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**CITY OF SIERRA MADRE
PLANNING COMMISSION MINUTES**

Regular Meeting of
Thursday, November 19, 2015 at 7:00 p.m.
City Council Chambers, 232 W. Sierra Madre Blvd.

CALL TO ORDER

Chair Goldstein called the meeting to order at 7:02 p.m.

ROLL CALL

Present: Chair Goldstein, Commissioners Buckles, Desai, Frierman-Hunt, Hinton, Hutt, Spears
Staff: Vincent Gonzalez, Director of Planning & Community Preservation
Leticia Cardoso, Planning Manager
Jennifer Peterson, Administrative Analyst
Terri Highsmith, City Attorney

APPROVAL OF AGENDA

Commissioner Hutt moved to approve the agenda. Commissioner Frierman-Hunt seconded. Motion carried unanimously.

AUDIENCE COMMENT

None.

PUBLIC HEARING

**1. CONDITIONAL USE PERMIT 15-24 (CUP 15-24)
156 W. Highland
Applicant: Steve Salisian**

Planning Manager Cardoso delivered the staff report.

The Commission inquired about the discovery of the building, the legality of the electrical service as well as the building and fire code compliance. They also asked about the process for obtaining permits after the fact, and the enforcement of a covenant or deed restriction. The Commission expressed concern about the need for encroachment into the side yard setback given that the lot is sufficiently wide to provide the required setback. The Commission was also concerned with the accuracy of the setback measurement shown on the plan, as it did not seem to reflect the actual setback that Commissioners noticed during their site visit.

Steve Salisian
Applicant

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51 Mr. Salisian explained the need for the additional living space.

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53 The Commission asked the applicant about his awareness of the plan check and permit
54 process, and the skill level of the tradesmen or contractors that had worked on the project.
55 The Commission asked the applicant whether the units were rented, and if he had a
56 business license to do so as required by the City. The Commission asked the applicant
57 whether his tenants parked on the street. They also asked if the applicant had hired a
58 structural engineer to design the second floor.

59
60 Samir Guirguis
61 Applicant's Architect of Record

62
63 Mr. Guirguis stated that he was hired by the applicant to create as-built drawings, but was
64 not involved in the construction. He stated that he could not speak to the integrity of the
65 second story and suggested that the applicant would need an engineer to move forward.

66
67 **Discussion**

68
69 The Commission asked why staff would recommend approval of this project. Planning
70 Manager Cardoso stated that all findings could be made with the condition of the removal
71 of the bathrooms and the covenant. She stated that the project would still be required to
72 comply with all City codes prior to the issuance of an after-the-fact building permit, and if
73 necessary, the applicant would be required to make modifications to the building in order
74 to obtain permits to legalize the structure.

75 **Public Comment**

76
77 Barry Gold
78 Ramona Ave.

79
80 Mr. Gold suggested that the applicant be required to show that the structure complies
81 with the building code prior to consideration of the CUP.

82
83 Director Gonzalez read a letter submitted by Matt Bryant of Preserve Sierra Madre
84 opposing the project and the consequences of legalization of the structure.

85
86 Chair Goldstein requested the City Attorney to clarify the Commission's role in reviewing
87 a CUP for a building that has already been constructed. City Attorney Highsmith stated
88 that the Commission was to consider the project's conformity with zoning code as if the
89 building has not yet been constructed, but that they had no discretion over structural
90 integrity at the conceptual level.

91
92 Commissioners Frierman-Hunt and Desai felt that the project site had ample room for
93 development without the setback encroachment.

94
95 Commissioner Hutt stated that he could not discuss the setback without a site survey
96 since the applicant claimed that the existing wall was not located over the property line.
97 He also had concerns with fire access to the building through the existing walkway.

98

Commissioner Buckles had concerns with the angle plane requirements and the building placement and spacing. Staff mentioned that the R-3 Ord. does not include an angle plane requirement.

Commissioners Spears and Hutt agreed that they had concerns about the accuracy of the documents presented.

Commissioners Desai, Frierman-Hunt, Spears and Hinton felt that allowing bathrooms in the building could facilitate the non-conforming use of the building as a unit. Commissioner Hutt added that he was concerned that the kitchen would be re-installed and that the only way to prevent the possibility of a future non-conforming use would be to demolish the building.

Steve Salisian
Applicant

Mr. Salisian assured the Commission that he would bring the building into compliance with the building code.

Commissioner Desai stated that he could not see the hardship needed for encroachment, and on that basis he could not approve the project. Commissioner Frierman-Hunt agreed.

Chair Goldstein inquired what the next steps would be if the project were to be denied. City Attorney Highsmith stated that it could be continued to allow for plan modifications or if the Commission denied the request, the code enforcement process would continue and demolition would be required. Commissioner Desai asked what would happen if the project were approved and then found to be out of conformance afterwards. City Attorney Highsmith stated that the conditional use permit would then be revoked and the code enforcement process would continue.

Action: Commissioner Spears moved to deny Conditional Use Permit 15-24 on the basis that there was no demonstrated need for the use requested and encroachment, and that the site was adequate without the requested encroachment. Commissioner Hinton seconded. Motion carried 5.2.0 (Hutt and Goldstein nay).

Chair Goldstein delegated signature of the Resolution to Vice Chair Frierman-Hunt.

DISCUSSION

Discussion Regarding Minimum Lot Sizes, Prevailing Front Yard Setbacks, and Angle Plane Encroachment in the R-1 Zone, Minor Conditional Use Permit Noticing Requirements, and Conditional Use Permit Findings.

Commissioner Hinton recused herself from the minimum lot size discussion as she owns one of the parcels identified by staff as one that could potentially be split.

Planning Manager Cardoso delivered the Staff Report.

The Commission discussed the advantages and disadvantages of possible calculation methods.

Mayor Capoccia

City Council Liaison to Planning Commission

Mayor Capoccia reminded the Commission that the General Plan specifically requires that lot splits be discouraged.

Commissioners Frierman-Hunt and Hutt formed a subcommittee to run numbers and discuss various calculation methods regarding lot sizes and density before returning to the Commission with more detailed information to inform their discussion.

Commissioner Hinton rejoined the meeting.

City Attorney Highsmith asked that she be given the opportunity to review the Commission's proposal to revise language in the findings for hillside development permits with CETT litigation counsel and return to the Commission, possibly in closed session. She stated that the Commission would not discuss changes to the HDP findings at this meeting.

Commissioner Hutt presented the proposed language drafted by the subcommittee addressing revisions to the CUP findings for the Commission's review and consideration.

Action: The Commission directed staff to return with an ordinance not to include the lot size discussion, which they agreed to postpone until after the subcommittee could return to the Commission with more detailed information.

ORAL COMMUNICATION

Audience Comments

None.

Planning Commission

Commissioner Goldstein asked that staff contact the owner of the Stonegate property to remove the public hearing notice sign and the story poles.

Planning & Community Preservation

Director Gonzalez stated that the next regular Planning Commission meeting is scheduled for December 3, 2015.

Adjournment

Chair Goldstein adjourned the meeting at 10:53 p.m.

- 196 Secretary to the Planning Commission
- 197 Vincent Gonzalez, Director of Planning & Community Preservation