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

8. Consideration of Conditional Use Permit No. 0576 for relocation of a detached pool cabana approved under Conditional Use Permit No. 0478 in April 2002 and addition of covered patio – Location: 9591 James Circle; Applicant: Roland Weedon.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to relocate a proposed pool cabana approved under Conditional Use Permit No. 0478 in April 2002.

In addition, the applicant is expanding the size of the pool cabana by adding an additional 176 square feet of solid covered patio and 120 square feet of open patio cover.

The subject property is located in the E-4 zoning district and is approximately 20,001 square feet.

In April 2002 the applicant received approval for construction of a new residence, a pool cabana, attached patio covers, and an increase in the maximum allowable floor area from 32% to 33%. The detached pool cabana was to be located along the northern property line with a setback of 11 feet 3.5 inches to the north property line and a rear yard setback of 25 feet to the west property line.

The applicant is proposing to relocate and expand the size of the pool cabana from the northern property line to the west property line with a setback of 35 feet to the north property line and 10 feet to the rear or west property line.

The size of the enclosed structure has not changed since the prior approval. The applicant is proposing the addition of 120 square feet of 50% open patio covers on the north and south sides of the cabana and the addition of 176 square feet of solid cover patio covers on the east side (pool side) of the cabana.

The Villa Park Zoning Code provides that when calculating lot coverage, patio covers which are at least fifty (50%) percent open, not exceeding 12 feet, and open on all sides, except where they may be attached to the main structure, are excluded. Therefore, the 120 square feet of patio cover does not constitute lot coverage.

Detached structures require a Conditional Use Permit, are limited to a height of 15 feet, and must abide by the ten (10) foot setback requirement. 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, floor area, setback and height requirements.

Staff can recommend approval of this application.

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

Public testimony was given by the applicant, Roland Weedon, 9661 Janice Circle. He stated that he was present to answer any questions.

Mayor Bortle closed the Public Hearing.

It was moved by Mayor Pro Tem MacAloney, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2737, a Resolution of the City Council of the City of Villa Park, approving of Conditional Use Permit No. 0576 for the relocation and expansion of a proposed pool cabana previously approved under Conditional Use Permit No. 0478 in April 2002, with conditions (Location: 9591 James Circle; Applicant: Roland Weedon):

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None

ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None

9. Consideration of Conditional Use and Variance Permit No. 0577 for the construction of a freestanding gazebo and to allow construction 5 feet into the required 10 foot rear yard setback- Location: 19081 Valley Drive; Applicants: Richard and Mary Wright.

Mayor Bortle opened the Public Hearing.

City Manager Rodericks reported that the applicant is requesting permission to construct freestanding gazebo encroaching 5 feet into the required 10 foot rear setback.

The subject property is located in the E-4 zoning district.

The applicant is proposing to construct a freestanding gazebo in the rear yard encroaching 5 feet into the required 10 foot rear yard setback. The gazebo is approximately 144 square feet and 11 feet 6 inches in height.

Detached structures require a Conditional Use Permit, are limited to a height of 15 feet; and must abide by the ten (10) foot setback requirement. 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, floor area, and height requirements. The structure does not comply with the required setback requirements for detached structures.

The Villa Park Code allows for an Administrative Adjustment for Variance requests that do not exceed a 25% reduction in the required setback. The requested application exceeds a 25% reduction in the required setback.

Variance permits require that the City Council find that the strict or literal interpretation of the Code would result in a practical difficulty or unnecessary physical hardship that is inconsistent with the objectives of the Zoning Code. The Council must also find that there are exceptional or extraordinary circumstances applicable to the property that do not apply generally to other properties in the same zone.

The property owner is limited in placement alternatives for the gazebo due to a pre-existing pool and sloped portions of the property. In addition, the property owner is attempting to camouflage an existing non-conforming barn structure on a neighboring property that is located immediately adjacent to the property line. This is a pre-existing structure under the original County codes governing the City. Due to the pre-existing structure and the limited placement alternatives created by the adjacent slope, it is staff's opinion that there are sufficient findings for the granting of a Variance request.

Staff can recommend approval of this application.

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

Public testimony was given by the applicant's son, Richard Wright, who lives in Westminster. He was present to answer any questions.

City Attorney Hampel stated that the topography is a legal basis for granting this Variance.

Mayor Bortle closed the Pubic Hearing.

It was moved by Councilmember Bell, seconded by Councilmember Freschi, and carried by the following roll call vote to adopt Resolution No. 2004-2738, a Resolution of the City Council of the City of Villa Park, approving Conditional Use and Variance Permit No. 0577 for a freestanding gazebo encroaching 5 feet into the required 10 foot rear yard setback, with conditions (Location: 19081 Valley Drive; Applicants: Richard and Mary Wright):

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

STAFF REPORTS:

City Manager:

1. Orange County Fire Ant Authority Funding Request.

City Manager Rodericks recommended pulling the Staff Report since the County of Orange has removed funding from the Orange County Fire Ant Authority. A request of \$1,200 from the Orange County Vector Control District had been made prior to the County's decision to eradicate this Agency.

2. February/March City Newsletter.

City Manager Rodericks reported that the City produces a quarterly newsletter with information on City programs, services, partner agencies, public information articles, and public service announcements.

Costs for the production of the City newsletter are consistent with the 2003/04 Operating Budget.

It is recommended that the City Council review the February/March edition of the City newsletter and authorize the production of the edition.

It was moved by Councilmember Freschi, seconded by Councilmember McGowan, and carried by the following roll call vote for the Council to review the February/March edition of the City newsletter and authorize the production of the edition:

AYES:	COUNCILMEMBERS:	Bell, McGowan, Freschi, MacAloney, Bortle
NOES:	COUNCILMEMBERS:	None
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

City Attorney: No report.

City Clerk: No report.

City Engineer: No report.

OTHER BUSINESS: None.

ORAL COMMUNICATIONS: None.

ORDINANCES: None.

RESOLUTIONS: None.

CLOSED SESSION: None.

ADJOURNMENT:

It was moved by Mayor Bortle and carried unanimously to adjourn the meeting at 10:10 p.m. in memory of the passing of San Juan Capistrano Councilmember John S. Gelff.

Patricia L. Bortle, Mayor
City of Villa Park

ATTEST:

George J. Rodericks, City Clerk
City of Villa Park