

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF BRADBURY, HELD ON APRIL 23, 2014 AT 7:00 PM  
IN THE BRADBURY CIVIC CENTER**

- Meeting Called to Order and Pledge of Allegiance:** The meeting of the Planning Commission of the City of Bradbury was called to order by Commissioner Hernandez at 7:15 p.m. Commissioner Hernandez led the pledge of allegiance.
- Roll Call:** PRESENT: Commissioners Hernandez, Dunst and Novodor (Vice-Chairperson Esparza arrived late)  
ABSENT: Chairperson Kuba  
STAFF: City Manager Keith, City Planner McIntosh, City Clerk Saldana and Management Analyst Kearney
- Approval of Agenda:** Commissioner Dunst made a motion to approve the agenda as presented. Commissioner Novodor seconded the motion, which carried.
- Reorganization:** Every year in April the Planning Commission reorganizes to appoint a new Chairperson and Vice-Chairperson. The Planning Commission has the option to unanimously elect the Chairperson and Vice-Chairperson for a second one-year term.
- Appointment of Chairperson:** Commissioner Novodor nominated Frank Hernandez as Chairman of the Planning Commission. There were no further nominations. The nomination carried unanimously.
- Appointment of Vice-Chairperson:** Commissioner Novodor nominated Karen Dunst as Vice-Chairperson. There were no further nominations. The nomination carried unanimously.
- Commissioner Esparza arrives:** Commissioner Esparza arrived at 7:20 p.m. and apologized for being late.
- Approval of February 26, 2014 Minutes:** Vice-Chairperson Dunst made a motion to approve the minutes of the February 27, 2014 Planning Commission meeting. Commissioner Novodor seconded the motion, which was carried by the following roll call vote:  
AYES: Vice-Chairperson Dunst, Commissioners Esparza and Novodor  
NOES: None  
ABSENT: Commissioner Kuba  
ABSTAIN: Chairman Hernandez
- 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:

**Public Hearings:**

7.A - 606 Spring Point Drive:

Commissioners residing within 500 feet of 606 Spring Point Drive:  
*Vice-Chairperson Esparza*

8.A - 1271 Lemon Avenue – Conditional Use Permit No. 13-001:

Commissioners residing within 500 feet of 1271 Lemon Avenue:  
*None, however, Commissioner Hernandez will be disqualifying himself because of a potential economic interest that creates a conflict of interest and leave the room before a discussion or vote takes place.*

8.B – 425 Mount Olive Drive:

Commissioners residing within 500 feet of 425 Mount Olive Drive:  
*None*

**Motion to Receive and File Report:**

Commissioner Novodor made a motion to receive and file the report as presented. Vice-Chairperson Dunst seconded the motion, which carried unanimously.

**Commissioner Esparza Recused:**

Commissioner Esparza, who resides within 500 feet of 606 Spring Point Drive, recused herself from the decision making process and left the room.

**606 Spring Point Drive Project Description:**

City Planner McIntosh stated that this is a request to demolish/remodel an existing single-family house on an R-20,000 zoned lot, and build a new/remodeled 5,633 square foot house and attached 489 square foot garage. Staff recommends that the Planning Commission continue the hearing to a date uncertain pending submittal of a complete application.

**Background:**

City Planner McIntosh gave an account of the history of this project, which may help the Commission understand the status of the project and staff's recommendation.

This application was originally submitted in April 2013, but was deemed incomplete due to inconsistent and incorrect information on the submitted plans. The homeowners were representing themselves in the process and weeks of time would pass in between contacts with City staff about the project. Finally, in the fall of 2013, the homeowner engaged the services of a new architect, Shiv Talvar. This aided the project to move forward, however the application was never deemed complete.

One issue that concerned staff about the proposed project was the three-story appearance of the proposed house along the east (downslope) elevation. The applicant was describing this as a two-story house with a basement, so the building department conducted an analysis to determine if the lowest floor met the definition of basement, and did not constitute a third story. This determination is made based on how much of the lower level penetrates the grade. The Building Official determined that, as designed, the lowest level does meet the definition of a basement and does not constitute a third story. However, the overall height of the project exceeds the 28-foot height limit in certain areas at the rear of the structure and requires a variance.

Even though the application was not complete, staff scheduled the project for a public hearing in January 2014, so that the public and the Commission could weigh in on the variance request. If the variance is not approved, then the project will need to be redesigned and resubmitted as a new project. At the meeting, based on a number of concerns raised by neighboring residents, the Commission asked the applicant to install story poles so people could actually see where the height of the building would be, and continued the hearing to February 26, 2014.

The applicant has since installed the story poles, but did not meet the deadline for the February 26 meeting and therefore staff recommended continuance of the item once again. The applicant came to the meeting anyway and presented some landscape alternatives. Staff had not reviewed these documents and it was unclear why the applicant was submitting these documents to the Commission at this time. Therefore, the Commission directed the applicant to work with staff prior to coming before the Commission again.

A meeting was held with planning staff and the applicants in the week following the February Commission meeting. The discussion about the project led staff to encourage the applicant to redesign the project without the need for a variance, because staff does not feel the variance findings can be made. Staff also suggested improvements to the design of the home because neighborhood compatibility findings also cannot be made.

The applicant was given until April 4, 2014 to submit new plans and did not meet that deadline. Therefore staff is once again recommending that the item be continued, this time to a date uncertain.

**Letter of Opposition:** Staff received a letter of opposition to the project from Mr. Arno Gemeinhardt, 615 Mount Olive Drive, after the story poles were erected.

**Alternatives:** At the Planning Commission's discretion, the following alternatives are available:

1. Continue the item to a date uncertain (recommended).
2. Continue the item to May 28, 2014, with a requirement that a complete set of plan be submitted by May 2, 2014.
3. Hear from the applicant and receive new information at the meeting.
4. Deny the project without prejudice and ask the applicant to submit a new application with new plans.

**Public Comments:** Chairman Hernandez asked if there was any public comment and opened the Public Hearing.

**Motion to Continue Public Hearing:** There being no public comment, Commissioner Novodor made a motion to continue the Public Hearing for 606 Spring Point Drive to the May 28 meeting. Vice-Chairperson Dunst seconded the motion, which was carried by the following roll call vote:

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

**Commissioner Esparza Returns:** Following conclusion of Agenda Item No. 7.A (606 Spring Point Drive) Commissioner Esparza re-joined the meeting.

**Chairman Hernandez Recused:** Commissioner Hernandez recused himself from the decision making process regarding Conditional Use Permit No. 13-001 for 1271 Lemon Avenue and left the room.

**Conditional Use Permit No. 13-001 for 1271 Lemon Ave.:** City Planner McIntosh stated that California American Water Company is requesting to install a new pump at an existing well. The Planning Commission conducted a public hearing regarding this request in October 2013 and directed the applicant to prepare a landscape plan for the site prior to further consideration of the Conditional Use Permit (CUP).

**Project Description:** The subject parcel (1271 East Lemon Avenue) is owned by California American Water Company, 8657 Rosemead Avenue, Rosemead, CA 91770. The site is 2.94 gross acres, located on the north side of Lemon Avenue, between Sombrero and Ranchito Roads. The site is level and it is developed with a water well reservoir and accessory equipment, catch basin and landscaping.

The applicant is requesting approval of plans to construct a new groundwater production well which includes installation of an onsite below-grade drain pipeline, an electrical equipment cabinet, a catch basin, disinfection equipment building, and an electrical transformer. The proposed project as submitted is consistent with the adopted General Plan and zoning code.

**Background:** The Planning Commission opened the public hearing for this project on October 23, 2013. The Commission did not feel that adequate attention had been given to landscape mitigations for the site and continued the public hearing open to allow for the applicant to prepare and submit a landscape plan. The hearing was continued to both November and December. The applicant submitted a proposed planting plan that was reviewed by the Planning Commission at the January 22, 2014 meeting. The Commission rejected the proposed plan as inadequate and provided further direction to what would be required to meet the conditional use permit findings.

**Environmental Review:** The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301, Existing Facilities, of the State CEQA Guidelines.

**Recommendation:** Staff recommends that the Planning Commission adopt a Resolution approving Conditional Use Permit No. 13-001 with the findings of fact relative to the Conditional Use Permit.

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

**Public Testimony:** Mr. John De Kansky of Tikotsky & Associates, Landscape Architecture and Sustainable Design, presented the landscape plan for the well site and took questions from the Planning Commission.

Commissioner Novodor inquired about the spikes on top of fence. City Manager Keith stated that the City does not allow spiked fences. Louie Romero of Cal-Am Water stated that this is not an issue.

Richard Pycz, 1157 Lemon Avenue, about the chain link and tubular fencing. The City does not allow chain link fencing in front yard areas.

Vice-Chairperson Dunst stated that the oleander is dying and also inquired about brush maintenance.

Dick Hale, President of the Bradbury Estates HOA, stated that the HOA wants to work with Cal-Am on the Barranca gate. We don't want any oleanders because they are a fire hazard.

City Planner McIntosh asked the Commission if they want to block the view of the well. The answer was yes. The Commission also inquired about "solid" gates and lighting.

**Public Comment Closed:** There being no further public testimony, Vice-Chairperson Dunst declared the discussion closed to public comment but held the hearing open for continuation.

**Discussion:** There was more discussion about taking out the oleanders. Louie Romero inquired about how deep roots of oleanders are.

City Planner McIntosh asked Mr. Romero is Cal-Am is going to be ready for the next meeting on May 28. Mr. Romero replied yes.

**Motion to Continue Public Hearing:** Vice-Chairperson Dunst made a motion to continue the Public Hearing for 1271 Lemon Avenue, Conditional Use Permit No. 13-001, to the May 28 meeting. Commissioner Novodor seconded the motion, which was carried by the following roll call vote:

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

**Chairman Hernandez Returns:** Following conclusion of Agenda Item No. 8.A (1271 Lemon Avenue) Chairman Hernandez re-joined the meeting.

**425 Mount Olive Drive  
Project Description:**

City Planner McIntosh stated that Apel Design, Inc., on behalf of Rockport Development LLC, has filed an application to remodel the exterior and construct an addition to a single-family home in the A-2 Zone. The existing building is 2,119 square feet, and after the addition would be 6,038 square feet. The property recently underwent a lot line adjustment and is 94,477 square feet in size, exceeding the minimum two acres. The site has an average slope of greater than 10%, therefore requires conformance to the hillside development standards. The applicant is asking for a variance from the hillside standards. The applicant's intent is to maintain the grounds primarily as they are, with minimal planting. The architecture will change from ranch style to contemporary.

**Background:**

This application was submitted for Conceptual Review in September 2013. After many months of working with the various members of the applicant team, staff took in the Architectural Review Application on March 19, 2014 and has determined that some components of the plan submittal are not complete and/or accurate and not ready for final approval. Specifically, the floor plans and elevations have the wrong directional information on them, the landscape plan and conceptual grading and drainage have not been approved by technical staff and may require amendments, the future pool and tennis court information is not consistent between plans. However, it would be productive for the Planning Commission to provide direction on four areas, all of which are depicted on the plan submittal:

1. Architectural Design;
2. Variance request from hillside standards;
3. Proposal for a circular driveway; and
4. Landscape Design

**Recommendation:**

Staff is recommending that the Planning Commission open a public hearing and receive public testimony, provide direction and suggested conditions for the resolution, and continue the hearing to May 28, 2014.

**Applicant Present:**

City Planner McIntosh stated that the applicant, Gary Warner, was here to make a presentation.

**Public Hearing  
Opened:**

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

**Public Testimony:**

Mr. Gary Warner, Apel Design, presented the plans for 425 Mount Olive Drive. Mr. Warner stated that the pool is future feature and not part of the approval tonight.

Ms. Segali (?) talked about the landscaping for the proposed project.

**Public Comment  
Closed:**

There being no further public testimony, Chairman Hernandez declared the discussion closed to public comment but held the hearing open for continuation.

**Discussion:** Commissioner Novodor had questions about the circular driveway.  
Chairman Hernandez stated that the Fire Department needs to check the width of the proposed driveway.  
City Planner McIntosh stated that the variance from the hillside standards does not seem to be an issue as no neighbors are here.

**Motion to Continue Public Hearing:** Commissioner Novodor made a motion to continue the Public Hearing for 425 Mount Olive Drive to the May 28 meeting. Vice-Chairperson Dunst seconded the motion, which was carried by the following roll call vote:

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

**Public Comment:** None

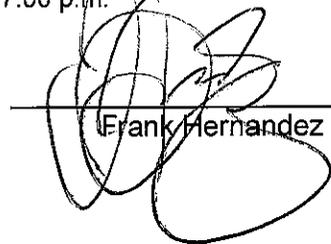
**Reports and Items for Future Agendas:** Commission Members: Nothing to report.

City Manager: City Manager Keith stated that City Hall will be closed on Friday, May 2, for First Friday Closure and reminded everyone that the Mayday Emergency Expo will be held on Saturday, May 17, at Royal Oaks Elementary School from 10 am to 2 pm.

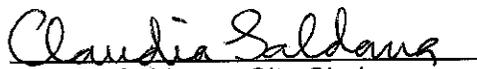
City Planner: City Planner McIntosh stated that there is no project status update tonight because the development team meets tomorrow at 10 am.

The Shalabi residence at 460 Old Ranch Road is nearing completion.

**Adjournment:** At 8:30 p.m. Chairman Hernandez adjourned the meeting to Wednesday, May 28, 2014 at 7:00 p.m.

  
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Frank Hernandez – Chairman

ATTEST:

  
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Claudia Saldana - City Clerk