



CITY OF TEMPLE CITY

# PLANNING COMMISSION MINUTES

## REGULAR MEETING

Tuesday, April 10, 2018, 7:30 P.M.

City Council Chambers, 5938 Kauffman Avenue, Temple City

[www.templecity.us](http://www.templecity.us)

### OPENING MATTERS:

- **Call to Order**
- **Roll Call:**
  - PRESENT: Haddad, Vice-Chair Cordes, Chair Marston
  - ABSENT: O'Leary, Lee
  - ALSO PRESENT: Community Development Director Forbes, Planning Manager Reimers, City Attorney Thuyen, Associate Planner Gulick, and Planning Secretary Venters

Commissioner Haddad moved to excuse Commissioner Lee and Commissioner O'Leary for due cause. Seconded by Vice-Chair Cordes and unanimously carried.

- **Pledge of Allegiance**

### ORAL COMMUNICATIONS / PUBLIC COMMENT: NONE

### CONSENT CALENDAR:

1. Planning Commission Meeting of March 27, 2018.

Vice-Chair Cordes made a motion to continue the Consent Calendar. Seconded by Commissioner Haddad and was approved unanimously by the following votes:

AYES: Commissioner – Haddad, Cordes, Marston  
ABSTAIN: Commissioner – None  
NOES: Commissioner – None  
ABSENT: Commissioner – Lee, O'Leary

**PUBLIC HEARING ITEMS:**

- 2. **PL 17-879.** An appeal of the Community Development Director’s determination that a Zoning Clearance application to convert an accessory structure into an accessory dwelling unit (ADU) is incomplete because the project as proposed does not comply with state ADU law or the Temple City Municipal Code.

Address: 5813 Myda Avenue

Recommendation: Adopt the attached Resolution upholding the Community Development Director’s determination regarding the applicability of development standards to a proposed ADU.

Project Planner: Adam Gulick  
agulick@templecity.us

City Attorney Thuyen provided some initial guidelines and recommendations for the fair and orderly process of the appeal hearing. The applicant have at least an equal amount of time compared to the staff presentation for the applicant to present his case. If the Planning Commission wishes to ask clarification questions of the applicant and staff, then Planning Commission should direct all of its questions to the appropriate party for responses, and may allow each party an equal period of time to provide any rebuttal comments. Planning Commission proceeded by providing 15 minutes for each presentation and 3 minutes for each party to provide final comments.

Associate Planner Gulick gave a brief summary of the staff report.

Chair Marston opened the public hearing and directed their questions to the applicant.

Rick Kuo, applicant, stated that he purchased the property in 2011 with the knowledge that the storage area attached to the garage was not permitted. He stated July that 24, 2017 he submitted an application to convert the unpermitted storage area to an ADU. He stated that the City adopted its ADU ordinance August 4, 2017. He stated that his application was complete at the time of submittal however he did not receive notification that his application required additional information until August 9, 2017. He stated that the basis for denial is that the unpermitted storage area was not considered an existing structure, that the setback requirements would not be met, and that the storage area was not eligible to be converted to an ADU per City ordinance. He felt that the application should have been considered based upon the structure meeting the standards and design guidelines as opposed to the status of the structure. He pointed that the sample ordinance provided by the California Department of Housing and Community Development (HCD) stated that unpermitted structures are eligible to be converted to an ADU if current building standards are met. He concluded that he felt that the application was complete at the time of submittal, that the unpermitted structure should be considered existing, setback requirements do not apply to his application, and that the City should uphold the states standards for an ADU.

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Chair Marston closed the public hearing.

Vice-Chair Cordes asked the applicant if the intent is to increase the size of the structure or bring it up to code and how he intends to move forward.

Rick Kuo, applicant, stated that he is not interested in increasing the square footage of the structure; he would like to legalize the structure by converting it into an ADU.

Chair Marston asked the applicant if he inquired about legalizing the structure at the time of purchase, and if he could provide dated correspondence in regards to his request to the City.

Rick Kuo, applicant, stated that the City advised that the structure could not be legalized at the time of purchase so he opted to wait until the state allowed ADU's. He added that he could provide all records of correspondence at a later time if necessary.

Commissioner Haddad asked the applicant if he provided the address when he initially spoke to staff regarding the illegal structure, why setbacks would not be enforceable, and if there could have been a failure of response from himself when his application was deemed incomplete.

Rick Kuo, applicant, stated that he did not initially provide his address at first contact with the City, he was proactive in pursuing the status of his case, and that the setbacks are not enforceable because the application was complete before the City adopted its ADU ordinance.

The Planning Commission concluded their questions to the applicant and directed the below questions to staff.

Commissioner Cordes asked Associate Planner Gulick how the status of a structure is determined on a property.

Associate Planner Gulick stated that the Planning Division references the Los Angeles County Tax Assessor and Building Permit records.

Commissioner Haddad asked Planning Manager Reimers what benefit the applicant would have by converting the unpermitted structure into an ADU and if there is a difference in interpreting the definition of the word "existing".

Planning Manager Reimers stated that if the application were to be approved the applicant may benefit from the improvements required to convert the illegal structure to an ADU. He stated that the applicant and staff are providing different definitions of "existing". He stated that HCD provided a definition of existing but the State did not implement the definition in its state ordinance. He further stated that HCD does not have the authority to provide definition of state law. He stated that it is the City's standard zoning practice to provide beneficial provisions to existing permitted structures.

Rick Kuo, applicant, stated that the City does not have a definition of the word incomplete and that he does not agree with staffs definition of "existing". He explained that in his opinion the application was complete at the time of submittal and that the setback requirement is not enforceable because the City's ADU ordinance was not yet in effect.

Planning Manager Reimers stated that the applicants request did not comply with the states ADU ordinance as the structure in question was not permitted, nor was it a garage. He reminded the Planning Commission that HCD prepared a Memorandum providing suggested language in ADU ordinance however, the content was not adopted by the state. He stated that an application for an ADU was submitted on July 24 to which the City has 30 days to respond. He stated that staff replied to the applicant on August 9 requesting further information as there was no building permit for the structure in question. He stated that the applicants interpretation of the word "existing" is not consistent with this city as well as many other cities. He concluded that the structure in question is not a garage, is not considered existing because it does not exist on record, and does not comply with the state standards.

Commissioner Cordes made a motion to uphold staffs recommendation regarding the Community Development Directors determination that the application is incomplete and therefore should be denied and adopt the resolution. Seconded by Commissioner Haddad and carried by the following roll call vote:

AYES: Commissioner – Haddad, Cordes, Marston  
ABSTAIN: Commissioner – None  
NOES: Commissioner – None  
ABSENT: Commissioner – Lee, O'Leary

**DISCUSSION ITEMS: NONE**

**FUTURE AGENDA ITEMS AND REPORTS:**

**3. Planning Manager's Report**

Planning Manager Reimers updated the Planning Commission that the commercial and industrial zoning code update will be discussed April 24, and that the residential zoning code will be discussed in May.

**4. Comments from Commissioners**

Commissioner Haddad – Wished Commissioner O'Leary and Planning Secretary Venters a happy birthday.

Commissioner Lee – Absent

Commissioner O'Leary – Absent

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Vice-Chair Cordes – None

Chair Marston – Wished Commissioner O'Leary and Planning Secretary Venters a happy birthday.

**ADJOURNMENT:**

5. Adjourn to the Planning Commission Meeting of April 24, 2018 at 7:30 p.m., City Council Chambers, Civic Center, 5938 Kauffman Avenue, Temple City.

The Planning Commission Regular Meeting was adjourned at 9:05 p.m.

  
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Chair  
\_\_\_\_\_  
Secretary

