

**ORDINANCE NO. 1431**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE CALIFORNIA AMENDING CHAPTER 17.08 (“DEFINITIONS”), CHAPTER 17.36 (“COMMERCIAL”), AND CHAPTER 17.60 (“VARIANCES AND DISCRETIONARY PERMITS”) OF THE SIERRA MADRE MUNICIPAL CODE**

**WHEREAS**, the City Council adopted a General Plan Update in July 2015, and, as part of the General Plan Implementation Program, the City is currently in the process of amending various ordinances in the Municipal Code, including the Commercial Zone and related Zoning provisions; and

**WHEREAS**, the City desires to update the Sierra Madre Municipal Code by updating Chapter 17.36 (“Commercial Zone”). The amendments include updating the list of permitted and conditionally permitted uses in the commercial zone, updating the corresponding development standards; Amending Chapter 17.08 (“Definitions”), Chapter 17.36 (Commercial), and Chapter 17.60 (“Variances and Discretionary Permits”), to achieve consistency specific to cross references in the Commercial Zone and other related zoning provisions; and

**WHEREAS**, the Planning Commission on March 15, 2018, April 19, 2018, May 17, 2018, February 6, 2020, and August 6, 2020, conducted duly noticed public meetings at which time it heard and considered public testimony being received and made part of the public record; and

**WHEREAS**, notice was duly given of the public hearing on the matter, which public hearing was held before the Planning Commission on September 3, 2020, with all testimony received and made part of the public record; and

**WHEREAS**, the City Council has received the report and recommendations of staff.

**THEREFORE, THE 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 this reference.

**SECTION 2. Amendment.** The City Council recommends the adoption of the proposed ordinance amendments, attached to the staff report as Exhibit A and incorporated herein by reference, amending Chapters 17.08 (“Definitions”), 17.36 (“Commercial”), and 17.60 (“Variances and Discretionary Permits”) of the Sierra Madre Municipal Code.

**SECTION 3. General Plan Consistency.** The Municipal Code Text Amendment is consistent with the Goals and Objectives of the General Plan; in that it would ensure orderly development of commercial uses where they currently exist so that they are compatible with and complement adjacent land uses. The text amendments are consistent with a General Plan objective that the commercial areas provide for a mix of uses which accomplishes a healthy balance of local services and visitor attraction while maximizing the City's revenues from property and sales tax. Further, the text amendments are consistent with General Plan policies to accommodate a diversity of commercial uses intended to meet the needs of local residents, and to accommodate commercial uses intended to attract visitors. Applicable General Plan Policies are provided below:

L3.1: Maintain an area in the City for commercial development through the review and update of appropriate standards and regulations for new construction.

L3.2: Encourage the development of specialty retail, including stores selling products of local artisans and craftsmen, art galleries, and design furnishings.

L3.3: Encourage the development of restaurants, bed and breakfasts, and other visitor-serving uses.

L3.4 Encourage the development of service and retail uses which meet the needs of local residents and local business people and residents.

L3.5: Encourage businesses that attract more people to the downtown area in the evening.

L3.6 Encourage office and technology uses without displacing retail.

L3.7 Encourage commercial uses that do not add a burden on the City's natural resources, including water resources.

L33.1 Require that the ground floor elevation of a commercial space (storefront or professional) facing the sidewalk be visibly and physically penetrable by placing windows and doorways at the street elevation.

L33.2 Encourage professional and personal service businesses and other non-retail uses to be located on the second floor or to the rear of commercial properties, thereby allowing retail uses to be located along the street frontage.

L33.7 Encourage the development of outdoor spaces for dining and public gathering spaces.

- L34.1 Encourage the enhancement of rear entrances to existing businesses.
- L34.3 Identify opportunities to improve pedestrian access from public parking areas to commercial uses, particularly the access from the parking lot on Mariposa Avenue to the commercial uses on the south side of Sierra Madre Boulevard.
- L35.4 Allow for residential uses at the rear and above the first floor on commercial properties.
- L35.5 Establish a required minimum depth for commercial uses which have residential uses located at the rear.
- L37.12: Examine other parking opportunities and other options to address the shortfall of on-site parking space requirements in order to accommodate re-use of existing commercial spaces and new uses.

**SECTION 4. CEQA.** The Planning Commission hereby finds that adoption of the amendments qualify for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061 subdivision (b)(3) and section 15378, subdivision (a) and (b)(5) of the California Code of Regulations as it can be seen with certainty that there is no possibility that the adoption of this Ordinance may have a significant effect on the environment, because it will provide regulations regarding the reuse of existing structures, restrictions on business uses, and updating the list of permitted and conditionally permitted uses within the commercial zone. Modifications to the manufacturing zone and discretionary review codes were amended to achieve consistency between cross-references between the manufacturing zone and commercial zone.

**SECTION 5. 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 6. 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 7. Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

**PASSED, APPROVED AND ADOPTED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

John Capoccia, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

Sue Spears, 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 \_\_\_ day of \_\_\_\_\_ 2020 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**