

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION
OF THE CITY OF BRADBURY, HELD ON JANUARY 22, 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 Chairperson Kuba at 7:00 p.m.
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

Approval of Agenda: City Manager Keith suggested to move up items 6.D (606 Spring Point Drive) and 6.F (18 Dovetail Lane) to accommodate the people in the audience that were present for the Public Hearings. Commissioner Novodor made a motion to approve the agenda, moving up items 6.D & 6.F. Commissioner Dunst seconded the motion, which carried.

Approval of December 18, 2013 Minutes: Commissioner Novodor made a motion to approve the minutes of the December 18, 2013 Planning Commission meeting. Commissioner Dunst seconded the motion, which carried. Vice-Chairperson Esparza 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:

6.A - 528 Winston Avenue:
Commissioners residing within 500 feet of 528 Winston Avenue:
Commissioner Dunst

6.B - 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.

6.C - 2014 Housing Element:
Citywide

6.D - 606 Spring Point Drive:
Commissioners residing within 500 feet of 606 Spring Point Drive:
Vice-Chairman Esparza

6.E - Zone Code Amendment No. 14-22:
Citywide

6.F - 18 Dovetail Lane:
Commissioners residing within 500 feet of 18 Dovetail Lane:
None

Action: Vice-Chairman Esparza made a motion to receive and file the report as presented. Commissioner Dunst seconded the motion, which carried.

Order of Agenda Items Changed: The Commission proceeded with agenda item 6.F (18 Dovetail Lane) as the architect for 606 Spring Point Drive (6.D) had not arrived yet.

18 Dovetail Lane: City Planner McIntosh stated that the architect, Mr. Robert Tong with Sanyao International Inc., has submitted an application for the construction of a new 14,500 square foot house, 655 square foot detached garage, and 2,496 square foot guest house at 18 Dovetail Lane in the Bradbury Estates. The property is located in the A-5 Zone and is 2.45 acres in size. The new house and accessory structures are designed in an English Tudor style. A zone text amendment is required to allow the open gable ends of the house exceed a 28 foot height limitation. The site has an average slope of less than 10%, therefore does not require conformance to the hillside development standards. The lot is currently planted with numerous orchard trees, native shrubs and groundcover. The applicant has submitted 1) a request to remove trees, and 2) a preliminary landscape plan that has been reviewed by the City's landscape architects.

Environmental Review: The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction) and Section 15332 (In-Fill Development) of the CEQA Guidelines.

Analysis: City Planner McIntosh stated that due to the holidays and timing of the application submittal, the staff level development review team has not completed its review of this project. Therefore, the staff report does not contain a complete analysis of the project. The applicant would benefit to hear any comments the Commission may have. Staff will prepare a Resolution for the project for the next meeting if the Commission adopts staff's recommendation and continues the item to the February 26, 2014 meeting.

Recommendation: It is recommended that the Planning Commission open the public hearing, take public testimony, and continue the hearing open to allow for further review of landscape and engineering proposals by City representatives in order to properly condition the project.

Discussion: The Architect, Mr. Robert Tong, was present to answer questions from the Commission.

Commissioner Dunst asked what the percentage of lot coverage (impervious materials) is for the project.

Commissioner Hernandez stated that the HOA's main concern was clearing the property. The residents are very concerned about the property's neglect, dry brush and coyotes. City Manager Keith stated that the tree permit was issued in December right before the holidays to begin clearing the orchards.

Discussion: Commissioner Dunst reiterated that she wants to see numbers for the hardscape, softscape and structure. She had concerns regarding lot coverage.

Vice-Chairperson Esparza rose questions concerning the removal of the orchards and its impact on drainage.

Commissioner Hernandez stated that he noticed the civil engineer of the project was present to perhaps talk about the drainage issues.

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: City Planner McIntosh stated that staff received a copy of a letter from Ms. Nancy McGrain, 302 Bradbury Road, to Mr. Robert Tong, voicing her concerns about drainage and street run-off from the property, lighting and nightscapes, fencing on the south property line and the trees, specifically on the south part of the property.

Mr. Fei Huang, the landscape architect for the project, stated that 89 trees will remain and 75 trees will be removed. 72 of the 75 trees to be removed are avocado trees.

Continue Public Hearing Open: There being no further public testimony, Chairperson Kuba closed the discussion to public comment and called for a motion to continue the public hearing.

Motion: Commissioner Hernandez made a motion to continue the Public Hearing for 18 Dovetail Lane to the February 26, 2014 Planning Commission Meeting. Vice-Chairperson Esparza seconded the motion, which was carried by the following roll call vote:

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

Vice-Chairperson Esparza Recused: Vice-Chairperson 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: 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 on an existing 2,613 square foot single-family dwelling and add a 3683 square foot, 2-story, 4-bedroom addition to the residence.

The applicant is requesting a variance to exceed the maximum allowed height limit of 28 feet by 4 and ½ feet. The property is located in the R-20,000 Zone and is 2.45 acres in size. The exterior renovations are designed in a modern Mediterranean style. The site has an average slope of less than 10%, therefore does not require conformance to the hillside development standards.

Legal Notice:

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 existing dwelling is a single-story ranch style home with a wood shake roof. The proposed addition and exterior renovations significantly alter the existing architectural style and use different building materials. The applicant has indicated that the proposed architectural style is "modern Mediterranean" with a tile roof and stucco walls. Other architectural features include a variety of window styles, round columns, keystones, ornate wrought iron balcony walls, and quoins for a distinctive building outline.

Design:

Staff believes that the proposed development exhibits both a confusing mix of architectural styles as well as design and site design features that do not meet all of the requirements for Architectural Review and Neighborhood Compatibility.

Recommendation:

Staff recommends that the Planning Commission discuss the concerns identified in the staff report that A) the project as designed is not compatible with the neighboring properties due to size and massing, B) discordant architectural style, and C) accompanying height variance request. It would be appropriate to continue the item and provide direction to the applicant and staff regarding the proposed building style, scale, massing, and materials in order to determine the compatibility of the project with the surrounding development for Architectural Review No. AR 13-279, Neighborhood Compatibility Application No. NC 13-103 and Variance No. V 13-75.

Discussion:

City Planner McIntosh stated that one of the questions in regards to the remodeled home is whether it has a basement or a third story.

Chairperson Kuba inquired about a landscape plan. City Planner McIntosh stated that the applicant does not want to hire a landscape architect because it is a "remodel."

Commissioner Dunst stated that the plans look "rough" and why not completely demolish the existing residence?

Discussion:

Chairperson Kuba wanted to hear from the architect. Mr. Shiv Talvar with Design Concepts stated that it is a 2-story home with a basement. The owner would like to minimize the demolition.

Commissioner Novodor stated that he was confused about where the driveway was going to be and Commissioner Dunst inquired about access to the garage.

The staff report states that the proposed remodel will create a 6,296 square foot home. The architect said that the home will be less than 6,000 square feet. Chairperson Kuba stated that the Commission needs more accuracy with the information submitted.

City Planner McIntosh stated that Mrs. Shah is looking for feedback from the Planning Commission. Ms. McIntosh also stated that the project complies with all zoning requirements and that staff has worked with the applicants for months but these final three issues (see previous page A, B & C) need resolution.

Chairperson Kuba wanted to hear from the applicant.

**Public Hearing
Opened:**

Chairperson Kuba opened the public hearing and invited those speaking in favor or opposition to come forward and be heard.

Applicant:

Mrs. Sonal Shah stated that her family has lived here since 1989. She wants to upgrade the house because her three kids are coming back from college to live at home. Mrs. Shah also stated that she does not want to touch the back yard. Mr. Taylor's house at 620 Spring Point Drive is empty, and the neighbors have waited for the Shahs to remodel because theirs is the ugliest house on the block. Mrs. Shah stated that there are huge houses on Oak Shade Road and that you can't see the basement from the street (Spring Point).

Public Testimony:

Arno Gemeinhardt, 615 Mount Olive Drive, stated that his property borders the back portion of 606 Spring Point Drive and that he does not want to look at three stories. Mr. Gemeinhardt also stated that Mr. Taylor, who passed away recently, was against the expansion plans. Mr. Gemeinhardt pointed out that the O'Dells were not allowed to build a 2-story home at 585 Mount Olive Drive.

Bruce Lathrop, 554 Mount Olive Drive, speaking as a private citizen, stated that he lives across the street and that his neighbors on Mount Olive Drive will see a towering 3-story building. Mr. Lathrop suggested to put up story poles to see how it will stand out, because Mount Olive sees the rear of the house.

Mr. D'Souza, 2222 Oak Shade Road, stated that there are lots of big 2-story houses on Oak Shade Road, and that maybe Mount Olive Drive has different requirements.

Richard Pycz, 1157 Lemon Avenue, speaking as a private citizen, stated that the City raised the height limit from 18 to 28 feet, but this code change was not intended to allow for 3-story buildings.

Richard Ryon, 632 Spring Point Drive, wondered how something can be called a basement if there is a door at the ground level, but felt confident that the Planning Commission will make the right decision.

Mr. Gemeinhardt asked if the Commissioners ever look at the properties. He stated that he was on the Planning Commission for 14 years and it was required back then to visit the sites.

Commissioner Hernandez stated that the Planning Commission has guidelines and drawings to consider too.

Rebuttal:

Mrs. Shah had a power point presentation showing pictures of neighboring houses on Oak Shade Road.

Commissioner Dunst stated that the topography of the project site is very steep, not dissimilar from others on Oak Shade Road.

Commissioner Hernandez would like to see project drawings without the variance brought back and Commissioner Novodor wants to see a landscape plan.

Chairperson Kuba suggested to put up story poles to show the height of 32'6" and wants to see plans with the accurate square footage and directed staff to work with the applicant.

Continue Public Hearing Open:

There being no further public testimony, Chairperson Kuba closed the discussion to public comment and called for a motion to continue the public hearing.

Motion to Continue Public Hearing:

Commissioner Novodor made a motion to continue the Public Hearing for 606 Spring Point Drive to the February 26, 2014 Planning Commission Meeting. Commissioner Dunst seconded the motion, which was carried by the following roll call vote:

Approved:

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

Vice-Chair Esparza Returns:

Following conclusion of Agenda Item No. 6.D (626 Spring Point Drive) Vice-Chairperson Esparza re-joined the meeting.

528 Winston Avenue:

A request to demolish an existing single-family house and construct a new single-family house on an A-1 lot.

City Planner McIntosh stated that the applicant has requested that the public hearing be continued to February.

Public Hearing Open:

Chairperson Kuba opened the public hearing and invited those speaking in favor or opposition to come forward and be heard.

Continue Public Hearing Open:

There being no public testimony, Chairperson Kuba closed the discussion to public comment and called for a motion to continue the public hearing open.

Motion to Continue Public Hearing: Commissioner Novodor made a motion to continue the Public Hearing for 528 Winston Avenue to the February 26, 2014 Planning Commission Meeting. Vice-Chairperson Esparza seconded the motion, which was carried by the following roll call vote:

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

Commissioner 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 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.

Background: The Planning Commission opened the public hearing for this matter on October 23, 2103. The Commission did not feel adequate attention had been given to the landscape mitigations for the site and continued the hearing open to allow for the applicant to prepare and submit a landscape plan. The hearing was continued in both November and December. The applicant has now submitted the request landscape plan.

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: It is recommended that the Planning Commission adopt Resolution No. PC 14-XXX approving Conditional Use Permit No. 13-001 with the findings of fact relative to the Conditional Use Permit.

Discussion: Commissioner Novodor asked what happens to the plants. Matt Lesecki from Cal-Am replied that Cal-Am hires landscapers to maintain the property.

Vice-Chairperson Esparza said that lantana will take over really fast.

Commissioner Dunst wants the Cal-Am property brought up to the same neighborhood standards. The City has design guidelines and Cal-Am should be required to follow them as any project would.

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:

Richard Pycz, 1157 Lemon Avenue, speaking as a private citizen, stated that he has lived in Bradbury since 1986, and that our residents pay rate increases for Cal-Am's infrastructure, so the residential property standards should be upheld and the frontage should be improved to look like any home would.

Commissioner Dunst stated that she does not want to see chain link fence fronting Lemon Avenue. She also requested that the dry brush in the back of the property be taken out.

Commissioner Novodor asked to see a landscape plan that the Commission can understand. Mr. Lesecki responded that he thought that the submitted plan is what the Commission asked for. City Planner McIntosh suggested to use color renderings on the plans.

Commissioner Dunst stated that Cal-Am should be required to install curb and gutter as well as maintain the new 10-foot parkway.

Commissioner Dunst asked Mr. Lesecki to bring his boss and the landscape architect to the next meeting. Commissioner Dunst also wants the gates to look like those in the neighborhood. City Planner McIntosh ask about the fencing and gate material. Commissioner Dunst stated it should be wrought iron.

Mr. Brad Tubin, Wescott Christian Center, stated that Cal-Am should be held to the same standards as everyone else.

Motion to Continue Public Hearing:

Commissioner Novodor made a motion to continue the Public Hearing for Conditional Use Permit No. 13-001. Vice-Chairperson Esparza seconded the motion, which was carried by the following roll call vote:

Approved:

AYES: Chairperson Kuba, Vice-Chairperson Esparza, Commissioners Dunst and Novodor

NOES: None

ABSENT: None

ABSTAIN: Commissioner Hernandez

Re-Notice Public Hearing:

City Planner McIntosh asked the Commission if they wished to hold the public hearing open or re-notice when Cal-Am is ready. The Commission instructed to staff to re-notice the public hearing.

Commissioner Hernandez Returns:

Following conclusion of Agenda Item No. 6.B (1271 Lemon Avenue) Commissioner Hernandez re-joined the meeting.

Housing Element Update 2014-2021:

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 housing element updates, in that the time frame for an approved housing elements is now eight (8) years instead of five (5) years IF the jurisdiction adopted 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.

A copy of the draft 2014-2021 Housing Element is before the Planning Commission tonight. As stated above, most of this information is simply an update of data that had been prepared in the last Housing Element. A copy of the draft 2014-2021 Housing Element is before the Planning Commission tonight. As stated above, most of this information is simply an update of data that had been prepared in the last House Element.

The demographic information identified by the 2010 US Census does not materially change the proposed policies of this document. Most of the policy direction regarding housing in Bradbury was analyzed and documented in the Land Use Element of the General Plan. The City is also recommitting to the programs proposed in the 2008 Housing Element.

Environmental Review:

A negative declaration will be prepared for the 2014 Housing Element.

Recommendation:

It is recommended that the Planning Commission open the public hearing on the Housing Element, take public input, discuss the proposed contents, and recommend adoption to the City Council.

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 Hearing Closed:

There being no public testimony, Chairperson Kuba declared the public hearing closed.

Motion:

Commissioner Dunst made a motion to recommend adoption of the 2014 Housing Element to the City Council. Commissioner Novodor 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

**Zone Code
Amendment
ZCA 14-22:**

City Planner McIntosh stated that the City Council directed the City Planner to undertake a process to amend the City's 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 entire guidelines is underway. This zone text amendment would implement the second recommended update of the Design Guidelines.

This zone code amendment would eliminate the 28-foot height limit for open-gable roof ends in the A-5 zone. The height limit in A-5 can be 35 feet under certain conditions. Currently one of those conditions limits the gable-end of a roof to 28 feet. To comply with this condition, the house would be required to step-down by seven feet at the end, but this is not consistent with the desirable classic, traditional design sought after by many architects. An example is the English Tudor style which has open gable end as a standard design feature.

**Environmental
Assessment:**

The proposed amendment of the Bradbury Zone Code Section 9.05.060.040 e.g. relating to height of an open gable-end of a roof 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.

Recommendation:

It is recommended that the Commission adopt Resolution No. PC 14-230 recommending that the City Council amend the Zoning Code by adoption ZCA No. 14-22.

**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 Hearing
Closed:**

There being no public testimony, Chairperson Kuba declared the public hearing closed.

Motion:

Commissioner Hernandez made a motion to adopt Resolution No. PC 14-230 PC recommending that the City Council adopt Zone Code Amendment No. 14-22. Vice-Chairperson Esparza 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

Public Comment:

None

**Reports and Items for
Future Agendas:**

Commission Members: Nothing to report.

**Reports and Items for
Future Agendas:**

City Manager: City Manager Keith thanked the community for its response during the recent Colby fire. Commissioner Novodor commended staff for keeping the community updated.

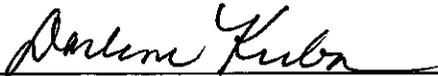
City Manager Keith stated that the next Planning Commission is very important because of the General Plan Update. Commissioner Hernandez stated that he will not be here for the February meeting. The City Manager inquired if the Commission would like to meet earlier at 6:00 p.m.

Upcoming Meetings: UUT Committee on Tuesday, January 28, at 6:00 p.m., Special City Council Meeting on Wednesday, January 29, at 6:00 p.m., and District Four State of the District Meeting on Thursday, January 30 at 7:00 p.m.

City Planner: City Planner McIntosh thanked the Commission for making it through tonight's long agenda.

Adjournment:

At 9:10 p.m. Chairperson Kuba adjourned the meeting to Wednesday, February 26, 2014 at 6:00 p.m. (if approved by the City Attorney).



Darlene Kuba – ~~Vice~~ Chairperson

ATTEST:



Claudia Saldana - City Clerk