

AGENDA

REGULAR PLANNING COMMISSION MEETING

City Council Chamber
232 W. Sierra Madre Blvd.
Sierra Madre, California
Thursday,
December 17, 2015
7:00 p.m.

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| I. ROLL CALL | Chair Goldstein, Vice-Chair Frierman-Hunt,
Commissioners Buckles, Desai, Hinton, Hutt,
Spears |
| II. AGENDA | Approval of Agenda |
| III. APPROVAL OF MINUTES | Approval of Minutes from the Regular Planning
Commission meetings on December 3, 2015 |
| 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 15-23 \(CUP 15-23\)**](#)
 126 E. Mira Monte Avenue
 Applicant: William and Anastasia Kefalas
 (continued from December 3, 2015)

The Planning Commission will conduct a public hearing to consider a request to allow the addition of 2,279 square-feet to the existing 2,052-square-foot residence for a total of 4,731 square-feet of floor area on the property located at 126 E. Mira Monte Avenue.

2. [**MUNICIPAL CODE TEXT AMENDMENT 15-04 \(MCTA 15-04\): AMENDMENT TO CHAPTER 17.10 \("MEDICAL MARIJUANA DISPENSARY"\) OF THE SIERRA MADRE MUNICIPAL CODE**](#)

The Planning Commission will conduct a public hearing to consider recommending adoption of a text amendment to Chapter 17.10 of the Municipal Code to establish local control measures regulating the cultivation and distribution of cannabis. The purpose of the proposed Municipal Code Text Amendments is to further an objective of Ordinance No. 1266, prohibiting in all zones medical marijuana dispensaries which involves the distribution of drugs or other substances which is illegal to distribute or possess under federal law and to preempt the Department of Food and Agriculture

from regulating State licensing and regulation of indoor and outdoor cultivation sites. Following a Planning Commission recommendation for approval, the proposed text amendment will be forwarded to the City Council for their consideration.

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)