

CITY OF LA CAÑADA FLINTRIDGE

**PLANNING COMMISSION
SPECIAL MEETING MINUTES
November 8, 2016 - 4:00 p.m.
City Hall Council Chambers
1327 Foothill Boulevard**

- I. CALL TO ORDER** – Chairman Gunter called the meeting to order at 4:11 p.m.
- II. ROLL:** Also present were Commissioners McConnell, Jain, Hazen and Oh.
- III. PLEDGE OF ALLEGIANCE** The Flag Salute was recited.
- IV. COMMENTS FROM THE PUBLIC:** At this time, members of the audience may address the Commission regarding matters that are not on the agenda. – There were none.
- V. REORDERING OF THE AGENDA** – The agenda was not reordered.
- VI. CONSENT CALENDAR** – There were none.
- VII. CONTINUED PUBLIC HEARINGS** –There were none.
- VIII. PUBLIC HEARINGS** – There were none.
- IX. OTHER BUSINESS**

[A. Zoning Code Update – discussion.](#)

Patricia Bluman made a presentation in accordance with the staff report. She discussed land uses and how over time new land uses have come about. Ms. Bluman spoke about short-term vacation rentals and that the City does not currently regulate them. She described that short-term rentals typically run for less than a month. Ms. Bluman described that Home Share is renting out a room while the property owner remains living in the house. Short term vacation rentals oftentimes work like home swaps or Airbnb. Some home owners buy houses with the intention of renting them out and not living in them. They are sometimes called rental or party homes. Some cities have begun to regulate these types of residences.

Cities where short term rentals are prevalent, are experiencing a loss of Transit Occupancy Tax (TOT) in the range of 10 – 15%. The rentals explained above are

bringing crime, noise, and code enforcement issues to cities. However, there are cities that welcome these types of rentals as they promote tourism.

Short-term rentals can compromise a neighborhood. They take permanent residential housing out of the housing market and can impact affordable housing options in a community.

Ms. Bluman encouraged the Commission to discuss possible policies for prohibiting or allowing short-term rentals with certain regulations, such as renewing them on an annual basis. Short-term permits and/or a business license could be issued for them.

Director Stanley said that he is not sure of how many short-term rentals the City has. He has dealt with past complaints of short-term rental properties being rented out regularly for parties.

Both Chairman Gunter and Commissioner McConnell said that if short-term rentals are banned and are not a permitted use, then those that violate the code can be cited.

Ms. Bluman explained that some cities that permit short-term rental properties prohibit them in multifamily zones so that they do not impact other affordable housing options.

Commissioner Oh asked for clarification about those cities that have prohibited them.

Deputy City Attorney Guerra indicated that there could be legal challenges with outright banning, though he has not heard of any instances where this has occurred, yet.

Commissioner Jain said that the Cities of Santa Monica and San Francisco have been challenged.

Commissioner McConnell highlighted that there has been a recent influx of Chinese monies used to purchase properties and hold them as an investment by renting them on a short-term basis. This can impact housing options.

Vice Chairman Hazen asked Ms. Bluman the definition of a short-term rental.

Ms. Bluman stated that it is classified as renting for less than 30 days.

Commissioner Hazen said that he didn't feel that short-term rentals should be allowed as there are too many downsides to them. He said that he believed that a city like Malibu could get away with it, but that La Cañada Flintridge is not

necessarily a vacation destination, so therefore, short-term rental properties don't necessarily fit this City.

Commissioner Jain said that he believed that short-term rentals could be allowed in the City if they are properly regulated. In the instance of Home Shares, the homeowner is typically present and not an absentee owner.

Chairman Gunter asked Director Stanley if he was aware of anyone in the community requesting that short term rentals be permitted.

Director Stanley said that the issue has not come up to date.

Commissioner Oh expressed concern over potential blight issues. He questioned whether short-term rentals correctly defines La Cañada Flintridge.

Commissioner McConnell said that if they are to be permitted, regulations should be black and white so that enforcement is easy. He expressed that he did not like the idea of short-term rentals in the City.

Commissioner Jain responded that if they are to be permitted, good regulation is key to keeping them well monitored and under control.

Chairman Gunter said that he believed that there was no reason to suggest that short-term rentals be permitted at this time. Both Commissioner Oh and Vice Chairman Hazen both expressed similar views.

Vice Chairman Hazen said that with La Cañada Flintridge being a bedroom community, allowing such a use would only benefit a few that do not live in the area with no benefit to the overall community. He said that he believed it is not a problem that needs to be solved or an issue to be pursued at this time.

Deputy City Attorney Guerra clarified that there are ordinances that exist in some cities that have addressed resultant parking problems of short-term rentals. For instance, the cities of Anaheim, Santa Monica and Hermosa Beach all are involved in cases in lower courts relating to regulating of short-term rentals. No decisions have been rendered yet in those cases.

Chairman Gunter asked what the plan should be for going forward on the issue of short-term rentals. The Commission discussed the options of banning short-term housing, regulating them if we were to allow them, and if the City is silent on the issue at this time, are there any implications such as potential lawsuits.

Commissioner Oh said that he felt it was better to leave the issue alone at this time in order to see what the courts do. He asked Deputy City Attorney Guerra if he believed that an active ban would invite challenges to the City.

Deputy City Attorney Guerra said that the City should clearly define its position on the issue in the code as it is easier to defend. If the City decides to prohibit short-term rentals, it could be challenging to defend, but it is possible that the courts would side with the City.

Commissioner Jain asked Mr. Guerra if the City has a better defense if it clearly defines short-term rentals in the code as an unpermitted use as opposed to remaining silent on the issue.

Deputy City Attorney Guerra said, "Yes, it helps. If the City is going to prohibit the use, then it should clearly prohibit it in writing in the code. It is clearer than if there is nothing stated at all in the code."

Commissioner Hazen asked if the City chooses to ban them, what would the penalty for violation of the code?

Deputy City Attorney Guerra said that an administrative citation would be issued.

All Planning Commissioners stated that the issue should eventually be addressed and not ignored.

Director Stanley said that Deputy City Attorney Guerra will monitor the issue.

Environmentally Responsible Design was discussed with the Commission next.

Ms. Bluman gave a presentation on the topic and about regulating certain environmental practices. She indicated that the City is current in this regard as all codes relating to the issue have been updated. The City has undertaken other green initiatives and sustainable practices through the adoption of the City's Climate Action Plan (CAP).

Ms. Bluman suggested that the Planning Commission explore whether they'd like to further investigate sustainable issues possibly through design guidelines, for instance. The City can consider further promotion of green practices through landscaping by listing voluntary practices that cities can adopt through Building and Zoning Codes.

Ms. Bluman indicated that such a discussion would be more of a policy decision as to whether the City should require or encourage more sustainable practices at this point in time. With the adoption of the CAP, the City will need to begin implementing some of its goals. The Zoning Code update can work hand-in-hand with the CAP.

Both Commissioners Jain and McConnell asked how this would be applicable through implementation of the CAP.

Deputy Director Koleda said that implementation of the CAP includes voluntary reduction measures. One way to facilitate CAP goals is to continue to encourage and expedite the review of solar projects while keeping the associated Building permit fees low. Ms. Koleda asked how far the City should go to regulate and encourage solar projects. She explained that there could be instances when landscaping requirements and carport solar projects could conflict with one another. She asked how the City should regulate these issues, thereby furthering the goals of sustainability through the CAP.

Chairman Gunter asked if the City needs to do more at this time. The California Building Code is onerous. He supports facilitating environmental design practices but expressed concern that overregulation could pose a problem for proper enforcement. Mr. Gunter said that design guidelines could be helpful to facilitate these design practices.

Commissioner McConnell talked about looking at commercial and mixed use corridors as the State is moving more and more toward the usage of electric vehicles and requiring more accommodation for charging the vehicles. For example, the City of Pasadena has such charging stations in their parking lots and parking structures. Encouraging bicycle parking would also be good to consider.

Commissioner Jain suggested providing parking credits for bicycle parking. He also spoke favorably of electric vehicle charging stations as well.

Commissioner McConnell suggested that design guidelines enabling such practices should be considered.

Chairman Gunter recommended that more public entities provide accommodations and incentives for bicycle and electric vehicles.

Director Stanley raised the issue of bike parking, carpooling and incentives and how they would be regulated. He talked about artificial intelligent parking and how shopping centers would accommodate their patrons during peak times like during the Christmas season.

Chairman Gunter responded that the commercial applicants would have to demonstrate how car and bicycles users would share the area.

Vice Chairman Hazen said that he does not believe that there will be a large demand for bicycle parking.

Commissioner McConnell offered that bicycle parking could be integrated into projects as necessary.

Chairman Gunter said that he is not convinced that the incentives have the desired effect.

Deputy Director Koleda presented another challenge relating to landscaping that could be imposed on parking lots. She explained that certain Low Impact Development (LID) standards could potentially act as an impediment.

Chairman Gunter said that it is important to explore environmentally responsible design issues and that perhaps sustainable zero curbs and landscaping can be considered.

Commissioners McConnell, Oh, Hazen, and Jain said that they support the effort of exploring environmentally responsible design.

- X. COMMENTS FROM THE COMMISSIONERS** There were no further comments from the Commissioners.
- XI. COMMENTS FROM THE DIRECTOR** There were no further comments from the Director.
- XII. ADJOURNMENT – M/S/C – Gunter/McConnell** to adjourn the meeting at 5:25 p.m. Approved 5-0.