
REGULAR PLANNING COMMISSION MEETING

City Council Chamber
232 W. Sierra Madre Blvd.
Sierra Madre, California
Thursday,
January 19, 2016
7:00 P.M.

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| I. | ROLL CALL | Chair Frierman-Hunt, Vice-chair Spears,
Commissioners Buckles, Desai, Hinton, Hutt,
Pevsner |
| II. | AGENDA | Approval of Agenda |
| III. | APPROVAL OF MINUTES | Approval of Minutes from the Regular Planning
Commission Meeting on January 5, 2017 . |
| 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. [**DISCRETIONARY DEMOLITION PERMIT 16-01**](#)
Address: 126 East Mira Monte Avenue
Applicant: William and Anastasia Kefalas
(continued from December 1, 2016)

The Planning Commission will conduct a public hearing to consider an application for a discretionary demolition permit to allow the reconstruction of the roof and exterior walls of a structure located at 126 E. Mira Monte Avenue. Pursuant to SMMC 17.60.056, any required demolition for an addition or alternation to the structure that impacts the original front façade of the structure, shall be subject to the granting of a discretionary demolition permit.

(Applicant requests continuance to the February 16, 2017 meeting)

2. [**MUNICIPAL CODE TEXT AMENDMENT 16-05 \(MCTA 16-05\) – DISCRETIONARY DEMOLITION PERMIT.**](#)

The Planning Commission will conduct a public hearing regarding potential amendments to Title 17 (“Zoning”), Chapter 17. 60 (“Variances and Conditional Use Permits”) Amending Section 17.060.056 (“Discretionary Demolition Permit”) of single-family homes and duplexes 75-years and older, eliminating the exception allowing demolition of up to 25% of exterior walls and eliminating restriction requiring only single-family homes and duplexes to abide by the Discretionary Demolition Permit requirements, thereby expanding requirement to all structure types; and amendments to the Title 15 (“Building and Construction”) Chapter 15.04 (“Building Code and Permits”) Amending Section 15.04.115 Section 105.7 (“Demolition Permits”) establishing penalties for demolition without a permit; and amending Chapter 15.52.060 (“Calculation of Fees”), eliminating the award of impact credits toward future

development for structures that have been demolished without permits.

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)