

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47

CITY OF SIERRA MADRE
PLANNING COMMISSION MINUTES
Regular Meeting of
Thursday, July 5, 2018 at 7:00 p.m.
City Council Chambers, 232 W. Sierra Madre Blvd.

CALL TO ORDER

Chair Spears called the meeting to order at 7:25

ROLL CALL

Present: Chair Spears, Vice Chair Hutt, Commissioners Catalano, Denison, Desai,
Frierman-Hunt

Absent: Commissioner Pevsner

Staff: Vincent Gonzalez, Director of Planning and Community Preservation
Jennifer Peterson, Administrative Analyst
Jonathan Perez, Assistant Planner
Theresa Highsmith, City Attorney

REPORT OUT OF CLOSED SESSION

City Attorney Highsmith reported that no action was taken in closed session.

APPROVAL OF AGENDA

Commissioner Frierman-Hunt moved to approve the agenda. Commissioner Catalano seconded. Motion carried unanimously.

APPROVAL OF MINUTES OF JUNE 21, 2018

Commissioner Hutt moved to approve the minutes of June 21, 2018. Commissioner Desai seconded. Motion carried unanimously.

AUDIENCE COMMENTS

None.

PUBLIC HEARING

**1. DESIGN REVIEW PERMIT 18-02 AND REASONABLE ACCOMODATION 18-01
350 Olive Tree Ln.**

Assistant Planner Perez delivered Staff Report including Power Point presentation.

48 The Commission inquired about compliance with the Low Impact Development
49 requirements. Staff stated that this is addressed during the plan check process.
50

51 Dan Nugent
52 Applicant

53 Mr. Nugent delivered the Power Point presentation.

54 Mr. Nugent assured the Commission that their design will include drought tolerant/low
55 water plants. He stated that they wanted to incorporate rain barrels, but were told they
56 were not allowed. He stated that if the city approves the project, they will use them.

57 Mr. Nugent also stated that with regards to the front and back swale, they will be
58 designed to direct water accordingly and will adjust the size accordingly.
59

60 Mr. Nugent provided responses to the Commission's comments from the May 3
61 meeting.
62

63 Chair Spears felt that the Commission's directions had not been followed, and that the
64 applicant still needs to show a reason why two 12-foot garage door bays are necessary.
65

66 Sabina Zenkich
67 Applicant

68 Ms. Zenkich stated that there are two people sharing two vehicles, and sometimes they
69 need to drive each other's vehicle.
70

71 Chair Spears stated that the Commission would like to grant the reasonable
72 accommodation, but needs to be able to meet findings. Chair Spears stated that the
73 Commission needs more information to make those findings.
74

75 Commissioner Frierman-Hunt discussed the options of working with the location of the
76 garage and varying the width of the parking bays. The applicant stated that this design
77 was based on the direction given to her by a medical professional.
78

79 City Attorney Highsmith explained that the issue at hand is the difficulty of the applicant
80 to navigate the vehicle in a space that is narrower than a specific width. She stated
81 that the Commission needs to figure out how to accommodate that need. City Attorney
82 Highsmith pointed out that the difficulty for the Commission is that the proposed 12-foot
83 width exceeds the legal parking space or street lane size.
84

85 Commissioner Desai inquired what constitutes the Commission reasonably
86 accommodating the need.

87 City Attorney Highsmith stated that the Commission is not required to grant exact the
88 accommodation requested. The Commission could discuss and determine that an
89 alternate accommodation would suffice. Highsmith stated that a wider single bay is a
90 potential solution. City Attorney Highsmith also pointed out that there is no inherent right
91 to a two car garage, and that the size of the proposed structure triggers design review.
92 She also stated that design review gives the Commission the right to request that the
93 garage shall conform to setback requirements. City Attorney Highsmith pointed out that
94 the applicant is stating that 12 feet is the requirement based on need. She pointed out

95 that the reasonable accommodation is to allow the garage in the front yard rather than
96 the back.

97
98 Chair Spears stated that the applicant has responsibility as does the Commission. He
99 inquired as to what is the applicant willing to do to support the reasonable
100 accommodation as well. He stated that the Commission wants to make some kind of
101 compromise, and need some movement on the part of the applicant.

102
103 Mr. Nugent felt that it was unfair to say that family won't help. He stated that he
104 understood the Commission's request to bring more information. He stated that
105 information was provided, after working with staff at length. Mr. Nugent stated that the
106 challenge is working around personal limitations, and he feel that their design meets the
107 needs of the limitation.

108
109 Commissioner Frierman-Hunt stated that she felt that the reasonable accommodation is
110 being used to address a setback issue, rather than a variance. She pointed out that the
111 required setback is 30' 6".

112
113 Commissioner Desai requested that City Attorney Highsmith provide clarification as to
114 the Commissions proper approach.

115
116 City Attorney Highsmith stated that it is to be taken into consideration when the
117 Commission goes through the design review analysis that if the variance had been
118 provided then the reasonable accommodation would be taken into consideration in
119 order to make the findings for the variance if the Commission otherwise couldn't make
120 them.

121
122 Sabina Zenkich
123 Applicant

124 Ms. Zenkich stated that the method of backing up a vehicle is different than a standard
125 way, due to condition.

126
127 **DISCUSSION**

128
129 Vice Chair Hutt pointed out that this is not a new house, but is an addition, and that
130 there is an existing pad for a garage. He also stated that there are two planning issues
131 to consider: the prevailing setback and design review findings. He stated that the
132 prevailing setback was an unusual case, on a private lane with various setbacks.
133 Vice Chair Hutt stated that the Design Review component is the bigger issue, and that
134 without the reasonable accommodation consideration, he would not be able to approve,
135 as there is an existing garage. He stated that he cannot make the findings to meet the
136 reasonable accommodation.

137
138 Commissioner Desai stated that there are many ways to design the garage and still
139 accommodate the need. He stated that he feels like a single oversize bay would
140 reasonably accommodate the need, and that the sharing of the vehicles is a personal
141 issue. Commissioner Desai stated that he would not be able to approve the project as
142 currently represented.

143
144 Commissioner Catalano stated that he echoes Commissioner Desai's sentiment. He
145 also pointed out that the Commission needs to make the finding on compatibility on
146 overall design, and that no details of the existing house have been provided.
147 Commissioner Catalano felt that the drawings provided are rudimentary at best.
148
149 Commissioner Denison stated that he would have a hard time getting past the setback
150 issue without any alternatives provided.
151
152 Chair Spears stated that the Commission has no problem making accommodations for
153 needs. He stated that the Commission needed more information from the last meeting
154 and the applicant doesn't seem to be cooperative, and that the Commission is not being
155 given options or sufficient information to work with applicant. Chair Spears stated that
156 he feels that the applicant is putting more burden on the Commission than they are
157 willing to take on themselves. He stated that he is unable to make findings as the
158 project stands now.
159
160 Commissioner Frierman-Hunt stated that she would be able to make finding for a single
161 12-foot garage bay, and that she understands the applicant's needs. She stated that
162 she wants to help the applicants address their need, but in a reasonable manner.
163
164 Chair Spears asked the applicant if they would prefer the Commission to take a vote, or
165 continue this matter to allow the applicant to gather more information.
166
167 The applicant stated that they would prefer a continuance and would be happy to work
168 with Staff.
169
170 Chair Spears confirmed that the applicant understood the Commissions concerns.
171
172 Mr. Nugent stated that they must meet findings for two doors with accommodating width
173 and volume, but that they were unclear on comments about drawing quality.
174
175 Commissioner Catalano explained that the materials provided are illustrations, not
176 architectural drawings wherein too much is left up to interpretation. Commissioner
177 Catalano stated that if the applicant wants to make a case to go into the front yard
178 setback that they would need a very fine tuned, clear design that is of complimentary
179 scale. He also stated that while the neighbors are certainly in support of
180 accommodation, but perhaps don't understand the minutiae of execution.
181
182 Commissioner Desai explained that the Commission needs to see clear justification for
183 the need for two 12-foot bays.
184
185 Director Gonzalez suggested to continue the meeting to a date certain, which will allow
186 staff and applicant to work together.
187
188 Applicant requested that the matter be continued to Sept. 6th.
189

190 **Action: Commissioner Hutt moved to continue this item to September 6, 2018.**
191 **Commissioner Denison seconded. Motion carried unanimously.**

192
193 Chair Spears called a 5 minute recess.

194
195 Chair Spears called the Commission back to order, and announced that Commissioner
196 Catalano needed to leave, but that a quorum is still met.

197
198 **2. Commercial Zoning code amendments.**

199
200 Director Gonzalez delivered the Staff Report and Power Point presentation.

201
202 Vice Chair Hutt thanked Commissioner Desai for the diagrams.

203 Chair Spears acknowledged Vice Chair Hutt's contribution to the revisions, and the
204 Commission concurred.

205 Vice Chair Hutt stated that a lot of work had been put in by the subcommittee and staff.

206
207 **Action: Vice Chair Hutt moved to approve PC Resolution 18-06. Commissioner**
208 **Frierman-Hunt seconded. Motion carried unanimously.**

209
210 Director Gonzalez stated that this would go before the City Council on September 11,
211 2018. Commissioner Frierman-Hunt suggested that as many Planning Commission
212 subcommittee members attend the City Council meeting as possible.

213
214 **Oral Communication**

215
216 **Audience**

217
218 None.

219
220 **Planning Commission**

221
222 None

223
224 **Staff**

225
226 Director Gonzalez stated that the next Planning Commission meeting will be held on
227 July 19, 2018, where staff has one item for Planning Commission consideration, which
228 involves the new construction of a single-family structure and the rehabilitation of a
229 historic property.

230
231 Chair Spears adjourned the meeting at 9:39 pm

232
233
234
235 
236 Secretary to the Planning Commission
237 Vincent Gonzalez, Director of Planning & Community Preservation