

**MINUTES OF A REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF BRADBURY,
HELD ON FEBRUARY 27, 2013 AT 7:00 PM
IN THE BRADBURY CIVIC CENTER**

- Meeting Called to Order:** The meeting of the Planning Commission of the City of Bradbury was called to order by Chairman Novodor at 7:00 p.m.
- Pledge of Allegiance:** Chairman Novodor led the pledge of Allegiance.
- Roll Call:** PRESENT: Chairman Novodor, Vice-Chairperson Kuba
Commissioners Hernandez, Esparza and Dunst (arrived late)
ABSENT: None
STAFF: City Planner Meyer, City Manager Keith, City Clerk Saldana and
Management Analyst Kearney
- Approval of Agenda:** Vice-Chairperson Kuba made a motion to proceed with the agenda as presented. Commissioner Hernandez seconded the motion, which carried.
- Approval of January 23, 2013 Minutes:** Vice-Chairperson Kuba made a motion to approve the minutes of the January 23, 2013 Planning Commission meeting. Commissioner Esparza seconded motion which carried.
- Compliance with California Political Reform Act:** In compliance with the California Political Reform Act, each Commissioner has the responsibility to disclose direct or indirect potential for a personal financial impact as a result of participation in the decision making process concerning development applications. The Commissioners disclosed the following information relative to the items contained on the agenda:
- ZCA 13-19:** Zone Code Amendment No. 13-19 Historic Preservation (Mills Act):
Citywide
- 333 Mt. Olive Drive:** Architectural Review Application No. AR 13-27 for 333 Mt. Olive Drive:
Commissioners residing within 500 feet of 333 Mt. Olive Drive:
Chairman Novodor
- Motion:** Vice-Chairperson Kuba made a motion to receive and file the report as presented. Commissioner Esparza seconded the motion, which carried.
- Zone Code Amendment No. ZCA 13-19:** Discussion regarding proposed draft ordinance adding Chapter 9.04.100 Historic Preservation to the Municipal Code pertaining to the use of the Mills Act Historic Preservation Property Tax Incentive
- Anne McIntosh Introduced:** City Planner Meyer introduced Planning Consultant Anne McIntosh, who prepared the staff report for the Mills Act. Ms. McIntosh stated that she is a resident of Monrovia and that she has worked on the Historical Commission in Monrovia in the late 90's and early 2000's. Ms. McIntosh stated that the City of Bradbury has already identified properties that might qualify for the Mills Act.

**Commissioner
Dust:**

Commissioner Dunst arrived at the meeting.

Summary:

On November 20, 2012 the Bradbury City Council discussed the viability of implementing the Mills Act program in the City of Bradbury. Ms. McIntosh explained that the Mills Act is a state enacted program that allows local government to enter into an agreement with owners of properties that have historic value, which results in a reduction of property taxes. The assumption is that historic properties have a value to the overall community, but also have higher maintenance costs. The tax savings provide some additional income to the property owner to compensate for this gap.

The City Council directed the Planning Commission to consider the issues associated with the local implementation of the provisions of the State Mills Act Property Tax Abatement Program for Historic Preservation.

State law requires that the local Government adopt an ordinance that authorizes the use of the Mills Act under certain conditions.

The Mills Act program would apply citywide.

**Environmental
Assessment:**

The proposed ordinance qualifies for a Class 8 Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment).

Analysis:

There are two components involved in the enactment of a Mills Act Program. One is the financial incentive itself that is granted through a potential property tax reduction. The proposed ordinance only addresses this component. The other component is the accompanying regulation that ensures the preservation of the property in question.

Many local government agencies have enacted regulations of historic properties that include the identification, designation, regulation, and incentivization of these properties. The level and extent of regulation vary widely, from minimal and voluntary regulation to very comprehensive and involuntary regulation.

The City of Bradbury already has certain policies in place that provide a higher level of review to four specific properties that have been deemed to have local historical significance. The City Council has directed that these policies remain in place as currently written. It is possible that a proposal to significantly alter or demolish a historic resource could be subject to a greater level of scrutiny than it outlined by the City's current regulations and policies. If this occurs, the City may be required to conduct a more comprehensive environmental review pursuant to CEQA than is required by the zoning ordinance.

Recommendation: The Planning Department recommends that the Planning Commission take the following action:

A. Environmental:

Recommend that the City Council approve an environmental Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15308 (Actions by Regulatory Agencies for the Protection of the Environment); and

B. Findings:

1) The Mills Act is a State law enacted in 1972 that encourages the preservation and maintenance of historic structures.

2) The proposed Mills Program as enacted by the draft ordinance is consistent with the City's General Plan Community Resources Element and will lead to a greater likelihood of historic preservation in the City of Bradbury.

C. Approval:

Adopt a Resolution recommending that the City Council amend the Zone Code by adding Chapter 9.04.100 Historic Preservation and that such action is consistent with the goals and objectives of the adopted General Plan.

Public Hearing Opened: Chairman Novodor opened the Public Hearing and asked those wishing to speak in favor or opposition to come forward and be heard.

Public Testimony: None

Public Hearing Closed: There being no public testimony, Chairman Novodor declared the Public Hearing closed.

Discussion: The Planning Commission was concerned about the financial impact to the City and how much the City would lose in property tax revenue. Ms. McIntosh stated that the financial impact to the City would be small, as the portion of the City's property tax is only \$0.06 on the dollar. The City also has the option of putting a cap on the annual tax savings.

Anne McIntosh stated that the draft ordinance is similar to the one adopted by La Canada Flintridge three years ago.

Chairman Novodor inquired if the City has the authority to make property owners apply for the Mills Act Program. The answer is "no."

Commissioner Hernandez asked for a comparison chart of other cities to show which cities have the Mills Act Program, if they have a cap and what the cap is.

The Planning Commission asked how much it costs to administer the program. Ms. McIntosh stated the most of the paperwork is done by the property owner.

Commissioner Hernandez felt that the Commission needs more information before making a recommendation to the City Council.

Motion to Continue Public Hearing: Vice-Chairperson Kuba made a motion to continue the public hearing for Zone Code Amendment No. 13-19 to the next Planning Commission Meeting. Commissioner Esparza seconded the motion, which was carried by the following roll call vote:

Approved: AYES: Chairperson Novodor, Vice-Chairperson Kuba, Commissioners Esparza and Dunst
NOES: None
ABSENT: None
ABSTAIN: Commissioner Hernandez

Motion passed 4:0

City Planner Meyer stated that the Planning Department could run a "Bradbury" example of the Mills Act Program for the Commissions' review.

Chairman Novodor Leaves Dais: Chairman Novodor, who resides within 500 feet of 333 Mount Olive Drive, recused himself from the decision making process concerning this development application and stepped down from the dais.

AR 13-277 and NC 13-101 for 333 Mount Olive: City Planner Meyer stated that the property owner's representative, Mr. Binh K. Do, is requesting approval of plans to remodel and expand an existing 4-bedroom multi-level single-family dwelling unit and a 1-bedroom attached guesthouse into a 9,899 square foot two-story 5-bedroom dwelling unit with an attached 1-bedroom guesthouse. The proposed project includes the demolition of approximately 2,700 square feet of the existing structure to provide for the two-story addition. The existing master bedroom and living room will be remodeled. The existing swimming pool will remain.

Staff seeks Planning Commission consideration of Architectural Review Application No. AR 13-277 and Neighborhood Compatibility Application No. NC 13-101.

Project Description: The applicant is requesting approval of plans to demolish approximately 2,700 square feet of the existing 4,843 square foot multi-level single-story dwelling unit to provide for the construction of a two-story addition that will add 5,056 square feet of habitable living area to the existing dwelling. Additionally a new 3-car, 750 square foot garage will be attached to the proposed dwelling. Upon completion of the construction the two-story dwelling unit will contain 9,899 square feet of habitable area plus a 750 square foot 3-car garage. The project will include a 1-bedroom attached guesthouse containing approximately 825 square feet of habitable area.

General Plan: The City's adopted General Plan designates the subject property as Agriculture/Residential 2-acre minimum. The proposed multi-story single-family dwelling unit and attached guesthouse are consistent with the goals and objectives of the City's adopted General Plan.

Zone: The subject property is zoned A-2 (Agriculture/Residential 2-acre minimum) and contains 2.32 gross acres of land area. The property in question has an average slope of 28%, therefore it is subject to the City's Hillside Development Standards.

Environmental Assessment: The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Class 8, Section 15301 (Alteration of an existing structure) and Section 15332 (In-Fill Development) of the CEQA Guidelines.

Recommendation: The Planning Department recommends that the Planning Commission take the following action:

A. Environmental:

Staff is recommending that the Planning Commission approve an environmental Categorically Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to the provisions of Class 8, Section 15301 (Alteration of an existing structure) and Section 15332 (In-Fill Development) of the CEQA Guidelines.

B. Findings: Adopt the findings of fact relative to the submitted applications.

Public Hearing Opened: Vice-Chairperson Kuba opened the Public Hearing and asked those wishing to speak in favor or opposition to come forward and be heard.

Public Testimony: Mr. Binh K. DO, designer, presented a rendering of the project.

Mr. Arno Gemeinhardt, 615 Mount Olive Drive, stated that the proposed project is better than what is there now.

Public Hearing Closed: There being no further public testimony Vice-Chairperson Kuba declared the Public Hearing closed.

Discussion: City Planner Meyer stated that the property owner has the opportunity to connect to the sewer in the future.

Mr. Meyer also stated that the City Engineer has requested that the following two conditions be added to the conditions of approval:

(a) A retention basin of sufficient size shall be utilized to retain storm water on the site.

(b) Where storm water is conveyed to a public drainage system, collection point, gutter, or similar disposal method, water shall be filtered by use of a barrier systems, wattle, or other method approved by the enforcing agency.

Motion: Commissioner Dunst made a motion to adopt Resolution No. 13-222.PC, setting forth the findings of fact and decision relative to Architectural Review Application No. AR 13-277 and Neighborhood Compatibility Application No. NC 12-101, subject to the 19 conditions in the staff report dated February 27, 2013, and 2 added conditions by the City Engineer. Commissioner Esparza seconded the motion, which was carried by the following roll call vote:

Approved: AYES: Vice-Chairperson Kuba, Commissioners Hernandez, Esparza and Dunst

NOES: None

ABSENT: None

ABSTAIN: Chairman Novodor

Motion passed 4:0

Chairman Novodor rejoined the meeting.

Public Comment: None

Reports and Items for Future Agendas: A. Commission Members: Nothing to report.

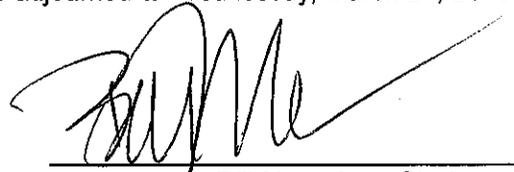
B. City Manager:

- ✓ City Manager Keith stated that March 1st is a furlough day.
- ✓ Cal-Am Water Company is hosting a community workshop on March 18 to discuss the construction of a new well on Lemon Avenue. Commissioner Dunst stated that the CPUC has no jurisdiction when it comes to agricultural (ag) water.
- ✓ The City will hold a Special All-Mail Ballot Election on May 7, 2013 for the UUT measure.
- ✓ As mentioned at the previous meeting, City Planner Meyer is retiring at the end of June and the City is going to host a reception on June 27 at the Congregational Ale House in Azusa, so please save the date.
- ✓ The June City Council meeting has been moved from June 18 to June 25.

C. City Planner:

- ✓ City Planner Meyer provided the Planning Department Project Status Log dated February 19, 2013. In regards to #8 (illegal barn conversion at 243 Barranca) the property owner came to City Hall today and informed staff that he intends to demolish the barn. He will meet with the Building Department tomorrow. He has 30 days to remedy the situation.
- ✓ Mr. Meyer also stated that the City Council has sent back the sign ordinance to the Planning Commission for additional review.
- ✓ Anne McIntosh will do as many presentations as possible in the coming months.

Adjournment: At 8:09 p.m. the meeting was adjourned to Wednesday, March 27, 2013 at 7:00 p.m.



Bill Novodor - Chairman

ATTEST:

Claudia Saldana
Claudia Saldana - City Clerk