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# PLANNING COMMISSION MEETING

City Council Chamber  
232 W. Sierra Madre Blvd.  
Sierra Madre, California  
Thursday,  
September 6, 2018  
7:00 P.M.

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- I. **ROLL CALL** Chair Spears, Vice-chair Hutt, Commissioners Catalano, Denison, Desai, Frierman-Hunt, Pevsner
- II. **REPORT OUT FROM CLOSED SESSION** City Attorney report from the closed session.
- III. **ROTATION OF CHAIR AND VICE CHAIR** The Planning Commission will nominate a Chair and Vice Chair, to serve a term through June 2019.
- IV. **AGENDA** Approval of Agenda
- V. **APPROVAL OF MINUTES** Approval of Minutes from the Regular Planning Commission Meeting on [July 19, 2018](#).  
Approval of Minutes from the Regular Planning Commission Meeting on [August 2, 2018](#).
- VI. **AUDIENCE COMMENTS** At this time, any person may address the Planning Commission concerning any item that is not listed on the agenda. The Planning Commission welcomes your participation and input. When addressing the Planning Commission, please begin by stating your name and address for the record. Please limit your comments to no more than four (4) minutes in order to provide for an orderly and timely meeting.

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## VII. PUBLIC HEARING

### 1. [DESIGN REVIEW PERMIT AND REASONABLE ACCOMODATION](#)

Address: 350 Olive Tree Lane  
Applicant: Sabina Zenkich  
Continued from July 5, 2018 meeting

The Planning Commission will conduct a public hearing continued from July 5, 2018 to consider a request for Design Review Permit 18-02 (DRP 18-02) and a Reasonable Accommodation Request 18-01(RA 18-01) to allow the construction of a detached two-car garage to be located in the front yard, but outside of the front yard setback. Pursuant to SMMC Section 17.20.27.C any structure that exceeds the allowable gross floor area of all structures on a single lot, either by addition or new construction requires a Design Review Permit. Pursuant to SMMC Section 17.61.020 any person with disabilities may request a reasonable accommodation from the application of a land use or zoning regulation, policy, practice or procedure when necessary to afford persons equal opportunity to use and enjoy their dwelling unit or place of business.

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**2. DISCRETIONARY DEMOLITION PERMIT 17-06 (DDP 17-06); DESIGN REVIEW PERMIT 17-04 (DRP 17-04) AND SECOND UNIT PERMIT 18-04 (SUP 18-04)**

Address: 62 E. Carter Avenue

Applicant: James Cadam

Continued from July 19, 2018 meeting

At the request of the applicant, the scheduled public hearing will be continued to the September 20, 2018 Planning Commission meeting to allow the applicant additional time to prepare plans and elevations. At that time, the Planning Commission will consider a request for Discretionary Demolition Permit 17-06 (DDP 17-06), Design Review Permit 17-04 (DRP 17-04), and Second Unit Permit 18-04 (SUP 18-04) to allow the demolition of an existing 262-square-foot patio in front of the former art studio, a Design Review Permit to allow the construction of 1,933 square feet single-family residence, and a Second Unit Permit to convert the existing structure to second unit on the property located at 62 East Carter Avenue. Pursuant to SMMC Section 17.60.056.C, no structure which was constructed seventy-five years or more prior to the date of application for review shall be demolished without a discretionary demolition permit. Pursuant to SMMC Section 17.20.027.C.3, approval of a design review permit is required to allow gross floor area for all structures on a single lot that exceeds, either by addition or new construction, three thousand five hundred square feet of floor area on lot areas from eleven thousand one and up. And, pursuant to SMMC Subsection 17.22, a second unit shall be permitted on a residentially zoned lot subject to the approval of a Second Unit Permit by the Director of Planning and Community Preservation.

**VIII. ORAL COMMUNICATION**

**1. Audience**

This is an additional opportunity for any person to address the Planning Commission on an item that is not on the Agenda. When addressing the Planning Commission, please begin by providing your name and address for the record. Please keep comments to no more than four (4) minutes to assure an orderly and timely meeting.

**2. Planning Commission Reports**

**3. Planning and Community Preservation Staff Reports**

**IX. ADJOURNMENT**

### **INFORMATION TO THE PUBLIC**

The Planning Commission will consider the last item at 10:30 p.m. and they will adjourn the meeting by 11:00 p.m. The Planning Commission will continue all unfinished business to an adjourned meeting on the following Thursday at 7:00 p.m. or to a different time and date certain.

Copies of the Agenda are available for your convenience at the rear of the Council Chambers. State legislation (Govt. Code Section 54954.2) limits the Planning Commission's ability to take action on specific requests. Govt. Code Section 54954.2 limits the placement of items on the Agenda for action 72 hours prior to meetings, except for specific findings.

No action or discussion may be undertaken by the Planning Commission on any item if not posted on the agenda, except that Commissioners or staff may briefly respond to statements made or questions posed by the public, a Council member or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. A Commissioner or the Planning Commission itself may provide a reference to staff to report back to the Planning Commission at a subsequent meeting concerning any matter or may direct staff to place a matter of business on a future agenda.

### **REQUIRED FINDINGS**

Conditional Use Permit and Variance considerations are "quasi-judicial" decisions made by the Planning Commission. As such, these decisions may be challenged in court. Accordingly, courts require an adequate "record" to exercise judicial review. This means that the documentation supporting the approval or denial of a project must include an explanation of how the Planning Commission processed the raw information and evidence considered in reaching its decision. The California Supreme Court has laid down distinct, definitive principles of law detailing the need for findings when a public agency approves or denies a project while acting in a "quasi-judicial" roll. This decision is based upon the case, *Topanga Assoc. For a Scenic Community v. County of Los Angeles* ("Topanga"). The "Topanga" court outlined the following 5 purposes for making findings:

- Provide a framework for making principled decisions, enhancing the integrity of the administrative process;
- Facilitate orderly analysis and reduce the likelihood the agency will randomly leap from evidence to conclusions;
- Serve a public relations function by helping to persuade the parties that the administrative decision making is careful, reasoned, and equitable;
- Enable the parties to determine whether and on what basis they should seek judicial review and remedies; and,
- Apprise the reviewing court of the basis for the agency's decision.

For more information on the necessary "Findings" that the Planning Commission must make, please contact the Development Services Department at (626) 355-7138.

(Source: Curtin's California Land Use & Planning Law, Daniel