

**MINUTES OF A REGULAR MEETING OF THE
PLANNING COMMISSION OF THE CITY OF BRADBURY,
HELD ON SEPTEMBER 24, 2008 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.
- Pledge of Allegiance:** Chairman Hernandez led the pledge of Allegiance.
- Roll Call:** PRESENT: Chairman Hernandez, Vice-Chairman Dunst, Commissioners Gifford and Black
ABSENT: Commissioner Kuba
STAFF: City Planner Meyer and City Clerk Saldana
- Commissioner Kuba Excused:** Commissioner Gifford moved to excuse Commissioner Kuba from the meeting. Commissioner Black seconded the motion, which carried.
- Minutes of August 27, 2008 Approved:** Commissioner Gifford moved to approve the Planning Commission Meeting Minutes of August 27, 2008. Vice-Chairman Dunst 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:
- 663 Deodar Lane:** Commissioners living within 500 feet of 663 Deodar Lane:
None
- Placement of Trash Areas:** Citywide
- Motion to Receive and File Staff Memo:** Commissioner Black made a motion to receive and file the staff memorandum dated September 24, 2008. Commissioner Gifford seconded the motion, which carried.

**Revised
Architectural
Review Application
No. 2007-218 for
663 Deodar Lane:**

City Planner Meyer stated that in August 2007 the applicant, KVH Design Group, on behalf of the property owner, Mr. Young Cho, requested approval of plans to remove the existing dwelling unit and construct a new two-story 16,538 square foot dwelling unit with attached garages totaling 1,844 square feet of enclosed floor area. In addition, the proposed project included a 1,563 square foot second dwelling unit (guesthouse) with an attached 1,874 square foot ballroom. The applicant's plans included a 1,408 square foot recreational vehicle garage with an attached 798 square foot racquetball court. The project also included a pool house containing 265 square feet of enclosed floor area and a new swimming pool.

The applicant requested approval of plans to reduce the required 100 foot setback to 80 feet on the east side, 25 feet on the north side or rear, and 25 feet on the west side. In addition, the applicant requested approval of plans to increase the allowable gradable area from 50% of the site to 66.2% and to increase the allowable impervious lot coverage from 25% to 40%. Additionally, the applicant is seeking approval to construct a retaining wall of 9'-0".

Background:

The Planning Commission adopted Resolution No. 07-183 on August 29, 2007, conditionally approving the proposed project.

**Revised Project
Plans:**

The applicant has revised the project plans to eliminate the 1,408 square foot recreational vehicle garage with an attached 798 square foot racquetball court. In addition, the applicant now plans to develop the project in two phases. The existing single-family dwelling unit will remain as part of the Phase 1 development. The applicant is proposing the Phase 1 development to only consist of the construction of the detached 1,563 square foot second dwelling unit with the attached 1,874 square foot ballroom. The architecture of the buildings has not changed nor have the associated site amenities been modified. The revised project amounts to the elimination of the proposed new dwelling unit and the detached garage and racquetball court.

The Planning Commission's approval is time sensitive. Plans for approved projects must be submitted to the Building Department within one (1) year after the Planning Commission approved the project. If plans for the dwelling unit have not been submitted to the Building Department, the Planning Commission's conditional approval of that portion of the project automatically becomes null and void. When the applicant is prepared to construct the proposed dwelling unit, that portion of the project will be re-submitted to the Planning Commission for review and consideration.

Analysis: The purpose of this review is to advise the Planning Commission that the original development concept has been modified to reduce the scope of the project. Staff is prepared to issue building and grading permits for the construction of the detached second dwelling unit (guesthouse) and associated site amenities.

Timeline for Building Dept. Submittal: If plans for the new dwelling unit were submitted to the Building Department for plan check, the original Planning Commission review of the project will remain in full force and effect. If the construction plans for the new dwelling unit were not submitted to the Building Department by August 29, 2008, then the original Planning Commission approval as set forth in Resolution No. 07-183 is null and void.

Recommendation: The Planning Department recommends that the Planning Commission acknowledge that the proposed project has been reduced in scale to include only the site improvements and the construction of the detached second dwelling unit (guesthouse). All applicable conditions of approval as they pertain to the revised project shall be implemented.

Motion: Following discussion, Commissioner Gifford made a motion to approve the revised project plans for 663 Deodar Lane. Vice-Chairman Dunst seconded the motion, which was carried by the following roll call vote:

Approved: AYES: Chairman Hernandez, Vice-Chairman Dunst, Commissioners Gifford and Black
NOES: None
ABSENT: Commissioner Kuba

Discussion whether to Table Agenda Item #7B Re: Placement of Trash Areas: The Planning Commission discussed whether or not to table this item for another month to the October meeting (as requested by Commissioner Kuba) but unanimously decided to go ahead with the review of Regulations and Policies Governing the Placement of Trash Areas.

Review of Regulations and Policies Governing the Placement of Trash Areas:

City Planner Meyer stated that the Planning Commission directed staff to review the City's zoning regulations regarding the placement of trash and refuse containers when the Planning Commission became aware that several parcels of land located throughout the community have had trash enclosures constructed in the required front yard setback. A couple of property owners requested that the Planning Commission approve a trash enclosure located in the front yard setback based on unusual and unique circumstances. In each case the Planning Commission found that no unusual or unique site constraints existed and ordered that the existing trash storage area be removed and relocated beyond the required setback areas. The Planning Commission agreed to review the zoning restrictions that prohibit the construction of trash enclosures in the front yard setback.

Analysis:

Staff reviewed the existing zoning regulations that prohibit the construction of trash enclosures in the required front yard setback. The regulations are as follows:

1. Bradbury Development Code Section 9.03.020.020: Yard shall mean an area upon a lot required as a front, side, or rear yard, which is to be maintained unoccupied and unobstructed from the ground upward without any encroachments, except as expressly authorized in the Development Code.
2. Bradbury Development Code Section 9.05.060.050 – Placement of Buildings Structures: No building or structure shall occupy any portion of a required yard or open space area, except as otherwise provided in the Development Code.
3. Bradbury Development Code Section 9.06.030.040 – Fence and Wall Height Abutting Public or Private Streets: Solid view obscuring fences and walls located in yard abutting public or private streets ... shall not exceed three (3) feet in height.
4. Bradbury Development Code Section 9.06.060.030 – Public Nuisance: It is hereby declared a public nuisance for any person owning, leasing, occupying or having charge or possession of any premises in this City to maintain such premises in such manner that any of the following conditions are found to exist thereon.
(14) Garbage containers. Garbage cans stored in front or side yards and visible from public streets.

Survey of Similar Cities:

Staff contacted cities having similarities with the City of Bradbury and requested information regarding their regulations governing the placement of trash enclosures in the front yard. The cities of Brea, Calabasas, Camarillo, Diamond Bar, Hidden Hills, La Canada Flintridge, Palos Verdes Estates, Rolling Hills Estates, San Marino and Sierra Madre do not allow trash enclosures in the front yard.

**Survey and
Photographs of
City of Bradbury:**

City Planner Meyer surveyed the City and photographed various locations on trash day to give the Planning Commission an idea of the variety of uses of the public right-of-way and private property for the storage of trash containers. The storage of most trash containers in the front yard is temporary and can only be seen on trash pick-up day. There are some trash storage areas located in the required front yard setbacks. The removal of these trash storage areas has been accomplished on a case-by-case basis, generally when the property owner requests approval of a development entitlement.

Options:

The Planning Commission may wish to entertain the following options:

1. Direct staff to prepare design and development standards for trash enclosures for review and consideration.
2. Request direction from the City Council regarding possible modification of the City's development regulations which prohibit the location of trash enclosures in the required setback areas.
3. Find that the existing development regulations regarding the location of trash enclosures are adequate and reflective of the City's development goals and objectives.

Recommendation:

Staff recommends that the existing development regulations, as they pertain to the location of trash enclosures, not be altered. The City's regulation of the location of trash enclosures is typical of the industry standard.

Motion:

Following discussion, Commissioner Black made a motion finding that the existing development regulations regarding the location of trash enclosures are adequate and reflective of the City's development goals and objectives. Vice-Chairman Dunst seconded the motion, which was carried by the following roll call vote:

Approved:

AYES: Chairman Hernandez, Vice-Chairman Dunst,
Commissioners Gifford and Black

NOES: None

ABSENT: Commissioner Kuba

Public Comment:

None.

Reports and Items for Future Agendas: Commission Members: Commissioner Black introduced James Ryan, who was appointed by the City Council as Planning Commissioner for District Two, starting January 2009.

City Manager: Not present

City Attorney: Not present

City Planner: City Planner Meyer stated that the “changing of the guard” from WILLDAN to VCA Code Group (Building & Safety) has been completed. The new City Engineer is Dominic Milano with RKA Consulting Group. Mr. Milano also serves as the City Engineer for the City of Duarte.

Adjournment: At 8:20 p.m., Chairman Hernandez adjourned the meeting to Wednesday, October 22, 2008.

Frank Hernandez - Chairman

ATTEST:

Claudia Saldana - City Clerk