

**MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION
OF THE CITY OF BRADBURY, HELD ON OCTOBER 28, 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 Novodor at 7:00 p.m. Commissioner Hernandez led the pledge of allegiance.
- Roll Call:** PRESENT: Chairman Novodor, Vice-Chairperson Esparza, Commissioners Dunst, Hernandez and Kuba
ABSENT: None
STAFF: City Manager Keith, City Planner McIntosh, City Clerk Saldana
- Approval of Agenda:** Commissioner Hernandez made a motion to approve the agenda as presented. Commissioner Dunst seconded the motion, which carried.
- Approval of September 30, 2015 Minutes:** Commissioner Dunst made a motion to approve the minutes of the September 30, 2015 Planning Commission meeting. Commissioner Kuba seconded the motion, which carried.
- 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.
- Public Hearings:** 6.A 388 Long Canyon Road
Commissioners residing within 500 feet of 388 Long Canyon Road:
Commissioner Hernandez
- 6.B Zoning Code Text Amendment ZTA 15-002
Citywide
- Commissioner Hernandez Recused:** Commissioner Hernandez recused himself from the decision making process regarding 388 Long Canyon Road and left the room.
- 388 Long Canyon Road:** *Architectural Review Application No. AR 15-009*
Neighborhood Compatibility Application No. NC 15-008
- Background:** City Planner McIntosh stated that this project was first approved by the Planning Commission on January 13, 2013. The applicant submitted construction drawings to plan check but had delays in meeting fire department fuel modification requirements and structural calculations for the glass atrium that would be constructed over the courtyard. During the period that the plans were in plan check, the Architectural Review and Neighborhood Compatibility entitlements expired.
- De-Novo Hearing:** At this time the applicant is re-applying for the same permits that were issued in 2013. This report essentially contains the same information that was in the previous staff report. There are a few exceptions related to landscape requirements. Tonight's hearing is a "de-novo" hearing, meaning that the Commission may reconsider any discretionary decisions, regardless of the previous approval.

At the Planning Commission meeting of September 30, 2015, the Planning Commission opened the public hearing for this project, but continued it open in order to receive more information about landscape requirements, based on proposed conditions from the City's Landscape Architects. A site meeting was conducted between planning, landscaping, the applicant and the property owner. Based on the site visit the City Landscape Architects, Armstrong & Walker, revised their recommendations to include only minor relocation of existing shrubs and some protection for existing oaks during construction. There is no longer a need for a new conceptual landscape plan. Staff therefore feels that the Planning Commission can close the public hearing and make a decision on the request.

Project Description: The property owner, Hieu Tai Tran, and his representative, Steven Phillips (architect), are requesting approval of plans to:

1. Convert a portion of an existing 6-car garage into habitable space (1,570 sq. ft.);
2. Construct a new 1,818 sq. ft. 4-car garage
3. Construct a new 1,120 sq. ft. second story bedroom/office; and
4. Install a metal framed glass roof over an existing courtyard (1,250 sq. ft.).

The result of the proposed construction will be the creation of an eleven 11-bedroom, fifteen 15-bathroom, 23,920 square foot two-story single-family dwelling unit with an attached 4-bedroom, 4-bath, 2,492 square foot second dwelling unit.

No Variance: It should be noted that this project was noticed to include a Variance, but the applicant redesigned the project so that a Variance is not required.

Environmental Review: The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Minor Additions).

CSD/HOA Review: The project was reviewed by the Bradbury Estates CSD and HOA on July 13, 2015. They approved the plans as it had originally been approved by the Planning Commission in January 2013 and re-submitted on August 6, 2015.

Project Analysis: 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.

Recommendation: Staff recommends that the Planning Commission close the public hearing and determine that the findings and conditions can be made which approve the environmental categorical exemptions and conditionally approve the proposed development applications by adopting Resolution No. 15-247.

Public Hearing Continued from Sep 30, 2105: Chairman Novodor opened the discussion for public comment and asked those wishing to speak in favor or opposition to come forward and be heard.

Public Testimony: The architect, Mr. Steven Phillips, 23187 La Cadena Drive, Laguna Hills, explained the design changes that were made to eliminate the need for a variance.

Motion: Commissioner Dunst made a motion to adopt Resolution No. 15-247 conditionally approving Architectural Review Application No. 15-009 and Neighborhood Compatibility Application No. 15-008 for 388 Long Canyon Road. Vice-Chairperson Esparza seconded the motion, which was carried by the following roll call vote:

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

Motion carried 4:0

Commissioner Hernandez: Commissioner Hernandez rejoined the meeting.

Zoning Code Text Amendment ZTA 15-002: *An Amendment to the Hillside Development Standards to provide an Exemption from the Chapter for Certain Properties*

Background: City Planner McIntosh stated that in April, the City Council had a discussion about the current requirements of the hillside development standards and possible unintended impacts to development projects on certain properties due to the application of the standards. There have been instances where lots that are predominantly flat are captured by the slope calculation and required to apply for a variance in order to find relief from the hillside requirements that cannot be met. The City Council directed staff to prepare a text amendment for consideration by the Planning Commission. The Planning Commission discussed this matter in June and continued the discussion to get more information about the practices and policies of other comparable cities.

Staff has compiled examples of modifications (also called exceptions or exemptions) of other Southern California cities for the Commission's consideration. A summary chart of these examples was also provided.

Analysis: When the City adopted the hillside development standards, the intention was to provide protection against extreme grading and fill on natural hillside land, to minimize the removal of natural landscape materials and to design homes to be sensitive to their environment and the neighboring properties. The hillside standards only apply to lots that are greater than two (2) acres in size, which only occur in the A-1, A-2 and A-5 Zones.

As the hillside ordinance has been applied over the years, it has become apparent that the slope calculation used to determine hillside lots captures a larger number of properties and site conditions than was originally anticipated. Many sites are primarily flat (under 10% slope) but meet the hillside definition because of small areas of extreme slope that alter the formula.

Additionally, many of the City's large developed lots pre-date the hillside regulations and have graded pad areas that remain viable development areas as old structures are recycled to make way for new homes. While the hillside regulations are helpful in preventing insensitively designed pads, they also do not include any exceptions for properties that have already been graded.

Staff believes that simple changes can be made to the regulations to account for these conditions, thereby meeting the intent of the guidelines without requiring every project to apply for a variance.

Proposed Changes:

First, a change could be made to what part of a site is included in the slope calculation. Rather than including the entirety of a site, areas around the perimeter of the site that would not be impacted by development and are conditioned to be left in a natural state could be excluded from the calculation.

Second, an exemption could be made to properties that are being redeveloped on a previously graded pad and when no alterations are being proposed to any existing slope areas of the site.

City Council Direction:

The City Council was clear that this is not a review of the entire hillside standards chapter. It is important that the intent of the chapter is maintained as required by the General Plan – to preserve environmentally sensitive hillside areas to the greatest extent possible.

Recommendation:

Staff recommends that the Planning Commission recommend the proposed language to amend the Hillside Development Standards to the City Council. The City Council will make the final decision.

**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:

Mayor Hale asked the Commission to "keep it simple" and stated that all of the easy lots have been developed and we now have to deal with the tough lots.

**Public Hearing
Closed:**

There being no further public testimony, Chairman Novodor declared the public hearing closed.

Discussion: Chairman Novodor inquired about height limits. City Planner McIntosh replied that this Zoning Text Amendment does not affect the height limits.

Commissioner Dunst stated that she read the Hillside Development Standards Summary Chart of Examples and stated that the process needs to be fair to the property owner and to the people who live here.

City Manager Keith stated that what the City Planner is proposing does not take away the discretionary review by the Planning Commission. A modification, just like a fence height modification for example, would still be part of the development application review, but easier to obtain than making the findings for a variance.

Chairman Novodor inquired about fault lines. City Planner McIntosh stated that earthquake fault lines are something the City might have to consider for some development applications.

Motion: Commissioner Dunst made a motion to recommend the proposed language to amend the Hillside Development Standards to the City Council and the City Council will make the final decision. Vice-Chairperson Esparza seconded the motion, which was carried by the following roll call vote:

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

Motion carried 5:0

Public Comment: None

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

City Manager: City Manager Keith stated that it has been a while since the City Council and the Planning Commission had discussions regarding the development review process. The City Council is proposing a joint meeting between the City Council and the Planning Commission an hour before the next City Council meeting on November 17 and/or before the November 18 Planning Commission meeting. Commissioner Kuba stated that she has a conflict on November 17. City Manager proposed a joint meeting with the City Council on November 18 before the Planning Commission meeting at 5:30 p.m. Staff will provide sandwiches for dinner.

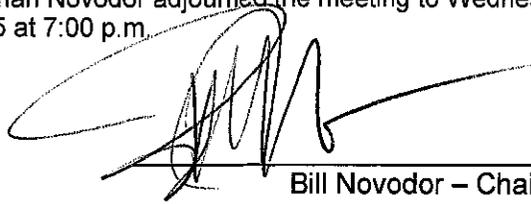
City Manager Keith stated that the following three projects will be on the November Planning Commission Agenda: (1) 330 Mount Olive Drive, (2) 14 Bradbury Hills Road, and (3) 11 Deodar West, and a Zone Code Amendment regarding Medical Marijuana Dispensaries (although not applicable to Bradbury the ZCA is still required by law).

City Planner: City Planner McIntosh distributed the Development Project Status Report for October 2015.

Commissioner Hernandez inquired about 158 Sawpit. City Manager Keith stated that the Building Inspector just went to the site for some code enforcement issues.

Adjournment:

At 7:40 p.m. Chairman Novodor adjourned the meeting to Wednesday, November 18, 2015 at 7:00 p.m.



Bill Novodor – Chairman

ATTEST:

Claudia Saldana
Claudia Saldana - City Clerk