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**AGENDA**  
**REGULAR PLANNING COMMISSION MEETING**

City Council Chamber  
232 W. Sierra Madre Blvd.  
Sierra Madre, California  
Thursday, May 21, 2009  
7:00 p.m.

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- I. ROLL CALL** Chairman Vandavelde, Commissioners Pendlebury, Frierman – Hunt, Replogle, Spears, Pevsner, Paschall
- II. AGENDA** Approval of Agenda
- III. 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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**IV. PUBLIC HEARING**

- 1. Conditional Use Permit 09-01  
374 Grove Street  
(Continued from May 7, 2009)**

The Planning Commission will consider an application for the construction of a 4,872-square-foot, two-story single-family residence for the property located at 374 Grove Street. Pursuant to Sierra Madre Municipal Code Section 17.20.135(A), new construction that exceeds 4,000 square feet of gross floor area requires approval of a Conditional Use Permit.

- 2. Certificate of Appropriateness 08-01;  
Conditional Use Permit 08-02  
331 East Alegria Avenue (J. Gamble Carson House)**

The Planning Commission will consider a Resolution to approve a Certificate of Appropriateness (CA 08-01) to remove rock wall returns and replace them with a

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new forty-three (43)-foot-long, four and a half (4.5)-foot-high rock wall along the Sturtevant Drive property line for the property located at 331 East Alegria Avenue. Pursuant to Municipal Code Section 17.82.090, all permits for alteration of historic landmarks which alter the exterior appearance as seen from public view require the approval of a Certificate of Appropriateness.

The Planning Commission will also consider a request for a Conditional Use Permit (CUP) to allow construction of a rock wall that exceeds the three (3) feet six (6) inch height limit allowed by the Sierra Madre Municipal Code for walls within a front yard setback. Pursuant to Sierra Madre Municipal Code Section 17.48.130(D), walls and fences a maximum six (6) feet in height may be permitted within the 25-foot front yard setback of the secondary frontage on through lots with the approval of a CUP.

**3. Reconsideration and Ratification of Ordinance 1256, an amendment to Chapter 17.52 H-Hillside Management Zone (HMZ) of the Sierra Madre Municipal Code.**

The Planning Commission will reconsider Ordinance 1256, an amendment to Chapter 17.52 H-Hillside Management Zone of the Sierra Madre Municipal Code. Ordinance 1256 altered standards in the Hillside Management Zone for new and existing lots, including design and development standards. The Ordinance also addressed construction, grading, drainage, architecture, landscaping, fire prevention, fuel management and biotic resources standards for hillside development. In addition, Ordinance 1256 specified permit requirements, filing and review procedures, and application contents. Finally, the Ordinance amended the City's zoning map to expand the boundaries of the HMZ to better reflect the shape and topography of land in the northern areas of the City. As a result of this change, additional residentially zoned properties, not previously in the HMZ were included within the new HMZ boundaries.

**5. Municipal Code Text Amendment 09-01 (MCTA 09-01)**

The Planning Commission will consider recommending to the City Council an Ordinance amending Chapter 17.36 (C Commercial Zone) in its entirety and to repeal Chapter 17.37 (Downtown Overlay Zone) of the Sierra Madre Municipal Code.

**V. 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**

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**VI. ADJOURNMENT**

Adjourn the Planning Commission meeting to the next regularly scheduled meeting of **Thursday, June 4, 2009 at 7:00 pm** at the City Council Chamber at 232 W. Sierra Madre Blvd., Sierra Madre.

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### **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)