

**MINUTES OF A REGULAR MEETING OF THE  
PLANNING COMMISSION OF THE CITY OF BRADBURY,  
HELD ON MARCH 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 and Esparza  
ABSENT: Commissioner Dunst  
STAFF: City Planner Meyer, Anne McIntosh, AICP, City Clerk Saldana  
and Management Analyst Kearney
- Commissioner Dunst Excused:** Vice-Chairperson Kuba made a motion to excuse Commissioner Dunst from the meeting. Commisisoner Hernandez seconded the motion, which carried.
- 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 February 23, 2013 Minutes:** Chairman Novodor made a correction to the February minutes and requested that the approval of the February minutes will be back on the April Agenda.
- 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*
- 412 Mt. Olive Drive:** Architectural Review No. AR 13-278, Neighborhood Compatibility No. NC 13-102 and Variance No. V-13-74 for 412 Mt. Olive Drive:  
Commissioners residing within 500 feet of 412 Mt. Olive Drive:  
*None*
- ZCA 13-18:** Zone Code Amendment No. 13-18 Sign Standards:  
*Citywide*
- 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

**Summary:** Anne McIntosh, AICP, stated that at the February 27, 2013 meeting the Planning Commission received a staff report and conducted a public hearing regarding the adoption of a Mills Act Ordinance. The Commission had questions regarding

- 1) the potential usage of the ordinance by local property owners;
- 2) the potential cost to the City in the loss of property tax revenues;
- 3) the increased demand on staff time.

The Commission then continued the public hearing to the March meeting. Staff is providing answers to the Commission's questions in tonight's report.

**Project Description:** State law requires that the local government adopt an ordinance that authorizes the use of the Mills Act under certain conditions.

**General Plan:** The draft General Plan Community Resources Element provides a policy basis for moving forward with the Mills Act Program.

**Zone:** 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).

**Issue One – Usage of Mills Act** The Commission asked about property owner interest in this program. Section 9.04.100.040 "Definitions" explains what would qualify as a historic resource subject to the Mills Act. The City has already determined that there are four properties currently identified as having historic significance. However, the ordinance does not limit the use of the Mills Act to these four properties. It would be possible in the future for other properties to be identified as potentially historic, if information regarding their design, construction or history is brought forth.

It is also important to note that the Mills Act is an incentive available to property owners of historic properties, if they choose to use it. The City cannot compel a property owner to participate. The financial benefit to the property owner is dependent on their specific financial obligations on their property. A leading factor in determining the tax reduction benefit is the date the property was purchased and how recently the property was assessed. If property owners are interested in applying for the Mills Act, they are able to calculate an estimated tax savings using their own financial information. Depending on these factors the benefit can vary from one property to the next.

One thing to keep in mind is that the benefit of the Mills Act diminishes over time. In the City of Monrovia, three former Mills Act property owners have discontinued their contracts because the income-based valuation has eventually resulted in a higher tax rate than would be paid without the contract. Property owners who purchased their property prior to Proposition 13 do not realize any benefit to the program.

Local cities using the Mills Act are starting to see that purchased dating to the 1980s are starting to lose the benefit of the program and this likely to continue to advance. The greatest benefit occurs with recent buyers.

**Issue Two –  
Potential Cost to  
the City due to  
Property Tax  
Reduction**

The Commission asked staff to gather information from other cities that use the Mills Act to determine if the suggested \$10,000 limit is reasonable.

Staff contacted Donna Juarez at the County Assessor's office. She has worked with the Mills Act program in nearby cities for many years. Surprisingly, there is no way to anticipate how much the program will cost the City, even when the specific qualifying properties are known. Even when the program is in place, it is difficult to cull the amount of property tax reduction overall that is the portion that would have been part of the City's tax revenue. The only time that is known is when the tax bill is prepared and sent to the property owner annually. The property does not get reassessed every year. That is another reason it is so difficult to predict actual losses to the City from this program.

This said, staff also contacted local cities to see if they have kept track on property tax losses from Mills Act properties. The City of Monrovia has 117 Mills Act contracts, and has determined that the program costs the city approximately \$125,000 annually. That can be averaged to about \$1,100 per property, but the range of benefit ranges greatly, depending on the specific property. The City of Sierra Madre also attempted to determine the impact of the Mills Act on city revenues and determined that the impact to the city was \$25,000. Sierra Madre has 17 Mills Act contracts. This is a similar result to Monrovia.

Monrovia's program has no limits on the dollar impact or number of contracts. The City of Sierra Madre limits the number of contracts to three per year and has no limit on dollar impact.

In summary, if the City of Bradbury places a \$10,000 limit on the total loss due to the Mills Act, this would probably be adequate to cover the needs of the existing four properties that would potentially pursue this incentive.

**Issue Three –  
Demand on  
Staff Resources**

Anne McIntosh stated that both Monrovia and Sierra Madre confirmed that there is a moderate demand on staff due to this program. Assistance with the application, bringing the case forward to the Commission and Council, and then a biannual monitoring of the conditions of the contract, all require staff oversight. It is anticipated that with so few properties currently identified at this time, the staff demand would be minimal.

**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

**Recommendation:** **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:** Chairman Novodor asked what the City can require in regards to maintenance from the property owner and if we can add something to the draft ordinance, such as a review of the property every two years.

Ms. McIntosh stated that the City of Monrovia requires electrical and seismic updates within 10 years.

Chairman Novodor wanted to know if the changes/additions have to come back to the Planning Commission or if this item is ready for recommendation to the City Council. City Planner Meyer stated that the Planning Commission can make a recommendation to the City Council and repeated the changes/additions to the draft ordinance for clarification:

*"After June 30<sup>th</sup> of each year, or as soon as reasonably possible, but in no event later than September 30<sup>th</sup> of each year, the Planning Commission shall review the progress made towards the completion of preservation work stipulated in the Mills Act Contracts and ensure that all properties subject to the Mills Act Contracts are maintained in good order in accordance with the terms and conditions to the applicable Miss Act Contract and the provisions of Chapter 9.06.060 (Property Maintenance Standards) of the Bradbury Zone Code."*

**Motion:** Chairman Novodor made a motion to adopt a Resolution recommending that the City Council amend the Zone Code by adding Chapter 9.04-100 with the added language. Commissioner Esparza seconded the motion, which was carried by the following roll call vote:

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

Motion passed 4:0

**AR 13-278,  
NC 13-102 and  
V 13-74 for  
412 Mount Olive:**

City Planner Meyer stated that the property owner, Mr. Hon Shing, is requesting approval of plans to substantially remodel the interior and exterior of the existing 1,904 square foot single-family dwelling unit and to add a 22-foot high 2,108 square foot addition consisting of a master bedroom, family room and a kitchen. The applicant is requesting approval of a variance to deviate from the provisions of Section 9.05.050.040 of the Bradbury Development Code whereas not more than 20% of a roof area may have a pitch less than 3.5/12. The proposed project will create a 4,012 square foot 4-bedroom, 4-bath single-story residential dwelling unit and have a roof pitch of 3/12 or less.

Staff seeks Planning Commission consideration of Architectural Review Application No. AR 13-278, Neighborhood Compatibility Application No. NC 13-102 and Variance Application No. V-13-74.

**Project Description:** The applicant is requesting approval of plans to construct a 2,108 square foot single-story 22-high foot addition to an existing residential dwelling unit. The proposed project also includes a swimming pool and minor site improvements. The interior and exterior of the existing dwelling will be remodeled to include the addition of a front porch and a covered patio. The proposed project will create a 4-bedroom, 4-bath residence with a 2-car garage.

**Chairman Novodor Leaves Room:** Chairman Novodor announced that he just realized that he knows the property owner, Mr. Shing, and that he is doing business with him. Mr. Novodor recused himself from the decision making process regarding this development application and left the room.

**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 2.01 gross acres of land area. The property in question has an average slope of 1.56% and therefore it is not 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.

**Roof Slope:** Section 9.05.050.040 of the Bradbury Development Code specifies that not more than 20% of the roof area may have a slope of less than 3.5/12. The proposed addition will have a roof slope of 3/12, which is contrary to this development standard. City Planner Meyer stated that the project architect reports that the existing dwelling has a roof slope of 3/12 and that the proposed addition will be consistent with the existing conditions. No information in terms of detailed dimension was provided to substantiate the existing 3/13 roof pitch. More often than not the roof pitch for a 1955 dwelling unit was 4/12 for roofs covered with asphalt shingles. No information was provided as to why the new addition could not have a roof slope of 3.5/12.

The architectural design of the proposed addition is a post modern design with extensive glass area. The roof configuration is an unusual winged shed style and it is to be covered with a standing seam metal covering. The roof material on the existing dwelling will be removed and replaced with the same standing seam metal material.

It appears that the proposed shed roof and the use of standing seam metal roof material is not consistent with the City's Design and Development policies and regulations.

**Recommendation:** The Planning Department recommends that the Planning Commission thoroughly examine the submitted plans and direct staff for further action.

**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:** Ms. Rita Chen with Atelier R Design, introduced herself and her colleagues, and presented renderings of the proposed project. Ms. Chen stated that the metal roof is non-combustible and 50% lighter than other roof shingles. Ms. Chen also stated that the property owner plans to preserve all of the trees and views.

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

**Discussion:** Commissioner Esparza was concerned about glare from the metal roof (like Disney Hall). Rita Chen stated that the roof material is treated to be non-reflective.

City Planner Meyer stated that the Planning Commission could ask for a roof sample and technical information.

Commissioner Hernandez stated that he would like the project to be more compliant with our Design Guidelines.

Rita Chen stated that changing the roof pitch to 4/12 would bring the height of the project up to 24 feet.

In exchange for allowing a 3/13 roof pitch, the Commission requested more improvements to the front house and to bring back revised drawings for review at the April 24, 2013 meeting.

**Motion to Continue Public Hearing:** Vice-Chairperson Kuba made a motion to continue the public hearing for 412 Mount Olive Drive to the April 24, 2013 meeting. Commissioner Esparza seconded the motion, which was carried by the following roll call vote:

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

Motion passed 3:0

**Chairman Novodor Returns:** Chairman Novodor returned to the meeting.

**Zone Code Amendment No. ZCA 13-18 Regarding Sign Standards:** City Planner Meyer stated that the City Council directed the Planning Commission to re-examine the previously recommended amendment to the City's sign regulation to include a more comprehensive definition of permitted signs to include temporary political signs and to provide a method of reconciling minor discrepancies.

Zone Code Amendment No. ZCA 13-18 was set for a public hearing for March 27, 2013. Due to unforeseen circumstances staff has been unable to complete an in depth analysis of the key issues identified by the City Council Therefore it is recommended that the Planning Commission continue the public hearing to April 24, 2013.

**Motion to Continue Public Hearing:** Vice-Chairperson Kuba made a motion to continue the public hearing for Zone Code Amendment No. ZCA 13-18 to the April 24, 2013 meeting. Commissioner Esparza seconded the motion, which carried unanimously.

**Action Items:** None

**Public Comment:** None

**Reports and Items for Future Agendas:** A. Commission Members:  
Commissioner Hernandez stated that the Bradbury Estates HOA is having problems with rental properties that are not being taken care of. City Planner Meyer replied that code enforcement issues should be discussed with the City Manager when she gets back from vacation

Commissioner Hernandez also had some questions regarding the project at 111 Barranca Road (Wescott Center). City Planner Meyer stated that this item is not on the agenda and therefore can't be discussed tonight.

B. City Manager: Not present.

C. City Planner:  
City Planner Meyer provided the Planning Department Project Status Log dated March 16, 2013.

**Adjournment:** At 8:15 p.m. the meeting was adjourned to Wednesday, April 24, 2013 at 7:00 p.m.



Bill Novodor - Chairman

ATTEST:

  
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Claudia Saldana - City Clerk