

*Richard Barakat, Mayor (District 3)*  
*Richard Hale, Mayor Pro-Tem (District 1)*  
*Elizabeth Bruny, Council Member (District 5)*  
*Bruce Lathrop, Council Member (District 4)*  
*Montgomery Lewis, Council Member (District 2)*

## **City of Bradbury City Council Agenda Report**

**TO:** Honorable Mayor and Council Members

**FROM:** Kevin Kearney, City Manager  
**By:** Jim Kasama, City Planner

**DATE:** November 20, 2018

**SUBJECT:** 406 MOUNT OLIVE DRIVE – AR 17-006 AND NC 17-005  
EXTENSION REQUEST

**CITY COUNCIL RESOLUTION NO. 18-33 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION TO GRANT A ONE-YEAR EXTENSION OF THE CONDITIONAL APPROVAL OF ARCHITECTURAL REVIEW NO. AR 17-006 AND NEIGHBORHOOD COMPATIBILITY REVIEW NO. NC 17-005 FOR THE ARCHITECTURAL PLANS APPROVED BY CITY COUNCIL RESOLUTION NO. 17-21 FOR A NEW TWO-STORY 6,232 SQUARE-FOOT SPANISH-STYLE SINGLE-FAMILY RESIDENCE AND REMODELING OF THE EXISTING ONE-STORY 1,704 SQUARE-FOOT RESIDENCE TO A SPANISH-STYLE ACCESSORY LIVING QUARTER AT 406 MOUNT OLIVE DRIVE**

**AGENDA ITEM NO. 2**

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### **INTRODUCTION**

Architectural Review No. AR 17-006 and Neighborhood Compatibility Review No. NC 17-005 were conditionally approved on appeal by the City Council on December 19, 2017 with the adoption of Resolution No. 17-21 (attached) for a new, two-story, 6,232 square-foot, Spanish-style, single-family residence, and the remodeling of the existing, one-story, 1,704 square-foot, residence to a Spanish-style, accessory living quarter at 406 Mount Olive Drive (the "Project") – attached are the Assessor's Map and an Aerial Photo of the subject property. The Project conforms to the City's General Plan and Development Code, including the zoning regulations without any variances or exceptions. Analyses of

the Project are presented in the attached agenda reports from the December 19, 2017 City Council meeting, and the November 22, 2017 Planning Commission meeting.

## **BACKGROUND**

Mr. John Sheng, Architect, submitted Architectural Review Application No. AR 17-006 and Neighborhood Compatibility Application No. NC 17-005, on May 12, 2017. The applications were considered by the Planning Commission at a public hearing at the Commission's regular meeting on November 22, 2017, and the Commission adopted Resolution No. PC 17-269 (attached) for the conditional approval of the applications and architectural plans (attached). On December 1, 2017, an appeal of the Planning Commission decision was filed on behalf of Mr. Hon K. Shing, the owner of the adjacent property at 412 Mount Olive Drive. The City Council considered the appeal at a public hearing at the Council's regular meeting on December 19, 2017. The Council adopted Resolution No. 17-21, to uphold the Planning Commission decision.

In accordance with City Council Resolution No. 17-21, the applicant and/or property owner is to exercise the approval of the Project (i.e., submit plans to the Building Department) within one year, which would be by December 19, 2018. Per Section 9.07.050.(c) of the Bradbury Development Code, the Review Authority may grant an extension of up to one year.

## **EXTENSION REQUEST**

The property owner, Dr. De Los Santos, is requesting a nine-month extension due to difficulties in completing the construction plans as explained in the attached October 25, 2018 letter. The extension request is for nine months; but because only one extension may be granted for up to one year, it is recommended that the City Council grant a one-year extension, subject to the provisions and conditions of approval of Resolution No. 18-33 and Resolution No. 17-21 – both attached. The additional three months would be inconsequential for this type of project, and a one-year extension would provide the applicant and owner the maximum time allowable to exercise the approval of the Project.

## **ENVIRONMENTAL REVIEW**

The Project was determined to qualify for a Class 32 Categorical Exemption as an in-fill development project under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines.

## **NOTICING**

Notice of the public hearing for this extension request was posted at City Hall, and mailed to the property owners within 500 feet of the subject property no later than Friday, November 9, 2018.

## **FINDINGS**

The Project complies with the standards and requirements of the Bradbury General Plan and Development Code. The requisite Architectural Design Review and Neighborhood

Compatibility findings are stated in the attached City Council Resolution No. 17-21, and there have not been any changes that would affect the applicability of the findings, decision, or conditions of approval. The property owner has proceeded in good faith and has exercised due diligence in seeking to submit plans in accordance with the December 19, 2018 deadline.

### **CITY COUNCIL ACTIONS**

The City Council is to open a public hearing and solicit testimony on the extension request. At that time, the City Council will have the following choice of actions:

**Option 1.** Close the public hearing and determine that the findings can be made to grant a one-year extension, and that the Project is Categorically Exempt under CEQA, and approve a motion to adopt the attached Resolution No. 18-33 as presented or as modified by the City Council.

**Option 2.** Close the public hearing and determine that the findings cannot be made to grant an extension and/or a Categorical Exemption, and approve a motion to deny the extension request, and direct staff to prepare the appropriate resolution for adoption at the next regular meeting.

**Option 3.** If the City Council feels that the extension request as presented cannot be granted, but determines that the request with additional information could satisfy the requisite findings for the granting of an extension of the approval and a Categorical Exemption under CEQA, then the City Council may approve a motion to continue the public hearing as open to the regular meeting of Tuesday, December 18, 2018, and direct the applicant and/or property owner to provide the necessary information to the City by Monday, December 10, 2018.

### **RECOMMENDATION**

Option 1 is recommended; that the City Council close the public hearing and determine that the findings can be made to grant a one-year extension of the conditional approval of Architectural Review No. AR 17-006 and Neighborhood Compatibility Review No. NC 17-005, and that the Project is Categorically Exempt under CEQA, and approve a motion to adopt Resolution No. 18-33 as presented or as modified by the City Council.

### **ATTACHMENTS**

City Council Resolution No. 18-33  
City Council Resolution No. 17-21  
Assessor's Parcel Map and Aerial Photo  
December 19, 2017 City Council Agenda Report  
November 22, 2017 Planning Commission Agenda Report  
Planning Commission Resolution No. PC 17-269  
Extension Request Letter  
Architectural Plans

## **CITY COUNCIL RESOLUTION NO. 18-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION TO GRANT A ONE-YEAR EXTENSION OF THE CONDITIONAL APPROVAL OF ARCHITECTURAL REVIEW NO. AR 17-006 AND NEIGHBORHOOD COMPATIBILITY REVIEW NO. NC 17-005 FOR THE ARCHITECTURAL PLANS APPROVED BY CITY COUNCIL RESOLUTION NO. 17-21 FOR A NEW TWO-STORY 6,232 SQUARE-FOOT SPANISH-STYLE SINGLE-FAMILY RESIDENCE AND REMODELING OF THE EXISTING ONE-STORY 1,704 SQUARE-FOOT RESIDENCE TO A SPANISH-STYLE ACCESSORY LIVING QUARTER AT 406 MOUNT OLIVE DRIVE**

WHEREAS, applications were filed by Mr. John Sheng, Architect, on behalf of the property owner, Dr. Victor De Los Santos, for Architectural Review No. AR 17-006, and Neighborhood Compatibility Review No. NC 17-005, for a new, two-story, 6,232 square-foot, Spanish-style, single-family residence, and the remodeling of the existing, one-story, 1,704 square-foot, residence to a Spanish-style, accessory living quarter (the "Project") at 406 Mount Olive Drive, which is zoned A-2; and

WHEREAS, the Planning Commission considered the applications for the Project, at a duly-notice public hearing conducted on November 22, 2017, and adopted Planning Commission Resolution No. PC 17-269, setting forth the Commission's findings of fact and decision to conditionally approve the applications and architectural plans for the Project; and

WHEREAS, an appeal of the Planning Commission decision was timely filed by Fitzgerald-Yap-Kreditor, LLP, on behalf of Mr. Hon K. Shing, the owner of the neighboring property at 412 Mount Olive Drive; and

WHEREAS, the City Council of the City of Bradbury conducted a duly-noticed public hearing on December 19, 2017, to consider the appeal of the Planning Commission decision, and did adopt City Council Resolution No. 17-21, which incorporates the information in the December 19, 2017, agenda report, and the testimony given at the public hearing, and comprised the bases on which the City Council found; 1) that the Project meets the required findings stated in Section 9.34.050 of Chapter 34 (Architectural Review, Significant) of the Bradbury Development Code; 2) that the Project meets the required findings stated in Section 9.40.040 of Chapter 40 (Neighborhood Compatibility) of the Bradbury Development Code; and 3) that the Project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development) of the CEQA Guidelines; and denied the appeal and approved the Project, subject to the criteria and information shown on the submitted plans and the conditions of approval enumerated in Resolution No. 17-21; and

WHEREAS, the applicant has requested a nine-month extension of the approval of the Project, and the Development Code of the City of Bradbury provides for the granting of an extension not to exceed one year.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRADBURY, DOES HEREBY RESOLVE, FIND, AND DETERMINE AS FOLLOWS:**

SECTION A. The City Council conducted a duly-noticed public hearing at the regular meeting on November 20, 2018, in accordance with the provisions of the Bradbury Municipal Code relative to the extension request.

SECTION B. The City Council finds and declares that the information in the agenda reports, and the testimony given at the public hearing are incorporated in this Resolution and comprises the bases on which the findings have been made.

SECTION C. The City Council finds that the applicant has proceeded in good faith and has exercised due diligence to submit construction plans for the Project to the Building Department for plan check.

SECTION D. The City Council finds that the proposed project and subject property are in conformance with the City's General Plan and Zoning, and with the requisite findings prescribed by the Development Code, and thereby remains Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development) of the CEQA Guidelines.

SECTION E. In accordance with Government Code Section 66474.9(b)(1), the applicant and/or property owner shall defend, indemnify, and hold harmless the City and its officers, agents and employees, from any claim, action, or proceeding to attack, set-aside, void or annul, the approval of this Project and extension brought within the time period provided by Government Code Section 66499.37. In the event the City and/or its officers, agents and employees are made a party of any such action:

1. Applicant and/or property owner shall provide a defense to the City defendants or at the City's option reimburse the City its costs of defense, including reasonable attorney's fees, incurred in defense of such claims; and

2. Applicant and/or property owner shall promptly pay any final judgment rendered against the City defendants. The City shall promptly notify the applicant of any claim, action or proceeding, and shall cooperate fully in the defense thereof.

SECTION F. The City Council hereby grants a one-year extension of the conditional approval of Architectural Review No. AR 17-006 and Neighborhood Compatibility Review No. NC 17-005 for the Project based on the information depicted on the submitted plans and subject to the provisions of this Resolution No. 18-33 and Resolution No. 17-21, all of which shall be complied with to the satisfaction of the City Manager or designees.

SECTION G. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 20th day of November, 2018.

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Mayor

ATTEST:

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City Clerk

I, Claudia Saldana, City Clerk, hereby certify that the foregoing Resolution No. 18-33 was duly adopted by the City Council of the City of Bradbury, California, at a regular meeting held on the 20th day of November, 2018, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

## **CITY COUNCIL RESOLUTION NO. 17-21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION TO DENY AN APPEAL AND UPHOLD THE PLANNING COMMISSION DECISION TO ADOPT PLANNING COMMISSION RESOLUTION NO. PC 17-269 TO CONDITIONALLY APPROVE ARCHITECTURAL REVIEW APPLICATION NO. AR 17-006 AND NEIGHBORHOOD COMPATIBILITY APPLICATION NO. NC 17-005 FOR A NEW TWO-STORY 6,232 SQUARE-FOOT SPANISH-STYLE SINGLE-FAMILY RESIDENCE AND REMODELING OF THE EXISTING ONE-STORY 1,704 SQUARE FOOT RESIDENCE TO A SPANISH-STYLE ACCESSORY LIVING QUARTER/GUEST HOUSE AT 406 MOUNT OLIVE DRIVE**

WHEREAS, the Planning Commission considered, at a duly-notice public hearing conducted on November 22, 2017, Architectural Design Review Application No. AR 17-006, and Neighborhood Compatibility Application No. NC 17-005, that were filed by Mr. John Sheng, Architect, on behalf of the property owner, Dr. Victor De Los Santos, for approval of a proposed new, two-story, 6,232 square-foot, Spanish-style, single-family residence, and the remodeling of the existing, one-story, 1,704 square-foot, residence to a Spanish-style, accessory living quarter/guest house.

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. PC 17-269, setting forth its findings of fact and decision to conditionally approve Architectural Design Review Application No. AR 17-006, and Neighborhood Compatibility Application No. 17-005.

WHEREAS, an appeal of the Planning Commission decision was timely filed by Fitzgerald-Yap-Kreditor, LLP, on behalf of Mr. Hon K. Shing, the owner of the neighboring property at 412 Mount Olive Drive.

WHEREAS, the City Council considered the appeal of the Planning Commission decision to adopt Planning Commission Resolution No. PC 17-269 to conditionally approve Architectural Design Review Application No. AR 17-006, and Neighborhood Compatibility Application No. NC 17-005.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BRADBURY, DOES HEREBY RESOLVE, FIND, AND DETERMINE AS FOLLOWS:

SECTION A. The City Council finds that a duly-noticed public hearing has been conducted on December 19, 2017, in accordance with the provisions of the Bradbury Municipal Code relative to this matter.

SECTION B. The City Council finds and declares that the information in the staff report, and the testimony given at the public hearing are incorporated in this Resolution and comprises the bases on which the findings have been made.

SECTION C. The City Council declares that the project meets the following required findings stated in Section 9.34.050 of Chapter 34 (Architectural Review, Significant) of the Bradbury Development Code:

1. That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping. The portion of the subject property at which the proposed new house is to be situated is a sloped area and will be graded to provide a relatively level building area. The grading will not require any import fill and will be achieved within City guidelines. The area is toward the rear of the property at an area that is amongst several mature trees that are to be preserved.

2. That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures. The proposed new house is large and expansive, but is similar in scale to other new houses in this area of the City. The new house will be situated at the rear of the subject property so as not to impose upon the streetscape of the neighborhood.

3. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties. The proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The floor plans of the proposed new house are designed to limit views towards the neighboring properties.

4. The requirements of the ridgeline and view preservation regulations have been met. The proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The proposed new house will comply with the maximum building height limit of 28 feet, and the elevation of the site is such that this height will not interfere with any important views of the neighboring properties.

5. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing view, view of ridgelines, valleys or vistas. The proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The proposed new house will comply with the maximum building height limit of 28 feet, and the elevation of the site is such that this height will not interfere with any important views of the neighboring properties.

6. The requirements of the tree preservation and landscaping regulations have been met. The proposed landscaping plan provides a layout of plants and materials that are appropriate for the proposed project and site, and appears to comply with City requirements. The City's Landscape Architect provided comments



and recommendations, and the applicant has stated that they will comply with these recommendations, which are included as conditions of approval.

SECTION D. The City Council declares that the project meets the following standards stated in Section 9.40.040 of Chapter 40 (Neighborhood Compatibility) of the Bradbury Development Code:

1. Natural amenities. Improvements to residential property shall respect and preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping. The site of the proposed new house is sloped, and a level building area will be provided by grading that is within City guidelines, and will not necessitate any import of fill. The site is at an area that is buffered from neighboring properties by mature trees that will be preserved.

2. Neighborhood character. Proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, particularly those within 500 feet of the proposed development parcel boundaries. While many elements can contribute to the scale of a residential structure, designs should minimize the appearance of over or excessive building substantially in excess of existing structures in the neighborhood. The height of the structures shall maintain to the extent reasonably practicable, some consistency with the height of structures on neighboring properties. The Spanish style architecture of the proposed new house is well executed and thoroughly articulated to reduce the appearance of bulk and mass. The scale of the design is in character with other new houses in the area, and the proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved and that are much taller than the maximum 28-foot height limit for the proposed new house, which is the same height of most new two-story houses in the area.

3. Privacy. Design proposals shall respect the existing privacy of adjacent properties by maintaining an adequate separation between the proposed structure and adjacent properties and the design of balconies, decks and windows shall respect the existing privacy of adjacent properties. The proposed new house and accessory features are in compliance with all setback requirements and will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The floor plans of the proposed new house and accessory features are designed to limit views towards the neighboring properties.

SECTION E. The City Council finds that the proposed project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development) of the CEQA Guidelines.

SECTION F. The City Council hereby denies the appeal, and upholds the Planning Commission decision, and approves Architectural Design Review Application No. AR 17-006, and Neighborhood Compatibility Application No. NC 17-005, for the proposed project based on the information depicted on the submitted

plans and subject to the following conditions, all of which shall be complied with to the satisfaction of the City Manager or designees:

1. Except as set forth in subsequent conditions, all-inclusive, development shall take place and be constructed substantially as shown on the submitted plans and material board presented to the City Council on December 19, 2017.

2. In accordance with Government Code Section 66474.9(b)(1), the applicant and/or property owner shall defend, indemnify, and hold harmless the City, and its officers, agents and employees, from any claim, action, or proceeding to attack, set-aside, void or annul, the approval of this project brought within the time period provided by Government Code Section 66499.37. In the event the City and/or its officers, agents and employees are made a party of any such action:

(a) Applicant and/or property owner shall provide a defense to the City defendants or at the City's option reimburse the City its costs of defense, including reasonable attorney's fees, incurred in defense of such claims.

(b) Applicant and/or property owner shall promptly pay any final judgment rendered against the City defendants. The City shall promptly notify the applicant of any claim, action of proceeding, and shall cooperate fully in the defense thereof.

3. The proposed development shall comply with all applicable City regulations, including requirements of the Building, Fire, Planning, and Engineering Departments, and the applicant shall verify with the water purveyor and the Los Angeles County Fire Department that adequate domestic service and fire flow are available to serve the proposed development and shall provide such required service and flow.

4. A pre-construction meeting shall be held with representatives of the City Development Team. The builder shall present a construction timeline, emergency contact information, and other information as may be required.

5. All utilities for the proposed project shall be installed underground and services shall be obtained from the closest existing facilities.

6. For plan check submittal, all existing and proposed utility connections shall be shown, and final connections shall be provided in the manners required by the City.

7. All exterior building and/or landscape lighting shall be low-voltage, non-glare, and shall be hooded and/or shielded to not direct lighting off of the subject property.

8. The applicant and owner of the subject property must file an Agreement of Acceptance of the conditions set forth in this City Council Resolution prior to the submission of the plans to the Department of Building and Safety.

9. Pursuant to Development Code Section 9.07.050 (Time limits and extensions), if the applicant and/or property owner has not exercised this entitlement (i.e., submitted plans to the Department of Building and Safety) within one (1) year of the date of this approval (December 19, 2018), this entitlement shall expire and be null, void, and of no effect. In accordance with Chapter 7 of the Bradbury Development Code, a request for an extension of the time period for exercising this entitlement may be filed with the City 30 days prior to its expiration, and one (1) extension of up to one (1) year may be granted by the applicable review authority.

10. At plan check submittal, the landscaping and irrigation plans shall comply with all City requirements, including, but not limited to the Tree Preservation and Protection provisions of Chapter 118 of the Bradbury Development Code, the Water Efficient Landscaping requirements of Chapter 121 of the Bradbury Development Code, and shall include, but not be limited to the following:

(a) Water use calculations to determine the exact water budget for the landscaping, and a Planting Plan and Palette that is in accordance with Los Angeles County Fire Department requirements per an approved Fuel Modification Plan, and that ensures that plants with different plant factors (i.e., water use requirements) are not situated together in a particular hydrozone.

(b) An updated Arborist Report that lists and describes all protected Oak trees on the property and any other existing trees proposed for removal, relocation, or protection. The City requires a Tree Removal Permit for all trees to be removed, not just protected species (e.g., all Oaks) and replacement trees will be required.

(c) Oak tree protection fencing per the updated Arborist report, and no planting within at least a five-foot radius area around trunks of new Oak trees with these areas on separate irrigation valves to prevent overwatering of the Oaks.

(d) The project Landscape Architect and project Civil Engineer shall coordinate to indicate all existing trees, and note which trees are to be removed or relocated and to what location, and which trees are to remain in place and be protected. Existing grade at the bases and root zones of trees to remain shall not be altered or disturbed as any cut or fill in excess of one-to-two-inches could destabilize or kill the trees.

(e) The final Landscaping and Grading Plans shall reflect coordination between landscaping and grading as related to manufactured/graded slope areas with drainage and storm water treatment facilities, and erosion-controlling landscaping for slope protection.

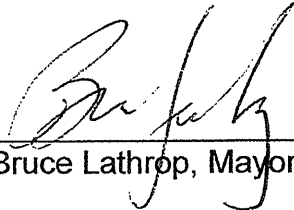
(f) The final Landscaping and Grading Plans shall include clear depictions and statements as to whether the meters are dedicated to irrigation, and if not, that flow meters and master valves are being utilized as sub-meters.

11. At plan check submittal, the grading and erosion control plans shall comply with all City requirements, including, but not limited to storm water control and

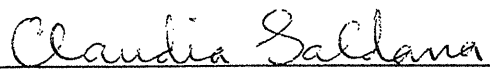
treatment, and shall identify and depict all existing improvements on neighboring properties that are adjacent to and/or within 25 feet of the property lines, and any encroachments shall be resolved as required by the City.

SECTION G. The City Clerk shall certify to the adoption of this resolution.

PASSED APPROVED AND ADOPTED this 19th day of December, 2017.

  
\_\_\_\_\_  
Bruce Lathrop, Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

I, Claudia Saldana, City Clerk, hereby certify that the foregoing Resolution No. 17-21 was duly adopted by the City Council of the City of Bradbury, California, at a regular meeting held on the 19th day of December, 2017 by the following vote:

AYES: Mayor Lathrop, MPT Rycz, Councilmembers Barakat,  
NOES: None Hale and Lewis  
ABSTAIN: None  
ABSENT: None

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COUNTY OF LOS ANGELES  
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*Bruce Lathrop, Mayor (District 4)*  
*Richard Pycz, Mayor Pro Tem (District 5)*  
*Monte Lewis, Council Member (District 2)*  
*Richard Barakat, Council Member (District 3)*  
*Richard Hale, Council Member (District 1)*

## **City of Bradbury City Council Agenda Report**

**TO:** Honorable Mayor and Council Members

**FROM:** Jim Kasama, City Planner

**DATE:** December 19, 2017

**SUBJECT:** 406 MOUNT OLIVE DRIVE – APPEAL OF PLANNING COMMISSION APPROVAL OF ARCHITECTURAL REVIEW NO. AR 17-006 AND NEIGHBORHOOD COMPATIBILITY APPLICATION NO. NC 17-005 (PLANNING COMMISSION RESOLUTION NO. PC 17-269)

**CITY COUNCIL RESOLUTION NO. 17-21 – A RESOLUTION OF THE CITY COUNCIL OF THE CITY BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION TO DENY AN APPEAL AND UPHOLD THE PLANNING COMMISSION DECISION TO ADOPT PLANNING COMMISSION RESOLUTION NO. PC 17-269 TO CONDITIONALLY APPROVE ARCHITECTURAL REVIEW APPLICATION NO. AR 17-006 AND NEIGHBORHOOD COMPATIBILITY APPLICATION NO. NC 17-005 FOR A NEW TWO-STORY 6,232 SQUARE-FOOT SPANISH-STYLE SINGLE-FAMILY RESIDENCE AND REMODELING OF THE EXISTING ONE-STORY 1,704 SQUARE FOOT RESIDENCE TO A SPANISH-STYLE ACCESSORY LIVING QUARTER/GUEST HOUSE AT 406 MOUNT OLIVE DRIVE**

**AGENDA ITEM NO.: 2**

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### **INTRODUCTION**

The proposed project is to build a new, two-story, 6,232 square-foot, Spanish-style, single-family residence with accessory features, and includes the remodeling of the existing, one-story, 1,704 square-foot residence to a Spanish-style, accessory living quarter/guest house.

## **BACKGROUND**

The applicant, Mr. John Sheng, Architect, on behalf of the property owner, Dr. Victor De Los Santos, applied for Conceptual Plan Review No. CPR 16-011 on July 7, 2016, which was concluded on August 22, 2016. The applicant was advised about applying for formal Architectural Review and Neighborhood Compatibility review, and that was done on May 12, 2017. Upon completion of review by the City's Development Team and adjustments to the proposed plans, the applications were considered by the Planning Commission at a public hearing on November 22, 2017. The Planning Commission voted 4 to 0 with one Commissioner absent to adopt the attached Planning Commission Resolution No. PC 17-269 for the conditional approval of the proposed project. On December 1, 2017, the law firm of Fitzgerald-Yap-Kreditor, LLP, on behalf of Mr. Hon K. Shing, the owner of the neighboring property at 412 Mount Olive Drive, did timely file the attached letter of appeal of the Planning Commission decision. The applicant's representative, Mr. David Meyer, has provided the attached letter in response to the appeal.

## **ENVIRONMENTAL REVIEW**

The proposed project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development) of the CEQA Guidelines.

## **NOTICING**

Notice of the public hearing for this appeal was mailed to the property owners within 500 feet of the subject property on December 6, 2017.

## **FINDINGS**

The proposed project complies with the standards and requirements of the Bradbury Development Code. The details and analyses of the proposed project are contained in the attached Planning Commission staff report. Staff concurs with Mr. Meyer's responses to the issues enumerated in the appeal letter.

**Architectural Review and Neighborhood Compatibility.** A series of findings must be satisfied when issuing decisions on Architectural Review and Neighborhood Compatibility applications. The recommended findings and justifications are included in the attached draft Resolution No. 17-21. The City of Bradbury Design Guidelines are intended to create aesthetically pleasing and well-designed structures. Architectural styles are not dictated to applicants, but the architectural character of every building on a lot should be clear and consistent with unifying features. The City's Ridgeline Preservation standards provide for the maintenance of views of mountain ridgelines and hills. New buildings are to be situated with consideration for the best and most important views.

The Spanish architectural style of the proposed project is well executed, and compatible with the neighborhood. The proposed new house is thoroughly articulated



with consistent architectural features. The site of the proposed new house is on a sloped area with level building areas to be provided by grading that is within the City's guidelines, and will not necessitate any import of fill. The site is also amongst an area that is buffered from neighboring properties by mature trees, which are proposed to be preserved. The existing residence that is to become an accessory living quarter/guest house, will be remodeled to match the Spanish style of the new residence. Most of the existing landscaping at the front of the subject property will be maintained. The only significant change to the existing streetscape will be the new front yard fence and gates.

Staff believes that the proposed project is of high architectural quality and compatible with the neighborhood, and is situated so as not to affect any significant views. The project meets the required purposes and findings stated in Section 9.34.050 of Chapter 34 (Architectural Review, Significant), Section 9.40.040 of Chapter 40 (Neighborhood Compatibility), and Section 9.43.020 of Chapter 43 (Ridgeline Preservation) of the Bradbury Development Code. The requisite findings and justifications, and recommended conditions of approval are included in the attached draft Resolution No. 17-21.

It is recommended that the City Council determine that the findings can be made for approval of the project and a determination that the project is Categorically Exempt under CEQA, and deny the appeal and uphold the approval of Architectural Review No. AR 17-006 and Neighborhood Compatibility No. NC 17-005.

**Additional department/agency review.** No additional reviews are needed at this time. Fully-detailed plans will be reviewed by all relevant agencies and departments during plan check and will ensure complete compliance with all required codes and regulations.

### **CITY COUNCIL ALTERNATIVES**

The City Council is to open a public hearing and solicit testimony on the appeal and proposed project. At that time, the City Council will have the following choice of actions:

**Option 1.** Close the public hearing and determine that the findings can be made for approval of the project and a determination that the project is Categorically Exempt under CEQA, and approve a motion to deny the appeal and uphold the approval of Architectural Review No. AR 17-006 and Neighborhood Compatibility No. NC 17-005, and adopt Resolution No. 17-21 as presented or as modified by the City Council.

**Option 2.** Close the public hearing and determine that the findings cannot be made for approval of the project, and approve a motion to sustain the appeal and deny Architectural Review No. AR 17-006 and/or Neighborhood Compatibility No. NC 17-005, and direct staff to prepare the appropriate resolution for adoption at the next regular meeting.

**Option 3.** If the City Council feels that the project as proposed cannot be approved,

but determines that the project with certain limited design modifications can satisfy the requisite findings for approval and a Categorical Exemption under CEQA, then the City Council may approve a motion to continue the public hearing as open to the regular meeting of Tuesday, February 20, 2018, and direct the applicant to revise the plans accordingly and submit such plans to the City by Monday, January 29, 2018.

### **RECOMMENDATION**

It is recommended that the City Council select Option 1 to close the public hearing and determine that the findings can be made for approval of the project and a determination that the project is Categorically Exempt under CEQA, and approve a motion to deny the appeal and uphold the approval of Architectural Review No. AR 17-006 and Neighborhood Compatibility No. NC 17-005, and adopt Resolution No. 17-21.

### **ATTACHMENTS**

City Council Resolution No. 17-21

Planning Commission Resolution No. PC 17-269

Appeal Letter

Applicant's Response to Appeal

Graphics and Photos submitted by Applicant at Planning Commission Meeting

Planning Commission Staff Report with the following attachments:

- Draft Resolution No. PC 17-269

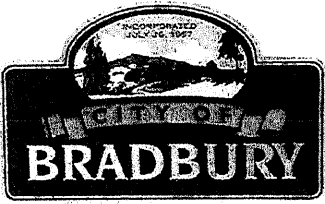
- Assessor's Map

- Aerial Photo

- Landscape Architect's Memo

- Color and Materials Board


- Proposed Plans



*Darlene Kuba, Chairperson (District 3)*  
*Karen Dunst, Vice-Chairperson (District 5)*  
*Susan Esparza, Commission Member (District 4)*  
*Frank Hernandez, Commission Member (District 1)*  
*Bill Novodor, Commission Member (District 2)*

## **City of Bradbury Planning Commission Agenda Report**

**TO:** Honorable Chairperson and Members of the Planning Commission

**FROM:** Jim Kasama, City Planner 

**DATE:** November 22, 2017

**SUBJECT:** 406 MOUNT OLIVE DRIVE – RESOLUTION NO. PC 17-269

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT  
AND DECISION TO APPROVE ARCHITECTURAL REVIEW  
APPLICATION NO. AR 17-006 AND NEIGHBORHOOD  
COMPATIBILITY APPLICATION NO. NC 17-005 FOR A NEW TWO-  
STORY 6,232 SQUARE-FOOT SPANISH-STYLE SINGLE-FAMILY  
RESIDENCE AND REMODELING OF THE EXISTING ONE-STORY  
1,704 SQUARE FOOT RESIDENCE TO A SPANISH-STYLE  
ACCESSORY LIVING QUARTER/GUEST HOUSE AT 406 MOUNT  
OLIVE DRIVE**

**AGENDA ITEM NO.: 6.A**

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### **PROJECT DESCRIPTION**

The proposed project is to build a new, two-story, 6,232 square-foot, Spanish-style, single-family residence with accessory features, including a swimming pool, tennis court, outdoor living area, and putting green. Also included, is the remodeling of the existing, one-story, 1,704 square-foot residence to a Spanish-style, accessory living quarter/guest house. The new residence is to be built toward the rear of the property at an area that is sloped. The area will be graded to provide a relatively level building area. The proposed project will improve the subject property with the following building areas:

New, two-story, single-family residence	
Feature	Square-footage
First floor	3,491
Second floor	2,741
Garages	1,226
Porches	102
Covered patio	848
Breezeway	248
Balconies	636
Second floor deck	420
Total	9,712

Remodeled, one-story, guest house	
Feature	Square-footage
Floor area	1,704
Garage	400
Porch	100
Covered patio	382
Total	2,586

## **ENVIRONMENTAL REVIEW**

The proposed project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development) of the CEQA Guidelines.

## **NOTICING**

Notice of the public hearing for this item was mailed to the property owners within 500 feet of the subject property on November 9, 2017.

## **PROJECT ANALYSIS**

**Planning and Zoning.** The property is zoned A-2 and allows for the proposed project with approvals of a Significant Architectural Review and a Neighborhood Compatibility determination by the Planning Commission. The following is a summary of the site characteristics and proposed improvements:

Assessor Parcel Number	8527-16-21
Zone	A-2
General Plan Designation	Estate – 2 acre lots
Gross site area	2.39 acres / 104,108.40 sq. ft.
Gross lot width	254'-5"
Gross lot depth	603'-4"
Net area of site (i.e., less easements for road/utilities)	2.21 acres / 96,267.60 sq. ft.
Lot coverage	8.17% gross / 8.8% net
Landscaping area	76,646 sq. ft.
Average lot slope	8.3%
Surrounding land uses and zoning	All single-family residential. The easterly area is in the City of Duarte.
Gross Building Areas:	
New Main Residence	9,712 sq. ft.
Remodeled Guest House	2,586 sq. ft.

The following table indicates that the proposed project meets the development standards for the A-2 zone:

Development Feature	A-2 Zone Requirements	Proposed Project	Meets Requirement
Minimum Lot Area	2 acres	2.39 acres	Yes
Residential Density	1-Single-Family Dwelling, 1-Second Dwelling Unit & Accessory Uses	1 new Single-Family Dwelling & 1 Accessory Living Quarter & Accessory Uses	Yes
Second Dwelling Unit	Permitted	Use existing dwelling	Yes
Setbacks Required from Property Lines			
New Residence			
Front	50 feet	303 feet	Yes
Sides (each)	25 feet	25 feet	Yes
Rear	25 feet	25 feet	Yes
Guest House (existing)			
Front	50 feet	32 feet	Legal Nonconforming
Sides (each)	25 feet	25 feet & 140 feet	Yes
Rear	25 feet	110 feet	Yes
Height Limit	28 feet	28 feet	Yes
Tree Preservation & Landscaping	As required by Chapters 118 & 121	Will comply 2 non-Oak trees to be removed	Yes
Retaining Walls & Fences	6'-0" Maximum Height	6'-0" Maximum Height	Yes
Parking	3 garage spaces for new main dwelling & 1 uncovered space for guest house	5 garage spaces for new main dwelling & 2 garage spaces for guest house	Yes

**Architectural Review and Neighborhood Compatibility.** The Planning Commission must make a series of findings when issuing decisions on Architectural Review and Neighborhood Compatibility applications. The recommended findings and justifications are included in the attached draft Resolution. The City of Bradbury Design Guidelines are intended to create aesthetically pleasing and well-designed structures. Architectural styles are not dictated to applicants, but the architectural character of every building on a lot should be clear and consistent with unifying features. The City's Ridgeline Preservation standards provide for the maintenance of views of mountain ridgelines and hills. New buildings are to be situated with consideration for the best and most important views.

It is recommended that the Planning Commission conditionally approve the proposed project. The Spanish architectural style of the proposed project is well executed, and compatible with the neighborhood. The proposed new house is thoroughly articulated with consistent architectural features. The site of the proposed new house is on a sloped area with level building areas to be provided by grading that is within the City's guidelines, and will not necessitate any import of fill. The site is also amongst an area that is buffered from neighboring properties by mature trees, which are proposed to be preserved. The existing residence that is to become an accessory living quarter/guest house, will be remodeled to match the Spanish style of the new residence. Most of the existing landscaping at the front of the subject property will be maintained, and provided that the hardscape and paving in front of the existing residence is kept to a minimum, the only significant change to the existing streetscape will be the new front yard fence and gates. The design of the new front yard fence and gates should be revised to have the pilasters and solid portions of the fence finished with stucco that matches the remodeled accessory living quarter/guest house.

**Landscaping.** The proposed landscaping plans show a layout of plants and materials that are appropriate for the proposed project and site, and appear to comply with City requirements, including the Tree Preservation and Protection provisions and Water Efficient Landscaping requirements. Detailed plans will be provided at plan check, and a comprehensive review will ensure full compliance. The plans show 49 new trees to be planted, 16 existing trees to be preserved, and two non-Oak trees to be removed. An updated arborists report will be required to verify the conditions of the trees, their viability for preservation, and protective measures that are to be installed prior to any construction. Tree removals shall be done in accordance with the City's tree removal permit policies and procedures. The City's Landscape Architect has provided numerous comments and recommendations – see the attached Memo dated July 17, 2017. The recommended conditions of approval are included in the attached draft Resolution.

**Engineering.** There will be a significant amount of grading to prepare the building site. The conceptual grading and drainage plan estimates that there will be 1,780 cubic yards of cut, 1,013 cubic yards of fill, and 767 cubic yards of export. The plan indicates that grading for the building area will be achieved in accordance with the City's guidelines. Detailed plans will be provided at plan check, and a comprehensive review will ensure full compliance. The City Engineer has recommended several conditions to provide guidance to the project designers. These are included in the attached draft Resolution.

**Additional department/agency review.** No additional reviews are needed at this time. Fully-detailed plans will be reviewed by all relevant agencies and departments during plan check and will ensure complete compliance with all required codes and regulations.

## **FINDINGS**

Staff believes that the proposed project is of high architectural quality and compatible with the neighborhood, and is situated so as not to affect any significant views. The project meets the required purposes and findings stated in Section 9.34.050 of Chapter 34 (Architectural Review, Significant), Section 9.40.040 of Chapter 40 (Neighborhood

Compatibility), and Section 9.43.020 of Chapter 43 (Ridgeline Preservation) of the Bradbury Development Code. The required determinations and findings are stated in the attached draft Resolution.

### **PLANNING COMMISSION ALTERNATIVES**

The Planning Commission is to open a public hearing and solicit testimony on the proposed project. At that time, the Planning Commission will have the following choice of actions:

**Option 1.** Close the public hearing and determine that the findings can be made for approval of the project and a determination that the project is Categorically Exempt under CEQA, and approve a motion to approve Architectural Review No. AR 17-006 and Neighborhood Compatibility No. NC 17-005, and adopt Resolution No. PC 17-269.

**Option 2.** Close the public hearing and determine that the findings cannot be made for approval of the project, and approve a motion to deny Architectural Review No. AR 17-006 and/or Neighborhood Compatibility No. NC 17-005, and direct staff to draft the appropriate Resolution for adoption at the next meeting.

**Option 3.** If it is determined that the project with certain limited design modifications can satisfy the requisite findings for approval and a Categorical Exemption under CEQA, then the Planning Commission is to approve a motion to continue the public hearing as open to the next regular meeting, and direct the applicant to revise the plans accordingly and submit such plans to the City at least three weeks prior to the date of the next regular meeting.

### **RECOMMENDATION**

It is recommended that the Planning Commission select Option 1. The requisite findings and justifications, and recommended conditions of approval are included in the draft Resolution.

### **ATTACHMENTS**

Draft Resolution No. PC 17-269  
Assessor's Map  
Aerial Photo  
Landscape Architect's Memo  
Color and Materials Board  
Proposed Plans

**PLANNING COMMISSION RESOLUTION NO. PC 17-269**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY BRADBURY, CALIFORNIA, SETTING FORTH ITS FINDINGS OF FACT AND DECISION TO APPROVE ARCHITECTURAL REVIEW APPLICATION NO. AR 17-006 AND NEIGHBORHOOD COMPATIBILITY APPLICATION NO. NC 17-005 FOR A NEW TWO-STORY 6,232 SQUARE-FOOT SPANISH-STYLE SINGLE-FAMILY RESIDENCE AND REMODELING OF THE EXISTING ONE-STORY 1,704 SQUARE FOOT RESIDENCE TO A SPANISH-STYLE ACCESSORY LIVING QUARTER/GUEST HOUSE AT 406 MOUNT OLIVE DRIVE**

WHEREAS, the Planning Commission considered Architectural Design Review Application No. AR 17-006, and Neighborhood Compatibility Application No. NC 17-005, that were filed by John Sheng, Architect, on behalf of the property owner, Victor De Los Santos, for approval of a proposed new, two-story, 6,232 square-foot, Spanish-style, single-family residence, and the remodeling of the existing, one-story, 1,704 square-foot, residence to a Spanish-style, accessory living quarter/guest house.

WHEREAS, the Municipal Code of the City of Bradbury provides that the Planning Commission shall announce its findings and decisions in zoning matters.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF BRADBURY, DOES HEREBY RESOLVE, FIND, AND DETERMINE AS FOLLOWS:

SECTION A. The Planning Commission finds that a duly-noticed public hearing has been conducted on November 22, 2017, in accordance with the provisions of the Bradbury Municipal Code relative to this matter.

SECTION B. The Planning Commission finds and declares that the information in the staff report, and the testimony given at the public hearing are incorporated in this Resolution and comprises the bases on which the findings have been made.

SECTION C. The Planning Commission declares that the project meets the following required findings stated in Section 9.34.050 of Chapter 34 (Architectural Review, Significant) of the Bradbury Development Code:

1. That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping. The portion of the subject property at which the proposed new house is to be situated is a sloped area and will be graded to provide a relatively level building area. The grading will not require any import fill and will be achieved within City guidelines. The area is toward the rear of the property at an area that is amongst several mature trees that are to be preserved.

2. That the proposed development is designed and will be developed in a manner which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other



structures. The proposed new house is large and expansive, but is similar in scale to other new houses in this area of the City. The new house will be situated at the rear of the subject property so as not to impose upon the streetscape of the neighborhood.

3. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties. The proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The floor plans of the proposed new house are designed to limit views towards the neighboring properties.

4. The requirements of the ridgeline and view preservation regulations have been met. The proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The proposed new house will comply with the maximum building height limit of 28 feet, and the elevation of the site is such that this height will not interfere with any important views of the neighboring properties.

5. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing view, view of ridgelines, valleys or vistas. The proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The proposed new house will comply with the maximum building height limit of 28 feet, and the elevation of the site is such that this height will not interfere with any important views of the neighboring properties.

6. The requirements of the tree preservation and landscaping regulations have been met. The proposed landscaping plan provides a layout of plants and materials that are appropriate for the proposed project and site, and appears to comply with City requirements. The City's Landscape Architect provided comments and recommendations, and the applicant has stated that they will comply with these recommendations, which are included as conditions of approval.

SECTION D. The Planning Commission declares that the project meets the following standards stated in Section 9.40.040 of Chapter 40 (Neighborhood Compatibility) of the Bradbury Development Code:

1. Natural amenities. Improvements to residential property shall respect and preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping. The site of the proposed new house is sloped and a level building area will be provided by grading that is within City guidelines, and will not necessitate any import of fill. The site is at an area that is buffered from neighboring properties by mature trees that will be preserved.

2. Neighborhood character. Proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, particularly those within 500 feet of the proposed development parcel

boundaries. While many elements can contribute to the scale of a residential structure, designs should minimize the appearance of over or excessive building substantially in excess of existing structures in the neighborhood. The height of the structures shall maintain to the extent reasonably practicable, some consistency with the height of structures on neighboring properties. The Spanish style architecture of the proposed new house is well executed and thoroughly articulated to reduce the appearance of bulk and mass. The scale of the design is in character with other new houses in the area, and the proposed new house will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved and that are much taller than the maximum 28-foot height limit for the proposed new house, which is the same height of most new houses in the area.

3. Privacy. Design proposals shall respect the existing privacy of adjacent properties by maintaining an adequate separation between the proposed structure and adjacent properties and the design of balconies, decks and windows shall respect the existing privacy of adjacent properties. The proposed new house and accessory features are in compliance with all setback requirements and will be situated in an area that is buffered from neighboring properties by mature trees that are to be preserved. The floor plans of the proposed new house and accessory features are designed to limit views towards the neighboring properties.

SECTION E. The Planning Commission finds that the proposed project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (In-fill Development) of the CEQA Guidelines.

SECTION F. The Planning Commission hereby approves Architectural Design Review Application No. AR 17-006, and Neighborhood Compatibility Application No. NC 17-005, for the proposed project based on the information depicted on the submitted plans and subject to the following conditions, all of which shall be complied with to the satisfaction of the City Manager or designees:

1. Except as set forth in subsequent conditions, all-inclusive, development shall take place and be constructed substantially as shown on the submitted plans and material board presented to the Planning Commission on November 22, 2017.

2. In accordance with Government Code Section 66474.9(b)(1), the applicant and/or property owner shall defend, indemnify, and hold harmless the City, and its officers, agents and employees, from any claim, action, or proceeding to attack, set-aside, void or annul, the approval of this project brought within the time period provided by Government Code Section 66499.37. In the event the City and/or its officers, agents and employees are made a party of any such action:

(a) Applicant and/or property owner shall provide a defense to the City defendants or at the City's option reimburse the City its costs of defense, including reasonable attorney's fees, incurred in defense of such claims.

(b) Applicant and/or property owner shall promptly pay any final judgment

rendered against the City defendants. The City shall promptly notify the applicant of any claim, action of proceeding, and shall cooperate fully in the defense thereof.

3. The proposed development shall comply with all applicable City regulations, including requirements of the Building, Fire, Planning, and Engineering Departments, and the applicant shall verify with the water purveyor and the Los Angeles County Fire Department that adequate domestic service and fire flow are available to serve the proposed development and shall provide such required service and flow.

4. A pre-construction meeting shall be held with representatives of the City Development Team. The builder shall present a construction timeline, emergency contact information, and other information as may be required.

5. All utilities for the proposed project shall be installed underground and services shall be obtained from the closest existing facilities.

6. For plan check submittal, all existing and proposed utility connections shall be shown, and final connections shall be provided in the manners required by the City.

7. All exterior building and/or landscape lighting shall be low-voltage, non-glare, and shall be hooded and/or shielded to not direct lighting off of the subject property.

8. In accordance with Chapter 16 of the Bradbury Development Code, the decision of the Planning Commission is subject to a ten (10) day period within which an appeal may be made by any person, partnership, corporation, public entity, other legal entity, or the applicant, who is aggrieved by the decision, by the filing of a written appeal with the City Clerk, accompanied by the established fee.

9. The applicant and owner of the subject property must file an Agreement of Acceptance of the conditions set forth in this Planning Commission Resolution prior to the submission of the plans to the Department of Building and Safety.

10. Pursuant to Development Code Section 9.07.050 (Time limits and extensions), if the applicant and/or property owner has not exercised this entitlement (i.e., submitted plans to the Department of Building and Safety) within one (1) year of the date of this approval (November 22, 2018), this entitlement shall expire and be null, void, and of no effect. In accordance with Chapter 7 of the Bradbury Development Code, a request for an extension of the time period for exercising this entitlement may be filed with the City 30 days prior to its expiration, and one (1) extension of up to one (1) year may be granted by the applicable review authority.

11. At plan check submittal, the landscaping and irrigation plans shall comply with all City requirements, including, but not limited to the Tree Preservation and Protection provisions of Chapter 118 of the Bradbury Development Code, the Water Efficient Landscaping requirements of Chapter 121 of the Bradbury Development Code, and shall include, but not be limited to the following:

(a) Water use calculations to determine the exact water budget for the landscaping, and a Planting Plan and Palette that is in accordance with L.A. County Fire Dept. requirements per an approved Fuel Modification Plan, and that ensures that plants with different plant factors (water use requirements) are not situated together in a particular hydrozone.

(b) An updated Arborist Report that lists and describes all protected Oak trees on the property and any other existing trees proposed for removal, relocation, or protection. The City requires a Tree Removal Permit for all trees to be removed, not just protected species (e.g., all Oaks) and replacement trees will be required.

(c) Oak tree protection fencing per the updated Arborist report, and no planting within at least a five-foot radius area around trunks of new Oak trees with these areas on separate irrigation valves to prevent overwatering of the Oaks.

(d) The project Landscape Architect and project Civil Engineer shall coordinate to indicate all existing trees, and note which trees are to be removed or relocated and to what location, and which trees are to remain in place and be protected. Existing grade at the bases and root zones of trees to remain shall not be altered or disturbed as any cut or fill in excess of one-to-two-inches could destabilize or kill the trees.

(e) The final Landscaping and Grading Plans shall reflect coordination between landscaping and grading as related to manufactured/graded slope areas with drainage and storm water treatment facilities, and erosion-controlling landscaping for slope protection.

(f) The final Landscaping and Grading Plans shall include clear depictions and statements as to whether the meters are dedicated to irrigation, and if not, that flow meters and master valves are being utilized as sub-meters.

12. At plan check submittal, the grading and erosion control plans shall comply with all City requirements, including, but not limited to storm water control and treatment, and shall identify and depict all existing improvements on neighboring properties that are adjacent to and/or within 25 feet of the property lines, and any encroachments shall be resolved as required by the City.

SECTION G. The City Clerk shall certify to the adoption of this resolution.

[Signatures on next page]

PASSED APPROVED AND ADOPTED this 22nd day of November, 2017.

*Darlene Kuba*  
Darlene Kuba, Chairperson

ATTEST:

*Claudia Saldana*  
City Clerk

I, Claudia Saldana, City Clerk, hereby certify that the foregoing Resolution No. PC 17-269 was duly adopted by the Planning Commission of the City of Bradbury, California, at a regular meeting held on the 22nd day of November, 2017 by the following vote:

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

\*October 25, 2018

Mr. Jim Kasama, City Planner  
City of Bradbury  
600 Winston Avenue  
Bradbury, CA 91008

SUBJECT: ARCHITECTURAL REVIEW APPLICATION NO. AR 17-006 AND  
NEIGHBORHOOD COMPATIBILITY APPLICATION NO. NC 17-005  
REQUEST FOR AN EXTENSION OF TIME  
TO SUBMIT PLANS TO THE BUILDING DEPARTMENT  
RE. 406 Mount Olive Drive, Bradbury CA 91008

Dear Mr. Kasama:

I respectfully request a nine month extension of the time limit for me to submit construction plans to the City's Building Department relative to the above mentioned development applications.

Subsequent to the City Council's review and approval of my development application on December 19, 2017 I requested a peer review of the development plans. In addition I had an in depth and comprehensive discussion with my wife regarding the proposed project. We concluded that certain interior modifications should be made to our "Dream Home". No modifications to the size, location or exterior appearance of the dwelling was suggested or anticipated. The modifications were submitted to the project architect for processing.

As luck would have it the architect suffered a medical mishap which required extensive rehabilitation. This setback severely curtailed his ability to adjust the development plans. Murphy's Law being what it is we were informed that workloads and schedules of the project design consultants are such that it is doubtful that the final construction plans can be delivered to the Building Department by December 19, 2018.

The services of the following sub-consultants have been retained:

1. Structural Engineer;
2. Electrical Engineer;
3. Mechanical and Plumbing Engineer;
4. Civil Engineer; and
5. Landscape Architect

I am waiting for each sub-consultant to complete their work. I am concerned that my project will not be completed within the time limit established by the City. I have requested a nine month extension of the City's project approval because I believe that this time frame would provide ample time for all of those involved to complete their assignments. The nine month extension would also provide a cushion to deal with unforeseen and unanticipated circumstances. My stress level would also be greatly reduced. The City's favorable consideration of this request will be greatly appreciated.

Sincerely,

Dr. Victor De Los Santos  
406 Mount Olive Drive  
Bradbury, CA 91008

cc: John Sheng, AIA, Project Architect