

**MINUTES OF A REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF BRADBURY,
HELD ON JULY 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 7:02 p.m.

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

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

Commissioner Esparza Excused: Commissioner Kuba made a motion to excuse Commissioner Esparza from the meeting as she was ill. Chairperson Dunst seconded the motion, which carried.

Approval of Agenda: Vice-Chairman Novodor made a motion to proceed with the agenda as presented. Commissioner Kuba seconded the motion, which carried.

Reorganization: City Planner Meyer stated that according to Resolution No. 04-134.PC, the April meeting has been established as the time reorganize. The Chairperson and Vice-Chairperson shall be appointed by the Planning Commission for a one-year term of office. Mr. Meyer stated that because the Commission only had had three meetings during the last year, the Commission has the option to reappoint the Chairperson and Vice-Chair for an additional one-year term.

Appointment of Chairperson: Chairperson Dunst called for nominations for the position of Chairperson. Commissioner Kuba nominated Bill Novodor for the position of Chairperson. Karen Dunst seconded the motion. There were no further nominations.

AYES: Commissioners Dunst, Hernandez, Kuba and Novodor
NOES: None
ABSENT: Commissioner Esparza

Appointment of Vice-Chair: Chairman Novodor called for nominations for the position of Vice-Chairperson. Commissioner Dunst nominated Darlene Kuba for the position of Vice-Chairperson. Commissioner Hernandez seconded the motion. There were no further nominations.

AYES: Commissioners Dunst, Hernandez, Kuba and Novodor
NOES: None
ABSENT: Commissioner Esparza

New Roll Call: Chairman Novodor, Vice-Chairperson Kuba, Commissioners Hernandez, Esparza (absent) and Dunst

**Approval of
Jan. 25, 2012
Minutes:**

Vice-Chairperson Kuba made a motion to approve the minutes of the January 25, 2012 Planning Commission meeting. Commissioner Dunst seconded the motion, which was carried by the following roll call vote:

AYES: Chairperson Novodor, Vice-Chair Kuba and Commissioner Dunst

NOES: None

ABSENT: Commissioner Esparza

ABSTAIN: Commissioner Hernandez

**Approval of
Feb. 22, 2012
Minutes:**

Commissioner Dunst made a motion to approve the minutes of the February 22, 2012 Planning Commission meeting. Commissioner Hernandez seconded the motion, which was carried by the following roll call vote:

AYES: Chairperson Novodor, Commissioners Hernandez and Dunst

NOES: None

ABSENT: Commissioner Esparza

ABSTAIN: Vice-Chair Kuba

**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:

**388 Long Canyon
Road:**

Commissioners residing within 500 feet of 388 Long Canyon Road:
Commissioner Hernandez

2001 Gardi Street:

Commissioners residing within 500 feet of 2001 Gardi Street:
None

**Commissioner
Hernandez
Leaves Dais:**

Commissioner Hernandez, who resides within 500 feet of 388 Long Canyon Road, recused himself from the decision making process concerning this development application and stepped down from the dais.

**AR 12-269 &
V 12-70 for 388
Long Canyon Road
(Hieu Tai Tran):**

City Planner Meyer stated that the applicant, Solar Solutions 4u, Inc., is requesting approval of plans to install a 10,135 square foot solar panel array within the required 25 foot wide side yard setback.

Variance Request:

The applicant submitted the following reasons to support the variance request:

1. The Solar arrays must have no shading issues.
2. The Solar arrays must face south at optimal tilt.
3. Solar arrays facing east or west will lose 12% of annual production.
4. Solar arrays must not face north.
5. The property main service panel is located northeast of the property (too remote).
6. The site has many steep hills (unbuildable areas).

**General Plan
And Zone:**

The City's adopted General Plan designates the subject property as Residential/Agricultural 5-acre minimum. The proposed installation of the solar panel array is consistent with the State and City's goal to utilize renewable resources in an effort to reduce impact on green house gases. The subject property contains 9.12 gross acres of land area.

**Environmental
Assessment:**

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

Recommendation:

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

Environmental: approve an environmental Categorical Exemption from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines; and

Findings: adopt the findings of fact relative to the submitted applications.

**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.

The Applicant, Steve Tong of Solar Solutions 4u, Inc., stated that the property owner, Mr. Tran, has decided to install solar panels for his home, which is approximately 20,000 square feet in size. The proposed solar systems will save Mr. Tran thousands of dollars in utility costs. Currently the consumption is approximately 240,000 kilowatt per year. With this solar system, it is estimated that approximately 456,000 fewer pounds of carbon monoxide will be put out into the air.

Chairman Novodor inquired if the solar panels could be moved further away from the side yard.

Mr. Tong stated that by moving the solar panels they could lose up to 50% of the usage to due shading.

Chairman Novodor asked if the City has an issue with the fire road easement. City Planner Meyer stated that the proposed project has no impact on the fire road.

Commissioner Dunst stated that she went up to the project site and doesn't see why the panels could not be shifted out of the side yard setback. Commissioner Dunst also inquired if the Bradbury Estates HOA has looked at the plans (the Association approved the plans) and wanted to see pictures of the solar panels to see what they looked like.

City Manager Keith stated that the Planning Commission cannot make a decision based on aesthetics.

Commissioner Dunst wanted to know if the panels could be placed on the roof. The answer is no (too many and too heavy).

Ann Macedo, 220 Sycamore Lane, stated that she will probably get a full view of the panels. Ms. Macedo asked if the panels would be visible from the freeway. City Planner Meyer replied yes, but maybe landscaping could block the view of the solar panels. And again, the appearance is not for us to decide. Mr. Tong stated that the black panels do not reflect.

Public Hearing Closed:

There being no further public comments, Chairman Novodor declared the Public Hearing closed.

City Planner Meyer:

City Planner Meyer stated that staff recommends approval of the plans subject to the 15 conditions in the staff report.

**Motion/No Second/
Motion Withdrawn:**

Vice-Chairperson Kuba made a motion to approve Variance Application No. 12-70. No one seconded the motion. Commissioner Dunst stated that she would like to the solar panels moved west. Vice-Chairperson Kuba withdrew her motion.

Motion to Continue Public Hearing:

Vice-Chairperson Kuba made a new motion to continue the public hearing for 388 Long Canyon Road to August 22, 2012, directing the applicant to reconsider the option regarding the placement of solar panel array within the required 25-foot side yard setback. The applicant was also directed to construct "Story Poles" indicating the location and the size of the solar panel array. Commissioner Dunst seconded the motion, which was carried by the following roll call vote:

AYES: Chairperson Novodor, Vice-Chair Kuba and Commissioner Dunst

NOES: None

ABSENT: Commissioner Esparza

ABSTAIN: Commissioner Hernandez

Commissioner Hernandez Back:

Commissioner Hernandez rejoined the meeting.

**AR 12-270 for
2001 Gardi Street:
(Stephen Rohan):**

City Planner Meyer stated that the applicant, Dr. Stephen Rohan, has reported that the property in question (aka 2001 Royal Oaks Drive North and 2010 Gardi Street) has been offered for sale and that an escrow has been opened. The prospective buyers have expressed a desire to remove the main residential dwelling unit and detached garage in order to maximize the development potential of the site for a new multi-story estate residential dwelling unit.

Therefore, the applicant, Dr. Rohan, is seeking approval of plans to demolish the existing two-story wood framed detached single-family residential dwelling unit of approximately 2,650 square feet. The residence has been reported to have been constructed in 1884 by Joseph Fowler, a captain in the confederate army who moved to California after the Civil War.

On March 16, 2010, the City Council adopted Resolution No. 10-12 which identified this building, among others, as having local historical significance to the community. The Resolution directed staff not to issue permits for the exterior modification, expansion or demolition of buildings or structures identified as having historical significance to the community without first receiving direction from the Planning Commission.

The existing detached single-story 2-car garage and the two-story detached carriage house will remain. The date of construction of the garage is unknown. The two-story carriage house was constructed in 1995. Neither the garage nor the 2,292 square foot carriage house are considered as having historical significance to the community and they are not part of this development application.

Environmental Assessment:

CEQA and NEPA, both state and federal law, require projects that affect sites and structures that are eligible for the California Register and the National Register of Historic Places to be evaluated and implemented if feasible. CEQA and NEPA review is typically triggered with an application for discretionary review, such as Design Review, a Conditional Use Permit or an EIR/EIS.

City Planner Meyer stated that in the City of Bradbury, demolition permits are ministerial and ordinarily require no CEQA review, so if demolition is not part of a new project that otherwise requires CEQA review, a building that is eligible for the National, California or Bradbury Register could be summarily demolished, thus eliminating any opportunity to consider mitigations or alternatives, including the use of grants, tax credits, the California Historic Building Code, Mills Act, preservation easements and other strategies that provide economic benefits for building owners.

Bradbury's Resolution No. 10-12 does not prohibit demolition of significant historic structures; it simply provides a process for considering alternatives or mitigations that might range from documentation to incorporation into a new project.

Address Anomaly:

When Dr. Rohan purchased the subject property in 1977 access to the site was via an unimproved driveway that gained access to Royal Oaks Drive North. The site was addressed at 2001 Royal Oaks Drive North. In 1987 Gardi Street was constructed and the site was provided access via an improved concrete drive approach. The property in question was comprised of two taxing parcels with a total land area of 5.35 acres. An address of 2010 Gardi Street was assigned or assumed. At any rate, mail was and is delivered to the site using this address. In 2006 Dr. Rohan sold the 1.13-acre site. This parcel of land is located on the southerly side of Gardi Street. Development plans for this site have been filed with the City. An address of 2020 Gardi Street has been assigned to this 1.13-acre site. Even numbered addresses are assigned to the south side of Gardi.

The remaining 4.22-acre site is located at the terminus of Gardi Street and the majority of the site is located on the north side of Gardi Street. Therefore, the site should be assigned an odd address number. It is suggested that the site be assigned the address of 2001 Gardi Street. The owner has submitted a request to change the address of the developed 4.22-acre site to 2001 Gardi Street.

Vacate Access Easements:

City Planner Meyer stated that when Dr. Rohan sold the southerly 1.13-acre parcel, a 20-foot wide strip of land was included to provide access to the public Gardi Street. This parcel is now addressed as 2020 Gardi Street. An additional 3-foot wide strip of land was dedicated as an ingress/egress easement to satisfy the Fire Department's need for emergency access to 2020 Gardi Street. However, a 15-foot ingress/egress easement was retained along the westerly property line of 2020 Gardi Street to provide secondary access to 2001 Gardi Street. This easement provides access to the east/west Flood Control Channel which is adjacent to the southerly boundary of 2020 Gardi Street. The retention of this easement now serves no public purpose because 2001 Gardi Street has frontage and access from Gardi Street. The location of the 15-foot wide easement restricts the development potential of 2020 Gardi Street. The Los Angeles County Flood Control District, owner of the Flood Control Channel, discourages access to its facilities by private property owners. It would be in the public interest to have this 15-foot wide ingress/egress easement vacated by the owners of the site to be known as 2001 Gardi Street.

Recommendation:

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

Options:

The Planning Commission can consider the following options regarding the applicant's request to demolish the historically significant two-story single-family residence:

- A. If the Planning Commission is **not satisfied** that all reasonable alternatives to the demolition of the dwelling unit have been explored then it could direct the applicant to submit comprehensive site development feasibility studies for its consideration. The design alternatives should include the retention of all or a portion of the existing historically significant dwelling; or
- B. If the Planning Commission **is satisfied** that the retention and preservation of the existing two-story dwelling unit would unduly restrict the future development of the 4.22 acre site, then the demolition could be authorized based on the completion of the following conditions:

Conditions:

1. Complete the address change process for the 4.22-acre site to identify it as 2001 Gardi Street.
2. Quit Claim all interest in the 15-foot wide ingress/egress easement located along the westerly property line of the site addressed as 2020 Gardi Street in a manner acceptable to the City Engineer.
3. Designate the steep hillside areas as permanent private open space.
4. Create a professionally prepared brochure that includes the following items:
 - ✓ Site Plan, including topography, which accurately locates the historically significant dwelling unit.
 - ✓ Floor Plans indicating the current and, if possible, the historic configuration of the historically significant dwelling.
 - ✓ Photographs of the exterior and interior of the historically significant dwelling. Architecturally significant details should be emphasized.
 - ✓ Written history of the local historically significant building that contains as much detail as possible regarding its construction and use. History of the building occupants would be an important asset to documentation efforts.
5. Require the applicant to provide the City a historic assessment and documentation of the subject structure and salvage any significant historic material prior to its demolition.
6. Require the applicant to retain the services of a Preservation Architects to conduct a preservation assessment and documentation in accordance with the Historic American Building Survey Guidelines.
7. Require a hazardous materials assessment of the subject building before it is demolished and that all identified hazardous materials are properly removed and disposed of.

**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.

**Speaking
In Favor:**

Dr. Stephen Rohan, owner/applicant, handed out a memorandum stating the reasons to allow demolition of the house:

1. The property was purchased in 1977 and even at that time the home was classified as substandard in construction.
2. The electrical system and electrical wiring in the main house is original vintage to the home and is deteriorating. The insulation is separating from the copper wiring in many places.
3. The house has no provisions for heating other than three fire places and a wood burning cook stove in the kitchen.
4. The cost of maintaining the deteriorating old house and the four acres of land on which it sits is not economically possible for our family. This is due to the fact that we do not live at our Bradbury home much of the year and that I cannot personally accomplish the repairs and maintain the grounds as well as I did for the previous 35 years, in part due to my age, and also due to the lack of time spent at the property.

5. The home and property values in the surrounding areas of the neighborhood will be increase with the construction of a large modern estate with professionally designed and maintained landscaping replacing a deteriorating aged home.
6. The buyers have been patient and have waited almost nine months since contracting us about the purchase of our property. Any further lengthy delay caused by the City could well trigger a cancellation of the purchase contract. Such a cancellation would cause severe economic hardship both to my family and to the potential buyers.
7. The house has been listed by a local real estate agent for the past three years. And, it has been widely advertised, not only for land value but for the uniqueness of the old house. However, all qualified interested parties have only considered demolishing the house and have not considered living in the home. The land was the object of the sale, the old house only a hindering obstacle to previous potential buyers.
8. Property tax revenues will be increased to Bradbury by the addition of a new large estate as compared to the home that is paying property tax on a basis of 1978.

Public Testimony: Mr. William Anderson, 2040 Gardi Street, inquired if the carriage house would be demolished as well. City Planner Meyer replied that the carriage house is not part of the application and that it will up to the new owner.

Chairman Novodor wanted to know if the house could be moved to another location. Dr. Rohan stated yes, but said that no one wants the house, even for free. Also, it would crumble in an earthquake.

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

Discussion: Dr. Rohan complained that he came to the Planning Commission and asked that his house not be included on the list of historically significant properties. City Planner Meyer stated that the Planning Commission only identified the properties and makes a recommendation to the City Council, which makes the final decision.

Motion: Vice-Chariman Kuba made a motion to approve Architectural Review Application No. 12-270 to demolish buildings and structures designated as having local historical significance at 2001 Gardi Street with certain conditions. Commissioner Dunst seconded the motion, which was carried by the following roll call vote:

AYES: Chairperson Novodor, Vice-Chair Kuba, Commissioners Hernandez and Dunst

NOES: None

ABSENT: Commissioner Esparza

Appeal Period: City Planner Meyer stated that there is a 10-day appeal period before the demolition permit can be obtained.

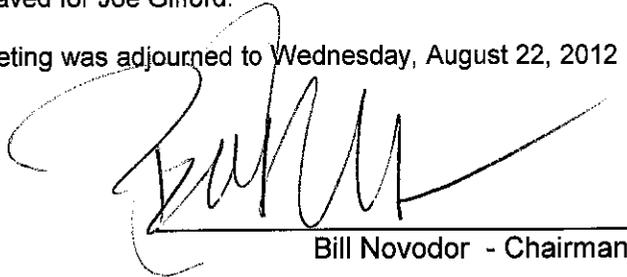
Public Comment: None

Reports and Items for Future Agendas: Planning Commissioners: Chairman Novodor commended Karen Dunst on her exceptional job as Chairman of the Planning Commission.

City Manager: City Manager Keith reported that staff is working on the Draft General Plan. Completion of the document is expected to be in March or April of next year.

City Planner: Mr. Meyer presented the Planning Department Project Status Log updated on July 17, 2012. Mr. Meyer also stated that new development applications are coming in and that a brick will be purchased and engraved for Joe Gifford.

Adjournment: At 8:34 p.m. the meeting was adjourned to Wednesday, August 22, 2012 at 7:00 p.m.



Bill Novodor - Chairman

ATTEST:

Claudia Saldana
Claudia Saldana - City Clerk