

ORDINANCE NO. 1452

AN ORDINANCE OF THE CITY OF SIERRA MADRE, CALIFORNIA ADDING CHAPTER 17.58 (SMALL HOME LOT DEVELOPMENTS) TO TITLE 17 (ZONING), ADDING CHAPTER 16.18 (URBAN LOT SPLIT) TO TITLE 16 (SUBDIVISIONS), AND ADDING CHAPTER 17.59 (MINISTERIAL DESIGN REVIEW PERMITS) TO TITLE 17 (ZONING) OF THE SIERRA MADRE MUNICIPAL CODE TO CONFORM TO STATE HOUSING LAW

WHEREAS, on August 31, 2021, Governor Gavin Newsom signed into law Assembly Bill (AB) 803, the “Starter Home Revitalization Act”;

WHEREAS, AB 803 adds Section 66499.40 to the Government Code and took effect January 1, 2022;

WHEREAS, AB 803 requires cities and counties to ministerially approve a tract map and a proposed housing development for a “small home lot development” within a multi-family residential zone;

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed into law Senate Bill (SB) 9, the “California Housing Opportunity and More Efficiency (HOME) Act”;

WHEREAS, SB 9 adds Sections 65852.21 and 66411.7 to the Government Code and took effect January 1, 2022;

WHEREAS, SB 9 requires cities to ministerially approve a parcel map for an urban lot split and/or a proposed housing development containing a maximum of two residential units within a single-family residential zone;

WHEREAS, the City desires to establish objective zoning, subdivision, and design standards to promote the orderly subdivision of parcels and development of housing under AB 803 and SB 9; and

WHEREAS, the Planning Commission held a properly noticed public hearing on March 3, 2022 and adopted Resolution 22-02 recommending approval of this Ordinance to the City Council.

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 this reference.

SECTION 2. Addition. Chapter 17.58 (Small Home Lot Developments) of Title 17 (Zoning) is added to the Sierra Madre Municipal Code, and is included in this Ordinance as Attachment A.

SECTION 3. Addition. Chapter 16.18 (Urban Lot Splits) of Title 16 (Subdivisions) is added to the Sierra Madre Municipal Code, and is included in this Ordinance as Attachment B.

SECTION 4. Addition. Chapter 17.59 (Ministerial Design Review Permits) of Title 17 (Zoning) is added to the Sierra Madre Municipal Code, and is included in this Ordinance as Attachment C.

SECTION 5. CEQA. Pursuant to Government Code section 65852.21, subdivision (j), and Government Code section 66411.7, subdivision (n), the City Council finds the adoption of this Ordinance is not a project for purposes of the California Environmental Quality Act (CEQA) and is statutorily exempt. Further, this Ordinance is not subject to CEQA because it does not involve exercise of a discretionary power under 14 CCR section 15060, subdivision (c)(1) as the ordinance are being adopted in response to a state mandate.

SECTION 6. 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.

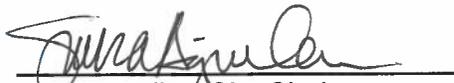
SECTION 7. Publication. The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933. She shall certify to the adoption of this Ordinance and her certification, together with proof of the publication, will be entered in the book of Ordinances of the City Council.

SECTION 8. Effective Date. This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

ORDINANCE NO 1452 PASSED, APPROVED AND ADOPTED this 12th day of April, 2022.


Gene Goss, Mayor

ATTEST:


Laura Aguilar, City Clerk

APPROVED AS TO FORM:


Aleks R. Giragosian, City Attorney

I HEREBY CERTIFY that the foregoing Ordinance was first introduced at a regular meeting held on the 22nd day of March 2022 and duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 12th day of April 2022 by the following vote:

AYES: Mayor Gene Goss, Mayor Pro Tem Edward Garcia, Council Member Rachelle Arizmendi, Council Member Kelly Kriebs, and Council Member Robert Parkhurst

NOES: None

ABSENT: None

ABSTAINED: None

RESOLUTION NO. 22-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE, CALIFORNIA, RECOMMENDING THE CITY COUNCIL ADD CHAPTER 17.58 (SMALL HOME LOT DEVELOPMENTS) TO TITLE 17 (ZONING), ADD CHAPTER 16.18 (URBAN LOT SPLIT) TO TITLE 16 (SUBDIVISIONS), AND ADD CHAPTER 17.59 (MINISTERIAL DESIGN REVIEW PERMITS) TO TITLE 17 (ZONING) OF THE SIERRA MADRE MUNICIPAL CODE TO CONFORM TO STATE HOUSING LAW

WHEREAS, on August 31, 2021, Governor Gavin Newsom signed into law Assembly Bill (AB) 803, the “Starter Home Revitalization Act”;

WHEREAS, AB 803 adds Section 66499.40 to the Government Code and took effect January 1, 2022;

WHEREAS, AB 803 requires cities and counties to ministerially approve a parcel map and a proposed housing development for a “small home lot development”;

WHEREAS, on September 16, 2021, Governor Gavin Newsom signed into law Senate Bill (SB) 9, the “California Housing Opportunity and More Efficiency (HOME) Act”;

WHEREAS, SB 9 adds Sections 65852.21 and 66411.7 to the Government Code and took effect January 1, 2022;

WHEREAS, SB 9 requires cities to ministerially approve a parcel map for an urban lot split and/or a proposed housing development containing a maximum of two residential units within a single-family residential zone; and

WHEREAS, the City desires to establish objective zoning, subdivision, and design standards to promote the orderly subdivision of parcels and development of housing under AB 803 and SB 9.

THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

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

SECTION 2. Addition. Chapters 17.58 (Small Home Lot Developments) and 17.59 (Ministerial Design Review Permits) of Title 17 (Zoning) and Chapter 16.18 (Urban Lot Split) of Title 16 (Subdivisions) of the Sierra Madre Municipal Code are recommended to

be added to the Sierra Madre Municipal Code consistent with the proposed City Council ordinance included in the accompanying agenda report as Attachment 2.

SECTION 3. CEQA. Pursuant to Government Code section 65852.21, subdivision (j), and Government Code section 66411.7, subdivision (n), the City Council finds the adoption of this Ordinance is not a project for purposes of the California Environmental Quality Act (CEQA) and is statutorily exempt. Further, this Ordinance is not subject to CEQA because it does not involve exercise of a discretionary power under 14 CCR section 15060, subdivision (c)(1) as the ordinance are being adopted in response to a state mandate.

SECTION 4. Severability. If any sections, subsections, subdivisions, paragraph, sentence, clause or phrase of this Resolution 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 Resolution or any part thereof or exhibit thereto. The Planning Commission 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 5. Effective Date. This Resolution shall take effect immediately upon adoption.

SECTION 6. Certification. The Director of Planning and Community Preservation shall attest to the passage and adoption of this Resolution by the Planning Commission and shall cause the same to be listed in the records of the City.

PASSED, APPROVED AND ADOPTED on this 3rd day of March, 2022.



William Pevsner, Chair

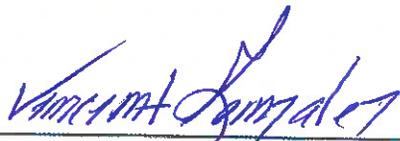
I HEREBY CERTIFY the foregoing Resolution was duly adopted by the Planning Commission of the City of Sierra Madre, California, at a regular meeting held on the 3rd day of March, 2022, by the following vote:

AYES: 5 (Chair Pevsner, Vice Chair Denison, Commissioner Dallas, Hutt, Spears)

NOES: None.

ABSENT: None.

ABSTAINED: None.



Vincent Gonzalez, Director
Planning & Community Preservation Department

ATTACHMENT A

Chapter 17.58 – SMALL HOME LOT DEVELOPMENTS

Sec. 17.58.010 Purpose and Intent.

The purpose of this chapter is to establish objective standards and regulations to govern the subdivision of parcels and development of qualified residential units as authorized under Government Code Section 66499.40, which was adopted into law by Assembly Bill No. 803, effective January 1, 2022 (“AB 803”). If AB 803 or those sections of the Government Code are ever repealed or deemed to be unconstitutional or no longer in effect, this section shall be automatically repealed.

Sec. 17.58.020 Eligibility.

- A. Under Government Code section 66499.40(b)(1), only parcels located within multi-family residential zones are eligible for small home lot development permits, including parcels located in the following zones:
1. R-2 Two-Family Residential Zone;
 2. R-3 Medium/High Density Residential Zone;
 3. R-3-20 Multiple Family Residential High Density; and
- B. Further, an applicant applying for a small home lot development permit must meet the following criteria:
1. The proposed project is for single-family housing units on fee simple ownership lots.
 2. Residential properties within a radius of 500 feet of the site must be zoned for less than 30 dwelling units per acre.
 3. The proposed site is not identified in the housing element pursuant to Government Code Sections 65583 and 65583.2 as a site to accommodate any portion of the jurisdiction’s regional housing need for low-income or very low income households.
- C. A small home lot development permit is not available for any parcel where the permit would require the demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.
 3. A parcel or parcels on which an owner of residential real property has exercised the owner’s rights under Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 4. Housing that has been occupied by a tenant in the last seven years.

Sec. 17.58.030 Pre-Development Review.

Prior to filing an application, a potential applicant shall meet with the director or his or her designee and pay all applicable fees to discuss the application process, subdivision and project design, and the need for supplemental information.

Sec. 17.58.040 Application.

- A. The applicant shall submit a small home lot development application in a form approved by the director.
- B. The applicant shall submit a preliminary design review application in a form approved by the director.
- C. All design drawings, as determined by the department, shall be prepared by an architect licensed by the California Architects Board.
- D. The applicant shall pay all filing fees and deposits as prescribed by resolution adopted by the city council of the city of Sierra Madre.

Sec. 17.58.050 Development Standards.

- A. Design and Development Standards. This section incorporates the design and development standards in this code unique to each zone, except as modified by this section.
- B. Angle Plane. The angle plane standards in this chapter shall be governed by the angle plane standards in the underlying zone.
- C. Building and Design Standards.
 - 1. All the dwelling units shall have consistent exterior wall materials, identified color tones, window types, door and window trims, roofing materials and roof pitch.
 - 2. Roof decks are prohibited.
 - 3. All dwelling units ministerially approved under this chapter will install a new or separate utility connection.
 - 4. All electrical and utility services to a new dwelling unit shall be undergrounded.
 - 5. If an adjoining property installed a solar energy system, the applicant shall submit a shadow study prepared by an engineer licensed by the Board of Professional Engineers, Land Surveyors, and Geologists or by an architect licensed by the California Architects Board. The shadow of any proposed development shall not cover more than ten percent of the area of any solar energy system on any adjoining property.
- D. Density Standards. The development must result in at least as many units as the maximum allowable residential density allowed under the zoning ordinance.
- E. Fire Safety Standards.
 - 1. All new dwelling units are required to comply with Chapter 15.24 of this Code.
 - 2. Where two dwelling units are configured as sharing a common wall, a one-hour fire wall between the units is required.
 - 3. All new dwelling units are required to comply with Section 15.32.020 (Section 903.2 added -- Automatic fire sprinkler system) and have fire sprinklers.
 - 4. All new dwelling units are required to use fire-resistant building materials.
 - 5. All new dwelling units are required to comply with Section 15.32.030

(Section 4907 Defensible Space) and maintain defensible space around these units.

6. New or modified detached dwelling units shall be separated from any other dwelling unit or building by 10 feet to prevent the spread of fire.
- F. Floor Area Standards.
1. The average total floor area shall not exceed 1,750 square feet.
 2. The total floor area standards in this chapter shall be governed by the floor area standards in the underlying zone.
- G. Height Standards. The maximum height standards in this chapter shall be governed by the height standards in the underlying zone.
- H. Lot Coverage Standards. The lot coverage standards in this chapter shall be governed by the lot coverage standards in the underlying zone.
- I. Lot Size Standards. The maximum lot size may not exceed 5 acres.
- J. Open Space Standards. Two hundred fifty feet per dwelling unit of on-site open space shall be provided on the ground level for use by residents. Open space may be common or private. To be counted toward the open space requirement, the minimum width and length of each space shall be ten feet. Driveways and other vehicular access areas shall not count toward the open space requirement.
- K. Parking Standards. The parking standards in this chapter shall be governed by the parking standards in the underlying zone, except that the required parking need not be enclosed or covered.
- L. Setback Standards.
1. The front, side, and rear setbacks from the lot line will be determined by the zoning district in which the dwelling unit is located.
 2. No setback is required between units, except as required by title 15 of this code.
 3. All portions of the dwelling unit, including eaves, awnings, sills, cornices, chimneys, overhangs and other projections, may encroach into front, side or rear yards or setbacks in a manner consistent with the building design but in no case greater than one foot in depth.

Sec. 17.58.060 Historic Preservation.

- A. If a project proposes to demolish a structure and the structure is of the type protected under section 17.60.056 of this code, the applicant will prepare a written historic assessment or survey as described in paragraph D of section 17.60.056 of this code.
- B. All historic assessments or surveys shall be prepared in the form of State of California Department of Parks and Recreation Series 523 Forms and shall further report a status code of eligibility as a historic resource according to the California Office of Historic Preservation.
- C. When a historic assessment or survey results in a status code of categories one through five, inclusive, the applicant is required to obtain a Historic Resource Design Review prepared by a historian certified by the Secretary of Interior Professional Qualification Standards for the treatment of historic properties selected at the discretion of the city. The Historic Resource Design Review will list measures to mitigate the harmful impact of the proposed project on the historic structure and those mitigation measures will be made a condition of approval of the small home lot development permit.
- D. When a historic assessment or survey results in a status code of category six, an applicant may proceed in accordance with this chapter.
- E. When a historic assessment or survey results in a status code of category seven,

the property shall be reevaluated according to the missing criteria identified in such report; the application shall be deemed incomplete until a historic assessment or survey results in a status code of categories one through six.

Sec. 17.58.070 Tree Preservation.

- A. When the director of public works determines that an application for a small home lot development permit requires removal or substantial trimming of a protected tree, as defined in section 12.20.020 of this code, a certified arborist selected by the City and paid for by the applicant shall prepare a tree survey and arborist report in accordance with paragraph A of section 12.20.115 of this code.
- B. The arborist report will list measures to mitigate the harmful impact of the proposed project on the protected trees and those mitigation measures will be made a condition of approval of the small home lot development permit.
- C. Prior to the removal or substantial trimming of any protected tree, the applicant must obtain a permit and pay all accompanying fees.

Sec. 17.58.080 Application Review & Findings.

- A. Preliminary Design Review.
 - 1. Upon submission of a complete application, the director will schedule a preliminary design review hearing before the planning commission.
 - 2. Public notice of an application shall be provided by the city in a manner deemed reasonable in the sole discretion of the director.
 - 3. The planning commission shall provide comments to the applicant concerning the mass, form, spatial elements, materials, colors, and overall design to encourage the small home lot development to incorporate good design principles and to be compatible with its neighborhood and natural surroundings.
- B. In order to grant a small home lot development permit, the director must find that the proposed project:
 - 1. Complies with Chapter 17.58;
 - 2. Complies with all objective General Plan, Zoning Code, and design standards;
 - 3. Complies with all provisions of state law; and
 - 4. The building official has not made written findings, based upon a preponderance of the evidence, that the proposed project would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. For purposes of this section, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, as specified in Government Code Section 65589.5(d)(2).

Sec. 17.58.090 Conditions of Approval.

- A. Upon issuance of a Ministerial Design Review Permit, the applicant shall sign and record a covenant stating the following:
 - 1. The applicant will comply with all mitigation measures as provided in the Historic Resource Design Review, as applicable, under paragraph (C) of

- section 17.59.050.
2. The applicant will comply with all mitigation measures as provided in the arborist report, as applicable, under paragraph (B) of section 17.59.060.

Sec. 17.58.100 Appeal.

The determination of the director of planning and community preservation may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115, within fourteen days of the director's determination.

ATTACHMENT B

Chapter 16.18 - URBAN LOT SPLITS

Sec. 16.18.010 Purpose and Intent.

The purpose of this chapter is to establish objective standards and regulations to govern the subdivision of parcels as authorized under Government Code Section 66411.7, which was adopted into law by Senate Bill No. 9, effective January 1, 2022 ("SB 9"). If SB 9 or those sections of the Government Code are ever repealed or deemed to be unconstitutional or no longer in effect, this section shall be automatically repealed.

Sec. 16.18.020 Eligibility.

- A. Under Government Code section 66411.7(a)(3)(A), only parcels located within single-family residential zones are eligible for urban lot splits, including parcels located in the following zones:
1. R-1 One-Family Residential Zone;
 2. R-C Residential Canyon Zone; and
 3. H Hillside Management Zone.
- B. Further, an applicant applying for an urban lot split must meet the following criteria:
1. The applicant's parcel was not established through a prior exercise of an urban lot split as provided for in this chapter.
 2. The applicant's parcel is not adjacent to another parcel that was subject to an urban lot split by either the applicant or any person acting in concert with the applicant as provided for in this chapter. For the purposes of this chapter, "any person acting in concert" with the applicant includes, but is not limited to, an individual or entity operating on behalf of, acting jointly with, or in partnership or another form of cooperative relationship with, the applicant.
 3. The applicant's parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated a local historic landmark under Chapter 17.82 of this Code.
 4. The applicant's parcel is not located on a site that includes any of the characteristics listed in Government Code Section 65913.4(a)(6)(B)-(K).
- C. An urban lot split is not available for any parcel where the urban lot split would require the demolition or alteration of any of the following types of housing:
1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of moderate, low, or very low income.
 2. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 3. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
 4. Housing that has been occupied by a tenant in the last three years.

Sec. 16.18.030 Pre-Filing Conference.

Prior to filing an application, a potential applicant shall meet with the director or his or her designee and pay all applicable fees to discuss the application process, subdivision design, and the need for supplemental information.

Sec. 16.18.040 Application.

- A. The applicant shall submit an urban lot split application in a form approved by the director.
- B. The applicant shall pay all filing fees and deposits as prescribed by resolution adopted by the city council of the city of Sierra Madre.
- C. Public notice of an application shall be provided by the City in a manner deemed reasonable in the sole discretion of the director.

Sec. 16.18.050 Development Standards

- A. Design and Development Standards. This section incorporates the design and development standards for the R-1 zone (Section 17.20.100), except as modified by this section.
- B. Density Standards. No development may include more than two residential housing units under this chapter and no more than four residential housing units under this Code.
- C. Lot Line Standards.
 - 1. An urban lot split may only subdivide one existing parcel and shall create no more than two new parcels.
 - 2. All lot lines shall be contiguous to existing zoning boundaries.
 - 3. All parcels created pursuant to this chapter shall have access to, provide access to, or adjoin the improved public right-of-way.
 - 4. The subdivision shall not result in a new parcel with an average width that is less than the average width of the original parcel, unless this requirement would have the effect of physically precluding the construction of two units on either of the resulting parcels or that would result in a unit size of less than 800 square feet.
 - 5. An urban lot split may not subdivide a parcel in a way that bisects an existing structure, unless the structure will be demolished or the structure meets building code safety standards and subdividing line is sufficient to allow separate conveyance.
- D. Lot Size Standards
 - 1. The two parcels created by an urban lot split must be of approximately equal lot area provided that one parcel shall not be smaller than 40 percent of the lot area of the original parcel.
 - 2. In no instance shall any resulting parcel be smaller than 1,200 square feet in area.

Sec. 16.18.060 Application Review & Findings.

- A. The director will review all applications under this chapter ministerially and without a public hearing or discretionary review.
- B. In order to grant a ministerial design review permit, the director must find that the proposed project:
 - 1. Complies with Chapter 16.18;
 - 2. Complies with all objective General Plan, Zoning Code, and design standards;
 - 3. Complies with all provisions of state law; and
 - 4. The building official has not made written findings, based upon a preponderance of

the evidence, that the proposed project would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. For purposes of this section, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, as specified in Government Code Section 65589.5(d)(2).

Sec. 16.18.070 Conditions of Approval.

- A. Upon issuance of a parcel map by the Director, the applicant shall sign and record a covenant stating the following:
1. All resulting parcels will be used for residential use;
 2. No dwelling unit on such new parcels shall be rented for a period of less than 30 days and cannot be occupied as a short-term rental unit;
 3. Any development constructed in accordance with this chapter shall be subject to all development impact fees related to the development of a new dwelling unit.
 4. Separate utility connections shall be provided for each parcel prior to recordation.
 5. The applicant will occupy one of the housing units on the subdivided parcels as occupant's principal residence for at least three years from the date of the approval of the urban lot split.
 6. The applicant will comply with all other provisions of the Sierra Madre Municipal Code that are not in conflict with the provisions of this chapter.
 7. The applicant may apply for an accessory dwelling unit or junior accessory dwelling unit permit under Chapter 17.22 or a ministerial design review permit under Chapter 17.59, but under no circumstance may an applicant apply to develop housing units under both chapters.
 8. The applicant is limited to developing a maximum of four units on the subdivided parcels.
 9. Neither the applicant nor any successor in interest will apply for an urban lot split for the same parcel.
 10. Neither the applicant, a successor in interest, nor any person acting in concert with the applicant or successor in interest may apply for an urban lot split for an adjacent parcel. For the purposes of this provision, "any person acting in concert" with the applicant includes, but is not limited to, an individual or entity operating on behalf of, acting jointly with, or in partnership or another form of cooperative relationship with, the applicant.
- B. The recorded document shall include a note on the parcel map indicating that each parcel was created using the provision of this Chapter and that no further subdivision of the parcel is permitted.

Sec. 16.18.080 Appeal.

The determination of the director of planning and community preservation may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115, within fourteen days of the director's determination.

ATTACHMENT C

Chapter 17.59 – MINISTERIAL DESIGN REVIEW PERMITS

Sec. 17.59.010 Purpose and Intent.

The purpose of this chapter is to establish objective standards and regulations to govern the development of qualified residential units as authorized under Government Code Section 65852.21, which was adopted into law by Senate Bill No. 9, effective January 1, 2022 (“SB 9”). If SB 9 or those sections of the Government Code are ever repealed or deemed to be unconstitutional or no longer in effect, this section shall be automatically repealed.

Sec. 17.59.020 Eligibility.

- A. Only parcels located within single-family residential zones are eligible for a ministerial design review permit, including parcels located in the following zones:
 - 1. R-1 One-Family Residential Zone;
 - 2. R-C Residential Canyon Zone; and
 - 3. H Hillside Management Zone.
- B. A ministerial design review permit may only be issued where:
 - 1. The applicant proposes to construct a new unit or units.
 - 2. The proposed development consists of no more than two dwelling units on a single parcel;
 - 3. The applicant’s parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or within a site that is designated a local historic landmark under Chapter 17.82 of this Code; and
 - 4. The applicant’s parcel is not located on a site that includes any of the characteristics listed in Government Code Section 65913.4(a)(6)(B)-(K).
- C. A ministerial design review permit may not be issued where approval would require the demolition or alteration of any of the following types of housing:
 - 1. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
 - 2. Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power;
 - 3. A parcel or parcels on which an owner of residential real property has exercised the owner’s rights under Government Code Section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application;
 - 4. Housing that has been occupied by a tenant in the last three years; and
 - 5. The proposed housing development does not demolish more than 25 percent of the existing exterior structural walls.

Sec. 17.59.030 Pre-Development Review.

Prior to filing an application, a potential applicant shall meet with the director or his or her designee and pay all applicable fees to discuss the application process, project design, and the need for supplemental information.

Sec. 17.59.040 Application.

- A. The applicant shall submit a ministerial design review permit application in a form approved

- by the director.
- B. All design drawings, as determined by the department, shall be prepared by an architect licensed by the California Architects Board.
- C. The applicant shall pay all filing fees and deposits as prescribed by resolution adopted by the city council of the city of Sierra Madre.

Sec. 17.59.050 Development Standards.

- A. Design and Development Standards. This section incorporates the design and development standards in this code unique to each zone, except as modified by this section.
- B. Angle Plane. The angle plane standards in this chapter shall be governed by the angle plane standards in the underlying zone.
- C. Building and Design Standards.
 - 1. For a detached unit, the exterior materials and design shall match the design of any existing primary dwelling unit on the property through the use of the same exterior wall materials, identified color tones, window types, door and window trims, roofing materials and roof pitch.
 - 2. For an attached unit, the exterior materials, windows and other architectural features shall match the existing structure by employing the same building form, color tones, window design, door and window trims, roofing materials and roof pitch.
 - 3. Roof decks are prohibited.
 - 4. All dwelling units ministerially approved under this chapter will install a new or separate utility connection.
 - 5. All electrical and utility services to a new dwelling unit shall be undergrounded.
 - 6. If an adjoining property installed a solar energy system, the applicant shall submit a shadow study prepared by an engineer licensed by the Board of Professional Engineers, Land Surveyors, and Geologists or by an architect licensed by the California Architects Board. The shadow of any proposed development shall not cover more than ten percent of the area of any solar energy system on any adjoining property.
- D. Density Standards. No development may include more than two residential housing units under this chapter and no more than four residential housing units under this Code.
- E. Fire Safety Standards.
 - 1. All new dwelling units are required to comply with Chapter 15.24 of this Code.
 - 2. Where two dwelling units are configured as sharing a common wall, a one-hour fire wall between the units is required.
 - 3. All new dwelling units are required to comply with Section 15.32.020 (Section 903.2 added -- Automatic fire sprinkler system) and have fire sprinklers.
 - 4. All new dwelling units are required to use fire-resistant building materials.
 - 5. All new dwelling units are required to comply with Section 15.32.030 (Section 4907 Defensible Space) and maintain defensible space around these units.
 - 6. New or modified detached dwelling units shall be separated from any other dwelling unit or building by 10 feet to prevent the spread of fire.
- F. Floor Area Standards. The total floor area standards in this chapter shall be governed by total floor area standards in the underlying zone.
- G. Height Standards. The maximum height standards in this chapter shall be governed by the height standards in the underlying zone. If there is an existing primary dwelling on the parcel, then the maximum height of the existing residence cannot be increased through use of this chapter.
- H. Lot Coverage Standards. The lot coverage standards in this chapter shall be governed by the lot coverage standards in the underlying zone.

- I. Lot Size Standards.
 - 1. The minimum lot size standards in this chapter shall be governed by the lot size standards in the underlying zone.
- J. Open Space Standards. Two hundred fifty feet per dwelling unit of on-site open space shall be provided on the ground level for use by residents. Open space may be common or private. To be counted toward the open space requirement, the minimum width and length of each space shall be ten feet. Driveways and other vehicular access areas shall not count toward the open space requirement.
- K. Parking Standards.
 - 1. One off-street, covered parking space is required for each new dwelling unit.
 - 2. The parking space shall be a dimension of at least 10 feet wide, 8 feet tall, and 20 feet deep.
 - 3. If a new dwelling unit is located within one-half mile walking distance of either a high-quality transit corridor, as defined in Public Resources Code Section 21155(b), or a major transit stop, as defined in Public Resources Code Section 21064.3, or if there is a car share vehicle located within one block of the parcel, then off-street parking required pursuant to this section shall not apply.
- L. Setback Standards.
 - 1. The front setbacks from the lot line will be determined by the zoning district in which the dwelling unit is located;
 - 2. The minimum side and rear setbacks from the lot line will be four feet.
 - 3. No additional setback is required for a new dwelling unit constructed in the same location as an existing structure on the parcel.
 - 4. All portions of the dwelling unit, including eaves, awnings, sills, cornices, chimneys, overhangs and other projections, may encroach into front, side or rear yards or setbacks in a manner consistent with the building design but in no case greater than one foot in depth.

Sec. 17.59.060 Historic Preservation.

- A. If a project proposes to demolish a structure and the structure is of the type protected under section 17.60.056 of this code, the applicant will prepare a written historic assessment or survey as described in paragraph D of section 17.60.056 of this code.
- B. All historic assessments or surveys shall be prepared in the form of State of California Department of Parks and Recreation Series 523 Forms and shall further report a status code of eligibility as a historic resource according to the California Office of Historic Preservation.
- C. When a historic assessment or survey results in a status code of categories one through five, inclusive, the applicant is required to obtain a Historic Resource Design Review prepared by a historian certified by the Secretary of Interior Professional Qualification Standards for the treatment of historic properties selected at the discretion of the city. The Historic Resource Design Review will list measures to mitigate the harmful impact of the proposed project on the historic structure and those mitigation measures will be made a condition of approval of the ministerial design review permit.
- D. When a historic assessment or survey results in a status code of category six, an applicant may proceed in accordance with this chapter.
- E. When a historic assessment or survey results in a status code of category seven, the property shall be reevaluated according to the missing criteria identified in such report; the applicant shall be deemed incomplete until a historic assessment or survey results in a status code of categories one through six.

Sec. 17.59.070 Tree Preservation

- A. When the director of public works determines that an application for a ministerial design review permit requires removal or substantial trimming of a protected tree, as defined in section 12.20.020 of this code, a certified arborist selected by the City and paid for by the applicant shall prepare a tree survey and arborist report in accordance with paragraph A of section 12.20.115 of this code.
- B. The arborist report will list measures to mitigate the harmful impact of the proposed project on the protected trees and those mitigation measures will be made a condition of approval of the ministerial design review permit.
- C. Prior to the removal or substantial trimming of any protected tree, the applicant must obtain a permit and pay all accompanying fees.

Sec. 17.59.080 Application Review & Findings.

- A. The director will review all applications under this chapter ministerially and without a public hearing or discretionary review.
- B. In reviewing an application, the director will ensure that no objective design standards have the effect of physically precluding the construction of up to two units or physically precluding either of the two units from being at least 800 square feet in floor area.
- C. In order to grant a ministerial design review permit, the director must find that the proposed project:
 - 1. Complies with Chapter 17.59;
 - 2. Complies with all objective General Plan, Zoning Code, and design standards;
 - 3. Complies with all provisions of state law; and
 - 4. The building official has not made written findings, based upon a preponderance of the evidence, that the proposed project would have a specific, adverse impact upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. For purposes of this section, "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete, as specified in Government Code Section 65589.5(d)(2).

Sec. 17.59.090 Conditions of Approval.

- A. Upon issuance of a Ministerial Design Review Permit, the applicant shall sign and record a covenant stating the following:
 - 1. No dwelling unit on such new parcels shall be rented for a period of less than 30 days and cannot be occupied as a short-term rental unit;
 - 2. Any development constructed in accordance with this chapter shall be subject to all development impact fees related to the dwelling unit.
 - 3. Separate utility connections shall be provided for each parcel prior to recordation.
 - 4. The applicant may apply for an accessory dwelling unit or junior accessory dwelling unit permit under Chapter 17.22 or ministerial design review permit under Chapter 17.59, but under no circumstance may an applicant apply to develop dwelling units under both chapters.
 - 5. The applicant will comply with all mitigation measures as provided in the Historic

- Resource Design Review, as applicable, under paragraph (C) of section 17.59.050.
6. The applicant will comply with all mitigation measures as provided in the arborist report, as applicable, under paragraph (B) of section 17.59.060.
 7. The applicant will comply with all other provisions of the Sierra Madre Municipal Code that are not in conflict with the provisions of this chapter.

Sec. 17.59.100 Appeal.

The determination of the director of planning and community preservation may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115, within fourteen days of the director's determination.