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# PLANNING COMMISSION MEETING

City Council Chamber  
232 W. Sierra Madre Blvd.  
Sierra Madre, California  
Thursday,  
March 7, 2019  
7:00 P.M.

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- I. **ROLL CALL** Chair Hutt, Vice-chair Denison  
Commissioners: Catalano, Desai, Pevsner, Spears
- II. **AGENDA** Approval of Agenda
- III. **REPORT OUT FROM CLOSED SESSION** City Attorney Report from Closed Session
- IV. **APPROVAL OF MINUTES** Approval of Minutes from the Regular Planning Commission Meeting on [February 21, 2019](#)
- V. **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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## VI. PUBLIC HEARING

1. [DISCRETIONARY DEMOLITION PERMIT 18-09 \(DDP 18-09\) AND DESIGN REVIEW PERMIT 18-04 \(DRP 18-04\)](#)

Address: 91 East Bonita Avenue  
Applicant: Bryson Reaume

The Planning Commission will conduct a public hearing to consider a request for Discretionary Demolition Permit 18-09 (DDP 18-09) to demolish in part or in whole a roof structure, exterior and interior walls and framing of the existing 2,577-square-foot structure and attached 2-car garage; and Design Review Permit 18-04 (DRP 18-04) to allow the construction of a 2,082-square-foot addition with detached pool house onto the existing one-story single family residence and allow additions to be aligned with existing side yard setback.

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 3,500 square feet of floor area, either by addition or new construction; and SMMC 17.20.050.B.2.b Single story

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additions onto existing primary structures, which result in an increase in gross floor area of greater than fifty percent of the original structure, may be aligned with existing legally constructed side yard setback of the primary structure, subject to the approval of a design review permit.

2. **DISCRETIONARY DEMOLITION PERMIT 19-02 (DDP 19-02) AND DESIGN REVIEW PERMIT 19-01 (DRP 19-01) AND VARIANCE 19-01 (VAR 19-01)**

Address: 535 North Hermosa Avenue

Applicant: Michael Ying, Breland-Harper Architects

The Planning Commission will conduct a public hearing to consider Discretionary Demolition Permit 19-02 (DDP 19-02) to allow partial demolition of an existing single family residence; Design Review Permit 19-01 (DRP 19-01) to allow construction of additions of 199 square feet to the existing 3,697-square-foot single family residence and align an addition with an existing, legally constructed nonconforming northern side-yard setback of 5'-9"; and Variance 19-01 (V 19-01) to provide fewer than the three required covered parking spaces (one space to be provided) for the project. The gross square footage of the house and garage would be 3,896 square feet for the property located at 535 North Hermosa Avenue.

Pursuant to SMMC Section 17.60.056.C, no structure or portion thereof 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 of over 3,500 square feet on a single lot, either by addition or new construction, in the R-1 Zone (Single-Family Residential). Pursuant to SMMC 17.20.050.B.2.a., a Design Review Permit is also required in order to allow a single story addition of less than 50% of the original structure to be aligned with an existing, legally constructed side yard setback of the primary structure.

Pursuant to SMMC Section 17.60.010, a *variance* is required to provide fewer than the Code-required number of covered off-street parking spaces for a project in the R-1 Residential Zone.

## 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