

**MINUTES OF A REGULAR MEETING OF THE  
PLANNING COMMISSION OF THE CITY OF BRADBURY,  
HELD ON AUGUST 26, 2009 AT 7:30 PM  
IN THE COUNCIL CHAMBERS AT CITY HALL**

**Meeting Called to Order:** The meeting of the Planning Commission of the City of Bradbury was called to order by Chairman Hernandez at 7:30 p.m.

**Pledge of Allegiance:** Chairman Hernandez led the pledge of Allegiance.

**Roll Call:** PRESENT: Chairman Hernandez, Vice-Chairman Dunst, Commissioners Kuba, Gifford and Ryan  
ABSENT: None  
STAFF: City Planner Meyer, City Manager Keith and City Clerk Saldana

**Approval of Agenda:** Chairman Hernandez approved the agenda as presented.

**Minutes of July 22, 2009 Approved:** Commissioner Gifford moved to approve the Planning Commission Meeting Minutes of July 22, 2009. Vice-Chairman Dunst seconded the motion, which carried. Commissioner Kuba 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:

**Agenda Items:** Specific Plan No. SP 05-01 – Amendment No. 1 for Sharon Hill Lane (Sheng Development)  
Commissioners living within 500 feet of Sharon Hill Lane:  
*None*  
Zone Code Amendment No. ZCA 09-15  
*Citywide*  
Historic Building Preservation Policy  
*Citywide*  
General Plan Amendment No. GPA 08-13  
*Citywide*

**Motion to Receive and File Staff Memo:** Commissioner Gifford made a motion to receive and file the staff memorandum dated August 26, 2009. Vice-Chairman Dunst seconded the motion, which carried.

**Public Hearing Specific Plan No. SP 05-01 - Amendment No. 1 for Sharon Hill Lane:** City Planner Meyer stated that the applicant, Mr. John Sheng, is requesting approval of plans to install a 9-foot high wrought iron vehicular access gate across the private street (Sharon Hill Lane) that provides access to four residential estate parcels of land.  
On June 20, 2006, the City Council adopted Specific Plan No. SP 05-01, which created unique development standards for the 9.14 acre site.

**General Plan:** The Specific Plan is in conformance with the goals and objectives of the City's General Plan. The proposed vehicular access gate does not comply with the development standards set forth in the Specific Plan document. The applicant is requesting that the development standard prohibiting the access gates be eliminated.

**Zone:** The subject property is zoned A-2-SP (Agriculture/Residential 1-acre minimum Specific Plan). The property contains 9.14 gross acres of land area and is subdivided into five lots. Four of the lots are designated for residential development and one parcel is designated as permanent open space.

**Surrounding Land Uses and Zoning:** The subject property is surrounded on the west and south by property zoned A-2. The property to the north is located in the City of Duarte and it is zoned and utilized by the Los Angeles County Flood Control District as a debris basin. The property to the east is located in the City of Duarte and it is zoned and utilized for single-family residential development.

**Environmental Assessment:** The previous subdivision of the site and the adoption of the applicable Specific Plan was subject to the provisions of an environmental Mitigated Negative Declaration adopted by the Bradbury City Council on June 20, 2006. The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15303(e) – Construction of Small Structures and Section 15332 (In-Fill Development Projects on sites of less than 5-acres).

**Background:** The Planning Commission conducted a public hearing on July 22, 2009 in an effort to solicit testimony from interested parties. The applicant addressed the Planning Commission and stated that realtors have advised him that in order to make this residential estate enclave marketable it should be gated and should have a significant entry statement.

**Background:** The applicant stated that the street is privately owned and is to be maintained by a homeowners association. The General Public is not invited to use the private street. Enforcement of parking and use prohibitions will be difficult and costly. The privately owned permanent open space parcel is not to be used by the general public. In an effort to restrict public access, reduce liability and minimize maintenance costs, the applicant is requesting the opportunity to define and regulate access to this privately owned area. The applicant cites other locations within the City of Bradbury that have controlled access to private driveways and streets. He is questioning why he has been denied a development standard that has been afforded to other property owners in the community.

**Letter from City of Duarte:** The Planning Commission received a protest letter from the Duarte City Manager dated July 21, 2009. The letter indicated that the Duarte City Council approved access to Westvale Road (located in the City of Duarte) provided that vehicular access gates would not be located closer than 50 feet to Westvale Road.

**Neighbors' Petition in Opposition:** Owners of six parcels of land located at or near the terminus of Westvale Road submitted a petition opposing the gates and many of the residents addressed the Planning Commission to voice their objection to the construction of the vehicular access gates. The petition states that the installation of the gate will:

- Cause significant vehicle back-up and accompanying noise when residents, visitors and service personnel attempt to enter (builder's construction/temporary gate has already created above situation for over a year; and
- Establish a dividing line that breaks the continuity of the neighborhood; and
- Convey a very negative impression that Duarte neighborhood is either problematic or "second class."

**Recommendation:** The Planning Department recommends that the Planning Commission take the following action:

- A. Approve an environmental Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) in accordance with Sections 15303 and 15332 of the CEQA guidelines; and
- B. Adopt a Resolution recommending that the City Council amend Specific Plan No. SP 05-01 by eliminating the restriction regarding the construction of vehicular access gates across the private street (Sharon Hill Lane) and allow the construction of vehicular access gates that provide for a setback of 50 feet for the exit portion of the gates.

**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. Chairman Hernandez asked the applicant to speak first.

**Applicant:** Owen Liu (Sheng Development), 3589 Whistler Ave., El Monte, spoke on behalf of the applicant Mr. John Sheng.

**Public Input:** Bob Reid, 213 Westvale Road, Duarte, stated that six neighbors surrounding the development are in opposition of the gate for the same reasons as stated last month (see above).

Matthew Chew, 217 Westvale Road, Duarte, stated that he stands with his neighbors and that Mr. Sheng backed out of the “handshake” agreement not to have gates. Mr. Chew stated that the neighbors have no trust in Mr. Sheng and had to put up with construction noise and dust and blatant disregard by Mr. Sheng. Chairman Hernandez asked Mr. Chew to stay with the gate issue.

Tzeitel Paras-Caracci, Duarte City Councilmember, 1600 Huntington Drive, stated that Duarte City Council “approved” the the gate with a 50 feet setback and stated that the Duarte City Council does not have jurisdiction over the subject property. She also suggested that perhaps Mr. Sheng could leave the gate open during construction so it did not inconvenience the other homes.

Margaret Finlay, Duarte City Councilmember, 1600 Huntington Drive, felt that the neighbors should work out this issue with Mr. Sheng, as there is no good compromise.

**Rebuttal:** Mr. John Sheng, 5926 Temple City Blvd. #G, Temple City, stated that he opens the construction gate in the morning at 7:00 am. City Manager Keith stated that that’s part of the problem and asked Mr. Sheng to leave the gate open for the construction trucks that arrive early to pull in and not to block Westvale Road.

**Discussion:** Chairman Hernandez agreed that the construction vehicles that arrive before 7:00 am are a problem. Commissioner Ryan stated that construction can’t start until 7:00 am, but that does not mean the trucks can’t be allowed on Mr. Sheng’s property. Commissioner Gifford stated that the construction workers get there early to miss traffic.

**City Planner:** Mr. Meyer explained to the audience the procedure of what the Planning Commission was doing tonight, which is to make a recommendation to the City Council, not to decide the issue. Mr. Meyer also stated that the staff report is available on Friday before the meeting. Mr. Meyer asked which Commissioners had visited the site. Chairman Hernandez and Commissioners Gifford and Ryan had visited the site, Vice-Chairman Dunst and Commissioner Kuba had not.

**Discussion:** Commissioner Ryan asked Mr. Sheng why he had changed his mind regarding the gates. Mr. Sheng stated it was because of the debris basin that was put in afterwards and the liability he was unaware at the time of the compromise.

Vice-Chairman Dunst felt that the City bent over backwards to accommodate the developer with the number of houses allowed on the parcel and didn't want to change the Specific Plan.

Commissioner Kuba stated that she understands the liability aspect and Commissioner Ryan agreed that the debris basin is an attractive nuisance and that the City should do its best to prevent an accident.

Commissioner Gifford stated that he was not opposed to the gate but did not want to go back on the deal.

Vice-Chairman Dunst inquired about the pad height. City Planner Meyer reported that the pad height is 18 inches higher than the preliminary grading plan, which is considered a reasonable tolerance.

**Motion:** Commissioner Kuba made a motion to adopt Resolution No. 09-197, recommending that the City Council amend Specific Plan No. SP 05-01 by eliminating the restriction regarding the construction of vehicular access gates across the private street (Sharon Hill Lane) and allow the construction of vehicular access gates that provide for a setback of 50 feet for the exit portion of the gates. Commissioner Ryan seconded the motion, which was carried by the following roll call vote:

AYES: Chairman Hernandez, Commissioners Kuba and Ryan

NOES: Vice-Chairman Dunst, Commissioner Gifford

**Public Hearing before City Council:** City Planner Meyer stated that the City Council will hold a public hearing to consider this issue at their regular September 15, 2009 meeting.

<b>Zone Code Amendment No. ZCA 09-15:</b>	City Planner Meyer stated that every city in the State of California is required to adopt a General Plan. Each General Plan must contain a Housing Element. The Housing Element must be updated every five years. The planning period for the current Housing Element Update is 2008-2014.
<b>Background:</b>	The Planning Commission held public hearings on February 25, 2009 and June 24, 2009 regarding potential amendments of the City's Zone Code that would implement the requirements of the Updated Housing Element 2008 as required by State Law. As of this date the City has not adopted the revised Housing Element 2008. Comments have been received from the State Department of Housing and Community Development (HCD).
<b>Recommendation:</b>	It is recommended that the Planning Commission continue this public hearing until October 28, 2009. This will afford the City Council an opportunity to consider the Planning Commission's recommendation regarding the adoption of the Housing Element 2008.
<b>Public Hearing Opened and Closed:</b>	Chairman Hernandez opened the public hearing. There being no public testimony, Chairman Hernandez closed the public hearing and entertained a motion to continue the public hearing to October 2009.
<b>Motion to Continue Public Hearing:</b>	Commissioner Gifford made a motion to continue the public hearing for Zone Code Amendment No. ZCA 09-15 to the October Planning Commission meeting. Commissioner Kuba seconded the motion, which carried unanimously.
<b>Historic Building Preservation Policy:</b>	City Planner Meyer stated that the Planning Commission has been directed by the City Council to examine methods of protecting and preserving buildings and structures of historical significance.
<b>General Plan:</b>	The City's adopted General Plan contains a Conservation Element that is designed to protect and maintain the City's natural and cultural resources, and to prevent their wasteful exploitation and destruction. Regulations and policies adopted by the City to preserve buildings and structures of historical significance are in keeping with the goals and objectives of the City's General Plan.

**Potential  
Historical  
Locations:**

Staff tentatively identified four parcels of land that may contain buildings or structures of historical significance to the community:

1. 2001 Gardi Street (Rohan)
2. 1775 Royal Oaks Drive North (Armstrong)
3. 5 Bradbury Hills Lane (Pearce)
4. 555 Deodar Lane (Dr. Anne)

The owners of the four parcels were invited to provide the Planning Commission with testimony regarding designating the sites as historically significant to the City of Bradbury.

**Options:**

City Planner Meyer stated that the Planning Commission could examine the following options to determine the nature and extent of the City's historic preservation goals and objectives:

1. Recommend that the City Council adopt survey criteria for the identification of sites, buildings and structures of historical significance to the community. Experts in the field of historical preservation could be retained to provide guidance in the preparation and adoption of criteria that specifies what is of historical significant to the community. Upon adoption of the identification criteria, skilled experts could be retained to survey the community for sites, buildings and structures of historical significance. A formal identification and designation process would result in the mapping of areas of historical significance.
2. Recommend that the City Council direct staff not to issue building or demolition permits for the sites identified as having historical significance to the community until the construction or demolition activity has been presented to the Planning Commission at a public hearing and the surrounding property owners have been notified.
3. Recommend to the City Council that the existing Development Standards and Policies and the environmental review guidelines are adequate for the community.

**Recommendation:**

It is recommended that the Planning Commission select an option and make a recommendation to the City Council.

**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.

**Letters:** Staff received two letters. Mr. Konrad Pearce, 5 Bradbury Hills Road, wrote in favor of designating his grandparents' Frank Lloyd Wright home as having historical significance.

Kirk Broberg of Callister & Broberg sent a letter on behalf of Stephen Rohan in opposition of designating the property on Gardi Street as historical significant. Mr. Rohan is concerned that the actions of the City may significantly decrease the value of his home, tantamount to a "taking" by the City. Mr. Rohan would like the Planning Commission to continue the public hearing so that he may address the Planning Commission in person.

**Public Testimony:** Dr. Anne, 555 Deodar Lane, provided the Commission with information on "The Old Stone House" located on his property. Dr. Anne stated that he had to preserve the stone house as part of his development approval in 1988.

Ann Armstrong, 1775 Royal Oaks Drive North, asked about clarification about what part of her property would be considered historically significant. City Planner Meyer replied "the milk house."

Margaret Rohan, daughter of Mr. Stephen Rohan, spoke in favor of preserving the Rohan residence, which was built in 1884. Ms. Rohan stated that she has more information on the building which she will supply to the City. Staff clarified for the record that Ms. Margaret Rohan is in favor of historical preservation, and her father, Mr. Stephen Rohan, in opposition. It was also noted that the home's is owned by the Rohan Family Trust.

**Motion to Continue Public Hearing:** Commissioner Kuba made a motion to continue the public hearing regarding Historic Building Preservation to the September 23, 2009 Planning Commission meeting, so that Mr. Stephen Rohan may testify in person. Vice-Chairman Dunst seconded the motion, which carried unanimously.

**General Plan Amendment No. GPA 08-03:** City Planner Meyer stated that the proposed project is a State required General Plan amendment to update the City's existing Housing Element. The purpose of the General Plan Housing Element Update 2008 is to identify and establish the City's policies with respect to meeting the housing needs of future residents of Bradbury as set forth in the California Government Code 65000 et seq. The Housing Element establishes policies that guide City decision-making and contains an Action Plan to implement the City's housing goals for the next five years. The commitment is in furtherance of the statewide housing goal of "early attainment of decent housing and a suitable living environment for every California family" as well as a reflection of the concerns and resources that are unique to the City of Bradbury.

<b>Regional Housing Needs Assessment (RHNA):</b>	The City's "fair share" of the Regional Housing Needs Assessment (RHNA) for the planning period of 2008-1014 as established by the Southern California Association of Governments (SCAG) is 35 new dwelling units.
<b>Background:</b>	Staff has worked with the State Department of Housing and Community Development in the preparation of a draft Housing Element that can obtain a "Certification of Compliance" from HCD. The City received a comment letter from HCD dated July 28, 2009. It is noted that the remaining issue is the City's ability to provide "multifamily rental" housing as specified in the regulations.
<b>Recommendation:</b>	Staff is requesting that the Planning Commission thoroughly review the draft Housing Element 2008 (August 2009) in order to make an informed recommendation to the City Council and take the following action: <ul style="list-style-type: none"> <li>A. Recommend that the City Council adopt an Environmental Negative Declaration in accordance with the provisions of the California Environmental Quality Act (CEQA); and</li> <li>B. Adopt a Resolution recommending that the City Council adopt the draft Housing Element 2008.</li> </ul>
<b>Public Hearing Opened:</b>	Chairman Hernandez opened the public hearing and asked those wishing to speak in favor or opposition to come forward and be heard.
<b>Public Input:</b>	Ann Armstrong, 1775 Royal Oaks Drive North, inquired if this meant that she would have to rent out property. City Planner Meyer replied "no."
<b>Public Hearing Closed:</b>	There being no further public testimony, Chairman Hernandez declared the public hearing closed.
<b>Motion:</b>	Commissioner Kuba made a motion to recommend that the City Council adopt an Environmental Negative Declaration in accordance with the provisions of the California Environmental Quality Act (CEQA) and to adopt Resolution No. 09-198 recommending that the City Council adopt the draft Housing Element 2008. Commissioner Gifford seconded the motion, which was carried by the following roll call vote:
<b>Approved:</b>	<u>AYES:</u> Chairman Hernandez, Vice-Chairman Dunst, Commissioners Kuba, Gifford and Ryan <u>NOES:</u> None <u>ABSENT:</u> None
<b>Public Comment:</b>	None

**Reports and  
Items for Future  
Agendas:**

Commission Members: Nothing to report.

City Manager: City Manager Keith reported on the status of the "Lemon" Equestrian Trail improvements. Ms. Keith also informed the Commissioners that Building Inspector Greg Gerlach has resigned from VCA Code Group. The new Building Inspector, Stephen Fagan, will start on Wednesday, September 2, 2009.

City Planner: City Planner Meyer stated that the City Council has changed its meeting time from 7:30 to 7:00 pm and asked if the Commissioners would like to do the same. All of the Commissioners were in favor of starting the meetings at 7:00 pm. Mr. Meyer stated that he would prepare a Resolution to that fact for the September Planning Commission meeting. City Manager Keith advised the Commission that they could adjourn tonight's meeting to September 23 at 7:00 pm.

**Adjournment:**

At 9:10 PM, Chairman Hernandez adjourned the meeting to Wednesday, September 23, 2009, at 7:00 p.m.

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Frank Hernandez - Chairman

ATTEST:

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Claudia Saldana - City Clerk