



**MINUTES**  
**BOARD OF ZONING APPEALS**  
**SPECIAL MEETING – 5:30 P.M.**  
**Thursday, March 18, 2021**  
**Virtual Meeting**

1. **ROLL CALL** – Chair Coher called the meeting to order at 5:30 p.m.  
**Present:** Commissioners Hansen, Lyon, Nanney, Wendler, and Chair Coher  
**Excused Absent:** Chair Coppess  
**Staff:** Luis Rocha, Beilin Yu, Jennifer Driver, Lesley Cheung, Theresa Fuentes, Elisa Ventura, Mitch Dion, Brad Boman
  
2. **APPROVAL OF MINUTES**
  - A. **February 18, 2021** – Not discussed
  
3. **PUBLIC HEARINGS**
  - A. **Mod to CUP #6222: 3420 and 3500 N. Arroyo Blvd. – Council District #1**

An appeal of Modification to Conditional Use Permit #6222 has been filed with the Board of Zoning Appeals. Modification to Conditional Use Permit #6222 was approved by the Hearing Officer at the January 6, 2021 public hearing. The project includes repair and replacement of City's water infrastructure facilities within the Upper Arroyo Seco that were damaged by debris flows caused by storms following the 2009 Station Fire. Damage to these structures has greatly reduced the City's capacity to divert water from the Arroyo Seco for spreading and pumping credits. The proposed improvements would allow for increased utilization of the City's pre-1914 surface water rights from the Arroyo Seco. A Conditional Use Permit is required for improvements within the Open Space (OS) Zoning District.

**Staff Recommendation:**

    - 1) Adopt a resolution certifying the Final Environmental Impact Report (SCH No. 2014101022) adopting findings, and adopting the Mitigation Monitoring Reporting Program;
    - 2) Adopt a resolution adopting a Statement of Overriding Consideration for the project; and
    - 3) Uphold the Hearing Officer's decision and approve the Modification to Conditional Use Permit #6222 with conditions.

Case Manager: Beilin Yu

**Public Comment:**

- Ken Kules (appellant)
- Timothy Brick (appellant)
- Hugh Bowles (appellant)
- Morey J. Wolfson (appellant)
- Mark Hunter

**Motion:**

Commissioner Wendler moved to approve the staff recommendation to 1) adopt a resolution certifying the Final Environmental Impact Report (SCH No. 2014101022) adopting findings, and adopting the Mitigation Monitoring Reporting Program; 2) adopt a resolution adopting a Statement of Overriding Consideration for the project; and 3) approve the Modification to Conditional Use Permit #6222 with the Findings in Attachment A and the conditions in Attachment B and the following added conditions:

1. The project should seek stream flows that maximize percolation in the streams and habitats, to the extent possible.
2. The project should make renewed efforts to identify and understand the fish status within the stream and seek to support its habitat.
3. The applicant should provide a means to recover additional runoff water for diversion to the Raymond Basin.
4. A communication plan shall be developed by the Water and Power Department. The purpose of the communication plan is to provide interested parties the status of the project.

Seconded by Commissioner Lyon. Motion approved 5-0.

Chair Coher: Y  
Nanney: Y

Hansen: Y  
Wendler: Y

Lyon: Y

**B. HDP #6837: 801 S. San Rafael Ave. – Council District #6**

An appeal of a Hillside Development Permit (HDP) #6837 has been filed with the Board of Zoning Appeals. The HDP was approved by the Hearing Officer at the January 6, 2021 public hearing. The project applicant, Deborah Rachlin Ross, has submitted a Hillside Development Permit application to permit the construction of two, new 600 square-foot detached accessory structures. The applicant also proposes to modify an existing playroom that is attached to the residence by removing the connecting breezeway and reducing the size of the playroom by 670 square feet, resulting in a 262 square-foot detached accessory structure to be used as a partially opened cabana. No other changes are proposed to the existing two-story dwelling or the existing detached 600 square-foot, three-car garage. The property is located in the RS-4-HD (Single-Family Residential, Hillside Overlay District) zoning district. No trees are proposed to be removed. A Hillside Development Permit is required for the construction of more than one accessory structure.

**Staff Recommendation:**

- 1) Find that the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15303, (Class 3, New Construction or Conversion of Small Structures); and
- 2) Uphold the Hearing Officer's decision and approve the Hillside Development Permit.

Case Manager: Jennifer Driver

**Public Comment:**

- Roxanne Christ DeWitt (appellant)
- Deborah Rachlin Ross (applicant)

**Motion:**

Commissioner Lyon moved to grant the appeal and disapprove the project and directs that staff further study the scope of the entire project, including all the phases of work, and potentially reevaluate the historic eligibility. Seconded by Commissioner Nanney. Motion approved 3-1. Commissioner Hansen recused herself from discussion of the case.

Chair Coher: Y  
Nanney: Y

Hansen: Recused  
Wendler: N

Lyon: Y

**4. ADJOURNMENT** – Chair Coher adjourned the meeting at approximately 9:40 p.m.

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Luis Rocha, Zoning Administrator

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Tess Varsh, Recording Secretary