

AGENDA
REGULAR PLANNING COMMISSION MEETING

City Council Chamber
232 W. Sierra Madre Blvd.
Sierra Madre, California
Thursday,
November 19, 2015
7:00 p.m.

- I. **ROLL CALL** Chair Goldstein, Vice-Chair Frierman-Hunt, Commissioners Buckles, Desai, Hinton, Hutt, Spears
- II. **AGENDA** Approval of Agenda
- III. **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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IV. **PUBLIC HEARING**

[CONDITIONAL USE PERMIT 15-24 \(CUP 15-24\)](#)
[156 W. Highland Avenue](#)
[Applicant: Steve Salisian](#)

The Planning Commission will conduct a public hearing to consider a Conditional Use Permit to allow a new two-story, 1,322-square-foot recreation/exercise building, and to also allow it to encroach into the required side yard setback along the eastern property line by no more than 10 percent, on the property located at 156 W. Highland Avenue. Pursuant to SMMC 17.60.030.G, a conditional use permit is required for all developments in the R-3 Zone.

V. **DISCUSSION**

[Discussion Regarding Minimum Lot Sizes, Prevailing Front Yard Setbacks, and Angle Plane Encroachment in the R-1 Zone, Minor Conditional Use Permit Noticing Requirements, and Conditional Use Permit Findings.](#)

The Planning Commission will discuss potential amendments to the R-1 (One-Family Residential) Zoning Ordinance (Chapter 17.20) and the Variances and Conditional Use Permits Ordinance(Chapter 17.60), including changes to minimum lot sizes, prevailing front yard setbacks, minor conditional use permit noticing requirements, angle plane encroachment, and conditional use permit findings.

VI. 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

3. Planning and Community Preservation Staff

VII. 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 J. Curtin, Jr., 2001)