

ORDINANCE NO. 1441

AN ORDINANCE OF THE CITY OF SIERRA MADRE, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE SIERRA MADRE MUNICIPAL CODE TO MAKE FAMILY DAYCARE HOMES, MODULAR AND MANUFACTURED HOMES, AND TRANSITIONAL AND SUPPORTIVE HOUSING A PERMITTED USE WITHIN ALL RESIDENTIAL ZONING DISTRICTS, TO MAKE SUPPORTIVE HOUSING A USE BY RIGHT IN MULTIFAMILY ZONES, AND TO AMEND EMERGENCY SHELTER PARKING REQUIREMENTS PURSUANT TO STATE LAW

RECITALS

WHEREAS, the State Legislature adopted Senate Bill No. 234, the “Keeping Kids Close to Home Act”, effective January 1, 2020, which requires cities to treat a family daycare home as a residential use;

WHEREAS, Sierra Madre Municipal Code (“SMMC”) requires a conditional use permit for the operation of a large family daycare home in residential zones;

WHEREAS, the State Legislature adopted a law in 1982 allowing the installation of modular and manufactured homes on lots zoned for single-family residential dwellings;

WHEREAS, the SMMC does not list modular and manufactured homes as a permitted use on lots zoned for single-family residential dwellings;

WHEREAS, the State Legislature adopted Senate Bill No. 2, effective January 1, 2008, which requires cities to recognize transitional and supportive housing as a residential use of property;

WHEREAS, the SMMC does not list transitional and supportive housing as a permitted use in the Multiple Family Residential High Density and Hillside Management Zones;

WHEREAS, the State Legislature adopted Assembly Bill No. 2162, effective January 1, 2019, which requires the City to permit certain supportive housing projects by-right in all zones where multi-family and mixed-use is permitted;

WHEREAS, the SMMC does not allow any supportive housing projects by-right in any zone;

WHEREAS, the State Legislature adopted Assembly Bill No. 139, the “Emergency and Transitional Housing Act of 2019”, effective January 1, 2020, which requires cities to base parking standards for emergency shelters on the number of shelter staff;

WHEREAS, the SMMC currently bases the number of parking spaces on the size of the emergency shelter; and

WHEREAS, the Planning Commission recommends the City Council amend the SMMC to conform to State law.

THEREFORE, CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The Recitals above are true and correct and incorporated herein by reference.

SECTION 2. Amendment. The following provisions regarding family daycare homes are amended, as stated in Attachment 1 to Exhibit B and incorporated herein by reference, to conform to California Health and Safety Code sections 1596.78, 1597.30, 1597.42, and 1597.45:

- ☐ Section 17.08.020 (Words, Terms, Phrases Defined) of Chapter 17.08 (Definitions) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.20.020 (Permitted Uses) of Chapter 17.20 (R-1 One-Family Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.24.020 (Permitted Uses) of Chapter 17.24 (R-2 Two-Family Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.28.050 (Permitted Uses) of Chapter 17.28 (R-3 Medium/High Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.28.060 (Conditional Use Permit Required) of Chapter 17.28 (R-3 Medium/High Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.29.020 (Permitted Uses) of Chapter 17.29 (R-H Multiple Family Residential High Density) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.30.030 (Permitted Uses) of Chapter 17.30 (R-C Residential Canyon Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.30.040 (Conditionally-Permitted Uses) of Chapter 17.30 (R-C Residential Canyon Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.52.070 (Land Use Regulations) of Chapter 17.52 (H Hillside Management Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- ☐ Section 17.60.030 (Conditional Use Permits—When Required) of Chapter 17.60 (Variances and Discretionary Permits) of Title 17 (Zoning) of the Sierra Madre Municipal Code.

SECTION 3. Amendment. The following provisions regarding modular and manufactured homes are amended, as stated in Attachment 1 to Exhibit B, to conform to California Government Code section 65852.3:

- Section 17.08.020 (Words, Terms, Phrases Defined) of Chapter 17.08 (Definitions) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.20.020 (Permitted Uses) of Chapter 17.20 (R-1 One-Family Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.24.020 (Permitted Uses) of Chapter 17.24 (R-2 Two-Family Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.28.050 (Permitted Uses) of Chapter 17.28 (R-3 Medium/High Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.29.020 (Permitted Uses) of Chapter 17.29 (R-H Multiple Family Residential High Density) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.30.030 (Permitted Uses) of Chapter 17.30 (R-C Residential Canyon Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.52.070 (Land Use Regulations) of Chapter 17.52 (H Hillside Management Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.

SECTION 4. Amendment. The following provisions regarding transitional and supportive housing are amended, as stated in Attachment 1 to Exhibit B, to conform to California Government Code sections 65582 and 65583:

- Section 17.08.020 (Words, Terms, Phrases Defined) of Chapter 17.08 (Definitions) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.20.020 (Permitted Uses) of Chapter 17.20 (R-1 One-Family Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.24.020 (Permitted Uses) of Chapter 17.24 (R-2 Two-Family Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.28.050 (Permitted Uses) of Chapter 17.28 (R-3 Medium/High Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.29.020 (Permitted Uses) of Chapter 17.29 (R-H Multiple Family Residential High Density) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.30.030 (Permitted Uses) of Chapter 17.30 (R-C Residential Canyon Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.52.070 (Land Use Regulations) of Chapter 17.52 (H Hillside Management Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.

SECTION 5. Amendment. The following provisions regarding supportive housing as a use by-right are amended, as stated in Attachment 1 to Exhibit B, to conform to California Government Code section 65583:

- Section 17.28.075 (Other Uses and Construction Activities) of Chapter 17.28 (R-3 Medium/High Residential Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.29.030 (Development Regulations) of Chapter 17.29 (R-H Multiple Family Residential High Density) of Title 17 (Zoning) of the Sierra Madre Municipal Code.

- Section 17.36.027 (Land Use Regulations) of Chapter 17.36 (C Commercial Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.60.056 (Discretionary Demolition Permit) of Chapter 17.60 (Variances and Discretionary Permits) of Title (Zoning) of the Sierra Madre Municipal Code.

SECTION 6. Amendment. The following provisions regarding parking standards for emergency shelters are amended, as stated in Attachment 1 to Exhibit B, to conform to California Government Code section 65583:

- Section 17.40.025 (Emergency Shelters Development Standards) of Chapter 17.40 (M Manufacturing Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code.
- Section 17.68.020 (Parking Spaces Required) of Chapter 17.68 (Parking) of Title 17 (Zoning) of the Sierra Madre Municipal Code.

SECTION 7. CEQA. The Planning Commission finds the adoption of this amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15301, Title 14 of the California Code of Regulations and is also exempt from review because it does not meet the definition of a project under CEQA Guidelines sections 15061, subdivision (b)(3), and section 15378, subdivision (a) and subdivision (b)(5). The proposed changes to Title 17, as authorized and required by state law, have no potential for resulting in physical changes to the environment because family daycare homes, supportive housing, and transitional housing do not fundamentally alter the nature of the underlying residential use. Further, the parking requirements for emergency shelters have a negligible impact on the environment.

SECTION 8. Severability. If any sections, subsections, subdivisions, paragraph, sentence, clause or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraph, sentences, clauses or phrases be declared invalid.

SECTION 9. Publication. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance and his/her certification, together with proof of the publication, to be entered in the book of Ordinances of the City Council.

SECTION 10. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

PASSED, APPROVED AND ADOPTED this 11th day of May, 2021.

Rachelle Arizmendi, Mayor

ATTEST:

APPROVED AS TO FORM:

Laura Aguilar, City Clerk

Aleks R. Giragosian, City Attorney

I HEREBY CERTIFY that the foregoing Ordinance was duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 11th day of May 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED: