
AGENDA
REGULAR PLANNING COMMISSION MEETING

City Council Chamber
232 W. Sierra Madre Blvd.
Sierra Madre, California
Thursday, September 15, 2011
7:00 p.m.

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| I. | ROLL CALL | Chairman Paschall, Commissioners Spears, Frierman – Hunt, Pendlebury, Pevsner, Replogle, Vandevelde |
| II. | AGENDA | Approval of Agenda |
| III. | APPROVAL OF MINUTES | Approval of Minutes of September 1, 2011 |
| IV. | 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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V. **PUBLIC HEARING**

1. **CONDITIONAL USE PERMIT 11-05 (CUP 11-05)**
756 Auburn Ave.
Applicant: Richard and Soledad Meaglia
(continued from July 7, 2011)

The Planning Commission will conduct a public hearing to consider a request for a Conditional Use Permit (CUP) to allow construction of a two-story, 5,705-square-foot single-family home with an attached 982-square-foot three-car garage. Pursuant to City of Sierra Madre Municipal Code § 17.20.025.C, single-family residences that exceed 4,000 square feet of floor area require approval of a CUP.

2. **TENTATIVE TRACT MAP 11-01 (TTM 11-01); CONDITIONAL USE PERMIT 11-06 (CUP 11-06);**
Southwest Corner of East Sierra Madre Blvd. and Sierra Place
Applicant: Bowden Development Inc.

The Planning Commission will conduct a public hearing to consider a request for a Tentative Tract Map, Conditional Use Permit and Density Bonus to allow construction of a 6 (six)-unit, 2(two)-story, 30-foot-high condominium project with 14 on-site parking spaces on the vacant property located at the southwest corner of East Sierra Madre Boulevard and Sierra Place. Pursuant to California Government Code Section 66426, a tract map shall be required for all subdivisions creating five or more condominiums. Pursuant to Sierra Madre Municipal Code Section 17.76.030, all R-3 developments require approval of a Conditional Use Permit. A Density Bonus to allow one additional unit (for a total of 6 units) may be permitted if the required criteria can be met pursuant to the Sierra Madre Municipal Code Section 17.28.060(B)(2).

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. Development Services 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)