

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF BRADBURY, HELD ON FEBRUARY 25, 2015 AT 7:00 PM  
IN THE BRADBURY CIVIC CENTER**

**Meeting Called to Order and Pledge of Allegiance:** The regular meeting of the Planning Commission of the City of Bradbury was called to order by Chairman Hernandez at 7:00 p.m. Chairman Hernandez led the pledge of allegiance.

**Roll Call:** PRESENT: Chairman Hernandez, Vice-Chairperson Dunst, Commissioners Kuba and Esparza  
ABSENT: Commissioner Novodor  
STAFF: City Manager Keith, City Planner McIntosh, City Clerk Saldana

**Commissioner Novodor Excused:** Vice-Chairperson Dunst made a motion to excuse Commissioner Novodor from the meeting. Commissioner Kuba seconded the motion which carried unanimously.

**Approval of Agenda:** Commissioner Kuba made a motion to approve the agenda as presented. Vice-Chairperson Dunst seconded the motion which carried.

**Approval of January 28, 2015 Minutes:** Commissioner Kuba made a motion to approve the minutes of the January 28, 2015 Planning Commission meeting. Vice-Chairperson Dunst seconded the motion, which was carried by the following roll call vote:  
  
AYES: Chairman Hernandez, Vice-Chairperson Dunst, Commissioner Kuba  
NOES: None  
ABSENT: Commissioner Novodor  
ABSTAIN: Commissioner Esparza

**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:

**Continued Public Hearing:** 6.A – 606 Spring Point Drive (AR 14-010, NC 14-004)  
Commissioners residing within 500 feet of 606 Spring Point Drive:  
*Commissioner Esparza*

**New Public Hearing:** 7.A – Zone Text Amendment No. ZCA 15-001  
*Citywide*

**Discussion Item:** 8.A – 425 Mount Olive Drive (AR 14-004)  
Commissioners residing within 500 feet of 425 Mount Olive Drive:  
*None*

**Motion to Receive and File Report:** Commissioner Kuba made a motion to receive and file the report as presented. Vice-Chairperson Dunst seconded the motion, which carried unanimously.

**Commissioner Esparza leaves room:** Commissioner Esparza recused herself from the decision making process regarding 606 Spring Point Drive and left the room.

**606 Spring Point Drive (Background):** City Planner McIntosh stated that this is a continued public hearing from January 28, 2015. This application was on the agenda and the Commission opened the public hearing, took testimony and discussed the request for the project. However, the submitted plans has some inconsistencies and the landscape review had not been completed prior to the hearing. Therefore, the Commission continued this item to the February 25, 2015 meeting. The Commission also asked the applicant to install story poles on the site to depict the new massing and dimensions of the proposed project.

The Planning Commission considered a previous application for this address in 2014, which included a variance request for height. Based on neighborhood concerns and staff's recommendation that the variance findings could not be made, the Planning Commission denied the request in May 2014, as a whole.

The applicant, Shiv Talwar, began the design process again, taking into consideration both the concerns of the neighboring property owners regarding visual impacts, and also the concerns identified during the hearing process. A new application was submitted in November 2014. The Planning Commission is conducting a de novo hearing on this application.

**Project Description:** City Planner McIntosh stated that Design Concepts has submitted an application on behalf of Dr. and Mrs. Shah to substantially remodel the interior and exterior of an existing 2,613 square foot single-family dwelling and add a first and second story addition to the residence. The proposed project will create a 5,232 square foot, 2-story, 4-bedroom, 6-bath dwelling unit, a new 2-car garage, with a "daylight" basement. The property is located in the R-20,000 zone and is 0.48 acres in size. The exterior renovations are designed in a traditional Mediterranean style. The revised design before the Commission utilized the slope of the property to accommodate the new square footage, with a lower portion on the south side of the property, and a 1-story addition to the north side of the property. Previously, all the floor area was stacked – two stories above a partially above-grade basement.

**Remodel versus New Construction:** It should be noted that the legal notice for this project described it as a demolition and new construction. The extent of the proposed remodeling warrants a more conservative assessment. The existing structure is old, and in spite of the applicant's desire to define this as a remodel, once the demolition begins to take place, it could be apparent that none of the existing walls are fit to support the new, much larger structure. Therefore, while the applicant will submit plans to plan check for a remodel, staff is recommending that this project be conditioned as if it is new construction.

**Environmental Review:** The proposed project is Categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1(e) (Existing Facilities), Section 15303 (New Construction) and Section 15332 (In-Fill Development) of the CEQA guidelines.

**Analysis:** The property is zoned R-20,000 and allows for the use proposed with a major architectural review permit and neighborhood compatibility approval from the Planning Commission. The subject property is a wedge-shaped parcel located on the east side of Spring Point Drive in the northeast quadrant of the intersection of Oak Shade Road and Spring Point Drive. The lot slopes down from the north property line to the south property line, and from the west property line to the east property line. The site is developed with a ranch style dwelling constructed in 1962. The existing home is 2,613 square foot, 3-bedroom, 3-bath, with a daylight basement and swimming pool.

**Recommendation:** Staff recommends that the Commission receive updated information from staff and the applicant, take additional public testimony, close the public hearing and adopt Resolution No. 15-238 approving Architectural Review Application No. AR 14-010 and Neighborhood Compatibility Application No. NC 14-004.

**Questions from Commissioners:** Commissioner Kuba inquired about the crawl space under the house and the materials board.

Chairman Hernandez asked if the applicant met with the neighbor at 615 Mount Olive Drive. City Manager Keith stated that they did not.

City Planner McIntosh distributed copies of Resolution No. 15-238.

**Continued Public Hearing:** Chairman Hernandez opened the discussion to the public and ask those wishing to speak in favor or opposition to come forward and be heard.

**Public Testimony:** Mr. Shiv Talvar, architect presented the materials board (in-lieu of actual samples) and a copy of the revised plans.

Mr. Bruce Lathrop, 554 Mount Olive Drive, worried about setting a precedent for this project not being a single-story ranch style home.

**Public Hearing Closed:** There being no further public comments, Chairman Hernandez declared the public hearing closed.

**Discussion:** City Planner McIntosh stated that the project meets all of the City's building standards for the R-20,000 zone and requires no variance. The Neighborhood Compatibility Review gives the Planning Commission discretion over design issues (i.e. second story) and size.

Vice-Chairperson Dunst stated that she thinks the project is compatible with the neighborhood.

Commissioner Kuba asked the City Planner if she thinks the project meets the Neighborhood Compatibility requirements. Ms. McIntosh stated yes, after the changes were made.

Chairman Hernandez wants to be fair to the applicants, who worked with the Planning Commission and staff. And no one spoke in opposition to the project.

**Motion:** Vice-Chairperson Dunst made a motion to adopt Resolution No. 15-238 approving Architectural Review Application No. AR 14-010 and Neighborhood Compatibility Application No. NC 14-004 for 606 Spring Point Drive. Commissioner Kuba seconded the motion, which was carried by the following roll call vote:

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

Motion carried 3:0

**Commissioner Esparza returns:** Commissioner Esparza rejoined the meeting.

**Zone Code Text Amendment 15-001:** City Planner McIntosh stated that the Planning Commission and City Council have heard concerns from members of the community regarding houses being completely demolished during the construction process for what had been described as a "remodel" during the planning and building review process. At its January 20, 2015 meeting the City Council directed the City Manager to initiate a Municipal Code amendment to redefine what constitutes the demolition of a structure and setting a lower threshold for compliance by a non-conforming structure.

Staff has reviewed the zoning and building ordinance and has determined that amendments could be made to address the concerns. A draft Ordinance has been prepared for the Commission's review.

**General Plan:** The text amendment is citywide. It supports the goals of the land use, safety housing elements of the General Plan by ensuring that outdated structures are brought into compliance with current zoning and building and safety requirements when these improvements are justified by project costs.

**Environmental Assessment:** The proposed amendment of the Bradbury Zone Code Section 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 Protections of the Environment) of the CEQA guidelines.

**Recommendation:** It is recommended that the Planning Commission adopt Resolution No. PC 15-239, recommending that the City Council amend the Zoning Code by adopting ZCA 15-001.

**Questions from Commissioners:** Chairman Hernandez asked the City Planner where she came up with the information. Ms. McIntosh stated that the information was solicited from other cities.

**Public Hearing Opened and Closed:** Chairman Hernandez opened the public hearing and asked those wishing to speak in favor or opposition to come forward and be heard. There being no public testimony, Chairman Hernandez closed the public hearing.

**Motion:** Commissioner Esparza made a motion to adopt Resolution No. 15-329 setting forth its findings of fact and recommendation relative to Zone Code Amendment No. ZCA 15-001 – Continuation of Non-Conforming Structures. 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 Kuba  
NOES: None  
ABSENT: Commissioner Novodar

Motion carried 4:0

City Planner McIntosh stated that the City Council will hold a public hearing for introduction and first reading of Ordinance No. 339 at its March 17, 2015 meeting.

**Review of Modification to 425 Mount Olive Drive:** City Planner McIntosh stated that the Planning Commission approved this project on May 28, 2014. It was submitted as a remodel of an existing house and addition. In January 2015, during the construction process, it was brought to the attention of the Building Official that the existing house had been demolished in its entirety. The findings for this project were based in part on the fact that the applicant was working with an existing house. Therefore, the Planning Commission should review the revised proposal and determine if it still meets the findings. Further, staff seeks the approval of the Commission for a proposed revision to the window design.

**Variance Findings:** The Commission should determine whether or not the variance findings continue to apply. A variance was granted for relief from the hillside standards in part to accommodate the existing house into the project design. Now that the house is gone, the material facts justifying the variance have changed.

**Window Changes:** In addition, the contractor is asking for a design change to the windows. The approved plan uses single-paned square windows to complement the contemporary architectural style. The revised plan utilizes are more traditional multi-paned casement window.

**Recommendation:** Staff believes that the project still meets the findings and conditions of the Architectural Review and Neighborhood Compatibility applications and recommends Option One (see below).

**Alternatives:** The Planning Commission has the following alternatives to the staff recommendation:

Option One: Find that the revised project meets the findings and conditions of the original permit approval granted in May 2014 and take no further action.

Option Two: Find that the revised project is not consistent with the findings and conditions and direct staff to schedule a duly noticed public hearing.

**Discussion:** The Planning Commission heard arguments in favor of Option One from Mr. Gary Warner, consultant for the project, and Sharon, the current project manager, stating that the house is being built as submitted and approved by the Planning Commission.

City Planner McIntosh reiterated that the findings for a remodel are different than the findings for new construction.

**Motion:** Commissioner Kuba made a motion to find that the revised project is not consistent with the findings and conditions and directed staff to schedule a duly noticed public hearing (Option Two). Commissioner Esparza seconded the motion, which was carried by the following roll call vote:

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

Motion carried 4:0.

**Public Comment:** Mr. Juan Mercade, 435 Mount Olive Drive, stated that he was concerned about the dirt brought in on 425 Mount Olive Drive ending up on his property. Mr. Mercade stated that problems with this neighboring property go back as far as 20 years.

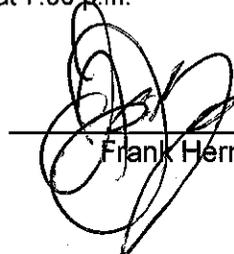
**Reports and Items for Future Agendas:** Commission Members: Commissioner Esparza was wondering why 425 Mount Olive is bringing in so much dirt.

Chairman Hernandez inquired about a pre-construction meeting for 188 Deodar Lane.

City Manager: Nothing to report.

City Planner: City Planner McIntosh distributed the Monthly Project Status Report for February 2015.

**Adjournment:** At 8:10 p.m. Chairman Hernandez adjourned the meeting to Wednesday, March 25, 2015 at 7:00 p.m.

  
\_\_\_\_\_  
Frank Hernandez – Chairman

ATTEST:

  
\_\_\_\_\_  
Claudia Saldana - City Clerk