MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF BRADBURY, HELD ON OCTOBER 23, 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 Chairperson Kuba at 7:00 p.m.

Pledge of Allegiance:

Commissioner Hernandez led the pledge of Allegiance.

Roll Call:

PRESENT: Chairperson Kuba, Vice-Chairperson Esparza, Commissioners Hernandez, Dunst and Novodor
ABSENT: None
STAFF: City Manager Keith, City Planner McIntosh, City Clerk Saldana and Management Analyst Kearney

Approval of Agenda:

City Planner McIntosh stated that she had two corrections to the agenda. For item #6.B the owner of 399 Old Ranch Road is Han Tan (not Han Lin). Item #6.C should read "A request by California American Water install a new pump and well at an existing facility." With those changes Commissioner Novodor made a motion to approve the agenda as modified. Commissioner Hernandez seconded the motion, which carried.

Approval of August 28, 2013 Minutes:

Commissioner Hernandez made a motion to approve the minutes of the August 28, 2013 Planning Commission meeting. Commissioner Novodor seconded the motion, which carried. Chairperson Kuba and Commissioner Dunst abstained.

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:

399 Old Ranch Road (formerly 506 Deodar Lane)
Commissioners residing within 500 feet of 399 Old Ranch Road:
None

1271 Lemon Avenue – Conditional Use Permit
Commissioners residing within 500 feet 1271 Lemon Avenue:
None

Zone Code Amendment No. ZCA 13-20
Overlay Zone to address setback requirements along Lemon, Winston and Royal Oaks Drive North

Chairperson Kuba disclosed that she resides on Royal Oaks Drive North, Commissioner Dunst disclosed that the resides on Lemon Avenue.

New Business:

Housing Element Update
Citywide

Motion: Commissioner Novodor made a motion to receive and file the report as presented. Commissioner Hernandez seconded the motion, which carried.

Zone Code Amendment No. 13-21 Relating to Roof Pitch: City Planner McIntosh stated that at the September 2013 meeting, the City Council directed her to undertake a process to amend the City's 1995 Design Guidelines. It is believed that the existing guidelines contain provisions that are outdated and do not reflect current trends and values in design and architecture. An analysis of the existing guidelines is underway. This zone code text amendment would implement the first recommended update of the Design Guidelines.

Project Description: This recommended zone code amendment would eliminate the 3.5:12 roof pitch requirement. Just in 2013 alone several projects in at least three different zone districts have been submitted in a contemporary design style. Based on the current limitation in the code, all of these applications would require a variance to design the home with the appropriate 0-pitch or "flat" roof. It is difficult to make variance findings based on architectural style. It is much more appropriate to amend the code to allow for more flexibility.

General Plan: The zone text amendment is consistent with the City's General Plan.

Environmental Assessment: The proposed amendment of the Bradbury Zone Code (Sections 9.05.020.040 G, 9.05.030.040 G, 9.05.050.040 G, 9.05.060.040 G and 9.06.050) relating to roof pitch is Categorically Exempt from the provisions of Class 8, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA Guidelines.

Alternatives and Recommendation: The Planning Commission has the following alternatives:

1) Adopt staff's recommendation and recommend the draft Ordinance to the City Council, or
2) Suggest alternative code language and either approve the recommendation tonight or continue the matter to the next meeting.

It is recommended that the Planning Commission adopt a Resolution recommending that the City Council amend the Zoning Code by adopting Zone Code Amendment No. ZCA 13-21.

Discussion: Commissioner Dunst was concerned about rainwater collecting on a flat roof. City Planner McIntosh stated that the Building Department will make sure that there is enough drainage.

Public Hearing Opened: 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. Lin, Architect for 399 Old Ranch Road, stated that flat roofs actually have a 1% roof pitch to allow for drainage.

Mayor Richard Pycz stated that unscreened mechanical equipment on flat roofs have been a problem in the past and suggested to change the language to "no equipment."

Councilmember Hale stated that no mechanical equipment on the roof may not always be possible.

Commissioner Dunst suggested to require Variances for roof equipment because there has to be some kind of review process.

Councilmember Hale stated that the City Planner and the HOAs review the plans.

Commissioner Dunst inquired about what other townships' requirements were.

Public Hearing Closed: There being no further testimony, Chairperson Kuba declared the Public Hearing closed.

Discussion: City Planner McIntosh stated that the draft Ordinance already states that any structure with a roof pitch less than 3.5:12 may not house any unscreened mechanical or other roof top equipment.

Commissioner Frank Hernandez stated that he would like to see a revised draft of the Ordinance with alternative code language regarding the screening of mechanical or other roof top equipment.

Motion to Continue Public Hearing: Commissioner Hernandez made a motion to continue the Public Hearing for Zone Code Amendment No. ZCA 13-21 to the November meeting and directed the City Planner to come up with alternative code language regarding the screening of mechanical or other roof top equipment. Vice-Chairperson Esparza seconded the motion, which was carried by the following roll call vote:

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

399 Old Ranch Road (formerly 506 Deodar): City Planner McIntosh stated that he property owner, Mr. Han Tan, is requesting the demolition of existing site improvements, including house, pool house, garage and stables, for the construction of a new 30,114 square foot single family residence and a 2,497 square foot guest house, along with amenities (water features and tennis court) and overall site landscaping. The applicant is Megan Johnson of Ehrlich Architects on behalf of Mr. Tan. Ms. Johnson will make a presentation to the Commission of the submittal package.

Zone: The property is zoned A-5 and allows for the uses proposed with a Major Architectural Review Permit and Neighborhood Compatibility approval from the Planning Commission. The property does not fall under the hillside development standards.

HOA & CSD Approval: The project site is located in the Bradbury Estates Community Services District (CSD) and is subject to the review by the Bradbury Estates Homeowners Association (HOA). The CSD and HOA reviewed this project at their meeting of September 9, 2013. The Bradbury Estates sent a letter, dated September 10, 2013 with comments providing specific requirements and suggestions for roadway improvements and development features that are already included in the plans. The CSD and HOA unanimously recommended approval of the project as conditioned.

Environmental Assessment: The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15313 (New Construction) and Section 15332 (In-Fill Development) of the CEQA Guidelines.

Recommendation: Staff recommends that the Commission adopt a Resolution, which approves the environmental categorical exemption and conditionally approves the proposed development application (Architectural Review Application No. AR 13-283 and Neighborhood Compatibility Application No. NC 13-05).

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

Public Testimony: Roderick Riley, the Landscape Architect, started off the power point presentation. Mr. Riley stated that 140 trees will be added to the site. The cedar trees along Deodar Lane will remain.

Megan Johnson with Ehrlich Architects gave a detailed power point presentation of the project with before and after pictures and drawings. The guest house will be tucked away and barely visible.

The Architect, Mr. Takashi, showed pictures of houses similar to the proposed project and talked about building materials such as tile.

Commissioner Hernandez stated that he received a letter from Milton and Kathleen Schmutz, 393 Old Ranch Road, who ask that the block retaining wall on the property line not be removed because of water run-off and that no pool or tennis court with lights be constructed right next to their residence. Megan Johnson stated that the retaining wall will not be removed.

Dick Hale, 564 Deodar Lane, stated that this is a great project and encouraged approval.

Commissioner Novodor inquired if the water features re-circulate water. The answer was yes.

Public Hearing Closed: There being no further testimony, Chairperson Kuba declared the Public Hearing Closed.

Motion: Commissioner Novodor made a motion to adopt Resolution No. 13-227.PC conditionally approving Architectural Review No. 13-283 and Neighborhood Compatibility Review No. NC 13-102 for 399 Old Ranch Road (Mr. Han Tan), subject to the conditions in the staff report dated October 23, 2013. Commissioner Dunst seconded the motion, which was carried by the following roll call vote

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

Conditional Use Permit No. 13-001 for 1271 Lemon Ave.: City Planner McIntosh stated California American Water Company is requesting approval of a Conditional Use Permit for the construction of a new groundwater production well, including a water pipeline, electrical equipment cabinet, a catch basin, and an electrical transformer at an existing water well facility located at 1271 East Lemon Avenue.

General Plan and Zone: The City's adopted General Plan designates the subject property as "Open Space." The subject property contains 2.94 gross acres of land area. The proposed project is consistent with the goals and objectives of the City's adopted General Plan in terms of land use and density. The subject property is zoned OS (Open Space). The OS Zone allows water wells and any use normal and appurtenant to the obtainment, storage and distribution of water with the approval of a Conditional Use Permit.

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

Review Authority: Section 9.04.080.03 of the Bradbury Zone Code provides the Planning Commission with the authority to review and approve Conditional Use Permits providing that the applicant show, to the satisfaction of the Commission, the existence of the following facts:

1. That the site for the proposed use is adequate in size, shape, topography and circumstances; and
2. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use; and
3. That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent property or upon the public welfare.

Recommendation: The Planning Department 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: Chairperson Kuba opened the Public Hearing and asked those wishing to speak in favor or opposition to come forward and be heard.

Public Testimony: Matt Lasecki with California American Water Company explained the project, showing a well location plan and drawing of the sound wall that will be installed around the drilling site to mitigate noise impact. Mr. Lasicki stated that there will be a 3 to 5 day period when 24-hour drilling will be necessary. Cal-Am representatives will meet with the adjacent neighbors prior to this drilling period and offer to put them up in hotels, if needed. Commissioner Novodor wants Cal-Am to put this offer in writing. Commissioner Dunst was concerned about lights being on all night during drilling. Mr. Lasecki stated that the lights are located within the sound wall.

Commissioner Dunst also stated that the wall and chainlink fence on Lemon Avenue were an eyesore, that the oleander is dying, and that the olive tree is messy when it is producing fruit.

Commissioner Novodor also asked about how the project would comply with the new 10 foot parkway requirement.

City Planner McIntosh recommended that Cal-Am submit a landscape plan to the Planning Commission prior to starting the project.

Commissioner Dunst inquired about how many days the 24-hour drilling lasted on previous Cal-Am projects. Mr. Lasecki stated that he did not have this information.

Public Hearing Closed:

There being no further public testimony Chairperson Kuba declared the Public Hearing closed.

Motion to Continue Public Hearing:

Commissioner Novodor made a motion to continue the Public Hearing for Conditional Use Permit No. 13-001 to the November meeting and to require California American Water to submit a landscape plan for the Planning Commission's review. Commissioner Dunst seconded the motion, which was carried by the following roll call vote:

Approved:

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

City Planner McIntosh advised Mr. Lasecki that City staff would meet with Cal-Am prior to the November Planning Commission meeting to go over the various concerns of the Planning Commission.

Chairperson Kuba and Commissioner Dunst Recused:

Chairperson Kuba and Commissioner Dunst recused themselves from the decision making process of the the next agenda item (ZCA 13-20). Chairperson Kuba left the meeting. Commissioner Dunst stepped down from the dais.

Zone Code Amendment No. ZCA 13-20:

City Planner McIntosh stated the City Council directed staff to prepare an amendment to the zoning code creating an overlay zone on Lemon Avenue, Winston Avenue and Royal Oaks Drive North to require that properties in the overlay zone create a "clear area" for the first ten (10) feet of street frontage as measured from the interior of the curb at such time as the property is developed to the extent that a Planning Commission level Architectural Review is required.

Project Description:

The City Council discussed a concern that the western entryways into the City of Bradbury along Lemon, Winston and Royal Oaks Drive have a disjointed aesthetic feel due to irregular street widths and inconsistent placement of walls, fences and landscape area along the street frontages.

The City Council agreed that the City should enact regulations to create a mechanism that requires an open and clear area along the street frontage for two reasons: to create a more aesthetically pleasing appearance and to increase the safety of pedestrian and cyclists along these roadways.

General Plan and Zone:

The zone text amendment is consistent with the City's General Plan. The ordinance would be effective Citywide.

Environmental Assessment: The proposed amendment of the Bradbury Zone Code adding Chapter 9.05.085 Lemon/Winston/Royal Oaks Drive North Overlay Zone is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the provisions of Class 8, Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA Guidelines.

Analysis: Based on information in the City's property maps, it appears that the dedicated right-of-way along these frontages is 40 feet, although the streets are much narrower and there are no parkways or sidewalks utilizing the remaining street dedication/right-of-way areas. As can be seen in photos shown to the Commission, the front setback areas of these properties have walls, fences, landscaping, trees, lampposts and mailboxes in them. It is impossible to tell by looking at site improvements where the right-of-way ends the private property begins.

Staff provided several option for the City Council to consider, including a study of actual right-of-way areas, and a policy to begin requiring the creation of pedestrian paths in the public right-of-way. The City Council specifically does not want to try and recapture any right-of-way at this time, nor create any additional public pathways along these streets. They agreed, however, that it is reasonable to require individual properties to create a 10-foot clear area, as measured from the curb. The most logical time to require this is when an individual property is being redeveloped. Under the Bradbury Zoning Code, this occurs when an individual property owner is developing the site with at least 1,000 square feet of new construction on the site, triggering the need for a Major Architectural Review.

The City Council further defined "clear area" to mean that the ten foot (minimum) strip would need to have a level/flat lawn or mix of pervious and impervious surface treatment. Minor features, such as a light post, mailbox, and any existing mature trees could be located in the clear area, but walls, fences, gates, and raised landscaped beds would be required to be set back the ten feet.

The draft ordinance suggests that the specific treatment required for each property be approved at the time of the approval of the Architectural Review. This way, a property owner could make a request for a specific design of their clear area that is consistent with their proposed development.

Recommendation: It is recommended that the Planning Commission adopt a Resolution recommending that the City Council amend the Zoning Code by adopting ZCA No. 13-20.

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

Public Testimony: Mayor Pycz and Councilmember Hale stated that the City Council is not taking away property, just clearing a ten-foot area.

Commissioner Dunst, speaking as a private citizen, inquired about how this ordinance would affect the location of livestock.

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

Motion: Commissioner Hernandez made a motion to adopt Resolution No. 13-228.PC recommending that the City Council amend the Zoning Code by adopting Zone Code Amendment No. ZCA 13-20. Commissioner Novodor seconded the motion, which was carried by the following roll call vote:

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

New Business – Housing Element Update: City Planner McIntosh stated that the Housing Element is one of seven required elements of the City's General Plan. Unlike the other six required elements, it is governed by additional state laws, is managed by the State Office of Housing and Community Development (HCD) and is on a separate cycle for update than the rest of the General Plan.

Cities in the SCAG (Southern California Association of Governments) region are required to adopt their next state required Housing Element by February 12, 2014. The State of California has made a change to the law regarding the housing element updates in that the time frame for an approved housing element is now eight (8) years instead of five (5) years if the jurisdiction adopts the housing element on time. Therefore, it is in the City's interest to expedite the review and approval of this document.

The last Bradbury Housing Element was adopted in 2008 and is effective until 2014. Since that Housing Element was approved, the City of Bradbury has learned that the Regional Housing Needs Assessment (RHNA) has allocated only one additional unit of housing to the City of Bradbury in the 2014-2021 Housing Element cycle. Staff believes that the existing policies are adequate to meet the state's requirements and it is recommended that the City simply update the necessary demographic data and the performance review of the current Housing Element.

Proposed Schedule: Staff is recommending the following tasks and schedule to meet the requirements and deadline for the Housing Element Update:

October 23, 2013 – Introduction of project to Planning Commission
November 2013 – Public Review of draft Housing Element
November-December 2013 – HCS 60-Day Review
December 2013 – Planning Commission Hearing
January 2014 – City Council Hearing and Adoption
No later than February 12, 2014 – Element Submittal to HCD

Action: The Planning Commission directed staff to follow the schedule stated above to meet the February 12, 2014 deadline.

Public Comment: None

Reports and Items for Future Agendas:

A. Commission Members: Commissioner Novodor inquired about the status of the property at 2428 Mount Olive Lane. The owner, Mrs. Iglesias was required to set back her fence which she never did, but took off the gate. The gate is back on again.

B. City Manager: City Manager Keith stated that the City has an opened a code enforcement case against 2428 Mount Olive Lane.

C. City Planner: City Planner McIntosh stated that due to the Hanukkah, Thanksgiving and Christmas holidays staff is recommending the November and December Planning Commission meetings be held on the 3rd Wednesdays, which would be November 20 and December 18.

Adjournment:

At 8:50 p.m. Vice-Chairperson Esparza adjourned the meeting to Wednesday, November 20, 2013 at 7:00 p.m.

Susan Esparza

Susan Esparza - Vice-Chairperson

ATTEST:

Claudia Saldana

Claudia Saldana - City Clerk