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# PLANNING COMMISSION MEETING

City Council Chamber  
232 W. Sierra Madre Blvd.  
Sierra Madre, California  
Thursday,  
April 5, 2018  
7:00 P.M.

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| <b>I. ROLL CALL</b>             | Chair Spears, Vice-chair Hutt, Commissioners Catalano, Denison, Desai, Frierman-Hunt, Pevsner   |
| <b>II. AGENDA</b>               | Approval of Agenda  |
| <b>III. APPROVAL OF MINUTES</b> | Approval of Minutes from the Regular Planning Commission Meeting on <a href="#">March 15, 2018</a> .  |
| <b>IV. AUDIENCE COMMENTS</b>    | 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 18-01 \(CUP 18-01\)](#)

Address: 120 W. Sierra Madre Boulevard (Sierra Fusion, LLC)  
Applicant: Edward J. Ungrue

The Planning Commission will conduct a public hearing to consider an application for a CUP to allow general alcohol sales for on-site consumption at an existing restaurant (Sierra Fusion), under Liquor License Type 47. Currently, the restaurant has a Conditional Use Permit for the sale of beer and wine. Pursuant to Section 17.36.020(A), a conditional use permit is required for alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses.

### 2. [DISCRETIONARY DEMOLITION PERMIT 17-05 \(DDP 17-05\), DESIGN REVIEW PERMIT 17-09 \(DRP 17-09\) AND CERTIFICATE OF APPROPRIATENESS 18-01 \(CA 18-01\)](#)

Address: 240 E. Sierra Madre Blvd.  
Applicant: Brett Smith

The Planning Commission will conduct a public hearing to consider a request for a Discretionary Demolition Permit, a Design Review Permit, and a Certificate of Appropriateness to allow the demolition of approximately 35.5 linear feet of an exterior wall of a single family structure to accommodate a 461-square foot-second story addition and a 599-square foot tuck-under garage along the south facing building elevation.

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**Pursuant to S.M.M.C. 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 S.M.M.C. Section 17.27.027.B**, any second story addition to an existing single-family house or any new construction proposed to include a second-story requires a design review permit.

**Pursuant to S.M.M.C. Section 17.82.090.A**, approval of a certificate of appropriateness is required for the alteration, restoration, remodeling, addition, change of use, demolition or relocation of historic landmarks which alter the exterior appearance as seen from public view.

## **VI. DISCUSSION**

### **1. PLANNING ENTITLEMENT PROCESS FLOW CHART**

The Planning Commission will discuss streamlining the discretionary review process.

## **VII. 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**

## **VIII. 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