

**MINUTES OF A REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF BRADBURY,
HELD ON JANUARY 25, 2012 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 Dunst at 7:00 p.m.

Pledge of Allegiance: Chairperson Dunst led the pledge of Allegiance.

Roll Call: PRESENT: Chairperson Dunst, Vice-Chairman Novodor and Commissioner Kuba
ABSENT: Commissioner Hernandez
STAFF: City Manager Keith (arrived at 7:15 p.m.), City Planner Meyer, City Clerk Saldana and Management Analyst Kearney

Commissioner Hernandez Excused: Commissioner Kuba made a motion to excuse Commissioner Hernandez from the meeting. Chairperson Dunst seconded the motion, which carried.

Approval of Agenda: Vice-Chairman Novodor moved to approve the agenda as presented. Commissioner Kuba seconded the motion, which carried.

Approval of May 25, 2011 Minutes: Vice-Chairman Novodor moved to approve the minutes of the May 25, 2011 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. The Commissioners disclosed the following information relative to the items contained on the agenda:

635 Mount Olive Drive: Commissioners residing within 500 feet of 635 Mount Olive Drive:
None

2428 Mount Olive Lane: Commissioners residing within 500 feet of 2428 Mount Olive Lane:
None

General Plan 2012: *Citywide*

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

AR 11-266 and NC 11-69 for 635 Mount Olive Drive (Bill Gomez): City Planner Meyer stated that the applicant, Mr. Bill Gomez, is requesting approval of plans to construct an addition to the existing single-family dwelling unit consisting of the conversion of the existing 324 square foot garage to habitable space; the addition of 416 square feet of living space; the construction of a new 595 square foot 2-car garage and the addition of a new 58.5 square foot covered front porch.

The applicant is requesting relief from the front yard setback requirement to allow the 4'-6" encroachment of the proposed covered front porch.

General Plan and Zone:

The City's adopted General Plan designates the subject property as Residential 20,000 square feet. The proposed development project is consistent with the goals and objectives of the City's adopted General Plan in terms of density and land use. The subject property is zoned R-20,000 and contains 20,910 gross feet of land area.

Environmental Assessment:

The proposed remodel of the existing single-family dwelling unit is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to the provisions of Section 15301 (Minor Additions) and Section 15332 (In-Fill Development of the CEQA Guidelines).

Recommendation:

Staff recommends that the Planning Commission take the following action:

- A. Environmental: Approve an Environmental Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) as stated above; and
- B. Findings: Approve the proposed remodel and expansion of the existing dwelling unit by Resolution with certain conditions.

Public Hearing Opened:

Chairperson Dunst opened the public hearing and invited those wishing to speak in favor or opposition to come forward and be heard.

Public Testimony:

City Planner Meyer asked Mr. Gomez if he received the staff report and if he understands the conditions. Mr. Bill Gomez said he received the staff report, but had a question regarding condition #17, which reads: *"If a landscape plan is required it shall comply with the City's Water Efficient Landscape Regulations. Landscape plans shall be submitted to the City for review and approval prior to the issuance of building permits. An additional plan check fee in the amount of \$1,000 is required."*

City Planner Meyer stated that condition No. 17 is generic and applies only "IF" a landscape plan is required. Mr. Meyer informed Mr. Gomez that a permit is required for any new fencing. City Manager Keith stated that the pool fence needs to be addressed.

Mr. Arno Gemeinhardt, 615 Mount Olive Drive, stated that he was not against the project.

Public Hearing Closed:

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

Discussion:

Chairperson Dunst wanted to know if the variance was required because of the (Mount Olive) trail. City Planner Meyer replied no.

Vice-Chairman Novodor asked about the landscape plan. City Planner Meyer responded that there is no landscape plan because no modifications are required to accommodate the proposed development.

Motion: Stating that this looks like a good project, Commissioner Kuba made a motion to adopt Resolution No. 12-214.PC conditionally approving Architectural Review Application No. 11-266 and Variance Application No. 11-69 subject to the conditions in the staff report dated February 25, 2012, for 635 Mount Olive Drive (Mr. Bill Gomez). Vice-Chairman Novodor seconded the motion, which was carried by the following roll call vote:

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

PC Vacancy in District Four: Chairperson Dunst asked Mr. Gomez if he would consider serving on the Planning Commission for District Four. Mr. Gomez stated that he has already been approached by Mayor Pro-Tem Lathrop, but that he travels too much.

AR 06-197 for 2428 Mount Olive Lane (Elizabeth Iglesias): City Planner Meyer stated that the applicant, Ms. Elizabeth Iglesias, is seeking final approval of the project. Staff inspected the property in question and determined that two conditions, established by the Planning Commission in Resolution No. 06-158.PC, have not been met.

The property owner/applicant is requesting relief from Condition No. 5 and Condition No. 9 of Planning Commission Resolution No. 06-158.PC.

Conditions No. 5 & 9: **Condition No. 5:** "The applicant shall dedicate to the City of Bradbury a 10-foot wide easement for public utility and sewer purposes. The easement shall be parallel with and adjacent to the southerly property line. The dedication documents shall be prepared to the satisfaction of the City Engineer and the City Attorney."

Condition No. 9: "Vehicular access gates shall not be located closer than 20 feet to the public street easement line. The design of the access gate shall be consistent with the City's design guidelines. Not more than two lights may be installed at the entry gates. The light fixtures shall be non-glare and shall be shaded so as to eliminate glare visible from surrounding properties."

Sewer Public Easement: Staff explained that when the Planning Commission reviewed the subject development plans in 2006, the City Council was interested in providing opportunities to the residents to extend the public sewer in a northerly direction along Mount Olive Drive. In order to serve the dwelling units located on Mount Olive Lane, a sewer easement would be needed. Therefore, the Planning Commission imposed the condition for the dedication of the public sewer easement.

Due to a public opposition to the cost of the sewer line extension, the City Council is not currently pursuing its goal to extend the public sewer in Mount Olive Drive. The subject public sewer easement is currently not urgently needed for the benefit of the community.

Sewer Public Easement: City Planner Meyer stated that the Planning Commission may determine that the required easement is no longer of public benefit and it may eliminate Condition No. 5.

**Vehicle
Access Gate:**

City Planner Meyer stated that the existing vehicle access gate was constructed on the subject property over two decades ago. Staff cannot find a permit in the files. The Planning Commission may wish to have the existing gate removed or it may consider the existing gate as a non-conforming item and rule that the intent of Condition No. 9 has been satisfied.

**Environmental
Assessment:**

The subject remodel and expansion of the single-family dwelling unit was found to be categorically exempt from the provisions of the California Environmental Quality Act. No additional environmental review is required as a result of the applicant's request to seek relief from two conditions of approval.

Recommendation:

The Planning Department recommends that the Planning Commission review the applicant's request and provide direction to staff.

Discussion:

City Planner Meyer stated that this item is not a Public Hearing but recommended the Commission consider opening up the discussion for public comment.

Vice-Chairman Novodor asked If the sewer easement and gate had anything to do with each other. City Planner Meyer replied no. Mr. Meyer also stated that the sewer easement was premature and has no impact on public interest at this time.

Commissioner Kuba wanted to know why the applicant doesn't want to comply with Conditions 5 and 9. Mr. Meyer suggested asking the applicant herself.

Ms. Elizabeth Iglesias stated that for economic reasons she can not afford to fix the gates. Ms. Iglesias felt that the gate did not look bad.

Vice-Chairman Novodor asked what would be the issue with removing the gate.

Ms. Iglesias replied that the issue is safety. She is a single mother and last week someone broke into her house and took "stuff" in the car. Ms. Iglesias stated that the gate is open during the day and closed at night.

Commissioner Kuba felt that Commissioner Hernandez should be present for this discussion and suggested to continue this item to the next meeting.

Ms. Iglesias stated she didn't understand why it was being continued. City Manager Keith explained that the City needs to do research why the condition for the gate was in place before it can remove it. Ms. Iglesias stated it was there because she wanted to move the gate but can't now because of finances.

Chairperson Dunst agreed that removing the two conditions could have big implications.

Motion: Commissioner Kuba made a motion to continue the discussion regarding Architectural Review Application No. 06-197 for 2428 Mount Olive Lane to the February meeting. Chairperson Dunst seconded the motion, which carried unanimously.

General Plan 2012: City Planner Meyer stated that in November 2011, the City Council authorized the preparation of the City's General Plan update for 2012. The General Plan is required by State Planning Law. The General Plan is the City Council's policy document that will guide the City's long range physical development. The format of the General Plan is established by State Law.

General Plan Oversight Committee: A key element for the preparation of the General Plan is to facilitate public input. To that end the City Council approved the formation of a General Plan Oversight Committee. The City Council appointed Councilmember Hale (District 1) and Mayor Pro-Tem Lathrop (District 4) to the Oversight Committee.

The City Council indicated its desire that the Planning Commission recommend two members for the Oversight Committee representing Council Districts 2, 3 or 5. The City Council will consider the Planning Commission's recommendation and will appoint up to 5 residents to complete the membership of the Committee.

Recommendation: Staff recommends that the Planning Commission recommend two of its members to serve on the General Plan 2012 Oversight Committee. The City Council will consider the Commission's recommendation at a future date.

When the Oversight Committee has been formed, a Schedule of Events will be created based on the availability of the Committee members.

Commissioner Kuba felt that Commissioner Hernandez should be present for this discussion. City Manager Keith replied that it didn't matter because he can't be on the Committee anyway because he represents the same District as Councilmember Hale (District 1) and the City Council will not appoint him because they are looking for diverse input from different areas.

Chairperson Dunst, who attended the last City Council meeting, inquired about what the City Attorney meant by "being in the audience." City Manager Keith explained that members of the City Council and Planning Commission that are not on the Oversight Committee could attend and hear the meetings, but not speak or participate according to the rules and regulations of the Brown Act.

Chairperson Dunst asked if the Council was looking for one resident from each District to serve on the Committee. City Manager Keith stated that the City Council is looking for up to 5 members from the community.

Staff anticipates that the General Oversight Committee will meet once or twice a month.

Discussion: Vice-Chairman Novodor volunteered to serve on the Committee representing District 2 and Commissioner Kuba volunteered for District 3.

Vice-Chairman Novodor asked if Chairperson Dunst would be allowed to talk to Committee member one-on-one. City Manager Keith replied that it would be better if Karen Dunst would go through staff.

Vice-Chairman Novodor stated that Mayor Lewis is the alternate on the Council. Can the Planning Commission appoint an alternate as well? The answer was "yes."

Recommendation to City Council: The Planning Commission is recommending to the City Council that Vice-Chairman Bill Novodor (District 2) and Commissioner Darlene Kuba (District 3) will serve on the General Plan Oversight Committee. Chairperson Karen Dunst will be the alternate.

Reports and Items for Future Agendas: Planning Commissioners: Vice-Chairman Novodor asked if the City can replace Cal-Am Water Company. City Manager Keith responded that we cannot.

City Manager: City Manager Keith stated that all Planning Commissioners need to complete AB1234 Mandatory Ethics Training as soon as possible. The Fair Political Practices Commission (FPPC) offers fee online training at <http://localethics.ffpc.ca.gov/ab1234>. Upon completion of the 2-hour course you have to print out a proof of participation certificate. Once you receive your proof of participation in the required AB1234 training, please make a copy of the certificate for your records and provide the original to the City Clerk.

The Annual Statement of Economic Interests (FPPC Form 700) is due April 1st.

City Planner: City Planner Meyer said "Welcome back" to the Commissioners. The last Planning Commission meeting was held in May 2011. In November 2011, Planning Commissioner Joe Gifford (District 4) passed away. The vacancy on the Planning Commission has not been filled yet.

Adjournment: The meeting was adjourned with a moment of silence in memory of Gifford to Wednesday, February 22, 2012 at 7:00 p.m.



Karen Dunst - Chairperson

ATTEST:



Claudia Saldana - City Clerk