CITY OF
SIERRA
MADRE

**CITY COUNCIL**
**REGULAR MEETING**
**AGENDA**

**Mayor Kristine Lowe | Mayor Pro Tem Gene Goss**
**Council Member Edward Garcia | Council Member Kelly Kriebs | Council Member Robert Parkhurst**

## Tuesday, September 8, 2026, 5:30 PM

**City Council Chambers, 232 W. Sierra Madre Blvd.**

**The public may participate via Zoom by clicking the following link:**
**Zoom Webinar Link in Compliance with SB707**

### AMERICANS WITH DISABILITIES ACT

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification or accommodation from the City Clerk at (626) 355-7135. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

### PUBLIC COMMENT & ACCESS

The Brown Act provides the public with an opportunity to make public comments at any public meeting. As an alternative, public comment may be submitted by e-mail to publiccomment@sierramadreca.gov by 3:00PM on the day of the meeting. Emails will be acknowledged at the City Council meeting, filed into public record, and scanned onto the City website for public review.

A copy of the posted agenda and a live video stream of the meeting can be found on the City's website at sierramadreca.gov , on Foothills Media website at foothillsmedia.org/sierramadre, and broadcast on Government Access Channel 3 (Spectrum).

If you require special assistance to participate in this meeting, please contact the City Clerk's Office at (626) 355-7135 at least 48 hours prior to the meeting.

### CODE OF CONDUCT

The purpose of a City Council meeting is to conduct City business. Members of the public that behave in a manner that interrupts or obstructs the City Council's ability to conduct City business may be asked to leave the meeting. Any and all demonstrations which disrupt, interrupt, or obstruct the City Council's ability to conduct City business are prohibited. No signs, posters, or other large objects shall be brought into the Council Chambers or other meeting place if doing so would disrupt, disturb, or otherwise impede the orderly course of the meeting.

**1. CALL TO ORDER**

**2. PLEDGE OF ALLEGIANCE AND INSPIRATION**

**A. Mayor Pro Tem Goss**

**3. ROLL CALL OF CITY COUNCIL MEMBERS**

Kristine Lowe, Mayor
Gene Goss, Mayor Pro Tem
Edward Garcia, Council Member
Kelly Kriebs, Council Member
Robert Parkhurst, Council Member

**4. REPORT FROM CITY ATTORNEY REGARDING CLOSED SESSION**

**A. Conference with Labor Negotiator G.C. 54957.6**
City Negotiator: City Manager Michael Bruckner and Assistant Manager Miguel Hernandez
Employee Organization: Sierra Madre Police Association and Sierra Madre Professional Firefighters' Association

**5. SUPPLEMENTAL INFORMATION FROM CITY CLERK REGARDING AGENDA ITEMS**

**6. REPORTS FROM MAYOR AND CITY COUNCIL (including reports from City Council related to meetings attended at City expense per AB 1234)**

**7. REPORTS FROM CITY STAFF**

**8. PRESENTATIONS**

**A. FY 2025/26 Sierra Madre Public Library Annual Report**

**B. Annual Report from Sierra Madre Historical Society**

**9. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Any person wishing to speak before the City Council is asked to complete a Speaker Card and provide it to the City Clerk prior to the start of the meeting. Speakers are generally limited to three (3) minutes per person and time may not be delegated; any changes to the allotted time will be announced prior to the Public Comment period. Under the Brown Act, the City Council is prohibited from discussing or taking action on any item not listed on the posted agenda.

Addressing the City Council from the audience is not permitted; all comments addressing the Council must be made from the podium. Only public comment made from the podium will be recognized by the City Council and entered into public record.

## 10. PUBLIC HEARING

Any person wishing to speak before the City Council on a public hearing item is asked to complete a Speaker Card noting the agenda item number and provide it to the City Clerk prior to the start of the public hearing. Separate and apart from the applicant (who may speak longer in the discretion of the City Council) speakers are generally limited to three (3) minutes per person; any changes to the allotted time will be announced prior to the Public Comment period. Under the Brown Act, the City Council is prohibited from discussing or acting on any item not listed on the posted agenda. The applicant may additionally submit rebuttal comments, at the discretion of the City Council.

**A.** **Urgency Ordinance No. 1498-U Amending Title 15.24 of The Sierra Madre Municipal Code Relating to the Adoption and Amendments to the 2025 California Fire Code, and Fire Sprinkler Requirements, as well as Establishing Title 15.25 of the Sierra Madre Municipal Code Relating to the Adoption of the 2025 California Wildland Urban Interface Code**

Recommendation: Approve

Not a CEQA project under: 14 CCR 15378(b)(5)- organizational or administrative activities; and 14 CCR 15061(b)(3)- common sense exemption.

**B.** **Ordinance No. 1499 Amending Title 15 (Building and Construction) of the Sierra Madre Municipal Code to Adopt by Reference the 2025 California Building Standards Codes with Certain Exceptions, Modifications, and Additions**

Recommendation: Continue to a date certain

Not a CEQA project under: 14 CCR 15378(b)(5)- organizational or administrative activities; and 14 CCR 15061(b)(3)- common sense exemption.

## 11. CONSENT CALENDAR

All matters listed under the Consent Calendar are considered to be routine and can be acted on by one roll call vote. There will be no separate discussion of these items unless a member of the City Council requests that a specific item be removed from the Consent Calendar for separate discussion and action.

**A.** **Resolution No. 26-84 Approval of Warrants for Payment**

Recommendation: Approve

Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities.

**B.** **Resolution No. 26-85 Authorizing a Supplemental Budget Appropriation from the Library Gift and Memorial Fund in the Amount of $100,000 for Fiscal Year 2026/27**

Recommendation: Approve

Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities.

**C.** **First Amendment to the Construction Agreement with Eco Energy Solutions, Inc. dba High Volt Electric for the City Hall Emergency Generator Replacement Project and Adoption of Resolution No. 26-86 Authorizing a $27,804.70 Budget Adjustment**

Recommendation: Approve

CEQA Project, exempt under: 14 CCR 15061(b)(2)- categorical exemption.

**D.** **Resolution No. 26-87 Appointing Jerry Price as Interim Police Chief**

Recommendation: Approve

CEQA Project, exempt under: 14 CCR 15061(b)(3)- common sense exemption, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment.

E. **Resolution No. 26-89 Directing the County Auditor-Controller to Continue Placing the Direct Assessment Charges Onto the Current Tax Roll Against the Property Located at 737 Alta Vista Drive to Recover the City's Public Nuisance Abatement Expenses**
Recommendation: Approve
Not a CEQA Project under: 14 CCR 15378(b)(5)- organizational or administrative activities.

F. **Approval of the Quarterly Treasurer's Report – Quarter Ending June 30, 2026**
Recommendation: Approve
Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities.

G. **Approval of AB 1600 Annual Compliance Report for FY 2025-2026**
Recommendation: Approve
Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities.

## 12. DISCUSSION ITEMS

A. **Report, Discussion, and Direction to Waive and Refund Plan Check and Permit Fees for Victims of the 2025 Eaton Fire**
Recommendation: Receive and file this report and provide direction to staff
Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities.

B. **Report, Discussion, and Direction on the Sierra Madre Commercial Zoning Ordinance**
Recommendation: Receive and file this report and provide direction to staff
CEQA Project, exempt under: 14 CCR 15061(b)(3)- common sense exemption; and 14 CCR 15378 (a) and (b)(5).

C. **Report, Discussion, and Direction on City Donation and Gift Policy**
Recommendation: Approve
Not a CEQA Project under: 14 CCR 15378(b)(5)- organizational or administrative activities.

D. **Report, Discussion, and Direction on Bailey Canyon Wilderness Park Alternative Parking Lot Access**
Recommendation: Receive and file this report and provide direction to staff
CEQA Project, exempt under: 14 CCR 15061(b)(3)- common sense exemption, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment

## 13. ITEMS FOR FUTURE AGENDAS

## 14. ADJOURNMENT

The City Council will adjourn to its next regular meeting on September 22, 2026.

*Date Posted: September 3, 2026*

CITY OF SIERRA MADRE

# STAFF REPORT

## LIBRARY & COMMUNITY SERVICES

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Leila Arciero, Library & Community Services Director

**SUBJECT:** **FY 2025/26 Sierra Madre Public Library Annual Report**

**RECOMMENDATION**

It is recommended that the City Council receive and file the 2025-2026 Sierra Madre Public Library Annual Report.

**SUMMARY**

The Sierra Madre Public Library's Fiscal Year 2025–2026 Annual Report reflects a year of significant transition and accomplishment. The Library operated from its temporary location from July 1, 2025 through January 31, 2026, closed from February 1, 2026 through June 5, 2026 for relocation, and reopened at its renovated permanent location on Saturday, June 6, 2026.

Despite providing programming for only six months, the Library hosted 195 programs with 8,282 participants and circulated 76,288 physical and digital items. Staff continued to provide programs, online resources, lending services, and community partnerships throughout the year. The Grand Reopening welcomed more than 1,000 visitors, generated more than 1,000 checkouts, and resulted in more than 100 new Library cards during the first two days of operation.

Looking ahead, staff will evaluate staffing and programming capacity in the expanded two-floor facility, complete remaining accessibility and operational improvements, and explore future campus enhancements. The Annual Report is presented pursuant to Sierra Madre Municipal Code Section 2.16.080, and no action is required by the City Council.

**DISCUSSION & ANALYSIS**

The Fiscal Year 2025–2026 Annual Report provides an overview of Sierra Madre Public Library programs, services, circulation, partnerships, and major accomplishments. The reporting period was an unusual year of transition, during which the Library operated from two locations and was closed to the public for approximately four months to complete the relocation to the renovated facility.

The Library remained open at its temporary location at 350 West Sierra Madre Boulevard through January 2026. It closed from February 1 through June 5, 2026, to move materials, furniture, equipment, and staff operations into the renovated Library at 440 West Sierra Madre Boulevard. The move required staff to combine collections from the temporary facility and long-term storage, reorganize materials within the renovated building, and reduce portions of the collection to accommodate available shelving.

Because of the closure and the Library's customary August programming pause, programs were offered during only six months of the fiscal year. Despite this reduced schedule, the Library hosted 195 programs with a combined attendance of 8,282. This included 129 children's programs with 5,377 participants, nine young adult programs with 82 participants, and 57 adult programs with 2,823 participants. Adult program attendance increased by nearly 800 participants compared with the previous fiscal year, despite the Library offering 39 fewer adult programs.

Programs were offered at the temporary Library and at other City and community facilities, including Memorial Park, Hart Park House, the Sierra Madre Fire Station, and the YMCA. Popular programs included the Great Pumpkin Smash, Gingerbread Jamboree, Summer Reading Kickoff, Stuffed Animal Sleepover, and Summer Science Workshops. Partnerships with City departments, community organizations, and local nonprofits allowed the Library to maintain services and programming despite limitations associated with the temporary location, construction, and extended closure.

Total circulation for the fiscal year was 76,288 physical and digital items. While circulation decreased from the previous year, the total remained strong considering that patrons were unable to access the physical collection for approximately four months. Increased circulation immediately before the closure and following the reopening demonstrated continued community demand for Library materials. Digital resources, including eBooks, eAudiobooks, streaming media, online learning platforms, homework assistance, and research databases, remained available throughout the closure and today.

The Library also continued to expand its nontraditional lending collection and public services. Available resources include California State Parks passes, hiking backpacks, children's mental health kits, mobile hotspots, STEM kits, educational tablets, robots, sewing machines, 3D Printing, cruitut availability, and portable media players. These services complement the Library's physical and digital collections and provide additional opportunities for education, recreation, and access to technology.

A major accomplishment of the fiscal year was the completion and reopening of the renovated Sierra Madre Public Library. The project included seismic, accessibility, electrical, plumbing, and environmental improvements, as well as an expansion of more than 5,000 square feet. The renovated facility includes the Mary Tumilty Community Room, two small meeting rooms, a Teen Room, an outdoor reading balcony, a Local History Room, and a Friends of the Library Bookstore.

The Library's Grand Reopening on June 6, 2026, welcomed more than 1,000 visitors and resulted in more than 1,000 items being checked out. The Friends of the Library Bookstore generated more than $700 in sales. More than 100 new Library cards were issued during the first two days of operation. Approximately 60 percent of the new cards were issued to Sierra Madre residents.

The Library's accomplishments were supported by the Library Board of Trustees, Friends of the Sierra Madre Library, Sierra Madre Library Foundation, Sierra Madre Historical Preservation Society, Sierra Madre Community Foundation, other community organizations, City departments, volunteers, and residents. The Friends and Foundation pledged or raised approximately $1.4 million for furniture, fixtures, and equipment associated with the renovated Library. The City contributed approximately $1.8 million to the Library Meaningful Improvement Project.

During Fiscal Year 2026–2027, staffing levles will continue to be evaluated as will programming capacity within the expanded two-floor facility. The Library and Public Works will also work to complete remaining accessibility and operational improvements, including audiovisual installation, ADA entrance buttons, additional lighting, and other post-renovation projects. Longer-term campus improvements may include solar panels over the parking lot and coordinated fencing, landscaping, and outdoor enhancements.

The Annual Report is presented to the City Council pursuant to Sierra Madre Municipal Code Section 2.16.080. This item is informational and is being presented for City Council receipt and filing; no additional action is requested.

**STRATEGIC PLAN RELATIONSHIP**

The Library's Fiscal Year 2025–2026 activities support the following City Strategic Plan priorities:

- **IG 1.3 – Library Renovation:** Completion of the renovation, relocation, and reopening of the Library.
- **CE 3.1 B – Enhance Library Services:** Continued evaluation and delivery of programs and services that respond to community needs.
- **CE 3.1 C – Online Resources:** Expansion and promotion of online databases, digital collections, and technology resources.
- **CE 3.1 D – Community Outreach:** Partnerships with City departments, community organizations, and local service providers.

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(2)- continuing administrative or maintenance activities

**FISCAL IMPACT**

There is no fiscal impact as a result of the recommended action.

Approved by:



_____

Michael Bruckner
City Manager

**Attachments**

_2025-2026 Library Annual Report - LA.pdf
Sierra_Madre_Library_2025-2026_Annual_Report.pdf



Sierra Madre Public LIBRARY

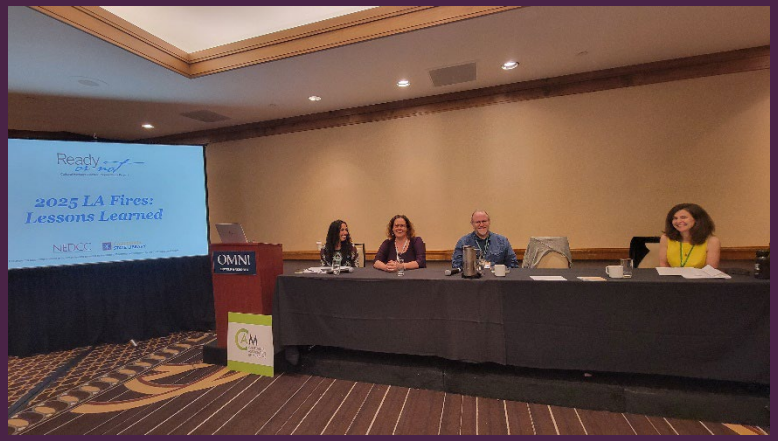
# Library Annual Report

## 2025-2026

Sierra Madre City Council

September 8, 2026

Library & Community Services Department






Sierra Madre Public
LIBRARY

Read. Discover. Connect.

**MISSION STATEMENT**

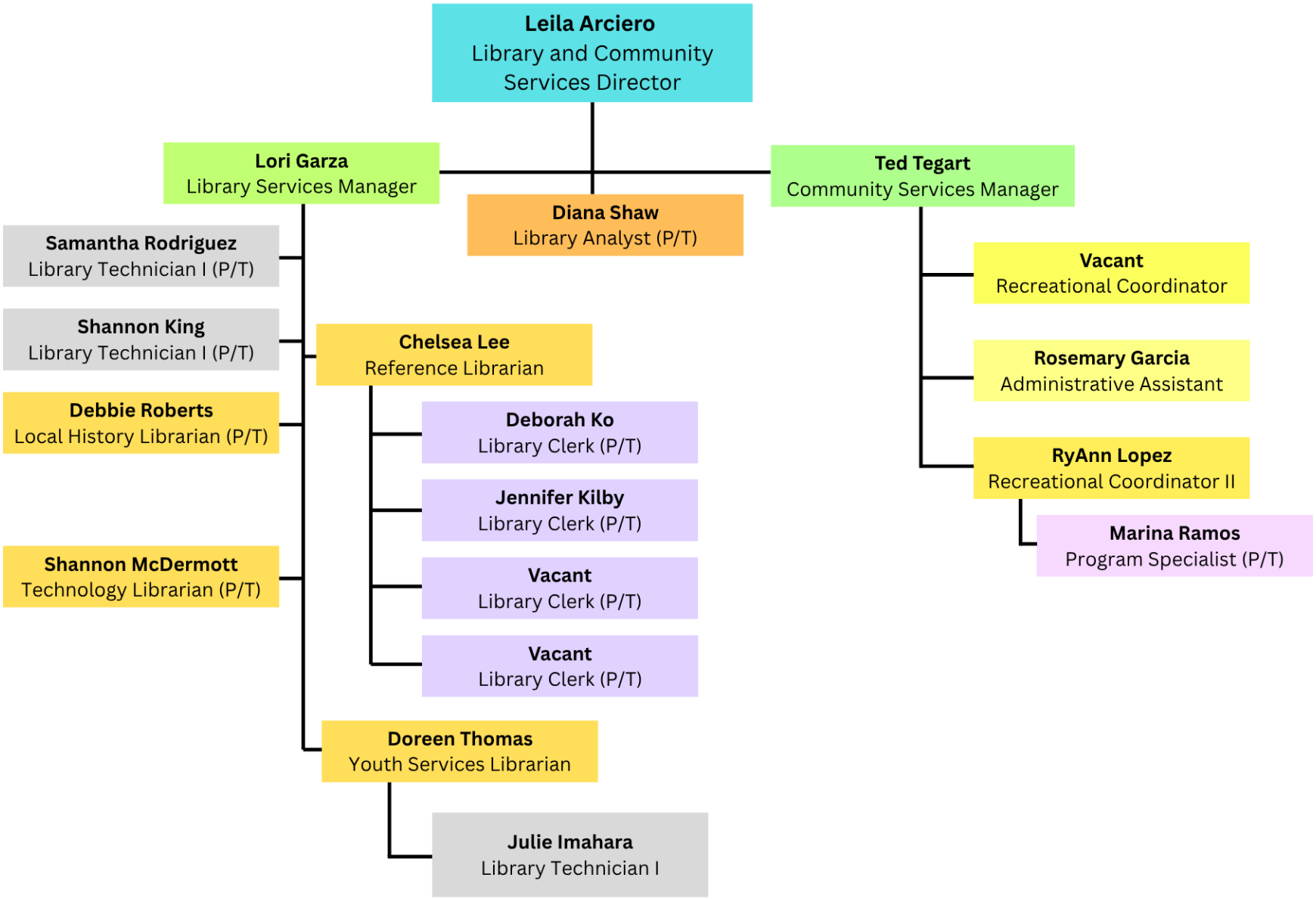
It is the mission of Sierra Madre Public Library to provide free and equal access to information, ideas, technology, and the joy of reading to educate and empower our diverse community.

**VISION STATEMENT**

The Sierra Madre Public Library aspires to offer the community endless possibilities through enriched experiences; building an awareness and involvement in the community.

Revised and adopted by the Sierra Madre Public Library Board of Trustees on April 24, 2023.

# ORGANIZATION CHART



# PROGRAMMING FOR ALL





















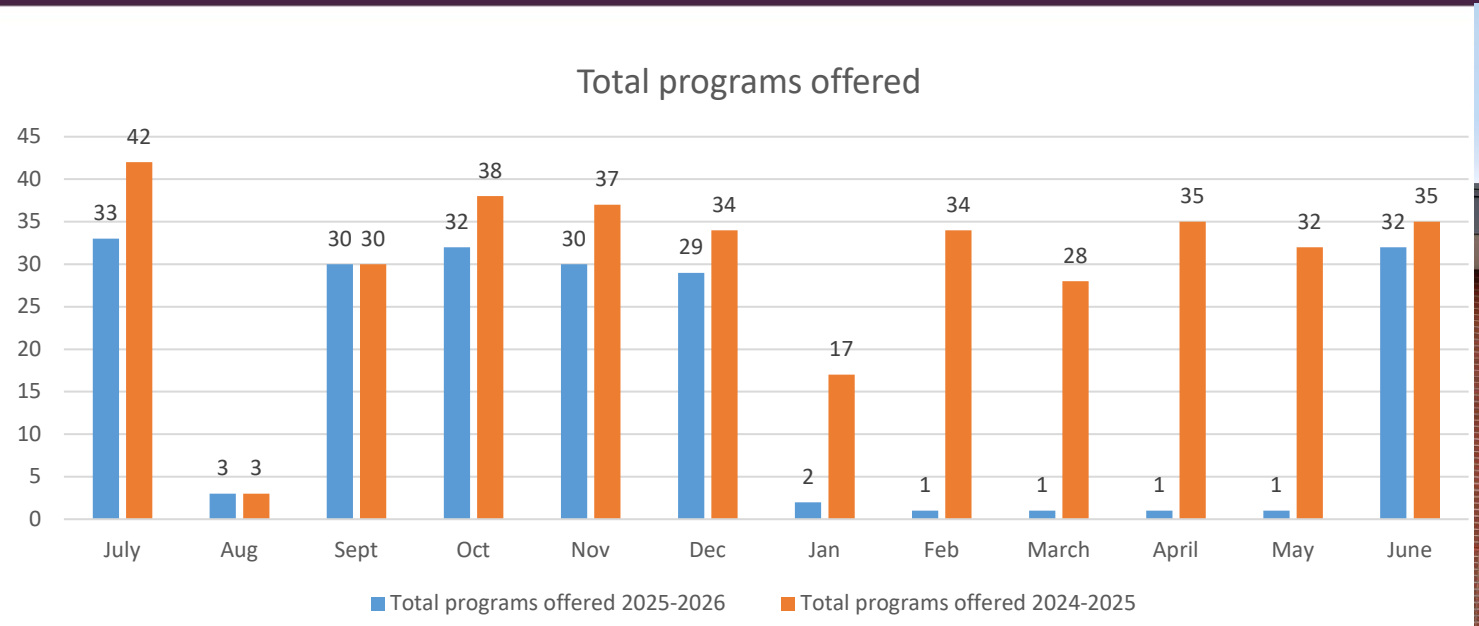






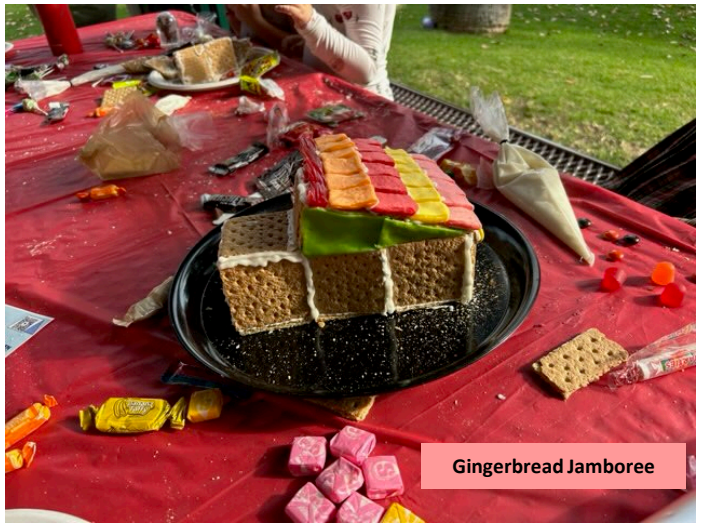


# ANNUAL STATISTICS - PROGRAMS







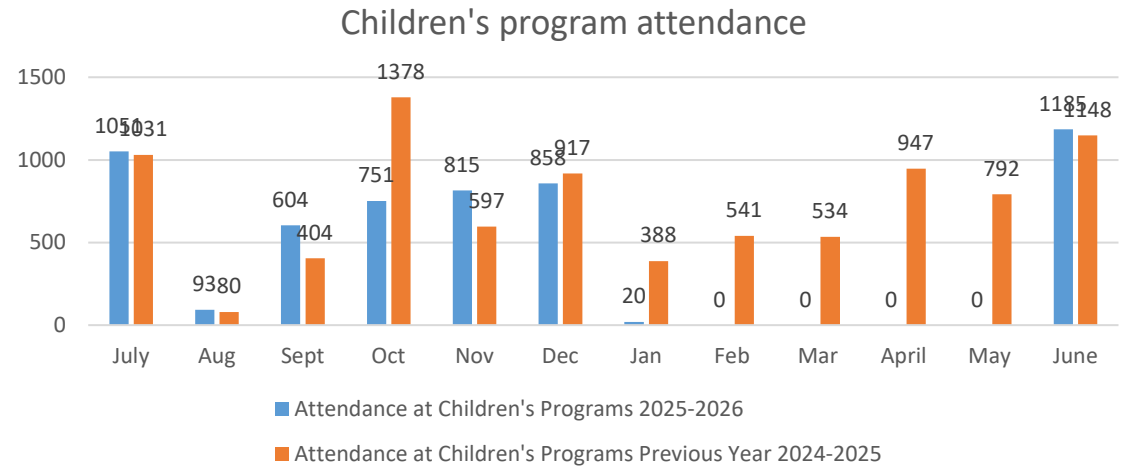


Gingerbread Jamboree



Summer Reading Kickoff with Thor's Reptiles

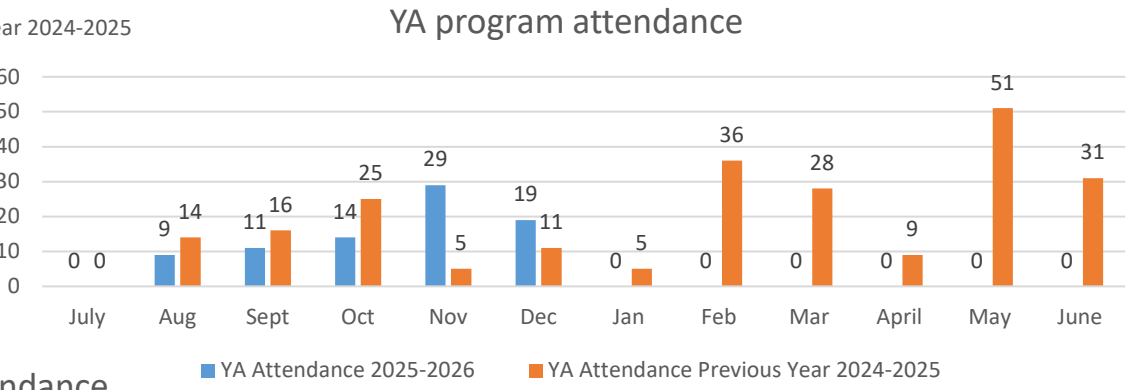
# ANNUAL STATISTICS - PARTICIPATION

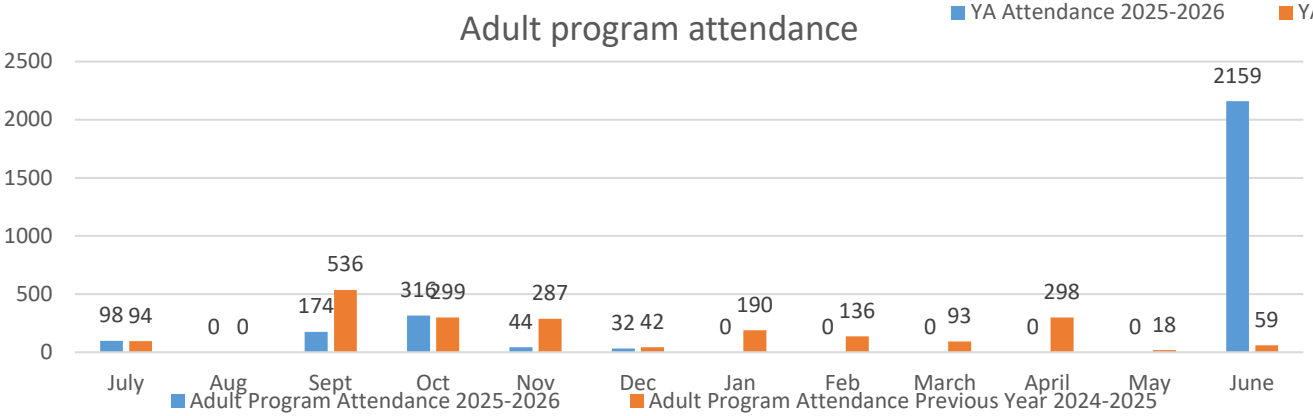











# COMMUNITY PARTNERSHIPS



Fourth of July Parade

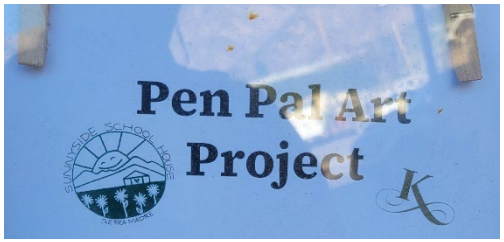

Latino Heritage Fiesta


Challenger Pool Party at the YMCA


Storytime at the Fire Station





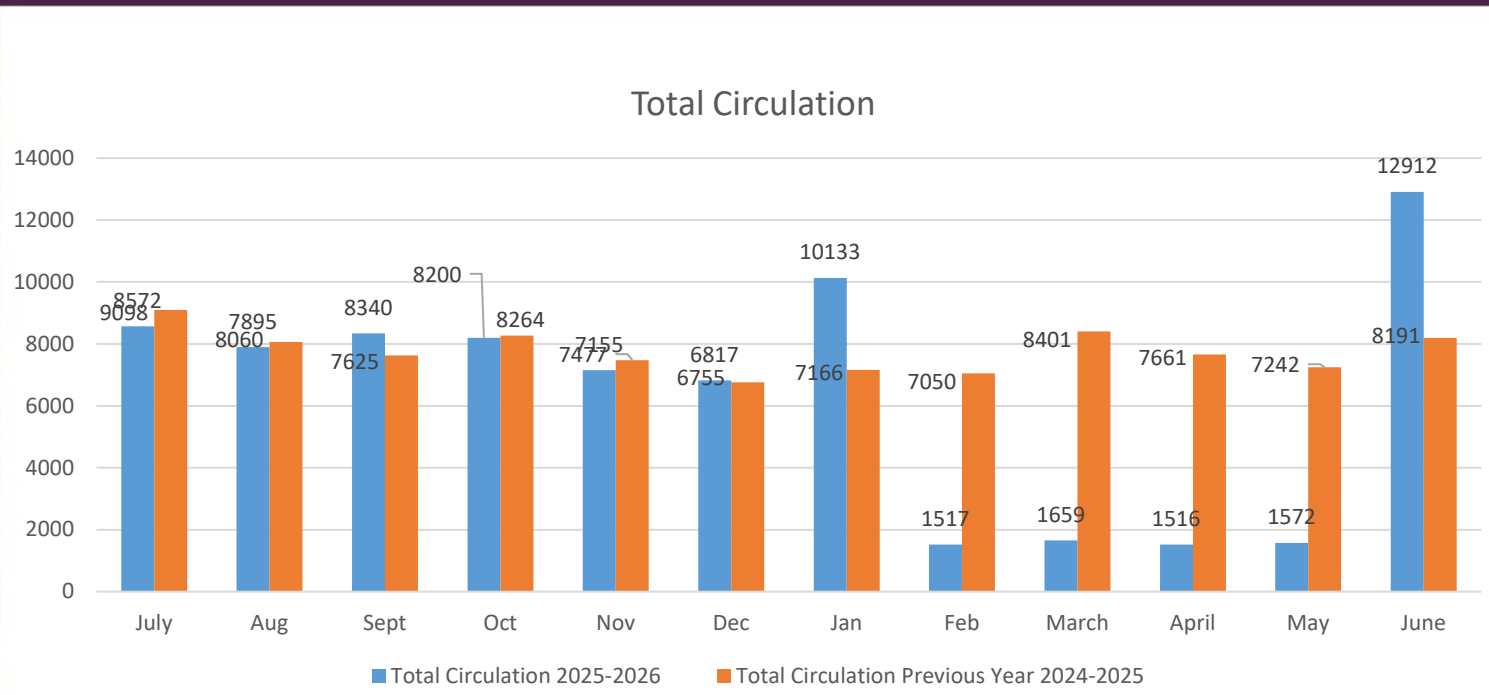



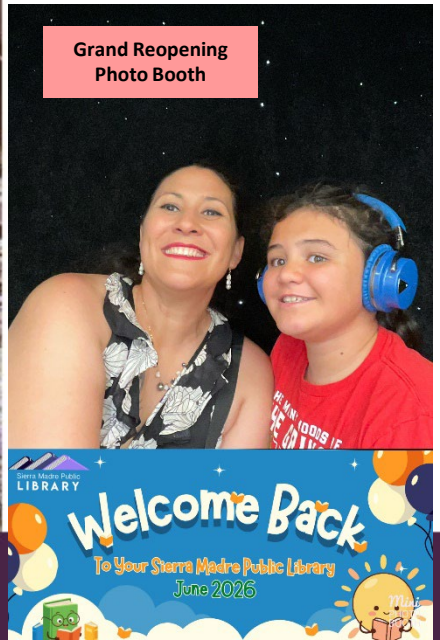


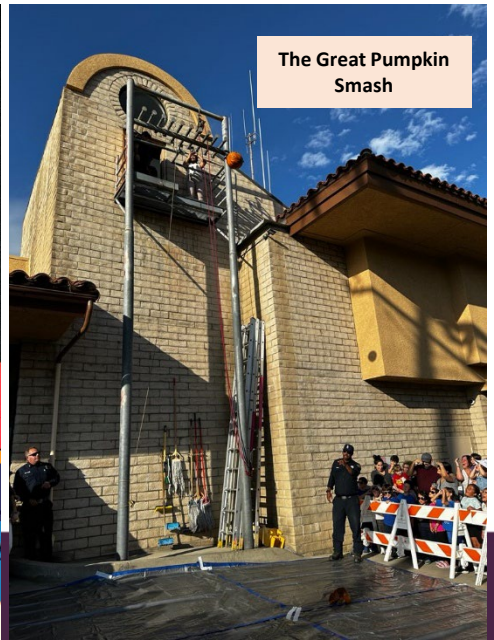

Construction Tours

# ANNUAL STATISTICS - CIRCULATION






Summer Reading Prizes




Sierra Madre Public LIBRARY

# SERVICES FOR EVERYONE







Love My Library
SIERRA MADRE PUBLIC LIBRARY




State Parks Pass & Mobile Hot Spots







Passive Program: Community Puzzle





# ONLINE LIBRARY



pressreader™

Libby.

COMICS PLUS®
#ReadAllTheComics

MANGO LANGUAGES®

A to Z databases™

freegal music+

Parent TV

NoveList® K-8 PLUS

MasterFILE Premier
Available via EBSCOhost®

brainfuse

kanopy

SierraMadreCA.gov/Library

# LIBRARY RENOVATION



# LIBRARY MOVE




























# RIBBON CUTTING













# GRAND REOPENING



You are Invited to the
Sierra Madre Public Library's

## Grand Reopening & Ribbon Cutting

The time has finally come to celebrate a renovation and expansion over two years in the making.

Date: **SATURDAY, JUNE 6, 2026**

Time: **10:00 AM**

Location: **440 W SIERRA MADRE BLVD. SIERRA MADRE, CA 91024**



## Grand Reopening & Ribbon Cutting Ceremony

**Saturday, June 6, 2026**
**10:00 a.m.**

Presentation of the Flags - Scouting America Troop 373
Land Acknowledgment - Trustee Diane Sands
Welcoming - City Manager Michael Bruckner
Opening Remarks - Library Director Leila Arciero

**Presenters**

Mayor Kristine Lowe
Former Assembly Member Chris Holden
Assembly Member John Harabedian
State Senator Sasha Renée Pérez
Natalie Cole, Representing
California State Librarian Greg Lucas
Los Angeles County Supervisor of "5th District" Kathryn Barger
Library Foundation President Rob Stockly
Friends of the Library President Jeanne Martin
Library Board of Trustees Chair Leigh Gluck
Former Library Board Trustee Rich Procter

**Events**

Ceremonial Ribbon Cutting - Congresswoman Judy Chu
Lion Dance performed by
San Gabriel Valley Chinese Cultural Association
Community Party to Follow!













Sierra Madre Public LIBRARY

# SPECIAL ACKNOWLEDGEMENTS















# WHAT'S NEXT









- **Evaluate Staffing Needs**
  - Assess staffing based on building size, two-floor operations, and patron use.
- **Evaluate Programming Capacity**
  - Balance programs with available staffing and daily operations.
- **Complete Facility Improvements**
  - AV installation, ADA entrance buttons, additional stack lighting, and other enhancements.
- **Plan Future Projects**
  - Explore larger campus improvements, including solar panels, fencing, and courtyard furniture.

# THANK YOU

**Top Left to Right:**
*Deborah Ko, Library Clerk*
*Leila Arciero, Library Director*
*Chelsea Lee, Reference Librarian*
*Doreen Thomas, Youth Services Librarian*
*Lori Garza, Library Management Analyst*
*Diana Shaw, Library Analyst*

**Bottom Left to Right:**
*Samantha Rodriguez, Library Clerk*
*Debbie Roberts, Local History Librarian*
*Shannon King, Library Technician*
*Shannon McDermott, Technology Librarian*

**Not Pictured:**
*Jennifer Kilby, Library Clerk*
*Julie Imahara, Library Technician*











SIERRA MADRE PUBLIC LIBRARY

# ANNUAL REPORT

Fiscal Year 2025–2026

Sierra Madre Public
LIBRARY
Read • Discover • Connect




READ. DISCOVER. CONNECT.

A YEAR OF TRANSITION AND CELEBRATION

# A New Chapter for the Library

Fiscal Year 2025–2026 was one of the most significant years in the Sierra Madre Public Library's history. The Library served the community from its temporary home at 350 West Sierra Madre Boulevard through January 2026, closed for relocation from February 1 through June 5, and reopened at the renovated Library at 440 West Sierra Madre Boulevard on June 6, 2026.

During the closure, staff moved collections, furniture, equipment, and operations from the temporary facility and long-term storage. At the same time, staff prepared the renovated building, reorganized collections, and planned for reopening—all while maintaining access to digital resources and community information.




*Prep to move from the temporary library back to our permanent home.*



*Library Staff helping patrons during the Grant Reopening*

The year also included professional recognition. Local History Librarian Debbie Roberts and Library Director Leila Regan were invited to present at the California Association of Museums Annual Conference about the Library's response to the Eaton Fire.



FISCAL YEAR AT A GLANCE

# The Year by the Numbers

| | | |
|---|---|---|
| **195**<br>Programs | **8,282**<br>Program participants | **76,288**<br>Items circulated |
| **1,000+**<br>Reopening visitors | **1,000+**<br>Opening-day checkouts | **100+**<br>New cards in two days |

Because of the relocation, closure, and the Library's customary August programming nap, programs were offered during only six months of the fiscal year. Even with the shortened schedule, participation remained strong: 129 children's programs welcomed 5,377 participants; nine teen programs reached 82 participants; and 57 adult programs served 2,823 participants.

Adult program attendance increased by nearly 800 participants compared with the prior year, despite the Library offering 39 fewer adult programs. Circulation also remained resilient during the four-month closure, supported by strong activity immediately before the move, after reopening, and through the Library's digital collections.




*Shelf Stories: You Never Know: A memoir by Tom Selleck*

LEARNING, CREATIVITY, AND CONNECTION

# Programming for All Ages






*Programs brought together children, teens, adults, and families throughout the year. Summer Reading Kickoff & Gingerbread Jamboree*

The Library continued offering educational, cultural, and recreational experiences at the temporary Library and throughout the community. Popular events included the Great Pumpkin Smash, Gingerbread Jamboree, Summer Reading Kickoff, Library Open House, Stuffed Animal Sleepover, Summer Science Workshops, sensory play, book clubs, technology workshops, and passive activities.

Several programs reached well over 100 participants. The Great Pumpkin Smash welcomed over 280 participants, the Gingerbread Jamboree drew 240, the Summer Reading Kickoff with Thor's Reptiles reached over 250, and many others from July 1, 2025 to June 30, 2026 reached well over 100 attendees.

The Library also maintained new adult programs: Shelf Stories, a book club exploring a different genre each month, and Sip & Shush, a silent book club that takes place at RT Rogers Brewing Co.




*Sip & Shush at Rt Rogers Brewing Co.*

MORE THAN BOOKS

# Access, Services, and Partnerships






*The Library's growing collection includes technology, educational tools, recreation resources, and family supports.*

**Services for everyone.** The Library continued lending California State Parks passes, hiking backpacks, children's mental health kits, mobile hotspots, STEM kits, robots, educational tablets, sewing machines, 3D printing, cricut access, and portable media players. New AWE Learning computers in the Children's Room provide educational games without requiring internet access.

**The online Library.** Digital resources include eBooks, audiobooks, newspapers, magazines, streaming movies and music, language learning, homework help, college and career preparation, online research, comics, and caregiver education. These resources remained available throughout the physical closure.



STRONGER TOGETHER

# Community Partnerships






**Community partnerships.** Programs were hosted at Memorial Park, Hart Park House, the Sierra Madre Fire Station, and the YMCA. Partnerships with City departments, schools, community organizations, and local nonprofits expanded the Library's reach and helped maintain services during construction and relocation.



*Community partnerships allowed Library programs and outreach to continue across Sierra Madre.*

RETURNING HOME

# Renovation and Relocation

The Library renovation completed major seismic, accessibility, electrical, plumbing, and environmental improvements and expanded the building by more than 5,000 square feet. The renovated facility includes the Mary Tumilty Community Room, two meeting rooms, a Teen Room, outdoor reading balcony, Local History Room, and Friends of the Library Bookstore.






*Staff moved materials from long-term storage and the temporary Library, then combined and reorganized the collections.*

The move took place on a compressed schedule before the State grant deadline of May 31, 2026 and the June 6 reopening. Staff merged collections from two locations, evaluated materials to fit the available shelving, relocated workspaces, and prepared the building for public service.

The renovated Library provides distinct spaces for quiet study, collaboration, programs, local history, teens, families, and community gatherings. Remaining post-renovation projects will continue improving accessibility, functionality, and the patron experience.





JUNE 6, 2026

# A Grand Reopening to Remember





*The ribbon cutting and all-day celebration welcomed the community back to 440 West Sierra Madre Boulevard.*

More than 1,000 people visited the Library on reopening day. The celebration included remarks, a ribbon cutting, a traditional lion dance by the San Gabriel Valley Chinese Cultural Association, a community party, the Summer Reading Kickoff program with Thor's Reptiles, a music showcase from Sierra Madre Music, and the Library's first Puzzle Competition.

More than 1,000 items were checked out that day, and the Friends of the Library Bookstore earned more than $700 in sales. During the first two days, the Library issued more than 100 new Library cards—approximately 60 percent to Sierra Madre residents.



BUILDING ON THE MOMENTUM

# Strategic Plan Alignment

**IG 1.3 – Library Renovation** — Completion of the renovation, relocation, and reopening of the Library.

**CE 3.1 B – Enhance Library Services** — Programs and services designed around the needs and interests of people of all ages.

**CE 3.1 C – Online Resources** — Expansion and promotion of online databases, digital collections, and technology resources.

**CE 3.1 D – Community Outreach** — Partnerships with City departments, community organizations, schools, and local service providers.

**OS 3.1 B – Public Wi-Fi** — Improved internet access, coverage, and reliability at the renovated Library.

**OS 1.2 B – Staffing Needs** — Continued evaluation of staffing and operational needs within the expanded facility.

**OS 2.1 – Capital Investment** — Prioritization of remaining facility improvements and future campus projects.

**ER 2.4 – Solar Adaptation** — Exploration of solar panels and other long-term sustainability improvements at the Library campus.

# What's Next




The Library will evaluate staffing levels and programming capacity based on the demands of the larger, two-floor facility. Near-term priorities include audiovisual installation, ADA entrance buttons, additional stack lighting, and other operational improvements. Longer-term concepts include solar panels over the parking lot and coordinated fencing, landscaping, and outdoor campus enhancements.

MADE POSSIBLE TOGETHER

# With Gratitude

The Sierra Madre Public Library's accomplishments are made possible by the Library Board of Trustees, Friends of the Sierra Madre Library, Sierra Madre Library Foundation, Sierra Madre Historical Preservation Society, Sierra Madre Community Foundation, City departments, local organizations, volunteers, donors, and residents.

The Friends and the Sierra Madre Library Foundation pledged or raised approximately $1.4 million for furniture, fixtures, and equipment not covered by grant funding. The City of Sierra Madre contributed approximately $1.8 million to the Library Meaningful Improvement Project.






*Sierra Madre Public Library staff serving the community during a year of extraordinary change.*

## Thank you for supporting the Sierra Madre Public Library.

**READ. DISCOVER. CONNECT.**

SierraMadreCA.gov/Library

CITY OF
SIERRA
MADRE

# STAFF REPORT

## CITY ATTORNEY

| | |
|---|---|
| **DATE:** | September 8, 2026 |
| **TO:** | Honorable Mayor and City Council |
| **FROM:** | Aleks Giragosian, City Attorney |
| **SUBJECT:** | **Urgency Ordinance No. 1498-U Amending Title 15.24 of The Sierra Madre Municipal Code Relating to the Adoption and Amendments to the 2025 California Fire Code, and Fire Sprinkler Requirements, as well as Establishing Title 15.25 of the Sierra Madre Municipal Code Relating to the Adoption of the 2025 California Wildland Urban Interface Code** |

## RECOMMENDATION

It is recommended that the City Council adopt Urgency Ordinance No. 1498-U adopting local amendments to the 2025 California Fire Code.

## SUMMARY

Urgency Ordinance No. 1498-U, included as Attachment 1, adopts targeted local amendments to the 2025 California Fire Code to enhance fire resistance in residential structures. The Ordinance responds to heightened wildfire risk conditions following the Eaton Fire and address determinations issued by the California Building Standards Commission. The Ordinance focuses on home-hardening measures, including roof design and fire sprinkler requirements, to protect public health and safety.

## DISCUSSION & ANALYSIS

*Procedural History*

On October 14, 2025, the City Council adopted Ordinance No. 1486 amending the 2025 California Fire Code to address increased fire hazards following the Eaton Fire. Both ordinances were submitted to the California Building Standards Commission ("CBSC") pursuant to Health and Safety Code 17958.7(a).

On May 13, 2026, the City received a letter from CBSC, included as Attachment 2. The letter states, "The residential and nonresidential code modifications are partially accepted for filing" because Ordinance No. 1487 does not satisfy one of the six elements of Assembly Bill No. 130 ("AB 130") for local code modifications affecting residential units.

*Legal Authority*

AB 130 prohibits the City from adopting local modifications to the Building Code affecting residential units unless the local modifications:

1. are substantially equivalent to a filing in effect as of September 30, 2025;
2. are necessary as emergency standards to protect health and safety;
3. relate to home hardening;
4. relate to home hardening by a fire protection district;
5. are necessary to permit mixed-fuel residential construction; or
6. relate to administrative practices proposed during intervening periods.

Urgency Ordinance No. 1498-U satisfies the second criteria, as local modifications necessary as emergency standards to protect health and safety.

Government Code Section 36937(b) authorizes the City to adopt an urgency ordinance that takes effect immediately if it is necessary for the preservation of the public peace, health, or safety and includes a declaration of the facts constituting the urgency. Such ordinances require a four-fifths vote of the City Council and are exempt from the standard introduction and second reading requirements. The proposed Urgency Ordinance No. 1498-U includes findings describing the City's heightened wildfire risk, establishing the basis for urgency.

*Specific Changes*

The Ordinance proposes local amendments to the 2025 California Fire Code to improve fire resistance in residential structures, with a focus on roof design and fire sprinkler systems. Each amendment is intended to enhance home-hardening measures and reduce wildfire risk within the City.
Specifically, the ordinance amends the following sections of the Sierra Madre Building Code:

- 15.04.010 — Adoption of the 2025 California Building Standards Code
- 15.04.118 — Section 903 Automatic Fire Sprinklers - 903.2.8 Group R.
- 15.06.050 — Amendment—One- and two-family dwellings automatic fire systems.
- 15.06.060 — Amendment—Required sprinkler locations, exception 4.
- 15.06.070 — Water flow detector alarm.
- 15.24.110 — Automatic Life Safety Support Sprinkler System
- 15.30.040 — Water metering for multi-family dwellings

**STRATEGIC PLAN RELATIONSHIP**

The Ordinance is consistent with Goal 3 (Managing Outdoor Environment) in that the fire department is establishing standards that promote home hardening and fire resilience to reduce the wildfire risk to residents.

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(5)- organizational or administrative activities
CEQA Project, exempt under: 14 CCR 15061(b)(3)- common sense exemption, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment

**FISCAL IMPACT**

There is no fiscal impact associated with the adoption Ordinance No. 1498-U.

Approved by:

Mike

_____

Michael Bruckner
City Manager

**Attachments**

Attachment 1: Ordinance No. 1498-U

Attachment 2: Letter from CBSC

**URGENCY ORDINANCE 1498-U**

AN ORDINANCE OF THE CITY OF SIERRA MADRE AMENDING TITLE 15.24 OF THE SIERRA MADRE MUNICIPAL CODE RELATING TO THE ADOPTION AND AMENDMENTS TO THE 2025 CALIFORNIA FIRE CODE, AND FIRE SPRINKLER REQUIREMENTS, AS WELL AS ESTABLISHING TITLE 15.25 OF THE SIERRA MADRE MUNICIPAL CODE RELATING TO THE ADOPTION OF THE 2025 CALIFORNIA WILDLAND URBAN INTERFACE CODE

The City Council of the City of Sierra Madre does hereby ordain as follows:

**SECTION 1.** Municipal Code Amendment. Section 15.24.010 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.010 ADOPTION OF THE CALIFORNIA FIRE CODE

There is hereby adopted by the City Council of the City of Sierra Madre for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the 2025 Edition of the California Fire Code based on the 2024 Edition of the International Fire Code published by the International Code Council except such portions as are hereinafter deleted, modified or amended by Section 15.24.070 of the Sierra Madre Municipal Code and portions of the International Fire Code, From the date on which this ordinance shall take effect, the provisions of the 2025 California Fire Code shall be controlling within the limits of the City of Sierra Madre.

**SECTION 2.** Municipal Code Amendment. Section 15.24.020 of the Sierra Madre Municipal Code is hereby amended to read as follows:

15.24.020 - ESTABLISHMENT AND DUTIES OF THE BUREAU OF FIRE PREVENTION.

The California Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city which is established and which shall be operated under the supervision of the chief of the fire department.

**SECTION 3.** Municipal Code Amendment. Section 15.24.030 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.030 DEFINITIONS

As used in this chapter:

Whenever the word "renovation" is used in the fire code, it shall be held to mean reconstruction or renewal of framing and/or wall and ceiling coverings.

Whenever the words "existing square footage" are used in the fire code, they shall be held to mean all habitable space including permitted basements and permitted storage space except Group U.

Whenever the word "exposure" is used in the fire code, it shall be held to mean any building or vegetation by reason of proximity to another building or vegetation that would promote the spread of fire from one to the other.

**SECTION 4.** Municipal Code Amendment. Section 15.24.040 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.040 INTERPRETATION

The chief of the fire department and members of the fire prevention bureau shall have power to interpret any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or

his/her duly authorized agent, when there are ambiguities, changes or circumstances or unnecessary hardship in carrying out the strict letter of the code; provided, that the interpretation shall not constitute the grant of a special privilege inconsistent with the purpose of the code. In all such cases, the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such interpretation when granted or allowed and the decision of the chief of the department thereon shall be entered upon the records of the department and signed copy shall be furnished the applicant. No such interpretation shall take effect for a period of fifteen days within such interim period, and within three days after such action, the chief of the fire department shall notify the city manager of such action; thereafter, and within the remainder of such fifteen-day period, the city manager may direct such action to be reversed.

**SECTION 5.** Municipal Code Text Amendment. Section 15.24.050 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.050 APPEALS

Whenever the chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief to the city manager within thirty days from the date of the decision appealed.

**SECTION 6.** Municipal Code Text Amendment. Section 15.24.060 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.060 NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The city manager, the fire chief and the chief building official act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in said code. The chief of the bureau of fire prevention shall have such list in his office, and distribute copies thereof to interested persons.

**SECTION 7.** Municipal Code Amendment. Section 15.24.070 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.070 AMENDMENTS TO THE 2025 CALIFORNIA FIRE CODE

**A. Section 101.1 is amended to read as follows**:

101.1 Title. These regulations shall be known as the *Fire Code* of the City of Sierra Madre, hereinafter referred to as "this code".

**B. Section 113.4 is amended to read as follows**:

113.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an Administrative Violation in accordance with Sierra Madre Municipal Code Section 1.18.010.

**C. Section 114.4 is amended to read as follows**:

114.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine in accordance with Sierra Madre Municipal Code Section 1.18.070.

**D. Section 307.4.2 is amended to read as follows**:

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (760mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated.

Discontinuance. The fire code official or his representative is authorized to require that recreational fires be immediately discontinued if such fires are determined by the chief to constitute a hazardous condition or if atmospheric conditions reach critical levels as specified in the policies and procedures of the fire prevention bureau.

**E. Section 503.2.1 is amended to read as follows due to local topographical conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), except for approved security gates in accordance with section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115mm).

1. When fire hydrants are required, fire apparatus access roads shall have an unobstructed width of not less than 26 feet (4114 mm) within a linear distance of 25 feet (7620 mm) each side of the hydrant.

**F. Section 903.2.1.1 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies.

**G. Section 903.2.1.2 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies.

**H. Section 903.2.1.3 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies.

**I. Section 903.2.1.4 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies.

**J. Section 903.2.1.5 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.1.5 Group A-5. An automatic sprinkler system shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes, and other accessory use areas.

**K. Section 903.2.2 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.2 Group B. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy.

**L. Section 903.2.3 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.3 Group E. An automatic sprinkler system shall be provided throughout all buildings containing a Group E occupancy. (exception: For public school state-funded construction projects see Section 903.2.19)

**M. Section 903.2.4 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy.

**N. Section 903.2.5 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission**:

903.2.5 Group H. Automatic sprinkler systems shall be provided in high-hazard occupancies as required in Sections 903.2.5.1 through 903.2.5.3.

903.2.5.1 General, An automatic sprinkler system shall be installed in Group H occupancies.

**O. Section 903.2.6 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I.

**P. Section 903.2.7 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy.

**Q. Section 903.2.8 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

**R. Section 903.2.8.3 through 903.2.8.4 is added to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.8.3 Group R. All residential occupancies where an addition of fifty percent or more of the existing square footage is being accomplished in a twelve-month period shall install a life safety support sprinkler system throughout the entire occupancy.

903.2.8.4 Group R. All residential occupancies being renovated over seventy percent of their existing square footage in a twelve-month period shall install a life safety support sprinkler system throughout the entire occupancy.

**S. Section 903.2.9 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission**:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1.

**T. Section 903.2.9.1 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages.

**U. Section 903.2.9.2 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.9.2 Bulk storage of tires. Buildings and structures with an area for the storage of shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

**V. Section 903.2.10 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the *California Building Code* or where located beneath other groups.

**W. Section 903.2.10.1 is amended to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles.

**X. Section 903.2.11.1.4 through 903.2.11.1.6 is added to read as follows due to local topographical, geological and climatic conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

903.2.11.1.4 All buildings classified as a Group A, B, E, F, H, I, M, S when renovated over seventy five percent (75%) of their existing square footage.

903.2.11.1.5 All buildings classified as a Group A, B, E, F, H, I, M, S when an addition of at least fifty percent (50%) of their existing square footage is being accomplished.

903.2.11.1.6 All new Group U as classified in the International Fire Code, which are located within thirty five (35) feet of any exposure.

**Y. APPENDIX D-Fire Apparatus Access Roads is adopted and amended to read as follows due to local topographical conditions as identified in the 2025 Fire Code Findings of Fact as filed with the California Building Standards Commission:**

D103.1 Access road width with a fire hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), within a linear distance of 25 feet (7620 mm) each side of the hydrant, exclusive of shoulders.

**SECTION 8.** Municipal Code Amendment. Section 15.24.080 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.080 FIRE RETARDANT ROOFS

Fire retardant roofs shall be installed in accordance with Section.

**SECTION 9.** Municipal Code Amendment. Section 15.24.090 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.090 FIREWORKS

The sale, possession or discharge of all fireworks is prohibited within the city. The provisions of this section will not apply to public displays of fireworks conducted by a licensed pyrotechnic engineer.

**SECTION 10.** Municipal Code Amendment. Section 15.24.100 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.24.100 GENERAL PRECAUTIONS AGAINST FIRE

A. Dumping or Storage on Vacant Lots. It is unlawful for any person to deposit any grass, weeds, brush, debris, trash or other waste material upon any vacant lot or parcel of ground within the city.

B. Spark Arresters. All chimney, smoke stack or similar devices for conveying smoke and hot gases to the outer air will be equipped with a spark arrester. For the purpose of this section a "spark arrester" means a piece of not more than one-half-inch galvanized wire mesh placed over the outside opening of the chimney, smoke stack or other similar device.

**SECTION 11.** Municipal Code Amendment. Section 15.25.010 of the Sierra Madre Municipal Code is hereby amended to read as follows:

SECTION 15.25.010 ADOPTION OF THE CALIFORNIA WILDLAND URBAN INTERFACE CODE

There is hereby adopted by the City Council of the City of Sierra Madre for the purpose of prescribing regulations governing conditions hazardous to life and property from wildfire or conflagration, that certain Code known as the 2025 Edition of the California Wildland Urban Interface Code based on the 2024 Edition of the International Wildland Urban Interface Code published by the International Code Council, from the date on which this ordinance shall take effect, the provisions of the 2025 California Wildland Urban Interface Code shall be controlling within the limits of the City of Sierra Madre

**SECTION 12.** Repeal of Conflicting Ordinances. All existing ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or the California Fire Code adopted are hereby repealed.

**SECTION 13.** References in Documents and Continuing Legal Effect. References to prior versions of the California Fire Code, or of the Sierra Madre Municipal Code that are amended or renumbered in this Municipal Code, that are cited on notices issued by the City or other documents of ongoing or continuing legal effect, including resolutions adopting or imposing fees or charges, until converted, are deemed to be references to the new counterpart 2025 Fire Code, 2025 Wildland Urban Interface Code, or amended Municipal Code sections for the purposes of notice and enforcement. The provisions adopted hereby shall not in any manner affect deposits, established fees or other matters of record which refer to, or are otherwise connected with, ordinances which are specifically designated by number, code section or otherwise, but such references shall be deemed to apply to the corresponding provisions set forth in the code sections adopted or amended hereby.

**SECTION 14.** Continuity. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Sierra Madre Municipal Code, these provisions shall be construed as continuations of those provisions and not as amendments of the earlier provisions.

**SECTION 15.** No Effect on Enforceability. The repeal of any sections of the Municipal Code, shall not affect or impair any act done, or right vested or approved, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act, vested right, proceeding, suit, or prosecution shall remain in full force and effect for all purposes as if the applicable provisions of the Municipal Code, or part thereof, had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the repeal or alteration of any applicable provision of the 2022 Code as amended, shall be discharged or affected by such repeal or alteration but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceed in all respects as if the applicable provisions of the 2022 Code, as amended, had not been repealed or altered.

**SECTION 16.** Supplementary of Existing Law. The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**SECTION 17.** Modifications to California Fire Code. All inconsistencies between the Municipal Fire Code, as adopted by this ordinance, and Parts 7 & 9 of Title 24 the California Code of Regulations are changes, modifications, amendments, additions or deletions thereto authorized by California Health and Safety Code Sections 17858 and 17858.7.

**SECTION 18.** Findings. The City Council hereby adopts the findings attached hereto as Exhibit A by this reference fully incorporated herein. These modifications to the 2025 California Fire Code, incorporating the 2024 International Fire Codes are reasonably necessary due to the local climatic, geological, and topographical reasons set forth in Exhibit A.

**SECTION 19.** Severability. Should any section, subsection, clause, or provision of this Ordinance for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance; it being hereby expressly declared that this Ordinance, and each section, subsection, sentence, clause, and phrase hereof would have been prepared, proposed, approved, and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

**SECTION 20.** Effective Date. This Ordinance shall take effect thirty days following its adoption as provided by Government Code Section 36937, or January 1, 2026 whichever is later.

**SECTION 21**. Copy with Clerk. The City Clerk shall maintain a copy of the California Fire Code, 2025 Edition, as amended by this ordinance, for use and examination by the public.

**SECTION 22.** CEQA. This Ordinance has been determined to be exempt from the California Environmental Quality Act pursuant to State Guidelines §15061 (b) (3) as a project that has no potential for causing a significant effect on the environment.

**SECTION 23.** Certification. The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be processed in the manner required by law.

**SECTION 24.** Filing with State. The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED, this 8th day of September 2026

_____
Kristine Lowe, Mayor

**I HEREBY CERTIFY** that the foregoing Ordinance was introduced on the 8th day of September 2026, and duly adopted at a regular meeting held on the 8th day of September 2026, by the City Council of the City of Sierra Madre, California, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

_____
Laura Aguilar, City Clerk

Approved as to form:

_____
Aleks Giragosian, City Attorney

# EXHIBIT A

## 2025 FIRE CODE & WILDLAND URBAN INTERFACE CODE FINDINGS

Pursuant to Section 13869.7 of the California Health and Safety Code, the report contained herein shall be the "Findings" document to support City of Sierra Madre Ordinance No. 1498-U Under this adopting ordinance, specific amendments have been established which are more restrictive in nature than those sections adopted by the State of California (State Building Standards Code, and State Housing and Community Development Code) commonly referred to as Title 24 and Title 25 of the California Administrative Code.

The amendments to the 2025 California Fire Code and California Wildland Urban Interface Code have been recognized by the City of Sierra Madre. The amendments address the fire problem(s), concern(s), and future direction(s), by which the City can establish and maintain an environment which will afford an adequate level of fire and life safety protection to its citizens and guests.

Under the provisions of Section 13869.7 of the Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The "Findings" contained herein shall address each of these situations and shall present the local situation, which, either singularly, or in combination, cause the established amendments to be adopted.

## SIERRA MADRE COMMUNITY PROFILE

The City of Sierra Madre was established in 1881. Sierra Madre encompasses an area of approximately 3.2 square miles at an elevation ranging from 700 to 800 feet above sea level. The residential population is approximately 10,800. The physical location of Sierra Madre is bordered by the city of Pasadena to the west, Arcadia to the south and east and the Angeles National Forest to the north.

The majority of Sierra Madre is residential housing, with a number of small businesses and light industrial, four elementary schools, a middle school, a high school and six churches.

Based on this profile of Sierra Madre, the Sierra Madre Fire Department established certain requirements to increase the level of fire safety to the citizens and guests of Sierra Madre, as well as the buildings within its boundaries. The following points were established as factors, which caused concern to the Sierra Madre Fire Department, and are herein established and submitted as its "Findings:"

1. CLIMATIC

   Normal rainfall averages 15 inches annually. During the summer and fall months, temperatures average approximately 85 degrees and can exceed 100 degrees for a period of days. Dry winds remove the moisture from vegetation. During late summer and fall, winds can move a fire quickly across the foothills or through residential areas of Sierra Madre.

Because of periods of high temperatures, accompanied by low humidity and high winds each year. These conditions create an environment in which the Fire Department commits the majority of its fire fighting resources to the control and extinguishment of wildland fires. During such periods, the limited available firefighting resources may have great difficulty in controlling fires in structures with wood roofs and structures not having built-in fire protection.

2. GEOLOGICAL

Sierra Madre has within its boundaries active seismic hazards with respect to the San Andreas and Sierra Madre faults. While systems have been developed to study and monitor the activity of earthquakes, science has not yet been able to predict with reliability the potential for activity on these or on any other active fault.

While minor seismic activity within Sierra Madre occurs yearly without damage, the potential for severe damage does exist with these active faults, particularly with the Sierra Madre fault, which traverses the City.

The potential for earthquakes influences fire protection planning. A major seismic event would create a community-wide demand on fire protection services, which would be beyond the response capability of the Fire Department. This potential problem can be partially mitigated by requiring initial fire control through the installation of automatic fire protection systems.

Although the water system in Sierra Madre is rated Class 4 by the Insurance Services Offices, with the above noted hazard, it is possible that major fire flow requirements could be disrupted and automatic fire suppression systems requiring much less water would be the only means of extinguishment.

3. TOPOGRAPHICAL

The mountains that border the north of Sierra Madre create a beautiful backdrop, and at the same time, create a unique hazard. As one approaches the mountains, the elevation increases, and this lengthens the response time of emergency vehicles due to the increase in grade. Additionally, the steep, narrow canyons create narrow winding roads that also lengthen response times. The foothills have become prime sites for residential development because of their scenic beauty. These same scenic hills create barriers for accessibility by fire suppression forces.

The topographical layout of Sierra Madre's hillside areas creates hazardous conditions should a storm cause trees to fall and block roadways within Sierra Madre, again making accessibility difficult until properly cleared. These conditions have occurred in the past and have the potential to happen again.

During a fire, fire engines need to utilize the water from the many fire hydrants found in the canyons along these narrow roads. While using these hydrants, the access on the road is severely restricted. These conditions have occurred

in the past and have the potential to happen again. This potential problem can be partially mitigated by requiring new roads to have additional width to the roadway in the vicinity of fire hydrants.

Sierra Madre has areas that are in high fire hazard zones. As stated above, due to topography, access to structures in these fire hazard zones increases response time and delays fire suppression efforts. Extended response times allow fires to grow beyond the control of initial attack resources. Additionally, large structure fires in the hillside areas have a greater likelihood of starting wildland fires, which exposes additional structures to fire.

The value of the land in Sierra Madre is near the top in the County and maximum usage of the land is important to investors and developers. The multi-residential zones located within Sierra Madre encourage developers to seek maximum return on their investment. The most effective method of achieving this is to allow maximum density. This creates buildings that provide minimum required clearances between structures and maximum allowable height. This results in “barriers” that hinder fire-fighting operations, and restrict the movement of emergency personnel and equipment in the vicinity of the structure.

## STATEMENT OF THE PROBLEM

The Fire Department is charged with the task of providing a reasonable degree of fire and life safety in Sierra Madre with minimum budget and staffing levels.

The City of Sierra Madre places a high value on protection of human life against hazards of fire. While smoke detectors are intended to give an early warning that allow occupants to escape or defend themselves from the hazard of fire, automatic sprinklers are meant to control or extinguish a developing fire to enable occupants to better escape. Sprinkler systems have been found to be highly effective systems for the protection of human life and should be used whenever feasible.

The water supply in Sierra Madre makes extensive use of automatic sprinkler systems feasible. Most of the City is ideally located below the 6 reservoirs, which supply the gravity flow water system with storage capacity in excess of 6 million gallons. Many of our fire service installations maintain static pressures in excess of 80 pounds per square inch. The City of Sierra Madre water distribution system is the major contributing factor toward the fire suppression capabilities of the Sierra Madre Fire Department. There are jurisdictions within the State, which have difficulty providing required water flows for automatic fire sprinkler systems, making the operation of such sprinkler systems less feasible than in the City of Sierra Madre.

The City of Sierra Madre is also subject to certain dangers, making the use of automatic sprinkler systems a more significant factor in fire suppression. The City of Sierra Madre is located in one of the most active earthquake fault systems in the United States. Major damage corresponding to magnitude 7 or higher earthquake can be expected. Severe seismic action would place extreme demands on the limited resources of our small fire department. Communications could be disrupted. Damage to gas and water mains is to be expected. As previously mentioned, the City of Sierra

Madre water system is the key to sprinkler supply. The City of Sierra Madre water system is constructed in a grid to reduce the effect of a single pipe or area of pipes breaking. Therefore, entire system failure due to earthquake is more unlikely than a partial failure. Automatic fire sprinkler systems will operate on much less pressure than normally available in Sierra Madre. Although sprinklers may only partially control a fire, this would be important in reducing the fire problem or delayed response that may be created by broken communications and obstructed access. Automatic fire sprinkler systems would therefore reduce demands on firefighting forces during emergency earthquake conditions.

The Sierra Madre Fire Department's first alarm assignment dependent on mutual aid companies from surrounding cities. Most jurisdictions consider three engine companies, two truck companies a rescue squad/ambulance, and a Chief Officer to be a minimum for a single-family structure fire.

Because Sierra Madre's Fire Department staffing is dependent upon mutual aid companies from other cities, it is imperative that developers and builders provide built-in fire protection within buildings covered by the City of Sierra Madre Sprinkler Ordinance. Unless fires are kept in their incipient stages, which automatic fire sprinkler systems achieve, the fire department, as presently staffed and equipped cannot function effectively against large or numerous fires. Large or numerous fires necessitate the immediate call for mutual aid, which if available, will be delayed.

Additionally, due to the winding narrow roads that are found in our canyon areas, it is imperative that access on these roads be maintained at all times, especially during a fire when the fire hydrants are being used.

While the adoption of regulations may not prevent incidents of fire, the implementation of the various regulations and/or requirements will reduce the severity and potential loss of life and property in our community.

The serious concerns based on these "Findings", support the imposition of built-in fire protection requirements greater than those set forth in the International Building and Fire Codes. Additionally, Sierra Madre Ordinance No. 1498-U will provide effective protection of the populace and property, and help reduce the ravages of fire.

The Sierra Madre Fire Department submits these "Findings" and requests acceptance of same as defined under Section 13869.7 of the State of California Health and Safety Code.

Prepared and submitted by:

Fire Chief Brent Bartlett,
Sierra Madre Fire Chief

Date August 31, 2026

DEPARTMENT OF GENERAL SERVICES CALIFORNIA GOVERNOR GAVIN NEWSOM
**BUILDING STANDARDS COMMISSION**
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916

May 13, 2026

Denise Mendoza, dmendoza@sierramadreca.gov
City of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, CA 91024

Re: Ordinance # 1487 – Partial

Dear Denise Mendoza:

The purpose of this letter is to provide the determination of the California Building Standards Commission (CBSC) following review of the ordinance referenced above from **City of Sierra Madre** on **2/12/2026** pertaining to local modifications to the provisions of the **2025** California Building Standards Code, Title 24, California Code of Regulations (Title 24).

**The residential and nonresidential code modifications are partially accepted for filing.** This letter attests to the filing's compliance with the Health and Safety Code (HSC) Sections 17958.7 and 18941.5, with the exception of the deficiencies listed in the table below.

| | |
|---|---|
| ☐ | Missing express findings for local code modifications based on local conditions pursuant to HSC Sections 17958.7(a) and (b) and 18941.5(b). |
| **Deficiencies:** | None |
| ☒ | Missing expressly marked local code modifications as required pursuant to HSC Section 17958.7(a). |
| **Deficiencies:** | **15.04.115 - Section 105.7 Demolition Permits.** - The amendment does not expressly mark how the proposed changes will affect the current language of 2025 California Building Code Section 105.7 - Placement of permits. Can this amendment section be renumbered 105.8 to avoid conflicting with the current Section 105.7?<br><br>**15.04.118 - Section 903 Automatic Fire Sprinklers** - The amendments to subsections within Section 903 reference a section number 15.24.120 that is not included in the ordinance and is not a part of the California Building Standards Code. As a result, the proposed code modifications are unclear.<br><br>**15.30.040 - Water metering for multi-family dwellings.** - The amendment references the 2013 edition of the California Green Building Standards Code, rather than the 2025. It is unclear where the amendment applies within the green building standards. The requirement appears to be similar to the requirement for submetering in 2025 California Green Building Standards Code Section 4.303.2 - Submeters for multifamily buildings and dwelling units in mixed-use residential/commercial buildings. |
| ☐ | Pursuant to HSC Section 18938(b), local jurisdictions may not delete appendices of the California Building Standards Code adopted by state agencies without providing corresponding amendments. |
| **Deficiencies:** | None |

| | |
|---|---|
| ☒ | **Residential Occupancies Only.** Pursuant to **AB 130** (Committee on Budget, Chapter 22, Statutes of 2025), the amendments affecting residential units do not meet at least one of the criteria listed in HSC Sections 17958(b), 17958.5(c), 17958.7(c), and/or 18941.5(c):<br>(1) Changes are substantially equivalent to filing in effect as of 9/30/25.<br>(2) Changes are necessary as emergency standards to protect health/safety.<br>(3) Changes relate to home hardening.<br>(4) Changes relate to home hardening by a fire protection district (not under CBSC's jurisdiction).<br>(5) Changes are necessary to permit mixed-fuel residential construction.<br>(6) Changes related to administrative practices proposed during intervening period. |

| **HSC Criteria:** | **Deficiencies:** |
|---|---|
| **(1)** | **15.04.010 - Amendment to Section 1505 Roofs-Fire Classifications.** - The amendments to Section 1505 affect residential units and do not meet any of the listed criteria. The changes are not substantially equivalent to a filing in effect as of 9/30/25.<br><br>**15.04.010 - Adoption of the 2025 California Building Standards Code.** - 2025 California Residential Code Appendixes BE, BG, BH, BI, BM, BN, CG, CH include changes to the code which affect residential units. Changes are not substantially equivalent to a filing in effect as of 9/30/25.<br><br>**15.04.118 - Section 903 Automatic Fire Sprinklers - 903.2.8 Group R.** - The amendment to subsection 903.2.8 affects residential units and is not substantially equivalent to a filing in effect as of 9/30/25.<br><br>**Section 3. Amendment. Chapter 15.06 (California Residential Code)** - The amendments in Section 3 of the ordinance affect residential units and are not substantially equivalent to an ordinance filing in effect as of 9/30/25. |
| **(2)** | N/A* |
| **(3)** | N/A* |
| **(4)** | N/A* |
| **(5)** | N/A* |
| **(6)** | N/A* |
| * Changes submitted do not include modifications that apply to this criterion. | |

If the filing, including the item(s) identified in the table above, are corrected and resubmitted (assuming the modifications are in alignment with AB 130), CBSC will again review the submittal for a fully acceptable for filing determination.

**Additional information**:

Please note that local modifications to Title 24 are specific to each code edition. Amendments to each triennial edition of the code must be adopted by the authority having jurisdiction and filed with CBSC to become effective or operative.

**Model Code Adoption**: Local governments may adopt other model codes, provided the adoption of such model codes does not conflict with state law, building standards or other adopted California regulations.

**Fire Protection District**: Per HSC Section 13869.7, ordinances making modifications to Title 24, require such ratified ordinances and express findings to be filed with the Department of Housing and Community Development (HCD), Division of Codes and Standards, State Housing Law Program, rather than CBSC.

**Energy efficiency**: Ordinances making modifications to the energy efficiency and conservation provisions in the California Energy Code, Part 6 of Title 24, may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

If you have questions or need further information, please contact me at (916) 263-0916.

Sincerely,

Havel Weidner

Havel Weidner
Associate Architect

CITY OF
SIERRA
MADRE

# STAFF REPORT

## CITY ATTORNEY

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Aleks Giragosian, City Attorney

**SUBJECT:** **Ordinance No. 1499 Amending Title 15 (Building and Construction) of the Sierra Madre Municipal Code to Adopt by Reference the 2025 California Building Standards Codes with Certain Exceptions, Modifications, and Additions**

## RECOMMENDATION

It is recommended that the City Council continue the first reading of Ordinance No. 1499 to the next regularly scheduled meeting of the City Council of September 22, 2026.

## SUMMARY

Ordinance No. 1499, included as Attachment 1, adopts targeted local amendments to the 2025 California Building Code to enhance fire resistance in residential structures. The Ordinance responds to heightened wildfire risk conditions following the Eaton Fire and address determinations issued by the California Building Standards Commission. The Ordinance focuses on home-hardening measures, including roof design and fire sprinkler requirements, to protect public health and safety.

## DISCUSSION & ANALYSIS

*Procedural History*

On October 14, 2025, the City Council adopted Ordinance No. 1487 amending the 2025 California Building Code to address increased fire hazards following the Eaton Fire. Both ordinances were submitted to the California Building Standards Commission ("CBSC") pursuant to Health and Safety Code 17958.7(a).

On May 13, 2026, the City received a letter from CBSC, included as Attachment 2. The letter states, "the residential and nonresidential code modifications are partially accepted for filing" because Ordinance No. 1487 is, "missing expressing findings for local code modifications based on local conditions".

*Legal Authority*

Health and Safety Code 17958.7(a) provides, “the governing body of a city or county, before making any modifications or changes pursuant to Section 17958.5, shall make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions. Such a finding shall be available as a public record. A copy of those findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed with the California Building Standards Commission. No modification or change shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission.” According to CBSC’s letter, the City failed to make a number of findings and the last such ordinance they have on file is from 2010. Ordinance No. 1499 makes the required findings and will be filed with CBSC following adoption by the City Council.

*Specific Changes*

The Ordinance proposes local amendments to the  2025 California Building Code to improve fire resistance in residential structures, with a focus on roof design and fire sprinkler systems. Each amendment is intended to enhance home-hardening measures and reduce wildfire risk within the City. Specifically, the ordinance amends the following sections of the Sierra Madre Building Code:

- 15.04.115 — Section 105.7 Demolition Permits
- 15.04.118 — Section 903 Automatic Fire Sprinklers - 903.2.8 Group R.
- 15.06.040 — Amendment—Townhouse automatic fire sprinkler systems.

*Peer Review*

On August 28, 2026, the draft ordinance was sent to the CBSC for preliminary review. Should the CBSC respond suggesting any changes, the draft ordinance included in this report will be revised as such. Staff currently awaits a response. Therefore, it is recommended that the City Council continue the first reading of Oridnance No. 1499 to the next regularly scheduled meeting of September 22, 2026.

**STRATEGIC PLAN RELATIONSHIP**

The Ordinance is consistent with Goal 3 (Managing Outdoor Environment) in that the fire department is establishing standards that promote home hardening and fire resilience to reduce the wildfire risk to residents.

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(5)- organizational or administrative activities
CEQA Project, exempt under: 14 CCR 15061(b)(3)- common sense exemption, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment

**FISCAL IMPACT**

There is no fiscal impact associated with the continuance or subsequent adoption of this ordinance.

Approved by:

Mike

_____

Michael Bruckner
City Manager

**Attachments**

Attachment 1: Ordinance No. 1499

Attachment 2: Letter from CBSC

# ORDINANCE NO. 1499

**AN ORDINANCE OF THE CITY OF SIERRA MADRE, CALIFORNIA, AMENDING TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE SIERRA MADRE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2025 CALIFORNIA BUILDING STANDARDS CODES WITH CERTAIN EXCEPTIONS, MODIFICATIONS, AND ADDITIONS**

## RECITALS

**WHEREAS,** pursuant to sections 17922, 17958, 17958.5, and 17958.7 of the California Health & Safety Code, the City may adopt the provisions of the Building, Residential, Green Building Standards, Energy, Referenced Standards Plumbing, Mechanical and Electric Codes, with certain amendments to the provisions of the codes which are reasonably necessary to protect the health, wealth and safety of citizens of Sierra Madre because of local climatic, geological and topographical conditions;

**WHEREAS,** on October 28, 2025, the City Council adopted Ordinance No. 1487, approving several amendments to the 2025 California Building Code;

**WHEREAS,** the California Building Standards Commission found that Ordinance No. 1487 was only partially accepted because it was missing express findings for local code modifications based on local conditions; and

**WHEREAS,** the City Council does hereby further find that the southern California region, which includes the City, is within a very active seismic area and local soil conditions can be highly expansive and subject to local topographic considerations including extensive hillside construction that is prone to erosion.

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

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

**SECTION 2. Amendment.** Section 15.04.010 (Adoption of the 2025 California Building Standards Code) of Chapter 15.04 (Building Code and Permits) of Title 15 (Buildings and Construction) of the Sierra Madre Municipal Code is amended to read as follows, with additions denoted by underlined text and deletions denoted by struck-through text:

California Building Codes adopted. California code of Regulation Title 24 Parts 1 through 12 consisting of the 2025 California Administrative Code; 2025 California Building Code Volume 1 and 2 with all Appendix Chapters based on the 2024 International Building Code as published by the International Code Council; 2025

California Residential Code ~~with all Appendix Chapters~~ based on the 2024 International Residential Code as published by the International Code Council; 2025 California Electrical Code based on the 2023 National Electrical Code as published by the National Fire Protection Association; 2025 California Mechanical Code based on the 2024 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; 2025 California Plumbing Code based on the 2024 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; 2025 California Green Building Standards Code; 2025 California Historical Building Code; 2025 California Existing Building Code based on the 2024 International Existing Building Code as published by the International Code Council; 2025 California Referenced Standards Code; 2025 California Fire Code; 2025 California Wildland-Urban Interface Code based on the 2024 International Wildland-Urban Interface Code. The provisions of these construction codes as amended by this chapter shall constitute the building regulations of the city of Sierra Madre.

One copy of all the above codes and standards therefore are on file in the office of the city clerk pursuant to Health and Safety Code Section 18942(d) and are made available for public inspection.

**SECTION 3. Amendment.** Section 15.04.115 (Section 105.7 Demolition Permits) of Chapter 15.04 (Building Code and Permits) of Title 15 (Buildings and Construction) of the Sierra Madre Municipal Code is amended to read as follows, with additions denoted by underlined text and deletions denoted by struck-through text:

Section 15.04.115 (Section ~~105.7~~ 105.10 Demolition Permits)

The following is added to Section 105.10 of the 2025 California Building Code.

Section ~~105.7~~ 105.10 Demolition Permits.

A. No permit for the demolition of all or any substantial portion of any building in the city shall be issued for a period of thirty days after such application is made. For the purposes of this chapter, demolition shall be considered the alteration, reconstruction, or elimination of 50% or more, of the floor area or monetary value. Projects that involve less than 50% of the alteration, reconstruction, or elimination of the floor area or monetary value may still be subject to requirements of Chapter 8.13 and/or 12.20 of this code.
B. Within 10 days of the application, the applicant should submit a mitigation plan for vermin, noise, dust, asbestos, salvage, trash removal, air pollution, historic preservation, and neighborhood peace and enjoyment. Failure to submit such mitigation report may be grounds for denying such permit.
C. Prior to the release of the demolition permit, the applicant shall demonstrate that notification of, and compliance with, requirements established by the following:

1. South Coast Air Quality Management District (AQMD);
2. Electricity provider;
3. Natural gas provider; and

4. City Department of Public Works.

D. Prior to the issuance of a demolition permit, the applicant shall file (in general terms) his/her intended reuse of the property with planning and community preservation department. Such plan shall indicate the intended use and condition of the property after the demolition of structures requested within the demolition permit is concluded.

E. The filing of any notice or report, as called for herein, is not intended to vest any discretion (under CEQA or otherwise) in the building official to deny such application. Instead, such permit shall be issued unless such issuance is contrary to any law or regulation applicable at that date.

F. To the extent, if any, that this Section 115 differs from the 2025 California Building Code (CBC), the city council finds that there are conditions unique to this city that justify such change, including high fire danger, steep hillsides, vermin infestation, wildlife and asbestos levels. The issuance of a demolition permit shall be considered a ministerial duty under the provisions of CEQA Section 15268 except for historical and unique archeological resources as outlined in CEQA Section 15064.5. If the demolition permit is for a historic structure, a cultural resources report shall be prepared at the property owner's expense.

G. Demolitions of Historic Structure.

1.If (i) a building or structure deemed eligible for landmark status, (ii) a building or structure listed or deemed eligible for listing in the National Register of Historic Places, or (iii) a building or structure listed or deemed eligible for listing in the California Register of Historical Resources, or if any cultural resource determined to have historic significance, is demolished without a permit:

a) The violator shall within one year completely rebuild the demolished structure to pre-existing condition and shall submit a surety bond that shall be in amount equal to the replacement value as calculated by the department of planning and community preservation;

b) The city may rebuild it within said one-year period placing the costs thereof as a lien on the property which shall indemnify the city against all costs so incurred and all liabilities arising therefrom; or

c) No building or construction related permits shall be issued, and no permits or use of the property shall be allowed, from the date of demolition for a specified time period, as follows: for five years, if the structure was listed or deemed eligible for listing on the local, state, or Federal Registry of Historic Resources. In addition, for a historic structure, a cultural resources report shall be prepared at the property owner's expense For the purposes of this section, the demolition shall be presumed to have occurred on the date the city has actual knowledge of the demolition. The owner shall have the burden of proving a different date if one is claimed. Such waiting period shall be for the purpose of consideration of rebuilding, relocation, grants, etc., for replacement.

2. The director of planning and community preservation shall cause notice to be served by mail on the person shown as the owner on the rolls of the tax assessor and on any other person known to have an interest in the property, as soon as practicable after having knowledge that the provisions of this section are

applicable to property. The date the city first had actual knowledge of the demolition shall be stated in the notice.
3. A determination made under this section may be appealed by the property owner in accordance with Section 17.60.115.

**SECTION 4. Amendment.** Section 15.04.118 (Amendment – Section 903 Automatic Fire Sprinklers) of Chapter 15.04 (Building Code and Permits) of Title 15 (Buildings and Construction) of the Sierra Madre Municipal Code is amended to read as follows, with additions denoted by underlined text and deletions denoted by struck-through text:

The following sections within Section 903 of the 2025 California Building Code, entitled, "Automatic Sprinkler Systems" are revised to provide as follows:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies in accordance with Code section 15.24.120.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for Group A-2 occupancies in accordance with Code section 15.24.120.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies in accordance with Code section 15.24.120

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies in accordance with Code section 15.24.120.

903.2.1.5 Group A-5. An automatic sprinkler system shall be provided for Group A-5 occupancies in the following areas: concession stands, retail areas, press boxes, and other accessory use areas in accordance with Code section 15.24.120.

903.2.2 Group B. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy in accordance with Code section 15.24.120.

903.2.3 Group E. An automatic sprinkler system shall be provided throughout all buildings containing a Group E occupancy in accordance with Code section 15.24.120 (exception: For public school state-funded construction projects see Section 903.2.19).

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy in accordance with Code section 15.24.120.

903.2.5 Group H. Automatic sprinkler systems shall be provided in high-hazard occupancies as required in Sections 903.2.5.1 through 903.2.5.3.

903.2.5.1 General. An automatic sprinkler system shall be installed in Group H occupancies in accordance with Code section 15.24.120.

903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I in accordance with Code section 15.24.120.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy in accordance with Code section 15.24.120.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area and in accordance with Code section 15.24.110.

903.2.9 Group S-1, An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 in accordance with Code section 15.24.120.

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Code section 15.24.120.

903.2.9.2 Bulk storage of tires. Buildings and structures with an area for the storage of tires shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1.

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code or where located beneath other groups.

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles in accordance with Code section 15.24.120.

**SECTION 5. Deletion.** Section 15.30.040 (Water Metering for Multi-Family Dwellings) of Chapter 15.04 (Building Code and Permits) of Title 15 (Buildings and Construction) of the Sierra Madre Municipal Code is deleted in its entirety.

**SECTION 6. CEQA.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA) and has been determined to be not a Project under Section 15378(b)(5) (Organizational or Administrative Activities) of the CEQA Guidelines. To the extent the adoption of this Ordinance constitutes a Project subject to CEQA, it is categorically exempt pursuant to Sections 15061(b)(3) (Common Sense Exemption), 15304(i) (Minor Alterations to Land), and 15031(f) (Existing Facilities) of the CEQA Guidelines.

**SECTION 7. 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 8. Notification.** Pursuant to Health and Safety Code Section 17958.7(a), the Director of Planning and Community Preservation will notify the California Building Standards Commission of the amendments.

**SECTION 9. Certification.** Pursuant to Government Code Section 36932, the City Clerk shall certify the passage, approval, and adoption of this Ordinance by the City Council.

**SECTION 10. Publication.** Pursuant to Government Code Section 36933, the City Clerk shall cause this Ordinance to be published or posted.

**SECTION 11. Records.** Pursuant to Government Code Section 40801, proof of certification and publication shall be entered in the book of Ordinances of the City Council.

**SECTION 12. Effective Date.** Pursuant to Government Code Section 36937, this Ordinance shall take effect thirty days after its adoption.

**PASSED, APPROVED, AND ADOPTED** this 22nd day of September 2026.

_____
Kristine Lowe, Mayor

**I HEREBY CERTIFY** that the foregoing Ordinance was introduced by first reading on the 8th day of September 2026 and duly adopted at a regular meeting held on the 22nd day of September 2026 by the City Council of the City of Sierra Madre, California, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

_____
Laura Aguilar, City Clerk

Approved as to form:

_____
Aleks Giragosian, City Attorney

DEPARTMENT OF GENERAL SERVICES CALIFORNIA GOVERNOR GAVIN NEWSOM
**BUILDING STANDARDS COMMISSION**
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916

May 13, 2026

Denise Mendoza, dmendoza@sierramadreca.gov
City of Sierra Madre
232 W. Sierra Madre Blvd.
Sierra Madre, CA 91024

Re: Ordinance # 1487 – Partial

Dear Denise Mendoza:

The purpose of this letter is to provide the determination of the California Building Standards Commission (CBSC) following review of the ordinance referenced above from **City of Sierra Madre** on **2/12/2026** pertaining to local modifications to the provisions of the **2025** California Building Standards Code, Title 24, California Code of Regulations (Title 24).

**The residential and nonresidential code modifications are partially accepted for filing.** This letter attests to the filing's compliance with the Health and Safety Code (HSC) Sections 17958.7 and 18941.5, with the exception of the deficiencies listed in the table below.

| | |
|---|---|
| ☐ | Missing express findings for local code modifications based on local conditions pursuant to HSC Sections 17958.7(a) and (b) and 18941.5(b). |
| **Deficiencies:** | None |
| ☒ | Missing expressly marked local code modifications as required pursuant to HSC Section 17958.7(a). |
| **Deficiencies:** | **15.04.115 - Section 105.7 Demolition Permits.** - The amendment does not expressly mark how the proposed changes will affect the current language of 2025 California Building Code Section 105.7 - Placement of permits. Can this amendment section be renumbered 105.8 to avoid conflicting with the current Section 105.7?<br><br>**15.04.118 - Section 903 Automatic Fire Sprinklers** - The amendments to subsections within Section 903 reference a section number 15.24.120 that is not included in the ordinance and is not a part of the California Building Standards Code. As a result, the proposed code modifications are unclear.<br><br>**15.30.040 - Water metering for multi-family dwellings.** - The amendment references the 2013 edition of the California Green Building Standards Code, rather than the 2025. It is unclear where the amendment applies within the green building standards. The requirement appears to be similar to the requirement for submetering in 2025 California Green Building Standards Code Section 4.303.2 - Submeters for multifamily buildings and dwelling units in mixed-use residential/commercial buildings. |
| ☐ | Pursuant to HSC Section 18938(b), local jurisdictions may not delete appendices of the California Building Standards Code adopted by state agencies without providing corresponding amendments. |
| **Deficiencies:** | None |

| | |
|---|---|
| ☒ | **Residential Occupancies Only.** Pursuant to **AB 130** (Committee on Budget, Chapter 22, Statutes of 2025), the amendments affecting residential units do not meet at least one of the criteria listed in HSC Sections 17958(b), 17958.5(c), 17958.7(c), and/or 18941.5(c):<br>(1) Changes are substantially equivalent to filing in effect as of 9/30/25.<br>(2) Changes are necessary as emergency standards to protect health/safety.<br>(3) Changes relate to home hardening.<br>(4) Changes relate to home hardening by a fire protection district (not under CBSC's jurisdiction).<br>(5) Changes are necessary to permit mixed-fuel residential construction.<br>(6) Changes related to administrative practices proposed during intervening period. |

| **HSC Criteria:** | **Deficiencies:** |
|---|---|
| **(1)** | **15.04.010 - Amendment to Section 1505 Roofs-Fire Classifications.** - The amendments to Section 1505 affect residential units and do not meet any of the listed criteria. The changes are not substantially equivalent to a filing in effect as of 9/30/25.<br><br>**15.04.010 - Adoption of the 2025 California Building Standards Code.** - 2025 California Residential Code Appendixes BE, BG, BH, BI, BM, BN, CG, CH include changes to the code which affect residential units. Changes are not substantially equivalent to a filing in effect as of 9/30/25.<br><br>**15.04.118 - Section 903 Automatic Fire Sprinklers - 903.2.8 Group R.** - The amendment to subsection 903.2.8 affects residential units and is not substantially equivalent to a filing in effect as of 9/30/25.<br><br>**Section 3. Amendment. Chapter 15.06 (California Residential Code)** - The amendments in Section 3 of the ordinance affect residential units and are not substantially equivalent to an ordinance filing in effect as of 9/30/25. |
| **(2)** | N/A* |
| **(3)** | N/A* |
| **(4)** | N/A* |
| **(5)** | N/A* |
| **(6)** | N/A* |
| * Changes submitted do not include modifications that apply to this criterion. | |

If the filing, including the item(s) identified in the table above, are corrected and resubmitted (assuming the modifications are in alignment with AB 130), CBSC will again review the submittal for a fully acceptable for filing determination.

**Additional information**:

Please note that local modifications to Title 24 are specific to each code edition. Amendments to each triennial edition of the code must be adopted by the authority having jurisdiction and filed with CBSC to become effective or operative.

**Model Code Adoption**: Local governments may adopt other model codes, provided the adoption of such model codes does not conflict with state law, building standards or other adopted California regulations.

**Fire Protection District**: Per HSC Section 13869.7, ordinances making modifications to Title 24, require such ratified ordinances and express findings to be filed with the Department of Housing and Community Development (HCD), Division of Codes and Standards, State Housing Law Program, rather than CBSC.

**Energy efficiency**: Ordinances making modifications to the energy efficiency and conservation provisions in the California Energy Code, Part 6 of Title 24, may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

If you have questions or need further information, please contact me at (916) 263-0916.

Sincerely,

Havel Weidner

Havel Weidner
Associate Architect

CITY OF
SIERRA
MADRE

# STAFF REPORT

## FINANCE

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Harry Wong, Director of Finance
By: William Zaragoza, Accounting Technician

**SUBJECT:** **Resolution No. 26-84 Approval of Warrants for Payment**

**RECOMMENDATION**

It is recommended that the City Council adopt Resolution No. 26-84 and approve payment for the following:

1. **Outstanding Obligated City Warrants:** $301,919.52
2. **Outstanding Obligated Sierra Madre Library Warrants:** $4,692.72
3. **Payroll Transfer:** $613,460.46

**SUMMARY**

The City Council is requested to ratify warrants and approve checks issued for payment, as certified by the Director of Finance. These payments have been reviewed for compliance with the City's approved budget, financial policies, and authorized spending limits. Ratification by the City Council formally authorizes the disbursement of public funds, ensuring transparency, accountability, and adherence to sound fiscal management practices.

**DISCUSSION & ANALYSIS**

The Warrant Register provides an aggregated breakdown of the warrants, including descriptions (e.g. categories of payments), amounts, and corresponding fiscal year allocations. Note that the last page serves as a reference document to support the warrant approvals requested in this report, ensuring transparency and accountability in financial transactions. The attachment includes details on general warrants, utility bills, library warrants, and payroll transfers.

The Check Approval Register provides a comprehensive record of financial disbursements by the City of Sierra Madre, detailing payment transactions, vendor information, and check dates to ensure transparency and accountability. Additionally, the Payroll Summary Register outlines payroll disbursements, including total earnings, employer expenses, and overall payroll costs for each pay period. The total payroll expenditure for the most recent pay period (PR #17) for Date 8/27/26:

- Total Earnings (Salaries) @ $453,169.23 plus Total Employer Expenses for Benefits @ $160,291.23 = Total @ $613,460.46

This aligns with the payroll transfer amount listed in the attachment. These records collectively support the accuracy and legitimacy of the financial transactions presented for approval.

**STRATEGIC PLAN RELATIONSHIP**

None.

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities

**FISCAL IMPACT**

There is no fiscal impact as a result of the recommended action.

Approved by:



_____

Michael Bruckner
City Manager

**Attachments**

1.9.8.26 RESOLUTION 26-84.pdf
2.Warrant Register 26 - 27.pdf
3.WARRANT 26-84 9.8.26.pdf

**RESOLUTION NUMBER 26-84**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE APPROVING CERTAIN DEMANDS**

**WHEREAS,** Government Code sections 37208-37209 authorize the City Council to ratify and approve warrants or checks drawn in payment of demands certified or approved by the Director of Finance as conforming to the budget; and,

**WHEREAS,** the following demands have been reviewed and approved by the Finance Director; and,

**WHEREAS,** the Finance Director has verified that appropriated funds are available for payment thereof; and,

**WHEREAS,** the register of audited demands has been submitted to the City Council for approval; and

**WHEREAS**, City Warrants are the payment of bills, invoices and contractual obligations incurred by the City of Sierra Madre during the period enumerated therein, based on the approved fiscal year budget and existing budgetary authority, Municipal Code authority, or prior policy direction by the City Council; and

**WHEREAS**, Payroll Transfer is the transfer of funds to cover the payroll costs for all City employees for the period enumerated therein.

**NOW, THEREFORE, BE IT RESOLVED,** that the City Council of the City of Sierra Madre does hereby approve payment of City Warrants in the aggregate amount of $301,919.52; Sierra Madre Library Warrants in the aggregate amount of $4,692.72; and Payroll Transfer in the aggregate amount of $613,460.46 for the fiscal year ending June 30, 2027.

**APPROVED AND ADOPTED** this 8th day of September 2026.

_____
Mayor, City of Sierra Madre, California

I hereby certify that the foregoing Resolution Number 26-84 was adopted by the City Council of the City of Sierra Madre at a regular meeting held on the 8th day of September 2026.

AYES:
NOES:
ABSTAIN:
ABSENT:

_____
City Clerk, City of Sierra Madre, California

Approved as to form:

_____
City Attorney, City of Sierra Madre, California

# City of Sierra Madre
# Department of Finance
# Warrant Register Recap
# City Council Meeting of September 8, 2026

**CITY OF SIERRA MADRE AND SIERRA MADRE LIBRARY**

City of Sierra Madre Warrants …..……..……..……..……...……..…$301,919.52

Sierra Madre Library Warrants……...…..……..……...…….....$4,692.72

Payroll Transfer……..….....……..…….$613,460.46

**Warrant Register Post Date 9/8/26** **Attachment 1A**

| Fiscal Year | Description | Amount | Page # |
|---|---|---|---|
| FY26/27 | General Warrants | $181,233.53 | 1-4 |
| FY26/27 | General Manual Warrant | $10,018.00 | 5-7 |
| FY26/27 | General Manual Utility Bills | $110,667.99 | 8 |
| | Total | $301,919.52 | |

| | | | |
|---|---|---|---|
| FY26/27 | Library Warrant | $4,692.72 | 9 |
| | Total | $4,692.72 | |

| Pay Date: | | | |
|---|---|---|---|
| 8/27/2026 | Payroll #17 | $613,460.46 | 10 |
| | From: City of Sierra Madre-General Acct.<br>To: City of Sierra Madre-Payroll Acct. | | |
| | Total | $613,460.46 | |

**Packet:** APPKT08874 - GEN 9/8/26 **Check Date:** 09/01/2026
**Vendor Set:** 01 - Vendor Set 01

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Vendor Total / Distribution Amount |
|---|---|---|---|---|---|
| VEN04491 | ALLEGION ACCESS TECHNOLOGIES LLC | | | | **552.61** |
| APBWEST | Check | 90188310 | FACILITY MAINTENANCE - PD DOOR RELAY REPA | 60001.31601.52301 | 552.61 |
| VEN03454 | AMAZON CAPITAL SERVICES | | | | **1,480.67** |
| APBWEST | Check | 1FH7-DFPY-4CY3 | MISC SUPPLIES 8/3/26 - 8/16/26 | 10000.61000.52302 | 20.20 |
| | | 1LVF-PKVX-363N | IT - COMPUTER SUPPLIES 8/3/26 - 8/16/26 | 60003.31603.53103 | 1,209.67 |
| | | 1Y1M-6YG1-31YJ | MISC SUPPLIES 8/3/26 - 8/16/26 | 10000.61000.52302 | 82.25 |
| | | | | 10000.61000.53999 | 44.19 |
| | | | | 36002.61000.53999 | 124.36 |
| VEN03981 | ANGEL'S AUTO REPAIR INC | | | | **120.00** |
| APBWEST | Check | 40644 | VEHICLE MAINT/#2096 | 60000.31600.53208 | 120.00 |
| 0859 | AQUA METRIC | | | | **26,439.62** |
| APBWEST | Check | INV0114343 | FY 26/27 ANNUAL SUPPORT COVERAGE | 71000.81100.52100 | 26,439.62 |
| 1552 | ARNOLD'S HARDWARE - Fire | | | | **18.97** |
| APBWEST | Check | 120066 | MISC. SUPPLIES | 10000.61000.53204 | 10.14 |
| | | 120088 | MISC. SUPPLIES | 10000.61000.53204 | 8.83 |
| 0122 | ARNOLD'S HARDWARE - PW | | | | **391.77** |
| APBWEST | Check | 118597 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 19.87 |
| | | 119534 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 9.28 |
| | | 119684 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 14.35 |
| | | 119686 | FY 26/27 WATER DEPARTMENT SUPPLIES | 71000.81100.53200 | 43.05 |
| | | 119689 | FY 26/27 WATER DEPARTMENT SUPPLIES | 71000.81100.53200 | 21.53 |
| | | 119716 | FY 26/27 WATER DEPARTMENT SUPPLIES | 71000.81100.53200 | 1.41 |
| | | 119737 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 1.86 |
| | | 119752 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 33.11 |
| | | 119766 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 8.83 |
| | | 119775 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 19.36 |
| | | 119795 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 38.66 |
| | | 119864 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 23.21 |
| | | 119870 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 53.04 |
| | | 119914 | FY 26/27 WATER DEPARTMENT SUPPLIES | 71000.81100.53200 | 27.61 |
| | | 119916 | FY 26/27 WATER DEPARTMENT SUPPLIES | 71000.81100.53200 | 3.97 |
| | | 119919 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 14.35 |
| | | 119957 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 8.61 |
| | | 119962 | FY 26/27 FACILITIES SUPPLIES | 10000.83300.53001 | 49.67 |
| VEN03910 | BURRO CANYON SHOOTING PARK | | | | **20.00** |
| APBWEST | Check | 3898 | RANGE FEE | 10000.50000.53302 | 20.00 |
| 0827 | CALIFORNIA PARK & RECREATION SOCIETY | | | | **555.00** |
| APBWEST | Check | 2837 | ID #149728 MEMBERSHIP RENEWAL 2027 TED TI | 10000.70000.53409 | 555.00 |
| VEN03855 | CITIG INC | | | | **2,182.68** |
| APBWEST | Check | 42925 | JUNE 2026 MS ENTRA ID P2 FOR GOV. | 60003.31603.53503 | 10.80 |
| | | 43082 | REMOTE SUPPORT | 60003.31603.52100 | 2,160.00 |
| | | 43252 | IT SUPPLIES - MS ENTRA | 60003.31603.53503 | 11.88 |
| VEN02030 | CLARE LIN | | | | **492.64** |
| APBWEST | Check | INV044942 | TRAVE REIMB: CALED INTRO.TO ECON.DEVELP.C | 10000.40000.53402 | 492.64 |
| VEN02953 | CPACINC.COM | | | | **213.00** |
| APBWEST | Check | SI-1303395 | 1 YR CRADLEPOINT NET CLOUD MOBILE | 60003.31603.53503 | 213.00 |
| VEN04461 | CRICKET SCADA LLC | | | | **450.00** |
| APBWEST | Check | 1860 | SCADA SERVICE CALL | 71000.81100.52100 | 450.00 |
| VEN04635 | CUMMINS SALES AND SERVICE | | | | **1,950.00** |
| APBWEST | Check | X4-260899165 | FD- E41 & E741 Warranty Repair and Maintenan | 60000.31600.53208 | 1,950.00 |
| VEN04454 | DAY WIRELESS SYSTEMS | | | | **5,978.85** |
| APBWEST | Check | INV927063 | FD-Radion Purchase and Programing for Fire Eng | 10000.61000.53301 | 5,978.85 |
| 1181 | DELTA DISTRIBUTING | | | | **1,276.94** |
| APBWEST | Check | 171962 | FY 26/27 JANITORIAL SUPPLIES | 60001.31601.53200 | 245.97 |

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Distribution Amount / Vendor Total |
|---|---|---|---|---|---|
| APBWEST | Check | 172075 | FY 26/27 JANITORIAL SUPPLIES | 60001.31601.53200 | 1,030.97 |
| VEN03180 | DICKS AUTO SUPPLY | | | | **1,472.48** |
| APBWEST | Check | 238141 | FY 26/27 AUTO PARTS | 60000.31600.53208 | 301.11 |
| | | 238156 | FY 26/27 AUTO PARTS | 60000.31600.53208 | 645.83 |
| | | 238177 | FY 26/27 AUTO PARTS | 60000.31600.53208 | 129.25 |
| | | 238981 | FY 26/27 AUTO PARTS | 60000.31600.53208 | 24.62 |
| | | 239014 | FY 26/27 AUTO PARTS | 60000.31600.53208 | 273.92 |
| | | 239226 | FY 26/27 AUTO PARTS | 60000.31600.53208 | 139.61 |
| | | 239280 | FY 26/27 AUTO PARTS CREDIT | 60000.31600.53208 | -41.86 |
| VEN02913 | EVIDENT | | | | **556.15** |
| APBWEST | Check | 259912A | PD - SUPPLIES - GLOVES | 10000.50000.53304 | 556.15 |
| VEN01708 | EXSTREEM PEST CONTROL | | | | **800.00** |
| APBWEST | Check | 35336 | JULY 2026 MONTHLY SERVICE FOR PEST CONTRC | 60001.31601.52100 | 800.00 |
| VEN03442 | FAILSAFE TESTING LLC | | | | **2,211.09** |
| APBWEST | Check | 15073 | LADDAR TEST, PUMP TEST FOR E41 AND E741 | 10000.61000.52302 | 2,211.09 |
| VEN01613 | GANAHL LUMBER COMPANY | | | | **887.85** |
| APBWEST | Check | 142323460 | MISC. MAINT SUPPLIES | 60001.31601.53205 | 250.78 |
| | | 142326258 | MISC. MAINT SUPPLIES | 71000.81100.53205 | 209.93 |
| | | 142328112 | MISC. MAINT SUPPLIES | 60001.31601.53205 | 41.95 |
| | | 142343514 | MISC. MAINT. SUPPLIES | 71000.81100.53205 | 245.12 |
| | | 142359583 | MISC. MAINT SUPPLIES | 71000.81100.53200 | 132.53 |
| | | LP42045 | MISC. MAINT SUPPLIES | 71000.81100.53200 | 7.54 |
| 1639 | GMS ELEVATOR SERVICES INC | | | | **135.00** |
| APBWEST | Check | 131020 | MONTHLY SERVICE | 60001.31601.52100 | 135.00 |
| VEN02878 | GOLDEN BELL PRODUCTS INC | | | | **4,275.00** |
| APBWEST | Check | 19797 | MANHOLE PEST TREATEMENT | 72000.81200.52100 | 4,275.00 |
| 0899 | GOLDENWEST LUBRICANTS, INC. | | | | **907.36** |
| APBWEST | Check | INV000413074 | MOTOR OIL | 60000.31600.53208 | 907.36 |
| 0226 | GRAINGER INC. | | | | **190.03** |
| APBWEST | Check | 9973013478 | MAINT. SUPPLIES | 60000.31600.52401 | 190.03 |
| 1359 | HIRERIGHT, LLC | | | | **359.47** |
| APBWEST | Check | H0258091 | 7/1/26 - 7/31/26 BACKGROUND SCREENING | 60007.31607.52100 | 359.47 |
| 0243 | HOSE MAN | | | | **238.67** |
| APBWEST | Check | 00113075 | MAINT. SUPPLIES | 60000.31600.52401 | 238.67 |
| 0937 | INTERSTATE BATTERY SYSTEM OF INLAND VALLEY | | | | **7.08** |
| APBWEST | Check | 140040891 | BATTERY | 60000.31600.52401 | 156.63 |
| | | 140040983 | BATTERY | 60000.31600.52401 | -216.63 |
| | | 140040986 | BATTERY | 60000.31600.52401 | 67.08 |
| 1185 | KEYSTONE UNIFORM | | | | **134.35** |
| APBWEST | Check | 072173 | UNIFORMS | 10000.50000.53303 | 134.35 |
| 0515 | LANDSCAPE WAREHOUSE | | | | **1,219.90** |
| APBWEST | Check | 2607-678502 | JULY 2026 MAINTENANCE SUPPLIES | 60001.31601.53200 | -36.73 |
| | | 2607-678504 | JULY 2026 MAINTENANCE SUPPLIES | 60001.31601.53200 | 633.31 |
| | | 2607-678808 | JULY 2026 MAINTENANCE SUPPLIES | 60001.31601.53200 | 187.72 |
| | | 2607-688764 | JULY 2026 MAINTENANCE SUPPLIES | 60001.31601.53200 | 159.78 |
| | | 2607-694575 | JULY 2026 MAINTENANCE SUPPLIES | 60001.31601.53200 | 275.82 |
| VEN04103 | LEXISNEXIS RISK SOLUTIONS | | | | **202.50** |
| APBWEST | Check | 1300325448 | JULY 2026 Investigation and Analysis system | 10000.50000.52100 | 202.50 |
| 0277 | LIEBERT CASSIDY WHITMORE | | | | **12,232.50** |
| APBWEST | Check | 330218 | JULY 2026 LEGAL SERVICES: INVESTIGATION ADV | 60007.31607.52201 | 1,105.00 |
| | | 330219 | JULY 2026 LEGAL SERVICES: INVESTIGATION ADV | 60007.31607.52201 | 620.50 |
| | | 330220 | JULY 2026 LEGAL SERVICES: INVESTIGATION ADV | 60007.31607.52201 | 7,745.00 |
| | | 330221 | JULY 2026 LEGAL SERVICES: ADVICE AND COUNS | 60007.31607.52201 | 1,377.00 |
| | | 330222 | JULY 2026 LEGAL SERVICES: FLSA & PAYROLL RE\ | 60007.31607.52201 | 136.00 |
| | | 330223 | JULY 2026 LEGAL SERVICES: GENERAL | 60007.31607.52201 | 1,164.00 |
| | | 330224 | JULY 2026 LEGAL SERVICES: INVESTIGATION ADV | 60007.31607.52201 | 85.00 |
| 0640 | LIFE-ASSIST INC. | | | | **1,885.26** |
| APBWEST | Check | 2187904 | FY 26/27 EMS_Medical Supplies | 10000.64000.53300 | 1,630.00 |
| | | 2190123 | FY 26/27 EMS Medical Supplies | 10000.64000.53300 | 255.26 |
| VEN04515 | MARIPOSA LANDSCAPES INC | | | | **14,365.98** |
| APBWEST | Check | 121216 | JULY 2026 LANDSCAPE MAINTENANCE | 32012.83000.52100 | 4,443.98 |

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Distribution Amount | Vendor Total |
|---|---|---|---|---|---|---|
| APBWEST | Check | 121216 | JULY 2026 LANDSCAPE MAINTENANCE | 60001.31601.52100 | 9,443.46 | |
| | | 121508 | JULY 2026 ELEMENTARY FIELD MOWING EXTRA | 60001.31601.52301 | 478.54 | |
| VEN04610 | MASTER'S REFRESHMENT SERVICES LLC | | | | | **115.24** |
| APBWEST | Check | 0000000425241 | REV. OSMOSIS WATER PURIFICATION SYSTEM | 10000.50000.53999 | 115.24 | |
| 0291 | MATT-CHLOR, INC. | | | | | **1,368.15** |
| APBWEST | Check | 32033 | CHLORINCE GAS SERVICE | 71000.81100.52100 | 1,368.15 | |
| 1642 | NBS | | | | | **1,837.50** |
| APBWEST | Check | 202607-2512 | 6/1/26-6/25/26 CFD LOCAL GOALS & POLICIES | 10000.00000.23604 | 1,837.50 | |
| VEN04642 | NOBEL SYSTEMS INC | | | | | **20,000.00** |
| APBWEST | Check | 16465 | JULY 2026 GIS/Asset MGMT SW - PROJ SETUP & | 60001.31601.52100 | 8,000.00 | |
| | | | | 71000.81100.52100 | 6,000.00 | |
| | | | | 72000.81200.52100 | 6,000.00 | |
| 0786 | OFFICE DEPOT, INC | | | | | **357.34** |
| APBWEST | Check | 473054691001 | OFFICE DEPOT | 60002.12000.52207 | 30.07 | |
| | | | | 60002.31100.53100 | 154.91 | |
| | | 474222604001 | OFFICE SUPPLIES | 60002.12000.52207 | 5.36 | |
| | | | | 60002.31100.53100 | 46.05 | |
| | | | | 60003.31603.53100 | 6.37 | |
| | | 474555401001 | OFFICE SUPPLIES | 60002.12000.52207 | 10.53 | |
| | | | | 60002.31100.53100 | 104.05 | |
| 0321 | PARKHOUSE TIRE, INC. | | | | | **3,009.93** |
| APBWEST | Check | 1011093233 | FY 26/27 PURCHASE TIRE/TIRES FOR VAC TRUCK | 60000.31600.53208 | 2,345.73 | |
| | | 1011095475 | FY 26/27 PURCHASE TIRES/SERVICES | 60000.31600.53208 | 664.20 | |
| 0323 | PASADENA HUMANE SOCIETY | | | | | **5,174.00** |
| APBWEST | Check | AUG2026CtySM | AUG 2026 Animal Control Servics | 10000.50000.52100 | 5,174.00 | |
| VEN03819 | PAYDIRT PRINTING SERVICES | | | | | **60.00** |
| APBWEST | Check | 248819 | BUSINESS CARDS: WANG | 10000.40000.53999 | 60.00 | |
| VEN04672 | PDQ.COM CORPORATION | | | | | **1,475.00** |
| APBWEST | Check | PDQ-93610 | PDQ SMART DEPLOY LICENSE | 60003.31603.53503 | 1,475.00 | |
| 0336 | POST ALARM SYSTEMS | | | | | **566.57** |
| APBWEST | Check | 1948127 | 8/1/26 - 8/31/26 ALARM SAFEY MONITORING | 60001.31601.52100 | 566.57 | |
| VEN03227 | PRIME ELECTRIC WHOLESALE | | | | | **827.92** |
| APBWEST | Check | S1543514.001 | PARK MAINTENANCE SUPPLIES | 60001.31601.53200 | 827.92 | |
| 0338 | PRUDENTIAL OVERALL SUPPLY | | | | | **1,019.41** |
| APBWEST | Check | 52989216 | FY 26-27 UTILITY AND PUBLIC WORKS UNIFORM | 60001.31601.53303 | 149.53 | |
| | | 52990914 | FY 26-27 UTILITY AND PUBLIC WORKS UNIFORM | 60001.31601.53303 | 140.77 | |
| | | 52992614 | FY 26-27 UTILITY AND PUBLIC WORKS UNIFORM | 60001.31601.53303 | 140.77 | |
| | | 52994304 | FY 26-27 UTILITY AND PUBLIC WORKS UNIFORM | 60001.31601.53303 | 140.77 | |
| | | 52996010 | FY 26-27 UTILITY AND PUBLIC WORKS UNIFORM | 60001.31601.53303 | 149.19 | |
| | | 52997702 | FY 26-27 UTILITY AND PUBLIC WORKS UNIFORM | 60001.31601.53303 | 149.19 | |
| | | 52999397 | FY 26-27 UTILITY AND PUBLIC WORKS UNIFORM | 60001.31601.53303 | 149.19 | |
| VEN04468 | PUBLIC SAFETY SUPPLY AND SERVICES | | | | | **625.00** |
| APBWEST | Check | 08172026-1 | MCT INSTALLATION | 10000.61000.52302 | 625.00 | |
| 1032 | PUENTE READY MIX, INC. | | | | | **926.32** |
| APBWEST | Check | 117331 | READY MIX | 10000.83300.53001 | 926.32 | |
| VEN04165 | R&A TANK TECHNOLOGIES LLC | | | | | **165.00** |
| APBWEST | Check | 070126-52 | JULY 2026 MONTHLY INSPECTION | 60000.31600.55001 | 165.00 | |
| 0447 | RAYMOND BASIN MANAGEMENT BOARD | | | | | **10,475.46** |
| APBWEST | Check | 06-26-0007 | TITTLE 22 MONITORING 2/2026 - 6/2026 | 71000.81100.52001 | 7,923.46 | |
| | | INV044946 | FY 25/26 SALVAGE CREDIT EXPENSE | 71000.81100.52001 | 2,552.00 | |
| VEN02937 | RCI IMAGE SYSTEMS | | | | | **300.00** |
| APBWEST | Check | 77897 | JUNE 2026 RCI IMAGING SYSTEMS (CORRECT MC | 10000.40000.52200 | 300.00 | |
| 1485 | RED SUPPLY INC | | | | | **98.74** |
| APBWEST | Check | 38295 | MAINT SUPPLIES | 60001.31601.53200 | 98.74 | |
| 0346 | RED WING SHOES | | | | | **4,395.36** |
| APBWEST | Check | 20260810014862 | FY 26/27 PUBLIC WORKS/UTILITIES BOOTS | 60001.31601.53303 | 4,395.36 | |
| 0267 | REGIONAL TAP SERVICE CENTER | | | | | **28.80** |
| APBWEST | Check | 6027635 | JUNE 2026 REGIONAL TAP SERVICES CENTER-CAI | 37004.80000.52001 | 19.20 | |
| | | 6027833 | JULY 2026 REGIONAL TAP SERVICES CENTER-CAR | 37004.80000.52001 | 9.60 | |
| VEN03177 | RELIABLE BUILDING MAINTENANCE LLC | | | | | **8,150.00** |
| APBWEST | Check | 1181 | JULY 2026 JANITORIAL SERVICES | 60001.31601.52100 | 4,075.00 | |

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Distribution Amount | Vendor Total |
|---|---|---|---|---|---|---|
| APBWEST | Check | 1182 | AUG 2026 JANITORIAL SERVICES | 60001.31601.52100 | 4,075.00 | |
| VEN04553 | RENEWELL FLEET SERVICE LLC | | | | | **1,100.00** |
| APBWEST | Check | 12542 | FD- E41 & E741 Warranty Repair and Maintenan | 60000.31600.53208 | 1,100.00 | |
| 0373 | SAN GAB VALLEY CITY MANAGERS ASSOC. | | | | | **55.00** |
| APBWEST | Check | INV044944 | JULY 2026 - JUNE 2027 ANNUAL MEMBERSHIP B | 60002.31500.53409 | 55.00 | |
| 0500 | SASE COMPANY, INC. | | | | | **5,352.06** |
| APBWEST | Check | INV400878 | CONCRETE GRINDER | 60010.31610.56009 | 5,352.06 | |
| 1443 | SHRED-IT USA LLC | | | | | **584.15** |
| APBWEST | Check | 8014997479 | JULY 2026 Document shredding service | 10000.50000.52100 | 584.15 | |
| 1252 | STRYKER SALES CORPORATION | | | | | **22,969.16** |
| APBWEST | Check | 9213191507 | FD_LUCAS Chest Compression System Purchase | 60010.31610.56009 | 22,969.16 | |
| 1368 | SWANK MOTION PICTURES INC | | | | | **905.00** |
| APBWEST | Check | RG 4414422 | MOVIES IN THE PARK 8/28/26 | 37008.74000.52999 | 905.00 | |
| 1245 | THE WORKSHOP | | | | | **1,265.23** |
| APBWEST | Check | 76256 | KEEP BEARS WILD MAILER | 60003.31603.53102 | 1,265.23 | |
| VEN03465 | TOTAL SAFETY SUPPLIES & SOLUTIONS | | | | | **1,763.35** |
| APBWEST | Check | S5890747.001 | SMALL TOOLS | 72000.81200.53205 | 1,763.35 | |
| VEN04256 | TRUEPOINT SOLUTIONS LLC | | | | | **92.50** |
| APBWEST | Check | 50112 | 7/29/26 - BUS. ANALYSIS/ RENEWAL BATCH | 10000.40000.53999 | 92.50 | |
| 0410 | UNDERGROUND SERVICE ALERT | | | | | **445.92** |
| APBWEST | Check | 26-270394 | FY 26/27 UNDERGROUND ALERTS - REGULATOR\ | 71000.81100.52100 | 44.17 | |
| | | 420260715 | FY 26/27 UNDERGROUND ALERTS | 71000.81100.52100 | 160.50 | |
| | | 620260699 | FY 26/27 UNDERGROUND ALERTS | 71000.81100.52100 | 139.00 | |
| | | 720260703 | FY 26/27 UNDERGROUND ALERTS | 71000.81100.52100 | 102.25 | |
| 0158 | VULCAN MATERIALS COMPANY | | | | | **1,509.95** |
| APBWEST | Check | 652326 | COLD MIX | 71000.81100.53206 | 58.68 | |
| | | 6930323 | COLD MIX | 71000.81100.53206 | 656.53 | |
| | | 7069894 | COLD MIX | 71000.81100.53206 | 794.74 | |
| VEN04003 | WEX BANK | | | | | **12.05** |
| APBWEST | Check | 114721706 | FUEL | 60000.31600.53208 | 12.05 | |
| | | | | **Report Total:** | **181,233.53** | |

# Check Approval Register

City of Sierra Madre, CA

**Packet:** APPKT08866 - GEN MAN 9/8/26 **Check Date: 08/26/2026**
**Vendor Set:** 02 - Vendor Set 02

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Vendor Total / Distribution Amount |
|---|---|---|---|---|---|
| VEN03918 | CYNTHIA LI | | | | **4,811.00** |
| APBWEST | Check | INV044939 | REFUND: GRADING DEPOSIT | 10000.00000.23306 | 4,811.00 |
| | | | | **Report Total:** | **4,811.00** |

# Check Approval Register

City of Sierra Madre, CA

**Packet:** APPKT08851 - GEN MAN 9/8/26 **Check Date: 08/18/2026**
**Vendor Set:** 01 - Vendor Set 01

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Vendor Total / Distribution Amount |
|---|---|---|---|---|---|
| VEN04319 | PAIRSOFT | | | | **4,857.00** |
| APBWEST | Check | SI-019463 | Pairsoft- E subpoena 7/1/26-6/30/27 | 10000.50000.52100 | 4,857.00 |
| | | | | **Report Total:** | **4,857.00** |

# Check Approval Register

City of Sierra Madre, CA

**Packet:** APPKT08860 - GEN MAN 9/8/26 **Check Date: 08/26/2026**
**Vendor Set:** 01 - Vendor Set 01

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Distribution Amount | Vendor Total |
|---|---|---|---|---|---|---|
| VEN01551 | LACPCA | | | | | **300.00** |
| APBWEST | Check | INV044895 | LACPCA 2026 SEPT/OCT CONF. - GUSTAVO BARR | 10000.50000.53409 | 300.00 | |
| 0439 | LOS ANGELES COUNTY CLERK | | | | | **50.00** |
| APBWEST | Check | INV044869 | CATEGORICAL EXEMPTION: 357 SYCAMORE PI. | 10000.40000.53999 | 25.00 | |
| | | INV044870 | CATEGORICAL EXEMPTION: 695 W. SIERRA MAD | 10000.40000.53999 | 25.00 | |
| | | | | **Report Total:** | **350.00** | |

**Packet:** APPKT08867 - UB MAN 9/8/26 **Check Date:** 08/26/2026
**Vendor Set:** 01 - Vendor Set 01

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Vendor Total / Distribution Amount |
|---|---|---|---|---|---|
| 0129 | AT&T | | | | **8,805.73** |
| APBWEST | Check | INV044890 | 818 246-3783 591 4 7/23/26 - 8/22/26 PHONE | 60003.31603.55005 | 4,666.62 |
| | | INV044891 | 818 291-0241 661 1 8/4/26 - 9/3/26 PHONE | 60003.31603.55005 | 4,139.11 |
| VEN04074 | CHARTER COMMUNICATIONS | | | | **3,460.07** |
| APBWEST | Check | 106917301080126 | 106917301 8/1/26 - 8/31/26 INTERNET | 60003.31603.52100 | 1,341.06 |
| | | 187633301072126 | 187633301 7/27/26 - 8/26/26 INTERNET | 60003.31603.52100 | 913.33 |
| | | 188596301072126 | 188596301 7/25/26 - 8/24/26 INTERNET | 60003.31603.52100 | 199.98 |
| | | 188596401072126 | 188596401 7/25/26 - 8/24/26 YMCA ELEVATOR | 60003.31603.52100 | 50.67 |
| | | 188596901080126 | 188596901 8/1/26 - 8/31/26 INTERNET | 60003.31603.52100 | 212.48 |
| | | 188597101080126 | 188597101 8/6/26 - 9/5/26 INTERNET | 60003.31603.52100 | 200.00 |
| | | 188597401072126 | 188597401 7/27/26 - 8/26/26 INTERNET | 60003.31603.52100 | 332.57 |
| | | 188597601072126 | 188597601 7/25/26 - 8/24/26 INTERNET | 60003.31603.52100 | 209.98 |
| VEN02792 | FRONTIER CALIFORNIA INC | | | | **9,910.63** |
| APBWEST | Check | INV044881 | 626-355-1414-092017-5 8/1/26 - 8/31/26 PHON | 60003.31603.55005 | 1,857.81 |
| | | INV044882 | 626-355-0264-012498-5 8/4/26 - 9/3/26 PHONE | 60003.31603.55005 | 760.10 |
| | | INV044883 | 626-351-3285-091319-5 8/1/26 - 8/31/26 PHON | 60003.31603.55005 | 87.49 |
| | | INV044884 | 626-197-1492-030922-5 8/1/26 - 8/31/26 PHON | 60003.31603.55005 | 813.75 |
| | | INV044885 | 209-188-3757-030707-5 8/4/26 - 9/3/26 PHONE | 60003.31603.55005 | 4,586.79 |
| | | INV044886 | 209-151-5743-051199-5 7/28/26 - 8/27/26 PHOI | 60003.31603.55005 | 228.44 |
| | | INV044887 | 310-001-5763-051199-5 7/28/26 - 8/27/26 PHOI | 60003.31603.55005 | 528.87 |
| | | INV044888 | 626-197-0261-032521-5 8/1/26 - 8/31/26 PHON | 60003.31603.55005 | 1,047.38 |
| VEN03173 | QUADIENT FINANCE USA INC | | | | **1,036.00** |
| APBWEST | Check | INV044889 | POSTAGE | 60002.31100.53101 | 1,036.00 |
| VEN02829 | RINGCENTRAL INC | | | | **5,476.96** |
| APBWEST | Check | CD_001502484 | 7/23/26 - 8/22/26 VOIP PHONE SERVICE | 60003.31603.55005 | 2,738.48 |
| | | CD_001531234 | 8/23/26 - 9/22/26 VOIP PHONE SERVICE | 60003.31603.55005 | 2,738.48 |
| 0384 | SOUTHERN CALIF. EDISON CO. | | | | **77,022.73** |
| APBWEST | Check | INV044878 | 700835579161 7/9/26 - 8/6/26 ELECTRIC | 71000.81100.55003 | 61,118.54 |
| | | INV044879 | 700162056328 7/1/26 - 7/31/26 ELECTRIC | 32005.83500.55003 | 208.16 |
| | | | | 32012.83000.55003 | 2,292.65 |
| | | | | 38005.83500.55003 | 5,253.51 |
| | | | | 60001.31601.55003 | 265.89 |
| | | INV044880 | 701057527588 7/6/26 - 8/3/26 ELECTRIC | 60001.31601.55003 | 7,739.70 |
| | | INV044893 | 701057529208 7/7/26 - 8/4/26 ELECTRIC | 60001.31601.55003 | 144.28 |
| 0216 | THE GAS COMPANY | | | | **744.50** |
| APBWEST | Check | INV044871 | 118-261-4788 3 7/1/26 - 8/1/26 VEHICLE FUEL | 60000.31600.55001 | 373.18 |
| | | INV044872 | 055 218 7110 2 7/8/26 - 8/7/26 GAS | 60001.31601.55004 | 16.27 |
| | | INV044873 | 135 119 3500 2 7/9/26 - 8/10/26 GAS | 60001.31601.55004 | 22.17 |
| | | INV044874 | 168 618 7700 5 7/8/26 - 8/7/26 GAS | 60001.31601.55004 | 247.07 |
| | | INV044875 | 166 518 7700 9 7/8/26 - 8/7/26 GAS | 60001.31601.55004 | 53.27 |
| | | INV044876 | 051 018 7151 4 7/8/26 - 8/7/26 GAS | 60001.31601.55004 | 16.27 |
| | | INV044877 | 053 118 7109 8 7/8/26 - 8/7/26 GAS | 60001.31601.55004 | 16.27 |
| VEN03926 | T-MOBILE | | | | **492.74** |
| APBWEST | Check | INV044892 | 972239789 6/21/26 - 7/20/26 PHONE | 60003.31603.55005 | 492.74 |
| 0942 | TPX COMMUNICATION | | | | **336.74** |
| APBWEST | Check | 191383530-0 | 7/23/26 - 8/22/26 PHONE SERVICE | 60003.31603.55005 | 336.74 |
| 0642 | VERIZON WIRELESS LA | | | | **3,381.89** |
| APBWEST | Check | 6149589278 | 960051887-00001 7/26/26 - 8/25/26 PHONE | 60003.31603.55005 | 3,381.89 |
| | | | | **Report Total:** | **110,667.99** |

**Packet:** APPKT08876 - LIB 9/8/26 **Check Date:** 09/01/2026
**Vendor Set:** 01 - Vendor Set 01

| Vendor Number / Bank Code | Vendor Name / Payment Type | Invoice # | Invoice Description | Account Number | Vendor Total / Distribution Amount |
|---|---|---|---|---|---|
| VEN03454 | AMAZON CAPITAL SERVICES | | | | **1,493.51** |
| APBWEST | Check | 16C9-PD4V-4LCD | MISC SUPPLIES 7/20/26 - 8/2/26 | 39006.90000.53406 | 131.32 |
| | | 16C9-PD4V-793W | MISC SUPPLIES 7/20/26 - 8/2/26 | 10000.90000.53100 | 55.37 |
| | | 1C9W-KJJC-6NCH | MISC SUPPLIES 7/20/26 - 8/2/26 | 10000.90000.53100 | 325.94 |
| | | 1C9W-KJJC-CP7D | MISC SUPPLIES 7/20/26 - 8/2/26 | 39006.90000.53406 | 10.59 |
| | | 1C9W-KJJC-F67P | MISC SUPPLIES CREDIT | 39006.90000.53406 | -36.44 |
| | | 1CQG-JGHC-6GQJ | MISC SUPPLIES CREDIT | 39006.90000.53406 | -26.49 |
| | | 1F1Y-XC3N-3TJ4 | MISC SUPPLIES 8/3/26 - 8/16/26 | 39006.90000.53406 | 62.97 |
| | | 1HWL-D1TL-1NKV | MISC SUPPLIES 8/3/26 - 8/16/26 | 10000.90000.53100 | 85.56 |
| | | 1JFK-RJ69-646F | MISC SUPPLIES 8/3/26 - 8/16/26 | 10000.90000.53100 | 6.48 |
| | | 1JFN-CPLV-CLTJ | MISC SUPPLIES 7/20/26 - 8/2/26 | 10000.90000.53406 | 19.91 |
| | | 1K79-LP4T-G176 | MISC SUPPLIES 7/20/26 - 8/2/26 | 39006.90000.53999 | 814.30 |
| | | 1KPQ-1HXW-1343 | MISC SUPPLIES 8/3/26 - 8/16/26 | 10000.90000.53100 | 27.61 |
| | | 1LVF-PKVX-4V9K | MISC SUPPLIES 8/3/26 - 8/16/26 | 39006.90000.53406 | 44.16 |
| | | 1M34-1YW9-FFJG | MISC SUPPLIES CREDIT | 39006.90000.53999 | -104.76 |
| | | 1TQQ-GQV7-6LG7 | MISC SUPPLIES 7/20/26 - 8/2/26 | 39006.90000.53406 | 31.07 |
| | | 1YPR-6MPK-H644 | MISC SUPPLIES 7/20/26 - 8/2/26 | 10000.90000.53406 | 45.92 |
| VEN02711 | AMERICAS PRINTER | | | | **64.81** |
| APBWEST | Check | 1277536 | LIB BUSINESS CARDS | 10000.90000.53100 | 64.81 |
| 0428 | GREY HOUSE PUBLISHING | | | | **278.00** |
| APBWEST | Check | 374673 | REFERENCE BOOKS | 10000.90000.53406 | 278.00 |
| VEN04560 | INGRAM LIBRARY SERVICE LLC | | | | **30.22** |
| APBWEST | Check | 98611197 | BOOKS & REFERENCE | 10000.90000.53406 | 30.22 |
| VEN04152 | KANOPY INC | | | | **288.00** |
| APBWEST | Check | 516211-PPU | LIBRARY VIDEOS | 10000.90000.52100 | 288.00 |
| 1634 | MIDWEST TAPE | | | | **85.34** |
| APBWEST | Check | 509145637 | MISC. MEDIA | 39006.90000.53406 | 55.51 |
| | | 509272813 | MISC. MEDIA | 39006.90000.53406 | 29.83 |
| 0786 | OFFICE DEPOT, INC | | | | **161.88** |
| APBWEST | Check | 472759944001 | OFFICE SUPPLIES | 10000.90000.53100 | 83.71 |
| | | 476210247001 | OFFICE SUPPLIES | 10000.90000.53100 | 78.17 |
| 0362 | SIERRA GLASS & MIRROR | | | | **749.00** |
| APBWEST | Check | 33012 | LIB - SLIDDING SHOWCASE DOOR | 39002.90000.53999 | 749.00 |
| VEN04620 | STEEL FAB AND FINISH | | | | **1,541.96** |
| APBWEST | Check | 39768 | CASCADE NEWSPAPER DISPLAY | 39002.90000.53999 | 1,541.96 |
| | | | | **Report Total:** | **4,692.72** |

# Payroll Summary Register

City of Sierra Madre, CA

8/25/2026 4:02:01 PM

## Payroll Summary

| | |
|---|---|
| Packet | PYPKT03336 - PR#17 8.27.26 |
| Payroll Set | 01 - Sierra Madre |
| Department | All - All Department Codes |

Pay Period: 8/9/2026 - 8/22/2026

## Employees Paid 113

| | | | | | |
|---|---|---|---|---|---|
| Total Earnings | 453,169.23 | Total Benefit Allowance | 187.24 | Input Type | Count |
| Total Deductions | 78,966.66 | Total Employer Expenses | 160,291.23 | Regular | 113 |
| Total Taxes | 70,137.21 | | | | |
| | | Total Direct Deposits | 304,065.36 | | |
| Net Pay | 304,065.36 | Total Check Amount | 0.00 | | |

CITY OF
SIERRA
MADRE

# STAFF REPORT

## LIBRARY & COMMUNITY SERVICES

| | |
|---|---|
| **DATE:** | September 8, 2026 |
| **TO:** | Honorable Mayor and City Council |
| **FROM:** | Leila Arciero, Library & Community Services Director |
| **SUBJECT:** | **Resolution No. 26-85 Authorizing a Supplemental Budget Appropriation from the Library Gift and Memorial Fund in the Amount of $100,000 for Fiscal Year 2026/27** |

**RECOMMENDATION**

It is recommended that the City Council adopt Resolution No. 26-85 authorizing a supplemental budget appropriation in the amount of $100,000 from the Library Gift and Memorial Fund for Fiscal Year 2026/27.

**SUMMARY**

The Sierra Madre Public Library receives donations, memorial contributions, and grants from residents, community organizations, and supporters to enhance Library programs, services, collections, facilities, and other initiatives that benefit the public. These contributions are deposited into the Library Gift and Memorial Fund and are used for Library purposes consistent with donor intent.

Although these funds are not derived from tax revenue, monies held by the City must be formally appropriated by the City Council prior to expenditure. The appropriation process provides the necessary expenditure authority while supporting transparency, fiscal accountability, and compliance with City financial procedures.

The proposed appropriation of $100,000 will allow the Library to utilize available donated and grant funds during Fiscal Year 2026/27 for eligible Library-related expenditures. In July 2026, the City received $59,899.24 from the Sierra Madre Library Foundation as a grant to fund audiovisual equipment for the newly renovated Library. The audiovisual improvements include equipment for the Mary Tumilty Community Room and two small meeting rooms, allowing these spaces to be fully utilized for public meetings, reservations, presentations, and community activities. The grant also includes audiovisual equipment for the Teen Room to support Library programming.

The Library Meaningful Improvement Project has been completed and formally closed, finishing approximately $221,000 under budget. However, several additional improvements necessary to enhance the day-to-day functionality and usability of the renovated building for patrons and staff were not included in, or completed as part of, the closed construction project. Because the Library Project has been closed, the remaining project savings are not available to the Library to fund these additional improvements.

As a result, the Library must rely on other funding sources to address these needs, including the City's Capital Improvement Plan and donations or grants received through the Library Gift and Memorial Fund. For Fiscal Year 2026/27, the requested appropriation will provide the expenditure authority necessary to complete donor-funded improvements, including the audiovisual project, and provide flexibility to address other eligible facility and operational needs as funding becomes available.

Historically, expenditures from the Library Gift and Memorial Fund have supported Library programs, services, supplies, collections, equipment, facility enhancements, and other initiatives that directly benefit the public. The requested appropriation will allow the Library to continue utilizing these contributions for their intended purpose while addressing needs associated with operating and maximizing the use of the newly renovated facility.

**DISCUSSION & ANALYSIS**

The Library & Community Services Department is requesting City Council approval of a $100,000 supplemental budget appropriation from the Library Gift and Memorial Fund for Fiscal Year 2026/27. This action will formally authorize the expenditure of donated, memorial, and grant funds currently held by the City for the benefit of the Sierra Madre Public Library.

The appropriation is necessary to provide the Library with expenditure authority for these funds in accordance with City financial policies. Although the funds originate from private donations, memorial contributions, and grants, monies deposited into City accounts must be appropriately budgeted before they can be expended. Formal appropriation provides transparency and accountability and ensures that expenditures are properly tracked and used for their intended Library purposes.

*Library Meaningful Improvement Project*

The Library Meaningful Improvement Project has been completed and formally closed. The project was completed approximately $221,000 under budget; however, several additional improvements needed to enhance the functionality and usability of the renovated facility for both patrons and staff were not included in, or completed as part of, the closed construction project. Because the project has been closed, those remaining project funds are not available to the Library for additional improvements to the building.

As the Library continues operating in the renovated facility, staff has identified improvements and equipment necessary to fully activate and utilize the new spaces. These needs must now be addressed through other available funding sources, including the City's Capital Improvement Program and private donations and grants deposited into the Library Gift and Memorial Fund.

*Audiovisual Improvements*

In July 2026, the City received $59,899.24 from the Sierra Madre Library Foundation specifically to fund audiovisual improvements within the renovated Library. These improvements were not completed as part of the Library Meaningful Improvement Project but are necessary to support the intended use of several new public spaces.

The audiovisual project will provide equipment for the Mary Tumilty Community Room and two small meeting rooms, allowing these spaces to support public reservations, meetings, presentations, community activities, and Library programming. Audiovisual equipment will also be installed in the Teen Room to expand the Library's ability to provide programming and activities within that space. Appropriating the Foundation's grant through the Gift and Memorial Fund will allow the City to expend the donation for its intended purpose.

*Additional Library Improvements*

The remaining appropriation will provide expenditure authority for other eligible donations and memorial funds available during Fiscal Year 2026/27. These funds may be used for additional furniture, fixtures, equipment, signage, technology, facility enhancements, programs, collections, and other Library needs consistent with donor intent and City policies.

The ability to utilize donated funds is particularly important following completion of the renovation. While the construction project successfully delivered a significantly improved Library facility, operating the building has identified additional needs that affect how patrons and staff use the space. Donations provide an opportunity to address some of these needs without relying exclusively on the General Fund or waiting for projects to advance through the City's Capital Improvement Plan.

*Benefits and Considerations*

Approval of the appropriation will allow the Library to responsibly utilize donations and grants that have already been provided for Library purposes. It will also allow donor-funded improvements to move forward in a timely manner, maximize the functionality of the renovated facility, and reduce the need for additional City funding for eligible improvements.

The primary consideration associated with this action is that Gift and Memorial Fund resources are limited and should be used strategically. Utilizing these funds for facility and operational improvements reduces the amount available for other future Library needs. Staff will therefore continue to evaluate expenditures based on donor intent, operational necessity, community benefit, and the availability of other funding sources.

Without the requested appropriation, the Library would be unable to expend these City-held donated and grant funds during the current fiscal year. Necessary improvements would instead need to be deferred, funded through another City funding source, or considered through the City's Capital Improvement Program. Approval of the supplemental appropriation provides the Library with the flexibility to use available private contributions for their intended public purpose while continuing to improve the functionality and usability of the newly renovated Sierra Madre Public Library.

**STRATEGIC PLAN RELATIONSHIP**

The proposed budget appropriation supports the City’s Infrastructure & Growth Management Strategic Objective to align infrastructure with projected population size and community needs, specifically Goal 1: Strategically Manage Infrastructure Improvements.

This action directly supports Strategy IG 1.3 – Library Renovation by providing funding flexibility for supplemental Furniture, Fixtures, and Equipment (FF&E) purchases associated with the Library Meaningful Improvement Project. The appropriation of donated funds will assist in enhancing the functionality, usability, and long-term value of the renovated library facility for the community.

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities

**FISCAL IMPACT**

There is no impact to the General Fund as a result of the recommended action. The Library Gift & Memorial Fund balance is currently $124,096. Sufficient funding is available for this action. Additional FY 2026/27 appropriation of $100,000 is requested from the Library Gift and Memorial Fund.

Approved by:

Mike

_____

Michael Bruckner
City Manager

**Attachments**

RESOLUTION NO. 26-84.pdf

**RESOLUTION NO. 26-84**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, APPROVING A FISCAL YEAR 2026/27 BUDGET APPROPRIATION IN THE AMOUNT OF $100,000 FROM THE LIBRARY GIFT AND MEMORIAL FUND FOR LIBRARY-RELATED EXPENDITURES**

**RECITALS**

**WHEREAS,** the Sierra Madre Public Library receives donations, memorial contributions, and grants from residents, community organizations, nonprofit partners, and supporters for Library programs, services, collections, facilities, equipment, and other public Library purposes; and

**WHEREAS,** in July 2026, the City received a grant of $59,899.24 from the Sierra Madre Library Foundation to fund audiovisual improvements for the Mary Tumilty Community Room, two public meeting rooms, and the Teen Room to enhance the functionality and public use of the renovated Library; and

**WHEREAS,** California municipal finance law requires that all monies held by a city, including donated funds, be formally appropriated by the City Council prior to expenditure in order to ensure legal authorization, transparency, fiscal accountability, and compliance with applicable constitutional and statutory requirements; and

**WHEREAS,** a $100,000 supplemental budget appropriation from the Library Gift and Memorial Fund for Fiscal Year 2026/27 will provide expenditure authority for available donations, memorial contributions, and grants to fund eligible Library-related expenditures consistent with donor intent and City financial policies.

**THEREFORE, THE CITY COUNCIL 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. Budget Appropriation.** The City Council hereby approves a Fiscal Year 2026/27 budget appropriation in the amount of $100,000 from the Library Gift and Memorial Fund for eligible library-related expenditures consistent with donor intent, City financial policies, and applicable law.

**SECTION 3. Authorization to Expend Funds.** The City Council hereby authorizes the City Manager, or the City Manager's designee, to administer and expend appropriated funds for authorized library-related purposes, including supplemental Furniture, Fixtures, and Equipment purchases associated with the Library Meaningful

Improvement Project, in accordance with applicable procurement requirements and donor restrictions.

**SECTION 4. CEQA.** The City Council finds that approval of the Fiscal Year 2026/27 budget appropriation from the Library Gift and Memorial Fund is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15378 because the action constitutes a fiscal and administrative activity that will not result in a direct or indirect physical change in the environment.

**SECTION 5. 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 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. Certification.** Pursuant to Government Code Section 36932, the City Clerk shall certify the passage, approval, and adoption of this Resolution by the City Council.

**SECTION 7. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED** this _____ day of _____, 2026.

_____
Kristine Lowe, Mayor

**I HEREBY CERTIFY** the foregoing Resolution was duly passed, approved, and adopted by the City Council of the City of Sierra Madre, California, at a meeting held on the ____ day of _____, 2026, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

_____
Laura Aguilar, City Clerk

Approved as to form:

_____
Aleks Giragosian, City Attorney

CITY OF
SIERRA
MADRE

# STAFF REPORT

## PUBLIC WORKS SERVICES

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Brian Dickinson, Director of Public Works
By: Eric Lozick, Management Analyst

**SUBJECT:** **First Amendment to the Construction Agreement with Eco Energy Solutions, Inc. dba High Volt Electric for the City Hall Emergency Generator Replacement Project and Adoption of Resolution No. 26-86 Authorizing a $27,804.70 Budget Adjustment**

**RECOMMENDATION**

It is recommended that the City Council adopt Resolution No. 26-86 approving a First Amendment to the Construction Agreement with Eco Energy Solutions, Inc. dba High Volt Electric for additional removal and disposal work in an amount not to exceed $27,804.70; extending the contract time by three working days; increasing the maximum agreement amount from $330,563.00 to $358,367.70; and authorizing a $27,804.70 budget adjustment consisting of a $25,000 interfund transfer from General Fund Professional Services Account No. 10000.83500.52100 and a $2,804.70 reallocation from Facilities Management Internal Service Fund Professional Services Account No. 60001.31601.52100 to CIP No. FA-26004, Tyler Project No. FC82604, Account No. 60001.31601.56010.

**SUMMARY**

On March 24, 2026, the City Council adopted Resolution No. 26-26 and awarded a $330,563.00 construction agreement to Eco Energy Solutions, Inc. dba High Volt Electric for replacement of the nonoperational emergency generator serving the City Hall and Public Safety complex with a 150-kilowatt stationary generator. The City and contractor entered into the agreement on May 28, 2026.

During preconstruction review, the contractor identified an existing 500-gallon aboveground diesel fuel tank, remaining fuel, connected fuel-line components, and a large steel tube within the generator enclosure that must be removed and lawfully disposed of to complete the replacement. On July 16, 2026, the contractor submitted Change Proposal No. 1 requesting $27,804.70 and three additional working days for this work.

Resolution No. 26-86 would approve a First Amendment capped at $27,804.70 and fund the increase through a $25,000 interfund transfer from unused General Fund Pavement Management Plan funding and a $2,804.70 reallocation from Facilities Management Internal Service Fund professional-services funding. The proposed First Amendment would modify the existing construction agreement by adding removal and disposal of the existing fuel tank, remaining fuel, connected fuel lines, and steel tube; increasing the maximum agreement amount by $27,804.70; and extending the contract time by three working days.

**DISCUSSION & ANALYSIS**

The existing generator failed to operate during power outages associated with high-wind events in early 2025. The replacement project will provide reliable emergency backup power to City Hall and the Public Safety building, supporting continuity of essential public safety and municipal services during outages.

The original construction agreement has a maximum amount of $330,563.00. The project is identified as CIP No. FA-26004 and Tyler Project No. FC82604 and is budgeted in Facilities Management Internal Service Fund Account No. 60001.31601.56010.

Change Proposal No. 1 includes labor, crane support, fuel and wastewater handling, tank and fuel-line removal, and disposal services. The proposal requests a contract increase not to exceed $27,804.70 and a three-working-day extension. Approval would increase the maximum agreement amount to $358,367.70, an increase of approximately 8.4 percent.

Original Bid Item 2 includes demolition and removal of the existing generator and pad. To prevent duplicate compensation, Resolution No. 26-86 limits the First Amendment to work not already required by the original agreement. The total amendment may not exceed $27,804.70, including all labor, equipment, subcontractor, fuel-handling, transportation, disposal, fee, surcharge, and related costs.

Payment will be subject to satisfactory completion of the authorized work and submission of manifests, receipts, and other documentation establishing lawful handling and disposal of the tank contents, tank, fuel lines, steel tube, and associated materials. All other terms of the original agreement will remain in effect.

The Fiscal Year 2026-27 General Fund budget included $50,000 in Professional Services Account No. 10000.83500.52100 for the Pavement Management Plan update. The City awarded the Pavement Management Plan agreement to Tiger Eye Engineering for $25,000, leaving $25,000 available for transfer. Resolution No. 26-86 reduces that General Fund account by $25,000 and authorizes a corresponding interfund transfer to the Facilities Management Internal Service Fund.

The resolution also reallocates $2,804.70 from Facilities Management Internal Service Fund Professional Services Account No. 60001.31601.52100. The combined $27,804.70 increases the generator project appropriation in Account No. 60001.31601.56010 from $330,563.00 to $358,367.70. No additional construction contingency is included.

**STRATEGIC PLAN RELATIONSHIP**

The project supports public safety, emergency preparedness, continuity of City operations, and reliable delivery of municipal services during power outages.

**ENVIRONMENTAL ANALYSIS**

CEQA Project, exempt under: 14 CCR 15061(b)(2)- categorical exemption

**FISCAL IMPACT**

Resolution No. 26-86 increases $27,804.70 appropriation to CIP No. FA-26004, Tyler Project No. FC82604, in Facilities Management Internal Service Fund Account No. 60001.31601.56010, increasing the project appropriation from $330,563.00 to $358,367.70.

Staff requests interfund budget reclassification of $25,000 from the General Fund Professional Services Account No. 10000.83500.52100 and an intrafund budget reclassfication of $2,804.70 from the Facilities Management Internal Service Fund Professional Services Account No. 60001.31601.52100. Total General Fund appropriations would decrease by $25,000, and Facilities Management Internal Service Fund appropriations would increase by $25,000.

| Funding source | Account | Amount |
|---|---|---|
| General Fund, remaining Pavement Management Plan appropriation | 10000.83500.52100 | $25,000.00 |
| Facilities Management ISF, Professional Services | 60001.31601.52100 | $2,804.70 |
| **Total added to generator project** | **60001.31601.56010** | **$27,804.70** |

Approved by:



_____

Michael Bruckner
City Manager

**Attachments**

1. Resolution 26-86 City Hall Generator Amendment.pdf
2. High Volt Electric Change Proposal No. 1 with supporting estimates
3. 1st Amendment to ECO Energy dba High Volt Electric(455763.1)

# RESOLUTION NO. 26-86

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, APPROVING A FIRST AMENDMENT TO THE CONSTRUCTION AGREEMENT WITH ECO ENERGY SOLUTIONS, INC. DBA HIGH VOLT ELECTRIC FOR THE CITY HALL EMERGENCY GENERATOR REPLACEMENT PROJECT AND AMENDING THE FISCAL YEAR 2026-27 BUDGET

## RECITALS

**WHEREAS,** on March 24, 2026, the City Council adopted Resolution No. 26-26 and awarded a construction agreement to Eco Energy Solutions, Inc. dba High Volt Electric, a California corporation, for the City Hall Emergency Generator Replacement Project;

**WHEREAS,** the City and Eco Energy Solutions, Inc. dba High Volt Electric entered into the construction agreement dated May 28, 2026, in an amount not to exceed $330,563.00;

**WHEREAS,** the project is identified as Capital Improvement Project No. FA-26004 and Tyler Project No. FC82604, and the adopted Fiscal Year 2026-27 project appropriation of $330,563.00 is recorded in Facilities Management Internal Service Fund Account No. 60001.31601.56010;

**WHEREAS,** during project preparation, removal and disposal work was identified involving the existing 500-gallon aboveground diesel fuel tank, associated fuel-line components and remaining fuel, and a large steel tube located within the generator enclosure;

**WHEREAS,** on July 16, 2026, Eco Energy Solutions, Inc. dba High Volt Electric submitted Change Proposal No. 1 in the amount of $27,804.70 and requested three additional working days to perform the proposed work;

**WHEREAS,** the City Council desires to approve a First Amendment that incorporates a final scope limited to work not already required by the construction agreement, increases the agreement amount by an amount not to exceed $27,804.70, and extends the contract time by three working days;

**WHEREAS,** approval of the First Amendment would increase the maximum agreement amount from $330,563.00 to an amount not to exceed $358,367.70;

**WHEREAS,** the Fiscal Year 2026-27 General Fund budget included $50,000 in Professional Services Account No. 10000.83500.52100 for the Pavement Management

Plan update, and the $25,000 agreement with Tiger Eye Engineering leaves $25,000 available for transfer;

**WHEREAS,** $2,804.70 is available for reallocation from Facilities Management Internal Service Fund Professional Services Account No. 60001.31601.52100; and

**WHEREAS,** funding the First Amendment requires an additional Fiscal Year 2026-27 project appropriation of $27,804.70, and the City Council desires to fund that amount through a $25,000 interfund transfer from the General Fund and a $2,804.70 reallocation within the Facilities Management Internal Service Fund to Capital Improvement Project No. FA-26004, Tyler Project No. FC82604, in Account No. 60001.31601.56010.

**THEREFORE, THE CITY COUNCIL 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. Approval of First Amendment.** The City Council approves a First Amendment to the construction agreement with Eco Energy Solutions, Inc. dba High Volt Electric, in a form approved by the City Attorney, to add a final scope for removal and lawful disposal of the existing 500-gallon aboveground diesel fuel tank, associated fuel-line components and remaining fuel, and the large steel tube, only to the extent not already required by the construction agreement; extend the contract time by three working days; and increase the agreement amount by an amount not to exceed $27,804.70, from $330,563.00 to a revised maximum amount not to exceed $358,367.70. The First Amendment shall require lawful-disposal documentation acceptable to the City and shall preserve all remaining terms of the construction agreement.

**SECTION 3. Budget Amendment and Interfund Transfer.** The City Council hereby (a) reduces the Fiscal Year 2026-27 expenditure appropriation in General Fund Professional Services Account No. 10000.83500.52100 by $25,000 and reallocates that amount to the applicable General Fund interfund transfer-out account; (b) authorizes a corresponding $25,000 interfund transfer to the Facilities Management Internal Service Fund and increases the applicable interfund transfer-in revenue budget by $25,000; (c) reduces the Fiscal Year 2026-27 expenditure appropriation in Facilities Management Internal Service Fund Professional Services Account No. 60001.31601.52100 by $2,804.70; and (d) increases the expenditure appropriation for Capital Improvement Project No. FA-26004, Tyler Project No. FC82604, in Account No. 60001.31601.56010 by $27,804.70, from $330,563.00 to $358,367.70.

**SECTION 4. Limitations.** No work or compensation exceeding the scope and amount authorized by Section 2 is approved. No additional construction contingency is

appropriated, and any expenditure exceeding the available project appropriation requires prior City Council approval.

**SECTION 5. Implementation.** The Administrative Services Director is authorized and directed to amend the Fiscal Year 2026-27 budget using the applicable interfund transfer-out, transfer-in, or contribution accounts and make all accounting entries necessary to implement Section 3.

**SECTION 6. Severability.** If any section, subsection, subdivision, 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 City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

**SECTION 7. Certification.** Pursuant to Government Code Section 36932, the City Clerk shall certify the passage, approval, and adoption of this Resolution by the City Council.

**SECTION 8. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED** this 8th day of September, 2026.

_____
Kristine Lowe, Mayor

**I HEREBY CERTIFY** the foregoing Resolution was duly passed, approved, and adopted by the City Council of the City of Sierra Madre, California, at a meeting held on the 8th day of September, 2026, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

_____
Laura Aguilar, City Clerk

Approved as to form:

_____
Aleks Giragosian, City Attorney

# CHANGE ORDER PROPOSAL REQUEST

PROJECT: Installation of 150kw Generator

**CHANGE PROPOSAL NO.: 1**

Project No.: 2026004

Contractor: High Volt Electric

Project ID :

DATE: 7/16/2026

TO: Brian A. Dickinson

---

This is an itemized quotation for changes in the Subcontract sum and/or time on subject Project as described herein. This document, when fully executed, as accepted, shall constitute authorization to proceed with the work described herein. This COR includes additional time required to complete the project and is not the number of days to make the proposed change, but is based upon the impact to the Project Schedule.

---

**DESCRIPTION OF THE PROPOSED CHANGE:**

The following cost change includes the removal and disposal of the existing fuel tank, fuel line system components, and the large steel tube to create the necessary space for the installation of the new 150 kW generator. The existing fuel tank, associated fuel lines, and any remaining fuel will be removed and disposed of in accordance with all applicable environmental regulations, hazardous waste requirements, and industry standards.

ATTACHMENTS: Electri International's Industry Standard Productivity Enhancement Guidelines

ATTACHMENTS:

| | |
|---|---|
| Net Amount of This Proposed Change (ADD) DEDUCT (NO CHANGE)* | **$27,804.70** |
| Net Change in Working Days Due to This Proposed Change | 3 DAYS |

**See Attached Detailed Cost Breakdown**

# CHANGE ORDER PROPOSAL REQUEST - COST BREAKDOWN

Project: **Installation of 150kw Generator**

Date: 7/16/2026

Contractor: High Volt Electric — **High Volt Electric**

Project No.: 2026004

**LABOR (Contractor Self-Performed)**

| Trade Description | Rate | Hours | Ext. Costs |
|---|---|---|---|
| Operating Engineer x 1 | $139.99 | 16 | 2,239.92 |
| Laborer Foreman x 1 | $106.25 | 16 | 1,699.93 |
| Laborer Journyman x 2 | $103.26 | 32 | 3,304.23 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | Subtotal | $7,244.08 |
| | | Labor Markup 20% | $1,448.82 |
| | | **Labor Total** | **$8,692.89** |

**MATERIAL/EQUIPMENT (Contractor Self-Performed)**

| Item Description | Unit | $/Unit | Qty | Ext. Costs |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | Sales Tax (7.25%) | 0.00 |
| | | | Material Subtotal | $0.00 |
| | | | Material Markup 15% | $0.00 |
| | | | **Material Total** | **$0.00** |

**SUBCONTRACTOR Cost Summary**

| Subcontractor/Equipment Name | Trade/Description | Costs |
|---|---|---|
| Quote From Skyline Crane | Crane Services | $5,412.00 |
| Quote From Clean Harber (Removal and Deisposal of Fuel, Tank, Line and Steel Tube) | Removal & Disposal | $12,789.72 |
| | | |
| | | |
| | | |
| | | |
| | Sub/Equipment Subtotal | $18,201.72 |
| | Sub Markup 5% | $910.09 |
| | **Sub/Equipment Total** | **$19,111.81** |

| | |
|---|---|
| **Subtotal** | **$27,804.70** |
| Bonding 1% | $0.00 |
| Insurance 1% | $0.00 |
| **Bonding and Insurance Total** | **$0.00** |

**Request for Change Order Total Cost: $27,804.70**

We have proceeded with the work included in this proposal as directed _____

We have NOT proceeded with the work included in this proposal **x**

Time Extension(working days): **3**

**Signature / Authorizations:**

Contractor (print name) _____ Signature _____ Date _____

| Prime Contractor (print name) | Signature | Date |
|---|---|---|
| Architect (print name) | Signature | Date |
| Owners Representative | Signature | Date |

# CHANGE ORDER PROPOSAL - LABOR RATE CALCULATION FORM
## REQUEST FOR RATE HIGHER THAN FULLY BURDENED LABOR RATES

**NOTE: The contractor is required to complete one form for each craft/trade/classification for which they request a rate higher than the FSD published fully burdened labor rates and attach the supporting documents.**

PERFORMING CONTRACTOR: Eco Energy Solutions Inc. dba High Volt Electric | DATE: **7/16/2026**

PROJECT: Installation of 150kw Generator | CONTRACT #.: 2026004

PRIME CONTRACTOR: Eco Energy Solutions Inc. dba High Volt Electric | CONTRACTOR JOB #.: 0

LOCAL UNION ☑ YES ☐ NO #.: 300 | PHONE ( ) | P.S.A. ☐ YES ☑ NO

CRAFT / TRADE: **Laborer** | CLASSIFICATION: **Foreman** | O.C.I.P. ☐ YES ☑ NO

WORKERS COMP. CLASS CODE: | DATE WAGE EXPIRES: **7/1/2027**

| | | STRAIGHT TIME Daily | OVERTIME Daily or Saturday | OVERTIME Sunday/Holiday |
|---|---|---|---|---|
| **(A) BASIC HOURLY RATE** | | $54.20 | $81.30 | $108.40 |
| **FRINGES (EMPLOYER PAYMENTS)** | | | | |
| Health & Welfare | $9.85 /Hr | $9.85 | $9.85 | $9.85 |
| Pension | $12.92 /Hr | $12.92 | $12.92 | $12.92 |
| Vacation / Holiday | $5.20 /Hr | $5.20 | $5.20 | $5.20 |
| Training | $0.70 /Hr | $0.70 | $0.70 | $0.70 |
| Other Payments | $0.68 /Hr | $0.68 | $0.68 | $0.68 |
| Other (specify): | $0.00 /Hr | $0.00 | $0.00 | $0.00 |
| (B) Total Fringes | | $29.35 | $29.35 | $29.35 |
| **(C) TOTAL PREVAILING WAGE (A+B)** | | $83.55 | $110.65 | $137.75 |
| **(D) PAYROLL TAXES & WORKERS' COMPENSATION** | | | | |
| F.I.C.A./Medicare | 7.65 % | | | |
| F.U.T.A. | 0.454 % | | | |
| S.U.T.A. | 6.043 % | | | |
| E.T.T. | 0.017 % | | | |
| Sub Total | **14.164** % | | | |
| **Adder** | | | | |
| Workers' Comp. * | 13 % | | | |
| **(E)** Total | **27.16** x (A) | $22.70 | $30.06 | $37.42 |
| TOTAL - HOURLY LABOR RATE (C+E) | | $106.25 | $140.71 | $175.17 |

* This amount will be zero if an Owner-Controlled Insurance Program ("OCIP") is in effect

Note: If the actual numbers for payroll taxes are greater than 9%, please submit proper documents to justify the higher rate.

# CHANGE ORDER PROPOSAL - LABOR RATE CALCULATION FORM
## REQUEST FOR RATE HIGHER THAN FULLY BURDENED LABOR RATES

**NOTE: The contractor is required to complete one form for each craft/trade/classification for which they request a rate higher than the FSD published fully burdened labor rates and attach the supporting documents.**

PERFORMING CONTRACTOR: Eco Energy Solutions Inc. dba High Volt Electric | DATE: **7/16/2026**

PROJECT: Installation of 150kw Generator | CONTRACT #.: 2026004

PRIME CONTRACTOR: Eco Energy Solutions Inc. dba High Volt Electric | CONTRACTOR JOB #.: 0

LOCAL UNION ☑ YES ☐ NO #.: 300 | PHONE ( ): | P.S.A. ☐ YES ☑ NO

CRAFT / TRADE: **Laborer** | CLASSIFICATION: **Journeyman** | O.C.I.P. ☐ YES ☑ NO

WORKERS COMP. CLASS CODE: | DATE WAGE EXPIRES: **7/1/2027**

| | | STRAIGHT TIME Daily | OVERTIME Daily or Saturday | OVERTIME Sunday/Holiday |
|---|---|---|---|---|
| **(A) BASIC HOURLY RATE** | | $51.85 | $77.78 | $103.70 |
| **FRINGES (EMPLOYER PAYMENTS)** | | | | |
| Health & Welfare | $9.85 /Hr | $9.85 | $9.85 | $9.85 |
| Pension | $12.92 /Hr | $12.92 | $12.92 | $12.92 |
| Vacation / Holiday | $5.20 /Hr | $5.20 | $5.20 | $5.20 |
| Training | $0.70 /Hr | $0.70 | $0.70 | $0.70 |
| Other Payments | $0.68 /Hr | $0.68 | $0.68 | $0.68 |
| Other (specify): | $0.00 /Hr | $0.00 | $0.00 | $0.00 |
| (B) Total Fringes | | $29.35 | $29.35 | $29.35 |
| **(C) TOTAL PREVAILING WAGE (A+B)** | | $81.20 | $107.13 | $133.05 |
| **(D) PAYROLL TAXES & WORKERS' COMPENSATION** | | | | |
| F.I.C.A./Medicare | 7.65 % | | | |
| F.U.T.A. | 0.454 % | | | |
| S.U.T.A. | 6.043 % | | | |
| E.T.T. | 0.017 % | | | |
| Sub Total | **14.164** % | | | |
| **Adder** | | | | |
| Workers' Comp. * | 13 % | | | |
| **(E)** Total | **27.16** x (A) | $22.06 | $29.10 | $36.14 |
| TOTAL - HOURLY LABOR RATE (C+E) | | $103.26 | $136.22 | $169.19 |

* This amount will be zero if an Owner-Controlled Insurance Program ("OCIP") is in effect

Note: If the actual numbers for payroll taxes are greater than 9%, please submit proper documents to justify the higher rate.

# CHANGE ORDER PROPOSAL - LABOR RATE CALCULATION FORM
## REQUEST FOR RATE HIGHER THAN FULLY BURDENED LABOR RATES

**NOTE: The contractor is required to complete one form for each craft/trade/classification for which they request a rate higher than the FSD published fully burdened labor rates and attach the supporting documents.**

PERFORMING CONTRACTOR: Eco Energy Solutions Inc. dba High Volt Electric
DATE: **7/16/2026**

PROJECT: Installation of 150kw Generator
CONTRACT #.: 2026004

PRIME CONTRACTOR: Eco Energy Solutions Inc. dba High Volt Electric
CONTRACTOR JOB #.: 0

LOCAL UNION ☐ YES ☑ NO #. _____ PHONE ( ) _____
P.S.A. ☐ YES ☑ NO

CRAFT / TRADE: **Operating Engineer** CLASSIFICATION: **Journeyman**
O.C.I.P. ☐ YES ☑ NO

WORKERS COMP. CLASS CODE: _____
DATE WAGE EXPIRES: **7/1/2027**

| | | | STRAIGHT TIME Daily | OVERTIME Daily or Saturday | OVERTIME Sunday/Holiday |
|---|---|---|---|---|---|
| **(A) BASIC HOURLY RATE** | | | $72.29 | $108.44 | $144.58 |
| **FRINGES (EMPLOYER PAYMENTS)** | | | | | |
| Health & Welfare | $17.45 | /Hr | $17.45 | $17.45 | $17.45 |
| Pension | $11.40 | /Hr | $11.40 | $11.40 | $11.40 |
| Vacation / Holiday | $6.00 | /Hr | $6.00 | $6.00 | $6.00 |
| Training | $1.25 | /Hr | $1.25 | $1.25 | $1.25 |
| Other Payments | $1.70 | /Hr | $1.70 | $1.70 | $1.70 |
| Other (specify): | $0.00 | /Hr | $0.00 | $0.00 | $0.00 |
| (B) Total Fringes | | | $37.80 | $37.80 | $37.80 |
| **(C) TOTAL PREVAILING WAGE (A+B)** | | | $110.09 | $146.24 | $182.38 |
| **(D) PAYROLL TAXES & WORKERS' COMPENSATION** | | | | | |
| F.I.C.A./Medicare | 7.65 | % | | | |
| F.U.T.A. | 0.454 | % | | | |
| S.U.T.A. | 6.043 | % | | | |
| E.T.T. | 0.017 | % | | | |
| Sub Total | **14.164** | % | | | |
| **Adder** | | | | | |
| Workers' Comp. * | 13 | % | | | |
| **(E)** Total | **27.16** | x (A) | $29.90 | $39.72 | $49.54 |
| TOTAL - HOURLY LABOR RATE (C+E) | | | $139.99 | $185.96 | $231.92 |

* This amount will be zero if an Owner-Controlled Insurance Program ("OCIP") is in effect

Note: If the actual numbers for payroll taxes are greater than 9%, please submit proper documents to justify the higher rate.

Clean Harbors Environmental Services, Inc.
EMPLOYEE WORKS FROM HOME
HOME, WI 85716
www.cleanharbors.com

July 27, 2026

Attn: Mr. Karo Gyonjyan
High Volt Electric Corp
4485 Runway Street
Simi Valley, CA 93063

Quote #5355347, High Volt Electric Corp, Sierra Madre, CA

Dear Mr. Gyonjyan:

Thank you for considering Clean Harbors Environmental Services, Inc. for your environmental service needs. We provide a broad range of environmental services including hazardous and non-hazardous waste transportation and disposal, laboratory chemical packing, emergency response, field services and industrial maintenance. We are pleased to provide this proposal based on the scope of work outlined below.

We offer our clients a broad spectrum of environmental services and the ability to dispose of hazardous material at or through a Clean Harbors' owned and operated facility. In addition to managing your waste streams, a Clean Harbors' professional can assist you with:

- Waste Transportation & Disposal
- Laboratory Chemical Packing
- Field Services
- 24-Hour Environmental Emergency Response
- Industrial Services
- InSite Services

I look forward to servicing your environmental needs. When you are ready to place an order, please contact our Customer Service group at 800.444.4244. If you have any questions or need further assistance, you may reach me at the number below.

Sincerely,

Michael Sweeney
Inside Sales Rep ES&S BDR
Phone: 608.469.4889
MICHAEL.SWEENEY@cleanharbors.com

## QUOTE CONDITIONS

The proposal is based on the following assumptions and site conditions. Any work which falls outside of the assumptions will constitute work beyond the intended scope and be completed upon mutually satisfactory terms.

Clean Harbors Environmental (CHES) will conduct a Health and Safety meeting prior to the start of the project to go over any hazards of the job. The field crew will also participate in the customer's site-specific health and safety training.

Any disposal pricing provided is based on assumptions. Final pricing will be determined by a completed waste profile. If there is disposal on the project and disposal pricing is not listed below, it will be provided after characterization of the waste and acceptance into a disposal facility.

The customer will be responsible for providing water, electric or plant air if needed. Customer will be responsible for all mechanical work including but not limited to removal of piping, line breaks, removal of man-way plates, etc.

The customer will be responsible for the LOTO of all vessels and process piping. All manways, piping, flanges, valve movement and insulation will be removed by the customer and access areas should be free of obstructions.

Quote is based off Monday-Friday daylight hours. If weekend or holiday hours are requested additional fees will be invoiced.

All waste generated will remain on the customer's site until an approved profile is in place.

Disposal Pricing is estimated only, and customer will be charged actual quantities determined by disposal facility.

Time over eight (8) hours in the normal workday and all-day Saturday is considered overtime and will be billed at 1.5 times the applicable straight time rate for all billable personnel unless otherwise quoted. Sunday and Holidays are considered premium time and will be billed at 2.0 times the applicable straight time rate for all billable personnel unless otherwise quoted.

CHES crews will be granted complete, unrestricted access to the work area. For the purpose quote, job has been quoted sight unseen. If anything falls outside of the normal scope of work discussed, a mutually agreed upon "Change Order" will be issued before work resumes.

A Clean Harbors [Hepaco] Health & Safety (H&S) Professional may visit the jobsite, as needed, to provide assistance with safety recommendations, Confined Space Entry (CSE) procedures, and to validate Standard Operating Procedures (SOPs). Any H&S personnel hours not included in the estimated costs will be billed at $85.00/hour.

## QUOTE CONDITIONS

Scope of Work and Additional Assumptions:
Clean Harbors will mobilize a 3-person field service crew and a telehandler to the High Volt Electric Corp site located at 232 West Sierra Madre Blvd Sierra Madre, CA 91024. Once on site the Clean Harbors crew will pump out the remaining diesel fuel in the 500-gallon above ground diesel tank and dismantle and drain any residual fuel from the pumps, lines, and dispenser. All residual fuel will be containerized into a 275-gallon tote and 55-gallon steel rums using a pneumatic diaphragm pump. The tank cleaned using a 3,000 PSI heated pressure washer and all wastewaters will be containerized into 55-gallon steel drums using the pneumatic diaphragm pump. This quote assumes that there are 350 gallons of diesel fuel in the tank and system, and that100 gallons of wastewater will be generated in the cleanout process. After the tank is cleaned the tank will be broken and cut into smaller pieces using a pneumatic rivet buster. All drummed waste will be taken off site for dispsoal and the tank taken for recycling. This quote does not include any electrical work and assumes that the tank system will be disconnected from the electrical system, locked out/tagged out, and de energized prior to crew mobilization. This quote uses Los Angeles County prevailing wage rates (determination SC-023-102-2). This quote is an estimate of time, materials, and disposal required; actuals will be billed at the quoted rates.

Waste Estimate:
(1) 275-gallon tote and (2) 55-gallon steel drums of diesel fuel (FB1)
(2) 55-gallon steel drums of rinse water and residual diesel (CNOS)
(1) 55-gallon steel drum of PPE and non recyclable tank debris
Steel tank pieces to be taken for scrap

## QUOTE SUMMARY

| Description | Amount |
|---|---|
| TASK 1: MOBE AND DEMOBE (NON-PREVAILINGWAGE) | $2,319.44 |
| TASK 2: ONSITE TIME(PREVAILINGWAGE) | $4,547.40 |
| TASK 3: SALE OF MATERIALS (ESTIMATED) | $875.00 |
| TASK 4: DRUM DISPOSAL (ESTIMATED) | $1,636.00 |
| **Subtotal** | **$9,377.84** |
| **Estimated Recovery Fee** | **$2,653.93** |
| **Estimated Waste Fee** | **$7.72** |
| **Estimated CARRAA Fee** | **$750.23** |
| **QUOTE TOTAL** | **$12,789.72** |

## TASK 1: MOBE AND DEMOBE (NON-PREVAILINGWAGE)

| Amount | Description | Qty/UOM | Days | Unit Price | Extended Total |
|---|---|---|---|---|---|
| 1 | Equipment Operator | 2 hour | 1 | $82.00 | $164.00 |
| 1 | Equipment Operator, Overtime | 2 hour | 1 | $123.00 | $246.00 |
| 2 | Field Technician | 2 hour | 1 | $68.00 | $272.00 |
| 2 | Field Technician Overtime | 2 hour | 1 | $102.00 | $408.00 |
| 1 | Foreman | 2 hour | 1 | $79.00 | $158.00 |
| 1 | Foreman Overtime | 2 hour | 1 | $118.50 | $237.00 |
| 1 | Pickup/Van/Car/Crew Cab | 1 day | n/a | $290.00 | $290.00 |
| 1 | Stake Body/Utility Truck | 1 day | n/a | $332.00 | $332.00 |
| 2 | Mileage Charge for Light Duty / Support Vehicles | 94 miles | n/a | $1.13 | $212.44 |
| | | | | **Total** | **$2,319.44** |

| | |
|---|---|
| **TASK 1: TOTAL ESTIMATE** | **$2,319.44** |
| Estimated Recovery Fee | $656.40 |
| Estimated CARRAA Fee | $185.56 |
| **Estimated total, including Fees** | **$3,161.40** |

## TASK 2: ONSITE TIME(PREVAILINGWAGE)

| Amount | Description | Qty/UOM | Days | Unit Price | Extended Total |
|---|---|---|---|---|---|
| 1 | Equipment Operator | 6 hour | 1 | $99.53 | $597.18 |
| 1 | Equipment Operator, Overtime | 2 hour | 1 | $131.46 | $262.92 |
| 2 | Field Technician | 6 hour | 1 | $99.53 | $1,194.36 |
| 2 | Field Technician Overtime | 2 hour* | 1 | $131.46 | $525.84 |
| 1 | Foreman | 6 hour | 1 | $99.53 | $597.18 |
| 1 | Foreman Overtime | 2 hour* | 1 | $131.46 | $262.92 |
| 1 | 3000psi Hot Water Pressure Washer | 1 day | n/a | $325.00 | $325.00 |
| 1 | Air Compressor 175-185 CFM | 1 day | n/a | $218.00 | $218.00 |
| 2 | Hose - Suction, 2 in X 25 ft | 1 day | n/a | $10.00 | $20.00 |
| 4 | Modified Level D (Tyvek and Boots) | 1 each | n/a | $20.00 | $80.00 |
| 1 | Pump - Double Diaphragm, 2 in | 1 day | n/a | $110.00 | $110.00 |
| 4 | Gloves - Impact and Cut Resistant | 1 pair | n/a | $25.00 | $100.00 |

| Amount | Description | Qty/UOM | Days | Unit Price | Extended Total |
|---|---|---|---|---|---|
| 1 | Misc. Handtools | 1 day | n/a | $53.00 | $53.00 |
| 1 | Pneumatic Rivet Buster | 1 day | n/a | $50.00 | $50.00 |
| 1 | Poly Sheet, 6mil 20ft x 100ft | 1 each | n/a | $139.00 | $139.00 |
| 1 | Simple Green Degreaser | 1 gallon | n/a | $12.00 | $12.00 |
| | | | | **Total** | **$4,547.40** |

* Includes portal-to-portal travel time

## TASK 2: TOTAL ESTIMATE — $4,547.40

Estimated Recovery Fee $1,286.91

Estimated CARRAA Fee $363.79

**Estimated total, including Fees** **$6,198.11**

---

## TASK 3: SALE OF MATERIALS (ESTIMATED)

| Amount | Description | Qty/UOM | Days | Unit Price | Extended Total |
|---|---|---|---|---|---|
| 1 | 275G / 1100 L Recondition Poly TOTE, DOT Rated | 1 each | n/a | $365.00 | $365.00 |
| 5 | 55 G / 205 L Steel Drum, Reconditioned 1A2/Y1.2/100 (17-H) | 1 each | n/a | $102.00 | $510.00 |
| | | | | **Total** | **$875.00** |

## TASK 3: TOTAL ESTIMATE — $875.00

Estimated Recovery Fee $247.63

Estimated CARRAA Fee $70.00

**Estimated total, including Fees** **$1,192.63**

---

## TASK 4: DRUM DISPOSAL (ESTIMATED)

### DISPOSAL

| Profile/Waste Code | Waste Description | Qty | UOM | Price | Total |
|---|---|---|---|---|---|
| CNO | NON HAZARDOUS SOLID | 1 | 55 gallon drum | $152.00 | $152.00 |
| CNOS | NON HAZARDOUS SEMI-SOLIDS | 2 | 55 gallon drum | $182.00 | $364.00 |

| Profile/Waste Code | Waste Description | Qty | UOM | Price | Total |
|---|---|---|---|---|---|
| FB1 | LIQUID FOR FUEL | 2 | 55 gallon drum | $108.00 | $216.00 |
| FB1 | LIQUID FOR FUEL | 1 | tote tank < 300g | $539.00 | $539.00 |
| | | | | **Total** | **$1,271.00** |

## TRANSPORTATION

| Dispatch Location | Qty | Price | UOM | Total |
|---|---|---|---|---|
| Los Angeles, CA ServiceCenter | 9 | $37.00 | container | *$365.00 |

*Minimum charge $365.00 per trip.

A demurrage charge of $115.00 per hour will apply as follows:

| Number of Containers | Allowable Loading Time |
|---|---|
| 1 to 10 | 0.5 hour(s) |
| 11 to 15 | 0.75 hour(s) |
| 16 to 25 | 1 hour(s) |
| 26 to 35 | 1.25 hour(s) |
| 36 to 40 | 1.5 hour(s) |
| 41 to 45 | 1.5 hour(s) |
| 46 to 50 | 1.75 hour(s) |
| 51 to 80 | 2 hour(s) |

## TASK 4: TOTAL ESTIMATE $1,636.00

| | |
|---|---|
| Estimated Recovery Fee | $462.99 |
| Estimated Waste Fee | $7.72 |
| Estimated CARRAA Fee | $130.88 |
| **Estimated total, including Fees** | **$2,237.59** |

## WASTE CLASSIFICATIONS SPECIFICATIONS

| Waste Code | Description |
|---|---|
| CNO | **Non Hazardous Solid**<br><br>Non-pourable at 70°F<br>No free liquid<br>Must be able to pass (paint filter/penetration) tests<br>Must be able to be landfilled<br>Biodegrade-able absorbents will be stabilized prior to land<br>No herbicide, pesticides, or cyanides<br>Source of PCB < 50 ppm<br>PRIMARY DISPOSAL METHOD: NON HAZARDOUS LANDFILL |

## WASTE CLASSIFICATIONS SPECIFICATIONS

| Waste Code | Description |
|---|---|
| CNO | **Non Hazardous Solid**<br><br>**********<br>No Free Liquid<br>Non-hazardous<br>Biodegrade-able absorbents will be stabilized prior to land<br>No PCB<br>pH – 2.1 to 12.4<br>PRIMARY DISPOSAL METHOD: NON HAZARDOUS LANDFARM |
| CNOS | **Non Hazardous Semi-Solids**<br><br>Must be able to be landfilled<br>No herbicides, pesticides, or cyanides<br>Source of PCB < 50 ppm<br>Flash point over 140°F<br>PRIMARY DISPOSAL METHOD: NON HAZARDOUS LANDFILL<br>**********<br>Non-hazardous<br>Must be biodegradable<br>No PCB<br>pH – 2.1 to 12.4<br>PRIMARY DISPOSAL METHOD: NON HAZARDOUS LANDFARM |
| FB1 | **Liquid For Fuel**<br><br>Example: paint thinner, solvents<br>Less than 4 inches of dispersible sludge<br>Less than 5 percent halogens/sulfur<br>Source of PCB < 50 ppm<br>Greater than 10,000 BTU's<br>No pesticides<br>No debris<br>Low viscosity (e.g. thinners)<br>Must not set-up with water or with organic solvents<br>PRIMARY DISPOSAL METHOD: FUEL BLENDING/INCINERATION |

## GENERAL CONDITIONS

- Except where superseded by an existing services agreement the following terms and conditions apply to this quoted business.
- The customer hereby acknowledges that the estimated cost is based upon a preliminary appraisal by a Clean Harbors Representative, and that the amount invoiced by Clean Harbors will be based upon labor and materials actually expended in performing the scope of work. Any changes in the scope will be billed on a time and materials basis.

**GENERAL CONDITIONS**

- Clean Harbors guarantees to hold these prices firm for 30 days.
- Terms: Net 30 Days
- For work to begin we ask that you acknowledge the quotation with a signature and provide the appropriate purchase order number. Where modifications to the scope of services become necessary, Clean Harbors will notify the customer promptly and obtain customer authorization for such modifications and a revised contract price will be established in order to finish the project.
- This proposal is contingent on the customer providing full and complete access to the site. Customer represents and warrants to Clean Harbors that the customer has the legal right, title and interest necessary to provide access to the site. In addition, customer warrants that it has supplied Clean Harbors complete and accurate information regarding the site, subsurface conditions, utility locations, site ownership, hazardous materials or wastes and other substances or hazards likely to be present and any other reports, documentation or information concerning the scope of work.
- Interest will be charged at 1.5% per month or the maximum allowed by law for all past due amounts.
- Disposal will be managed within the Clean Harbors Network of Approved Facilities.
- Local, state and federal fees/taxes applying to the generating location/receiving facilities are not included in disposal pricing and will be added to each invoice as applicable.
- Materials subject to additional charges if they do not conform to the listed specifications.
- A Profile Approval Fee of $125 and Profile Recertification fee of $35 for recertification will be charged upon profile approval or recertification.
- Clean Harbors supports many invoice delivery options (E-mail, Electronic Invoicing, EDI, Etc.). Pricing is based on Clean Harbors' standard invoice delivery method of E-mail. If another delivery method is required there could be an additional service fee per invoice. Any alternate delivery methods must be reviewed and approved by Clean Harbors prior to acceptance and implementation.
- A variable Recovery Fee (that fluctuates with the DOE national average diesel price), currently at 28.3%, will be applied to the total invoice. For more information regarding our recovery fee calculation please go to: www.cleanharbors.com/contact-us/customer-resources.
- Pickups that require same day or next day service may be subject to additional charges.
- Pickups cancelled within 72 hours of scheduling will be subject to cancellation charges.
- Transportation charges to the final disposal facility will be charged in addition to local transportation to our truck to truck hub/local facility and will vary with logistics and routing.
- Time over eight (8) hours in the normal workday and all day Saturday is considered overtime and will be billed at 1.5 times the applicable straight time rate for all billable personnel unless otherwise quoted. Sunday and Holidays are considered premium time and will be billed at 2.0 times the applicable straight time rate for all billable personnel unless otherwise quoted.

**GENERAL CONDITIONS**

- This proposal is submitted contingent upon the right to negotiate mutually acceptable contract terms and conditions, which are reflective of the work contemplated, and an equitable distribution of the risks involved therein. In the event that such agreement cannot be reached, Clean Harbors reserves the right to decline to enter into such an agreement without prejudice or penalty.
- In the event that legal or other action is required to collect unpaid invoice balances, Customer agrees to pay all costs of collection, including reasonable attorneys' fees, and agrees to the jurisdiction of the Commonwealth of Massachusetts.
- E-Manifests: EPA Requires electronic filing and reporting of manifest. To cover the cost of the E-Manifest and administrative cost of entering manifest into the system and managing the data, Clean Harbors will charge $27 per manifest on every invoice.
- CA Fuel Surcharge: Due to the California Road Repair and Accountability Act of 2017 (CARRAA) and other state taxes, the higher CARB diesel regulations, and other unique fuel capacity and distribution factors, the cost of fuel continues to increase significantly in the State of California. To off-set these extra costs, Clean Harbors is implementing a variable CARRAA/CARB Fee on every invoice for a California generator, which is currently at 8.00%.
- Unless specifically noted, these rates are not valid where Prevailing Wages and / or certified payroll apply. Any Prevailing Wage rates will be quoted on a case-by-case basis.
- Customer will be responsible for providing water on site. If not provided, additional charges will apply.

**ACKNOWLEDGEMENT**

Your signature below indicates your acceptance of the pricing and terms detailed in the quote above, and the Field Services Agreement in the following pages.

Thank you for the opportunity to be of service.

| CUSTOMER'S AUTHORIZED REPRESENTATIVE OR AGENT | Clean Harbors Environmental Services, Inc. |
|---|---|
| Signature | Signature |
| Print Name | Print Name |
| Date | Date |
| Phone | |
| Purchase Order Number | |
| Customer Insurance Carrier | |

## FIELD SERVICES AGREEMENT

The Customer acknowledges that the estimated cost is based on a preliminary on-site appraisal by the Clean Harbors Environmental Services, Inc. ("Clean Harbors") field representative and that the amount invoiced by Clean Harbors will be based on labor and materials actually expended in performing the Scope of Work. Any changes in the Scope of Work will be billed in addition to the estimated cost specified above. Customer hereby assigns to Clean Harbors all rights to any insurance payments that Customer may be entitled to receive to pay for the Services provided under this Field Services Agreement and hereby authorizes its insurance company or agent to pay Clean Harbors directly. Customer agrees that all charges that are not paid to Clean Harbors by its insurance company will be paid by the Customer.

This Field Services Agreement establishes the terms and conditions under which Clean Harbors agrees to provide, and Customer agrees to pay for, Services. In consideration of the mutual covenants contained herein, and for other good consideration, the receipt and sufficiency of which is hereby acknowledged, the parties have caused this Agreement to be executed by their duly authorized representative as of the date first written below.

## STANDARD TERMS AND CONDITIONS

1. Clean Harbors shall provide all labor, materials, tools, equipment and subcontracted items necessary to perform the Services described in the Scope of Work. Clean Harbors represents that it is properly licensed, possesses the requisite skills and shall perform the work in a professional and workmanlike manner.

2. Customer shall provide full and complete information regarding the site, surface and subsurface conditions, utility locations, site ownership, contractor access, hazardous materials or wastes and other substances or hazards likely to be present and any other reports, documentation or information concerning the site or Scope of Work which may reasonably be provided to Clean Harbors. Customer represents and warrants to Clean Harbors that Customer has the requisite legal right, title, and interest necessary to provide access to the job site.

3. Clean Harbors shall procure and maintain at its own expense during the term of this Agreement the following insurance coverages:

| | |
|---|---|
| Worker's Compensation: | Statutory |
| Employer's Liability: | $2,000,000 |
| General Commercial Liability: | $2 million per occurrence |
| | $4 million aggregate |
| Automobile: | $5 million combined single limit |
| Contractors Pollution Liability: | $10 million each Claim |
| | $10 million all Claims |

The Customer agrees that Clean Harbors, liability under this Agreement and Scope of Work shall not exceed the value of this contract, or the amount paid to Clean Harbors by Customer, whichever is ***less.***

4. The payment terms set forth herein are contingent upon the approval of Clean Harbors' Credit Department. In the event of a change in Customer's financial condition, Clean Harbors reserves the right to alter, change, or modify payment terms, and to immediately stop work. The failure of Clean Harbors to exercise its rights under this article at any time shall not constitute a waiver of Clean Harbors' continuing right to do so. Payment of the total estimated cost is required prior to performance of any service by Clean Harbors unless other payment terms have been established by the parties.

   Clean Harbors' standard terms of payment to approved accounts are net fifteen (15) days from the date of invoice. Interest shall accrue at the rate of one and one half (1.5%) percent per month, or at the maximum rate allowed by law, after fifteen (15) days. In the event that legal or other action is required to collect unpaid balances or invoices, Customer agrees to pay all costs of collection, including reasonable attorneys' fees, which may be incurred by Clean Harbors. "Legal or other action" as used above shall include bankruptcy and insolvency proceedings.

   Customer's obligation to pay the amounts due pursuant to this Agreement shall not be conditioned upon or limited by the types, amounts or availability of Customer's insurance.

   Customer agrees to pay Clean Harbors in accordance with Clean Harbors' published Rate Schedule ("Rates") for any litigation support or testimony provided by Clean Harbors in connection with, or arising out of, the work performed by Clean Harbors hereunder.

5. In the event that work is suspended or terminated for any reason prior to the completion of the Scope of Work, Customer agrees to pay for labor, equipment, materials, disposal and other costs incurred by Clean Harbors at the Rates and for reasonable demobilization costs.

6. Customer agrees that Clean Harbors shall not be responsible for pre-existing contamination at the job location, natural resource damage, or for indirect, incidental, consequential or special damages, including loss of use or lost profits, resulting from or arising out of the performance of the Scope of Work by Clean Harbors, its employees, agents and/or subcontractors.

7. The performance of this Agreement, except for the payment of money for Services already rendered, may be suspended by either party in the event performance of this Agreement is prevented by a cause or causes beyond the reasonable control of such parties. Such causes shall include but not be limited to: acts of God, acts of war, riot, fire, explosion, accidents, inclement weather or sabotage, lack of adequate fuel, power, raw materials, labor or transportation facilities; changes in government laws, regulations, orders, or defense requirements; restraining orders, labor disputes, strike, lock-out or injunction (provided that neither party shall be required to settle a labor dispute against its own best judgment). The party which is prevented from performing by a cause beyond its reasonable control shall use its best efforts to eliminate such cause or event.

## STANDARD TERMS AND CONDITIONS

8. Clean Harbors agrees to indemnify, save harmless and defend the Customer, its parent, subsidiary and affiliated companies and their respective directors, officers, employees, agents and assigns from and against any and all losses, liabilities, claims, penalties, forfeitures, suits, and the cost and expenses incident thereto (including cost of defense, settlement and reasonable attorneys, fees) which Customer may hereafter incur, become responsible for or pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination of or adverse effects on the environment or any violation of applicable federal, state and local laws, regulations, by-laws or ordinances to the extent caused by: (1) Clean Harbors' breach of any term or provision of this Agreement, or (2) the negligence or willful misconduct of Clean Harbors, its employees or agents in the performance of this Agreement.

   Customer agrees to indemnify, save harmless and defend Clean Harbors, its parent, subsidiary and affiliated companies and their respective directors, officers, employees, agents and assigns from and against any and all losses liabilities, claims, penalties, forfeitures, suits, and the costs and expenses incident thereto (including costs of defense, settlement and reasonable attorneys' fees) which Clean Harbors may hereafter incur, become responsible for or pay out as a result of death or bodily injuries to any person, destruction or damage to any property, contamination or adverse effects on the environment, or any violation of applicable federal, state and local laws, regulations, by- laws or ordinances to the extent caused by: (1) Customer's breach of any term or provision of this Agreement, or (2) the negligence or willful misconduct of the Customer, its employees or agents in the performance of this Agreement.

   Neither party shall be liable to the other for indirect, incidental, consequential, or special damages, including loss of use or lost profits.

9. The terms and conditions of this Agreement and Scope of Work and any Clean Harbors change orders or Clean Harbors' daily work sheets signed by both parties constitute the entire agreement between the parties. Additional, conflicting or different terms on any Purchase Order or other preprinted documents issued by Customer shall be void and are hereby expressly rejected by Clean Harbors. In the event that any portion of this Agreement is invalidated for any reason, the parties agree that all other provisions of this Agreement shall remain in force and effect.

10. Customer's representative or agent represents and warrants to Clean Harbors that it is duly authorized to execute this Agreement on Customer's behalf.

11. The validity, interpretation and performance of this Agreement shall be governed and construed in accordance with the Laws of the Commonwealth of Massachusetts and the parties agree to submit to the jurisdiction of the courts of the Commonwealth of Massachusetts for any disputes arising under this Agreement.

**Skyline Crane Rental LLC**
PO Box 601
Acton, CA 93510
8188024900
accounting@skylinecr.com
www.Skylinecranerental.com

# Estimate

| ADDRESS |
| --- |
| High Volt Electric<br>4485 Runway St.<br>Simi Valley, CA 93063 |

| ESTIMATE # | DATE | |
| --- | --- | --- |
| 4594 | 07/15/2026 | |

## PROJECT LOCATION

242 W. Sierra Madre

| ACTIVITY | QTY | RATE | AMOUNT |
| --- | --- | --- | --- |
| **50 Ton AT Full Cwt**<br>Generator removal 5k | 8 | 405.00 | 3,240.00 |
| **Gear Truck** | 1 | 655.00 | 655.00 |
| **Long Boom 101 - 120** | 6 | 8.00 | 48.00 |
| **Travel Permit** | 1 | 125.00 | 125.00 |
| **Fuel / Environmental**<br>14% | 1 | 569.00 | 569.00 |
| **Lift Planning** | 1 | 325.00 | 325.00 |
| **Compliance Fee**<br>Certified payroll | 1 | 450.00 | 450.00 |

TOTAL **$5,412.00**

Accepted By

Accepted Date

This is an estimate. Charges will be based on actual hours worked. (4) hour minimum applies. Charges are portal-to-portal. Overtime applies before 6:00 a.m., after 5:00 p.m., in excess of (8) hours & Saturday. For all OCIP/CCIP projects written verification of "On Hook" coverage from program is required. This must be received (3) days prior to the job date in order for equipment to be dispatch.

# FIRST AMENDMENT TO CONSTRUCTION AGREEMENT

This First Amendment to Construction Agreement ("Amendment") is entered into as of the date of the last signature below by and between the City of Sierra Madre, a California municipal corporation ("AGENCY"), and Eco Energy Solutions, Inc. dba High Volt Electric, a California corporation ("CONTRACTOR"). AGENCY and CONTRACTOR are sometimes referred to individually as a "Party" and collectively as the "Parties."

## RECITALS

**A.** On May 28, 2026, AGENCY and CONTRACTOR entered into a Construction Agreement for the Supply and Installation of a Stationary Ground-Mounted 150 kW Diesel Generator at the City Hall and Public Safety complex ("Agreement"), with a maximum amount of $330,563.00.

**B.** The Contract Documents include Bid Item 2 for demolition and removal of the existing generator and pad.

**C.** CONTRACTOR submitted Change Proposal No. 1 dated July 16, 2026, as subsequently supported by Clean Harbors Quote No. 5355347 dated July 27, 2026, requesting an increase of $27,804.70 and three additional Working Days for work involving the existing diesel fuel tank, remaining fuel, fuel-line system components, and a large steel tube within the generator enclosure.

**D.** Pursuant to Article XIII of the Agreement, the Parties desire to define the authorized additional work and amend the compensation and Contract Time on the terms stated below.

**NOW, THEREFORE,** in consideration of the mutual covenants stated herein, the Parties agree as follows:

## AMENDMENTS

**1.** AUTHORIZED ADDITIONAL WORK: Article II, Scope of Work, of the Agreement is amended to add the work described in Exhibit A, attached hereto and incorporated by this reference ("Additional Work"). CONTRACTOR shall perform only the Additional Work stated in Exhibit A, which is the complete scope authorized by this Amendment. The Additional Work does not include demolition or removal of the existing generator or pad, which remains included in Bid Item 2, or any other labor, materials, equipment, or services already required by the Agreement.

**2.** COMPENSATION: The first paragraph of Article III. A of the Agreement is amended to read as follows, with underlined text denoting additions and struck-through text denoting deletions:

> A. CONTRACTOR agrees to receive and accept the prices set forth in the Bid Proposal and Bid Schedule, as amended by the First Amendment to Construction Agreement, as full compensation for furnishing all materials, performing all work, and fulfilling all obligations hereunder. In no event shall the total compensation and costs payable to CONTRACTOR under the Agreement exceed $358,367.70 (Three Hundred Fifty-Eight Thousand Three Hundred Sixty-Seven Dollars and Seventy Cents), unless specifically approved in advance and in writing by AGENCY.

The maximum increase authorized by this Amendment is $27,804.70. This amount is an all-inclusive, not-to-exceed amount covering all labor, supervision, equipment, crane support, subcontractors, fuel handling, transportation, waste handling, disposal or recycling, taxes, fees, surcharges, markups, overhead, profit, bonds, insurance, and all other costs required to complete the Additional Work. CONTRACTOR is responsible for any subcontractor or vendor costs exceeding this amount.

**3.** CONTRACT TIME: Section B1.03, Contract Period/Construction Completion Date, of the Contract Documents is amended by replacing "240 WORKING DAYS" with "243 WORKING DAYS." The three-Working-Day extension is the complete time adjustment for the Additional Work.

**4.** DISPOSAL AND RECYCLING RECORDS: CONTRACTOR shall use properly authorized transporters and disposal or recycling facilities and shall comply with all applicable requirements governing the materials removed. Before AGENCY pays costs attributed to disposal or recycling, CONTRACTOR shall provide copies of the records issued for that work, including any completed waste manifest or electronic manifest confirmation and any disposal-facility or recycling receipt, as applicable.

**5.** SUPPORTING PROPOSAL AND THIRD-PARTY TERMS: Change Proposal No. 1 and its supporting estimates document the basis for CONTRACTOR's request but do not expand the scope or amount authorized by this Amendment. No term, condition, exclusion, indemnity, payment term, venue provision, or variable pricing provision contained in a subcontractor or vendor quotation is incorporated into the Agreement or binds AGENCY. CONTRACTOR remains solely responsible for its subcontractors and vendors.

**6.** BONDS AND INSURANCE: All bonds and insurance required by the Agreement remain in effect and apply to the Additional Work. Before beginning the Additional Work, CONTRACTOR shall provide any bond rider, surety consent, or updated evidence of insurance requested by AGENCY.

**7.** ORDER OF PRECEDENCE: This Amendment controls over the Agreement only to the extent expressly stated herein. The Agreement controls over Change Proposal No. 1 and all supporting subcontractor or vendor documents. Exhibit A controls over any inconsistent description of the Additional Work in those supporting documents.

**8.** REMAINING TERMS: Except as expressly amended herein, all terms and conditions of the Agreement remain unchanged and in full force and effect.

**9.** EFFECTIVE DATE: This Amendment takes effect on the date of the last signature below.

**10.** SEVERABILITY: If any provision of this Amendment is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall continue in full force and effect.

**IN WITNESS WHEREOF,** the Parties have caused their duly authorized representatives to execute this Amendment.

**"AGENCY"**
City of Sierra Madre

By: _____

Printed: Michael Bruckner

Title: City Manager

Date: _____

**"CONTRACTOR"**
Eco Energy Solutions, Inc. dba High Volt Electric

By: _____

Printed: Karo Gyonjyan

Title: President

Date: _____

**Attest:**

By: _____

Printed: Laura Aguilar

Title: City Clerk

Date: _____

**Approved as to Form:**

By: _____

Printed: Aleks R. Giragosian

Title: City Attorney

Date: _____

**(EXECUTE IN DUPLICATE)**

# EXHIBIT A
# AUTHORIZED ADDITIONAL WORK

**Project:** City Hall Emergency Generator Replacement Project

**City Project Numbers:** CIP No. FA-26004; Tyler Project No. FC82604

**Contractor:** Eco Energy Solutions, Inc. dba High Volt Electric

## A. SCOPE

1. Safely disconnect, isolate, de-energize, and lock out/tag out the existing fuel-tank system to the extent required for the Additional Work.
2. Pump, containerize, remove, transport, and lawfully dispose of the diesel fuel remaining in the existing 500-gallon aboveground tank and connected system.
3. Drain, disconnect, dismantle, and remove the associated fuel-line system components, pumps, lines, and dispenser components, as applicable to the existing system.
4. Clean the existing tank, collect and containerize the resulting wastewater, dismantle or cut the tank as needed for removal, and lawfully recycle or dispose of the tank.
5. Remove and lawfully recycle or dispose of the large steel tube located within the generator enclosure.
6. Handle, transport, and lawfully dispose of wastewater, contaminated protective equipment, and debris generated by the Additional Work through properly authorized transporters and facilities.
7. Provide incremental crane support only to the extent necessary to perform Items 1 through 6. Crane work for demolition or removal of the existing generator or pad is excluded.
8. Leave the affected work area clean, safe, and ready for completion of the Work required by the Agreement.

## B. COMPENSATION AND TIME

1. Maximum increase: $27,804.70, all-inclusive and not to exceed.
2. Contract Time extension: three Working Days, increasing the Contract Time from 240 to 243 Working Days.

## C. REQUIRED RECORDS

1. Copies of completed waste manifests or electronic manifest confirmations and disposal or recycling receipts issued for the fuel, wastewater, tank, fuel-line components, steel tube, and related materials, as applicable.

## D. EXCLUSIONS

1. Demolition or removal of the existing generator or pad and all other work already required by the Agreement.
2. Any additional compensation, contingency, or time extension not expressly stated in this Amendment.
3. Terms and conditions contained in supporting subcontractor or vendor quotations.

CITY OF
SIERRA
MADRE

# STAFF REPORT

## CITY MANAGER'S OFFICE

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Miguel Hernandez, Assistant City Manager

**SUBJECT:** **Resolution No. 26-87 Appointing Jerry Price as Interim Police Chief**

**RECOMMENDATION**

It is recommended that the City Council adopt the Resolution No. 26-87 appointing Jerry Price as Interim Police Chief.

**SUMMARY**

The City of Sierra Madre is currently recruiting for a permanent Police Chief. To maintain continuity of Police Department operations during the recruitment process, the City Manager intends on appointing Jerry Price, a retired annuitant with prior experience as a Police Chief, to serve as Interim Police Chief. The proposed resolution ratifies the appointment.

**DISCUSSION & ANALYSIS**

The City of Sierra Madre is in the process of recruiting to fill the vacant position of Police Chief and during such recruitment, the City of Sierra Madre desires to appoint a person with specialized skills qualified to fill the position in order to prevent stoppage of public business and continue the City's municipal operations during the recruitment and selection process for a permanent appointment.

Mr. Price is a veteran law enforcement executive with more than 30 years of municipal policing experience, including nearly a decade as Chief of Police for the City of La Habra. He began his law enforcement career with the La Habra Police Department in 1991 and rose through the ranks from Police Officer to Chief of Police. As Chief, he led a full-service department of more than 100 employees serving a community of more than 62,000 residents and managed an annual budget exceeding $20 million. His career includes extensive experience in patrol operations, criminal investigations, professional standards, personnel and labor relations, emergency response, and community policing.

Price holds a Master of Arts in Public Administration from Cal Poly Pomona and a Bachelor of Science in Organizational Leadership from Azusa Pacific University. He holds California POST Executive, Management, and Supervisory Certificates and has completed advanced executive leadership training through POST and the Senior Management Institute for Police.

Mr. Price is a retiree under the California Public Employees' Retirement System (CalPERS) and is subject to the provisions of Government Code Sections 7522.56 and 21221(h). Under state law, an individual receiving a pension benefit from a public retirement system may only be employed by a public agency in the same retirement system for certain specified reasons, including during the availability of the position because of leave of absence and deemed by the Council to require specialized skills or during an emergency to prevent stoppage of public business. State law also imposes a limit of 960 hours worked in a fiscal year, and the hourly rate must be no more than the employer's maximum salary for comparable employees, divided by 173.333.

Mr. Price is tentatively scheduled to begin on October 5, 2026, working 20 to 30 hours a week at an hourly rate of $121.11 (Step 10). Finally, the City Council must approve the appointment as an action item at a public meeting which is accomplished by Resolution No. 26-87 for the City Council's consideration.

**STRATEGIC PLAN RELATIONSHIP**

This action supports the City's goals of Improving Recruitment (Strategy OS 1.1) and Retention (Strategy OS 1.3).

**ENVIRONMENTAL ANALYSIS**

CEQA Project, exempt under: 14 CCR 15061(b)(3)- common sense exemption, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment

**FISCAL IMPACT**

The position of Police Chief is budgeted in the Fiscal Year 2026-27 Budget.

Approved by:

Mike

_____

Michael Bruckner
City Manager

**Attachments**

2026-09-08 Resolution 26-87 Appointing Interim Police Chief_Jerry Price (Updated).pdf

# RESOLUTION NO. 26-87

## A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, APPOINTING INTERIM POLICE CHIEF JERRY PRICE

## RECITALS

**WHEREAS**, the Chief of Police of the City of Sierra Madre ("City") is currently on a leave of absence and during this time, the City desires to appoint a person with specialized skills qualified to fill the position on an interim basis to prevent stoppage of public business and continue municipal operations during the recruitment and to provide transitional coverage; and

**WHEREAS**, the City Manager has appointed a California Public Employees' Retirement System (CalPERS) retired annuitant, Jerry Price ("Employee") to the position of Interim Police Chief on an interim basis, pursuant to Government Code Section 21221, subd. (h); and

**WHEREAS**, Government Code sections 7522.56 and 21221, subd. (h) authorize the appointment of a retired annuitant, subject to specified statutory requirements.

**THEREFORE, THE CITY COUNCIL 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. Appointment.** The City Council hereby appoints Jerry Price to the position of Interim Police Chief, consistent with the requirements of Government Code section 21221, subd. (h).

**SECTION 3. CalPERS Request.** The City Council of the City of Sierra Madre requests that CalPERS approve employment of CalPERS annuitant, Jerry Price, to perform specialized services of the position on an interim basis and for a limited duration, which shall not exceed 960 hours per fiscal year, as necessary.

**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 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 5. Certification.** Pursuant to Government Code Section 36932, the City Clerk shall certify the passage, approval, and adoption of this Resolution by the City Council.

**SECTION 6. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED** this 8th day of September, 2026.

_____
Kristine Lowe, Mayor

**I HEREBY CERTIFY** the foregoing Resolution was duly passed, approved, and adopted by the City Council of the City of Sierra Madre, California, at a meeting held on the 8th day of September, 2026, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

_____
Laura Aguilar, City Clerk

Approved as to form:

_____
Aleks Giragosian, City Attorney

CITY OF
SIERRA
MADRE

# STAFF REPORT

## PLANNING & COMMUNITY PRESERVATION

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Clare Lin, Director of Planning & Community Preservation
By: Greg Silva, Code Enforcement Officer

**SUBJECT:** **Resolution No. 26-89 Directing the County Auditor-Controller to Continue Placing the Direct Assessment Charges Onto the Current Tax Roll Against the Property Located at 737 Alta Vista Drive to Recover the City's Public Nuisance Abatement Expenses**

**RECOMMENDATION**

It is recommended that the City Council approve Resolution No. 26-89 directing the County Auditor-Controller to continue placing the direct assessment charges onto the current tax roll against the property located at 737 Alta Vista Drive to recover the City's expenses.

**SUMMARY**

Resolution No. 26-89 would direct the Los Angeles County Auditor-Controller to continue placing a direct assessment on the current property tax roll for the property located at 737 Alta Vista Drive, Sierra Madre, California 91024 ("Property"), to recover the City's previously confirmed public nuisance abatement expenses totaling $18,003.

On August 26, 2024, the City obtained an inspection and abatement warrant from the Los Angeles County Superior Court to abate public nuisances at the Property. In carrying out the abatement, the City incurred $18,003 in administrative, contractual, and legal expenses. The Sierra Madre Municipal Code authorizes the City, under specified circumstances, to recover public nuisance abatement costs through a special assessment against the affected property.

On October 8, 2024, the City Council adopted Resolution No. 24-62, confirming the City's abatement expenses and authorizing staff to record a special assessment against the Property to recover those costs. Approval of Resolution No. 26-89 will authorize and direct the Los Angeles County Auditor-Controller to continue placing the direct assessment on the current property tax roll until the City's outstanding public nuisance abatement expenses are recovered.

**DISCUSSION & ANALYSIS**

*Background:*

As early as 2019, the City received neighbor complaints about the condition of the Property. Code enforcement staff visited the home to find it had been abandoned and that overgrown vegetation surrounded the lot. The City contacted the owner on numerous occasions with little success.

On August 9, 2024, the City received a complaint from a neighboring resident claiming that a black bear was living at the Property and a foul smell was emanating from the shed and residence. On August 14, 2024, the City informed the California Department of Fish and Wildlife ("DFW"), who responded the following day by entering the Property in an attempt to capture the bear. The DFW officers did not find the bear, but they did find decaying food, feces, and animals corpses strewn about the shed and house.

On August 15, 2024, the City's Code Enforcement Officer issued a Notice of Nuisance Abatement Action stating that the City would be seeking judicial authority to: (1) remove any combustible rubbish, including dry weeds, dead plants, and overgrown vegetation and tree branches in close proximity to the home; (2) clear the interior of the home of any decaying food, feces, animal corpses, or other biological hazards; and (3) secure the home by boarding up the doors and windows.

*Public Nuisance Abatement:*

The Sierra Madre Municipal Code ("SMMC") provides multiple code enforcement options, including traditional public nuisance abatement under SMMC Chapter 8.16 and summary abatement under SMMC Chapter 8.12.

SMMC 8.12.150(A) provides for summary abatement to address the accumulation of garbage or refuse, "if the public health officer makes a report to the City Manager that a person at a specific address in the city is maintaining a nuisance." On August 22, 2024, an officer of the Los Angeles County Public Health Department issued an Official Inspection Report determining that the nuisance on the Property was a public health hazard. Included as Attachment A is a copy of the Official Inspection Report.

Under SMMC 8.12.150(B)-(C), the City Manager is authorized to abate the public nuisance using City resources if the property owner fails to act within 10 days of the date of notice. On August 22, 2024, the property owner was provided a copy of the Official Inspection Report and notice of the need to abate the public nuisance. He failed to act within the allotted time, and the City scheduled an abatement on September 5 and September 6.

The City contracted with Emergency Response Crime Scene Cleaning to (a) remove trash, debris, and rodent droppings from floors, (b) cut and remove contaminated sections of carpet, (c) remove and dispose of food waste, (d) remove spider webs, (e) apply chemical deodorizers, and (f) transport and dispose of waste. The City contracted Green Sapling Tree Service to (a) install plywood barriers to any entrance and opening, (b) elevate tree branches to maintain clearances of 6-10 feet from the ground, and (c) reduce weeds and manage vegetation on sloped areas.

*Costs Incurred:*

Emergency Response Crime Scene Cleaning's invoice for services totaled $6,500. Green Sapling Tree Service's invoice for services totaled $5,750. Code Enforcement staff estimates incurring $865 in employee related expenses. The legal expenses to investigate and draft an application for an administrative inspection and abatement warrant, as well as the cost to file the application and the return on the application in court, $4,888.

*Cost Recovery:*

SMMC 8.12.150(D) states, "the charge or cost of removal of the abatement of the nuisance by the city shall constitute a lien against the property occupied by the person maintaining the nuisance and a personal obligation against the owner of the property pursuant to Section 38773 of the California Government Code."

Government Code section 38773 states, “the legislative body may provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing, or maintaining it and by ordinance may make the expense of abatement of nuisances a lien against the property on which it is maintained and a personal obligation against the property owner, in accordance with Section 38773.1 or 38773.5.” Government Code section 38773.5 authorizes the City to adopt an ordinance to establish the procedure to record a special assessment against a property and to recover attorneys’ fees.

SMMC Chapter 8.12 is silent on the procedure to record a special assessment lien, but SMMC Chapter 8.16 authorizes the City to record a special assessment against a property for the type of “site nuisances” described above. SMMC Section 8.16.120 provides, “at the time and place fixed for receiving and considering the report [on abatement costs], the [city council] … shall hear and pass upon the report of the city engineer together with any objections or protests. Thereupon the directing body may make such revision, correction or modification in the report as it may deem just, after which by resolution the report, as submitted or as revised, corrected or modified, shall be confirmed.” This staff report is intended as the report on abatement costs for purposes of SMMC Section 8.16.120. Resolution No. 24-62, included hereto as Attachment 2, is the City Council's formal approval of the amounts to be assessed and/or lien against the Property.

On October 8, 2024, the City Council adopted Resolution No. 24-62, confirming the City’s public nuisance abatement expenses and authorizing a special assessment and/or lien against the Property to recover those costs. The Resolution constitutes the City Council’s formal approval of the amount to be assessed against and/or secured by a lien on the Property.

*Current Action:*

To continue collecting the special assessment previously authorized by the City Council, the City must submit a resolution to the Los Angeles County Auditor-Controller directing the County to place the direct assessment on the current secured property tax roll. Resolution No. 26-89 would authorize and direct the Los Angeles County Auditor-Controller to continue placing the abatement cost of $18,003, annual setup fee $250, annual process $51 and quarterly charge $13 direct assessment against the Property at 737 Alta Vista Drive on the current secured property tax roll.

The proposed resolution would remain effective through the 2030 tax year, to support continued collection of the assessment. This time period is intended to align with the County’s delinquent secured property tax collection process, under which a property that remains tax-defaulted may become subject to the County’s tax-sale process after the applicable five-year redemption period. The continued direct assessment will provide the City an available mechanism to recover the outstanding public nuisance abatement expenses confirmed through Resolution No. 24-62.

## STRATEGIC PLAN RELATIONSHIP

The recommended action directly aligns with the Strategic Plan’s objective of maintaining a safe, secure community and supports Goal 3: Manage the Outdoor Environment in effectively enforcing existing City codes.

## ENVIRONMENTAL ANALYSIS

The proposed City Council action is exempt from the California Environmental Quality Act under Class 21 Categorical Exemption (14 CCR 15321) as an action of a regulatory agency to enforce its municipal code.

## FISCAL IMPACT

The City incurred $18,003 in administrative, contractual, and legal expenses associated with the abatement. The proposed City Council action will authorize staff to record a special assessment and/or lien against the Property to recover the City’s expenses.

Approved by:



_____
Michael Bruckner
City Manager

**Attachments**

Attachment 1 - Resolution No. 26-89
Attachment 2 - Resolution No. 24-62

# RESOLUTION NO. 26-89

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, DIRECTING THE COUNTY AUDITOR-CONTROLLER TO CONTINUE PLACING THE DIRECT ASSESSMENT CHARGES ONTO THE CURRENT TAX ROLL AGAINST THE PROPERTY LOCATED AT 737 ALTA VISTA DRIVE TO RECOVER THE CITY'S PUBLIC NUISANCE ABATEMENT EXPENSES**

## RECITALS

**WHEREAS,** on August 26, 2024, the City obtained an inspection and abatement warrant from Los Angeles County Superior Court to abate the public nuisances at the property located at 737 Alta Vista Drive, Sierra Madre, California 91024 ("Property");

**WHEREAS,** the City incurred $18,003 in administrative, contractual, and legal expenses associated with the public nuisance abatement;

**WHEREAS,** the City desires to recover its public nuisance abatement expenses under Sierra Madre Municipal Code Chapters 8.12 and 8.16 and Government Code sections 38773.1 or 38773.5 by recording a special assessment and/or lien against the Property;

**WHEREAS,** on October 8, 2024, the City Council adopted Resolution No. 24-62, confirming the City's public nuisance abatement expenses and authorizing a special assessment and/or lien against the Property to recover those costs;

**WHEREAS,** the Los Angeles County Auditor-Controller acts as the City's collection agent for direct assessments placed on the secured property tax roll and requires a resolution or ordinance from the City Council directing placement of the direct assessment on the current tax roll;

**WHEREAS,** the direct assessment to be placed against the Property consists of $18,003 in abatement costs, a $250 annual account setup fee, a $51 annual processing fee, and a $13 quarterly charge, for a total assessment of $18,317; and

**WHEREAS,** the City Council desires to direct the Los Angeles County Auditor-Controller to continue placing the direct assessment against the Property on the secured property tax roll through the 2030 tax year.

**THEREFORE, THE CITY COUNCIL 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. Direct Assessment.** The City Council requests the County Auditor-Controller to collect the special assessment as a direct assessment against the Property in the same manner and time as County taxes. The City Council also directs the County Auditor-Controller to place the direct assessment charges onto the current tax roll.

**SECTION 3. CEQA.** This Resolution is exempt from the California Environmental Quality Act under Class 21 Categorical Exemption (14 CCR 15321) as an action of a regulatory agency to enforce its municipal code.

**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 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 5. Certification.** Pursuant to Government Code Section 36932, the City Clerk shall certify the passage, approval, and adoption of this Resolution by the City Council.

**SECTION 6. Records.** Pursuant to Government Code Section 40801, proof of certification and publication shall be entered in the book of Ordinances of the City Council.

**SECTION 7. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED** this 8th day of September 2026.

_____
Kristine Lowe, Mayor

**I HEREBY CERTIFY** the foregoing Resolution was duly passed, approved, and adopted by the City Council of the City of Sierra Madre, California, at a meeting held on the 8th day of September 2026, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

_____
Laura Aguilar, City Clerk

Approved as to form:

_____
Aleks Giragosian, City Attorney

**RESOLUTION NO. 24-62**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, CONFIRMING PUBLIC NUISANCE ABATEMENT EXPENSES AND AUTHORIZING CITY STAFF TO RECORD A SPECIAL ASSESSMENT AND/OR LIEN AGAINST THE PROPERTY LOCATED AT 737 ALTA VISTA DRIVE IN SIERRA MADRE, CALIFORNIA TO RECOVER THE CITY'S PUBLIC NUISANCE ABATEMENT EXPENSES**

**RECITALS**

**WHEREAS,** on August 26, 2024, the City obtained an inspection and abatement warrant from Los Angeles County Superior Court to abate the public nuisances at the property located at 737 Alta Vista Drive, Sierra Madre, California 91024 ("Property");

**WHEREAS,** the City incurred $18,003 in administrative, contractual, and legal expenses associated with the public nuisance abatement; and

**WHEREAS,** the City desires to recover its public nuisance abatement expenses under Sierra Madre Municipal Code Chapters 8.12 and 8.16 and Government Code sections 38773.1 or 38773.5 by recording a special assessment and/or lien against the Property.

**THEREFORE, THE CITY COUNCIL 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. Confirmation of Report.** The City Council confirms the agenda report as written, including the finding that the City incurred $18,003 in administrative, contractual, and legal expenses associated with the public nuisance abatement.

**SECTION 3. Direct Assessment.** The City Council requests the County Auditor-Controller to collect the special assessment as a direct assessment against the Property in the same manner and time as County taxes. The City Council also directs the County Auditor-Controller to place the direct assessment charges onto the current tax roll.

**SECTION 4. CEQA.** This Resolution is exempt from the California Environmental Quality Act under Class 21 Categorical Exemption (14 CCR 15321) as an action of a regulatory agency to enforce its municipal code.

**SECTION 5. 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 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. Certification.** Pursuant to Government Code Section 36932, the City Clerk shall certify the passage, approval, and adoption of this Resolution by the City Council.

**SECTION 7. Records.** Pursuant to Government Code Section 40801, proof of certification and publication shall be entered in the book of Ordinances of the City Council.

**SECTION 8. Effective Date.** This Resolution shall take effect immediately upon adoption.

**PASSED, APPROVED, AND ADOPTED** this 8th day of October, 2024.

Kelly Kriebs, Mayor

**I HEREBY CERTIFY** the foregoing Resolution 24-62 was duly passed, approved, and adopted by the City Council of the City of Sierra Madre, California, at a meeting held on the 8th day of October, 2024, by the following vote:

| | |
|---|---|
| **AYES:** | Mayor Kelly Kriebs, Council Member Edward Garcia, Council Member Gene Goss, and Council Member Kristine Lowe |
| **NOES:** | None. |
| **ABSENT:** | Mayor Pro Tempore Robert Parkhurst |
| **ABSTAINED:** | None. |

Laura Aguilar, City Clerk

377647.1
273249.1

CITY OF
SIERRA
MADRE

# STAFF REPORT

## FINANCE

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Sue Spears, City Treasurer
By: Selena Yang, Senior Accountant

**SUBJECT:** **Approval of the Quarterly Treasurer's Report – Quarter Ending June 30, 2026**

**RECOMMENDATION**

It is recommended that the City Council receive and file the Treasurer's Report for the cash and investment portfolio for quarter ended June 30, 2026.

**SUMMARY**

The report covering April 1, 2026 through June 30, 2026 presents the City's financial position across all funds, summarized investment performance, and affirms compliance with the City's Investment Policy and all applicable state laws.

**DISCUSSION & ANALYSIS**

The Treasurer's report is organized into three main sections:

- Cash and Investment Portfolio Summary: This section presents the City's total cash and investment holding as of June 30, 2026.
  - Total Cash: $5,328,442.37
  - Total Investments: $44,506,530.08
  - Total Portfolio: $49,834,972.45
- Cash Balances by Fund: This section provides information of City's cash activity within each fund.

Bank Reconciliation and Investment Statements: This section contains documents that verifies the reported balance.

**STRATEGIC PLAN RELATIONSHIP**

Strategy OS 2.2 – Develop and Maintain Long-Term Financial Planning

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities

**FISCAL IMPACT**

There is no fiscal impat as a result of the recommended action.

Approved by:



_____

Michael Bruckner
City Manager

**Attachments**

Staff Report Attachments Treasurer's Report – Quarter Ended June 2026.pdf

# CITY OF SIERRA MADRE
# TREASURER'S REPORT
# CASH AND INVESTMENT PORTFOLIO
## Apr-Jun 2026

### CITY CASH

| ACCOUNT | INSTITUTION | BALANCE | RATE |
|---|---|---|---|
| ALL | BMO | $ 5,328,442.37 | 0.000% |
| | TOTAL | $ 5,328,442.37 | |

| ACCOUNT NAME | INSTITUTION | BEGINNING BALANCE | + DEPOSITS | (-) WITHDRAWALS | ENDING BALANCE | CHANGES RATE |
|---|---|---|---|---|---|---|
| General Account | BMO | 3,989,850.44 | 11,524,584.90 | (10,185,992.97) | 5,328,442.37 | 33.55% |
| | TOTAL | $ 3,989,850.44 | $ 11,524,584.90 | $ (10,185,992.97) | $ 5,328,442.37 | |

### CITY INVESTMENT

| ISSUER | BOOK VALUE | FACE VALUE | MARKET VALUE | PERCENT OF PORTFOLIO | STATED RATE |
|---|---|---|---|---|---|
| LOCAL AGENCY INVESTMENT FUND | $ 43,508,815.24 | $ 43,508,815.24 | $ 43,459,753.92 | 97.75% | 3.816% |
| BMO Capital Markets | $ 997,714.84 | $ 1,000,000.00 | $ 999,580.00 | 2.25% | See Attached |
| TOTAL | $ 44,506,530.08 | $ 44,508,815.24 | $ 44,459,333.92 | 100.00% | |

| ISSUER | BEGINNING BALANCE | + DEPOSITS | (-) WITHDRAWALS | ENDING BALANCE | CHANGES RATE |
|---|---|---|---|---|---|
| LOCAL AGENCY INVESTMENT FUND | $ 39,119,335.41 | $ 4,389,479.83 | 0.00 | $ 43,508,815.24 | 11.22% |
| BMO Capital Markets | $ 2,017,201.60 | $ 0.00 | (1,019,486.76) | $ 997,714.84 | -50.54% |
| TOTAL | $ 41,136,537.01 | $ 4,389,479.83 | $ (1,019,486.76) | $ 44,506,530.08 | |

**CITY - TOTAL CASH AND INVESTMENT** $ 49,834,972.45

In compliance with the California Code Section 53646, as the City Treasurer of the City of Sierra Madre, I hereby certify that sufficient investment liquidity and anticipated revenues are available to meet the City's expenditure requirements for the next six months and that all investments are in compliance to the City's Statement of Investment Policy.
I also certify that this report reflects all Government Agency pooled investments and all City's bank balances.

Sue Spears — 9/1/2026

Sue Spears, City Treasurer — Date

# City of Sierra Madre
# Treasurer's Report
# Cash Balances by Fund
# For the Quarter Ended June 30,2026

| Fund No. | Fund | Balance 1/1/2026 | Receipts | Disbursements | Balance 3/31/2026 |
|---|---|---|---|---|---|
| 10000 | General | 12,362,138.32 | 7,772,395.21 | 5,020,994.43 | 15,113,539.10 |
| 25001 | Homeland Security Fund | (45,162.58) | 33,983.00 | 71,329.06 | (82,508.64) |
| 26002 | Misc Library Grants | 53,765.31 | 34,228.31 | - | 87,993.62 |
| 27001 | State Park Dept OGALS Fund | (45,534.84) | - | 4,494.19 | (50,029.03) |
| 29007 | Targeted State Grants-Library | 2,852,618.33 | 39,418.42 | 403,283.33 | 2,488,753.42 |
| 32XXX | Assessment Districts | 1,153,005.14 | 92,950.96 | 34,668.75 | 1,211,287.35 |
| 34002 | Development Impact Fees | 1,094,814.83 | 11,283.13 | - | 1,106,097.96 |
| 34003 | Art In Public Places | 28,811.87 | 296.93 | - | 29,108.80 |
| 35001 | DUI Enforcement Grant | (4,452.05) | 6,453.83 | 1,878.48 | 123.30 |
| 35003 | Police Donations | 62,724.38 | 618.60 | 40,957.51 | 22,385.47 |
| 35004 | PSAF | 315,937.93 | 43,310.71 | - | 359,248.64 |
| 35005 | State COPS Grant | 49,007.20 | 505.07 | - | 49,512.27 |
| 35008 | Officer Wellness and Mental Health | 1,481.29 | 15.27 | - | 1,496.56 |
| 36002 | Fire Department Donations | 31,313.61 | 779.58 | 5,030.37 | 27,062.82 |
| 37001 | Community Arts Commission | 6,565.36 | 67.66 | - | 6,633.02 |
| 37003 | Recreation Donations | 8,909.55 | 88.44 | 1,422.20 | 7,575.79 |
| 37004 | Prop A | 1,357,738.80 | 84,841.84 | 3,208.79 | 1,439,371.85 |
| 37005 | Open Space Fund | 295,777.57 | 19,670.27 | - | 315,447.84 |
| 37006 | Senior Center | 214,611.26 | 5,007.08 | 5,053.10 | 214,565.24 |
| 37007 | SM Community Foundation | 58,894.41 | 606.96 | - | 59,501.37 |
| 37008 | Youth Activity Center | 71,137.57 | 733.14 | - | 71,870.71 |
| 37009 | Prop C | 431,675.81 | 63,140.69 | - | 494,816.50 |
| 37010 | County Prop A Park Dev | (159,645.16) | - | - | (159,645.16) |
| 38001 | CA Beverage Container | 3,687.94 | 38.01 | - | 3,725.95 |
| 38002 | CDBG | (32,321.70) | 28,468.00 | 8,809.75 | (12,663.45) |
| 38003 | AQMD | 54,027.31 | 4,260.01 | - | 58,287.32 |
| 38004 | Environmental Fund | 397,245.98 | 51,248.67 | 1,618.50 | 446,876.15 |
| 38005 | Gas Tax | 320,073.47 | 80,035.77 | 71,089.24 | 329,020.00 |
| 38006 | Bikeway/Sidewalk Fund | - | 10,122.03 | - | 10,122.03 |
| 38007 | Measure R | 340,559.72 | 33,481.52 | - | 374,041.24 |
| 38012 | Measure M | 624,353.30 | 40,397.57 | - | 664,750.87 |
| 38013 | RMRA | 611,058.55 | 85,329.32 | - | 696,387.87 |
| 38015 | Measure W | 51,554.61 | 150,302.96 | 1,723.00 | 200,134.57 |
| 39002 | Library Gift & Memorial | 254,211.26 | 5,849.29 | 17,080.01 | 242,980.54 |
| 39006 | Friends of the Library | (5,056.33) | 5,095.01 | 8,813.47 | (8,774.79) |
| 39009 | Robert Day Trust | 766,398.54 | 7,898.48 | - | 774,297.02 |
| 39010 | American Rescue Plan Act | 226,236.53 | 2,331.59 | - | 228,568.12 |
| 40000 | Capital Projects Fund | 236,747.01 | 2,438.86 | 1,156.25 | 238,029.62 |
| 47000 | Low & Mod Housing | 372,360.37 | 3,837.53 | - | 376,197.90 |
| 50001 | Debt Service | 13,337.63 | - | - | 13,337.63 |
| 60000 | IS-Equip/Veh/Mach Maint | 1,069,294.66 | 135,605.42 | 101,040.83 | 1,103,859.25 |
| 60001 | Internal Svcs - Facilities | 910,917.43 | 155,910.54 | 198,249.84 | 868,578.13 |
| 60002 | Internal Svcs - Admin | 916,292.77 | 258,304.49 | 259,123.04 | 915,474.22 |
| 60003 | Internal Svcs - Technology | 511,542.38 | 296,604.77 | 281,694.44 | 526,452.71 |
| 60007 | IS-Personnel & Risk Mgmt | 840,824.70 | 2,055,501.17 | 1,636,259.64 | 1,260,066.23 |
| 60008 | General Plan Update | 112,526.62 | 196,885.89 | 38,566.08 | 270,846.43 |
| 60010 | IS-Equip/Veh/Mach Replacement | 31,352.43 | 250,000.00 | - | 281,352.43 |
| 71000 | Water | 13,341,759.68 | 2,095,291.64 | 1,378,192.56 | 14,058,858.76 |
| 72000 | Sewer | 2,879,394.38 | 362,301.65 | 223,613.43 | 3,018,082.60 |
| 76000 | Special Services Strike team | 81,874.30 | - | - | 81,874.30 |
| | TOTALS | **45,126,387.45** | **14,527,935.29** | **9,819,350.29** | **49,834,972.45** |

**City of Sierra Madre**
**Bank Reconciliation**
**General Account- BMO**
**Period Ending 06/30/26**

| | | |
|---|---|---|
| **General Ledger Beginning Balance** | $ | 4,328,188.46 |
| +Deposits | | 2,968,592.88 |
| -Withdrawals/Debits/Checks | | (1,968,338.97) |
| **General Ledger Ending Balance:** | **$** | **5,328,442.37** |
| | | |
| **Bank Statement Ending Balance:** | $ | 5,716,569.60 |
| +Deposits in Transit | | 2,047.77 |
| -Outstanding Checks/Withdrawals | | (390,175.00) |
| **General Ledger Ending Balance:** | **$** | **5,328,442.37** |

-

## As of June 30, 2026

| Investment | Purchase | Maturity | Amount | Annual Interest Rate | Annual Interest Income |
|---|---|---|---|---|---|
| LAIF (Estimate) | Various | Any time | $ 43,508,815 | 3.816% | $ 1,660,296 |
| US Treasury | 9/11/2024 | 8/31/2026 | 500,000 | 3.55% | 17,750 |
| US Treasury | 10/24/2024 | 9/30/2026 | 500,000 | 3.95% | 19,755 |
| **Total** | | | **$ 44,508,815** | | **$ 1,697,801** |

**State of California**
**Pooled Money Investment Account**
**Market Valuation as of 06/30/2026**

| **Fiscal Year** | **25-26** |
|---|---|
| Cost | 43,508,815.24 |
| FMV Factor | 0.998872382 |
| FMV | 43,459,753.92 |
| FMV Appr | (49,061.32) |
| | |
| 99999-00000-12001-LAIF | 43,508,815.24 |
| 10000-00000-12006-Allow for FMV LAIF | **(49,061.32)** |
| TOTAL | 43,459,753.92 |
| CHECK | - |

California State Treasurer
Fiona Ma, CPA



Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

May 03, 2026

LAIF Home
PMIA Average Monthly Yields

CITY OF SIERRA MADRE

FINANCE DIRECTOR
232 W. SIERRA MADRE BLVD
SIERRA MADRE, CA 91024

Tran Type Definitions

**Account Number:** 98-19-870

April 2026 Statement

| Effective Date | Transaction Date | Tran Type | Confirm Number | Web Confirm Number | Authorized Caller | Amount |
|---|---|---|---|---|---|---|
| 4/15/2026 | 4/14/2026 | QRD | 1798494 | N/A | SYSTEM | 389,479.83 |
| 4/23/2026 | 4/22/2026 | RD | 1799198 | 1759881 | SELENA YANG | 2,500,000.00 |

**Account Summary**

| | | | |
|---|---|---|---|
| Total Deposit: | 2,889,479.83 | Beginning Balance: | 39,119,335.41 |
| Total Withdrawal: | 0.00 | Ending Balance: | 42,008,815.24 |

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

June 01, 2026

LAIF Home
PMIA Average Monthly Yields

CITY OF SIERRA MADRE

FINANCE DIRECTOR
232 W. SIERRA MADRE BLVD
SIERRA MADRE, CA 91024

Tran Type Definitions

**Account Number:** 98-19-870

May 2026 Statement

| Effective Date | Transaction Date | Tran Type | Confirm Number | Web Confirm Number | Authorized Caller | Amount |
|---|---|---|---|---|---|---|
| 5/21/2026 | 5/21/2026 | RD | 1800309 | 1760994 | SELENA YANG | 1,500,000.00 |

**Account Summary**

| | | | |
|---|---|---|---|
| Total Deposit: | 1,500,000.00 | Beginning Balance: | 42,008,815.24 |
| Total Withdrawal: | 0.00 | Ending Balance: | 43,508,815.24 |

Local Agency Investment Fund
P.O. Box 942809
Sacramento, CA 94209-0001
(916) 653-3001

July 02, 2026

LAIF Home
PMIA Average Monthly Yields

CITY OF SIERRA MADRE

FINANCE DIRECTOR
232 W. SIERRA MADRE BLVD
SIERRA MADRE, CA 91024

Tran Type Definitions

**Account Number:** 98-19-870

June 2026 Statement

## Account Summary

| | | | |
|---|---|---|---|
| Total Deposit: | 0.00 | Beginning Balance: | 43,508,815.24 |
| Total Withdrawal: | 0.00 | Ending Balance: | 43,508,815.24 |

BMO

# Statement of Securities Held

As of close of business June 30, 2026

Securities Safekeeping

| Account | 1053048172 | CITY OF SIERRA MADRE |
|---|---|---|

**Account** **1053048172** **CITY OF SIERRA MADRE**

## Holdings - Available Positions

Asset Type US Treasury Bonds

| CUSIP / ISIN | Security Description | Holding Location | Current Face Value | Market Value ($) | Par Value ($/unit) |
|---|---|---|---|---|---|
| 91282CLH2 | UNITED STATES OF AMERICA US TREASURY BONDS M 08/31/26 3.750% D 08/31/24 | FRB | | 499,970.00 | 500,000.00 |
| 91282CLP4 | UNITED STATES OF AMERICA US TREASURY BONDS M 09/30/26 3.500% D 09/30/24 | FRB | | 499,610.00 | 500,000.00 |
| | | US Treasury Bonds Totals | | **999,580.00** | **1,000,000.00** |
| | | Holdings - Available Positions Totals | | **999,580.00** | **1,000,000.00** |

**End of account details**

**END OF ADVICE**

* BMO Bank is not responsible for validating market value. Market value for MBS/ABS/CMOs reflects previous factor if current factor is unavailable.

CITY OF
SIERRA
MADRE

# STAFF REPORT

## FINANCE

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Harry Wong, Director of Finance
By: Selena Yang, Senior Accountant

**SUBJECT:** **Approval of AB 1600 Annual Compliance Report for FY 2025-2026**

### RECOMMENDATION

It is recommended that the City Council receive and file the annual AB 1600 Compliance Report for fiscal year 2025-2026 in accordance with California Government Code 66006.

### SUMMARY

California Government Code Section 66006 requires cities imposing public facility fees to prepare an annual accounting of the revenue and expenditures in each of the funds as well as an explanation as to the use of the funds. For FY 2025-2026, no new impact fees were collected. Interest earnings accrued across funds; project spending occurred in the sewer fund and all funds remain restricted for growth-related capital needs.

### DISCUSSION & ANALYSIS

Government Code Section 66006 requires reporting on the activities within the public facility fee funds to be made available to the public within 180 days of the end of the fiscal year. Attached is the report outlining activity within the City of Sierra Madre's public facility fee funds. Revenues comprised of development impact fees and interest income and were allocated on fund balances for each of the public facility fee categories.

During FY 2025-2026, no new impact fees were collected. The project expenditures of $15,000 for a sewer repair project were incurred during the fiscal year. Total funds remaining at the end of FY 2025-2026 is $1,084,427.

### STRATEGIC PLAN RELATIONSHIP

None.

### ENVIRONMENTAL ANALYSIS

Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities

### FISCAL IMPACT

There is no financial impact for filing the annual AB 1600 Compliance Report.

Approved by:



_____

Michael Bruckner
City Manager

**Attachments**

FY25-26 City of Sierra Madre AB 1600.pdf

# City of Sierra Madre

## AB 1600 Compliance Report
## Fiscal Year 2025-2026

## Introduction

The City of Sierra Madre imposes development impact fees under authority granted under Sections 66000 through 66008 of the California Government Code. These fees, known as Public Facility Fees, are charged to mitigate the effects of development on the city's public facilities. The fees were developed through a fee study process performed by MuniFinancial Services in 2006 and are periodically updated based on the Construction Cost Index. Annual reporting on the receipt and expenditure of the fees is required under Section 66006 of the California Government Code.

### Annual Reporting Requirements

The annual reporting requirements include:

- A brief description of the type of fee in the account or fund.
- The amount of the fee.
- The amount of the fees collected and the interest earned.
- An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the cost of the public improvement that was funded with fees.
- An identification of an approximate date by which the construction of the public improvement will commence if the local agency determines that sufficient funds have been collected to complete financing on an incomplete public improvement.
- A description of each interfund transfer or loan made from the account or fund, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid, and the rate of interest that the account or fund will receive on the loan.
- The amount of refunds made.

### Public Facility Fee Categories

The City has eight categories of Public Facilities Fees. They include General Government, Art in Public Places, Library, Public Safety, Parks, Traffic, Water and Sewer fees. Fees are charged based on the type of development such as single-family, multi-family or non-residential uses. The following pages outline the activities for each of the public facilities fees for fiscal year 2025-2026 as required by Section 66006 of the California Government Code.

# General Government

The purpose of the General Government Public Facility Fee is to ensure that new development funds its fair share of general government facilities. Revenues are used to expand general facilities and for other projects to accommodate new development. General government facilities include, but are not limited to, government administrative offices, city-owned vehicles, and city storage facilities.

## FY 2025-2026 Schedule:

| Residential | | Nonresidential (per 1,000 sq. ft.) | | |
|---|---|---|---|---|
| Single Family | Multi-Family | Commercial | Office | Industrial |
| $3,790.91 | $2,361.99 | $918.44 | $1,221.79 | $613 |

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $75,435 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 5,007 |
| | 5,007 |
| Expenditures | |
| Project Expenditures | - |
| | - |
| Excess Revenue Over/(Under) Expenditures | 5,007 |
| Ending Fund Balance, June 30, 2026 | $80,442 |

## Current Public Improvement Projects:

There were no projects budgeted in fiscal year 2025-2026.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-2026.

## Refunds:

There were no refunds made in fiscal year 2025-2026.

# Art in Public Places

The purpose of the city of Sierra Madre art in public places program is to promote the general welfare by encouraging pride in the community, increasing property values, enhancing the quality of life, uniting the community around shared cultural experiences, and creating a cultural legacy for future generations (SMMC 17.90.040).

## FY 2025-2026 Schedule:

All new development projects, as defined in SMMC Section 17.90.020(B) of this chapter, including parking structures, residential developments of four units or more, and commercial and industrial development projects with a building valuation or valuations exceeding two hundred fifty thousand dollars in the aggregate, shall be subject to

- Non-residential development: 1% of project valuation
- Residential development: 0.5% of project valuation

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $27,998 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 1,111 |
| | 1,111 |
| Expenditures | |
| Project Expenditures | 0 |
| | 0 |
| Excess Revenue Over/(Under) Expenditures | 1,111 |
| Ending Fund Balance, June 30, 2026 | $29,109 |

## Current Public Improvement Projects:

There were no projects budgeted in fiscal year 2025-2026.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-2026.

## Refunds:

There were no refunds made in fiscal year 2025-2026.

# Library

The purpose of the Library Public Facility Fee is to ensure that new development funds its fair share of library facilities. Revenue is used to help fund expanded library facilities and for other projects to serve new development.

## FY 2025-2026 Schedule:

| Residential | | Nonresidential (per 1,000 sq. ft.) | | |
|---|---|---|---|---|
| Single Family | Multi-Family | Commercial | Office | Industrial |
| $2,194.63 | $1,368.24 | N/A | N/A | N/A |

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $12,051 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 555 |
| | 555 |
| Expenditures | |
| Project Expenditures | 0 |
| | 0 |
| Excess Revenue Over/(Under) Expenditures | 555 |
| Ending Fund Balance, June 30, 2026 | $12,606 |

## Current Public Improvement Projects:

There were no projects budgeted in fiscal year 2025-2026.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-2026.

## Refunds:

There were no refunds made in fiscal year 2025-2026.

# Public Safety

The purpose of the Public Safety Facility Fee is to ensure that new development funds its fair share of public safety facilities. Facilities include both police and fire facilities. Revenue is used to expand public safety facilities including fire suppression apparatus, police vehicles, public safety communication systems and for other projects to serve new development.

## FY 2025-2026 Schedule:

| Residential | | Nonresidential (per 1,000 sq. ft.) | | |
|---|---|---|---|---|
| Single Family | Multi-Family | Commercial | Office | Industrial |
| $2,964.53 | $1,847.34 | $714.67 | $954.01 | $477 |

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $41,781 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 1,658 |
| | 1,658 |
| Expenditures | |
| Project Expenditures | - |
| | - |
| Excess Revenue Over/(Under) Expenditures | 1,658 |
| Ending Fund Balance, June 30, 2026 | $43,439 |

## Current Public Improvement Projects:

There were no projects budgeted in fiscal year 2025-2026.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-2026.

## Refunds:

There were no refunds made in fiscal year 2025-2026.

# Parks and Parkland (Quimby)

The purpose of the Park and Parkland Public Facility Fee is to ensure that new development funds its fair share of park facilities. Revenue is used to expand park facilities and for other projects to serve new development in order to maintain a standard of 3.0 acres per 1,000 residents.

## FY 2025-2026 Schedule:

| | Residential | | Nonresidential (per 1,000 sq. ft.) | | |
|---|---|---|---|---|---|
| | Single Family | Multi-Family | Commercial | Office | Industrial |
| Subdivision | $19,826.97 | $12,360.22 | N/A | N/A | N/A |

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $225,237 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 8,935 |
| | 8,935 |
| Expenditures | |
| Project Expenditures | 0 |
| | 0 |
| Excess Revenue Over/(Under) Expenditures | 8,935 |
| Ending Fund Balance, June 30, 2026 | $234,172 |

## Current Public Improvement Projects:

There were no projects budgeted in fiscal year 2025-2026.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-2026.

## Refunds:

There were no refunds made in fiscal year 2025-2026.

# Transportation/Traffic

The purpose of the Transportation Public Facility Fee is to ensure that new development funds its fair share of street and transportation facilities. Revenue is used to fund improvements to the street network, increase the number of local transit stops and for other projects to serve new development.

## FY 2025-2026 Schedule:

| Residential | | Nonresidential (per 1,000 sq. ft.) | | |
|---|---|---|---|---|
| Single Family | Multi-Family | Commercial | Office | Industrial |
| $7,765.92 | $6,211.49 | $19,295.58 | $17027.73 | $6,219.86 |

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $239,309 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 9,494 |
| | 9,494 |
| Expenditures | |
| Project Expenditures | - |
| | - |
| Excess Revenue Over/(Under) Expenditures | 9,494 |
| Ending Fund Balance, June 30, 2026 | $248,803 |

## Current Public Improvement Projects:

There were no projects budgeted in fiscal year 2025-2026.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-26.

## Refunds:

There were no refunds made in fiscal year 2025-26.

# Water

The purpose of the Water Public Facility Fee is to ensure that new development funds its fair share of the water facilities. Revenue is used to expand reservoir capacity, groundwater pumping capacity and pipeline size and for other projects to serve increased demand by new development.

## FY 2025-2026 Schedule:

| Residential | | Nonresidential (per 1,000 sq. ft.) | | |
|---|---|---|---|---|
| Single Family | Multi-Family | Commercial | Office | Industrial |
| $18,153.27 | $7,539.98 | $4,811.86 | $4,811.86 | $4,001.80 |

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $215,548 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 8,551 |
| | 8,551 |
| Expenditures | |
| Project Expenditures | - |
| | - |
| Excess Revenue Over/(Under) Expenditures | 8,551 |
| Ending Fund Balance, June 30, 2026 | $224,099 |

## Current Public Improvement Projects:

There were no projects budgeted in fiscal year 2025-2026.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-2026.

## Refunds:

There were no refunds made in fiscal year 2025-2026.

# Sewer

The purpose of the Sewer Public Facility Fee is to ensure that new development funds its fair share of the sewer facilities. Revenue is used to increase the size of the current sewer lines and for other projects to serve increased demand by new development.

## FY 2025-2026 Schedule:

| Residential | | Nonresidential (per 1,000 sq. ft.) | | |
|---|---|---|---|---|
| Single Family | Multi-Family | Commercial | Office | Industrial |
| $20,843.74 | $5,190.54 | $4,261.64 | $4,261.64 | $3,550.31 |

## Fiscal Year 2025-2026 Activity:

| | |
|---|---|
| Beginning Fund Balance, July 1, 2025 | $218,384 |
| Revenue | |
| Fees Collected | 0 |
| Interest Earnings | 8,373 |
| | 8,373 |
| Expenditures | |
| Project Expenditures | 15,000 |
| | 15,000 |
| Excess Revenue Over/(Under) Expenditures | (6,627) |
| Ending Fund Balance, June 30, 2026 | $211,757 |

## Current Public Improvement Projects:

Public Works Department utilized the fund on the sewer repair project for Monterey Lane.

## Interfund Transfers or Loans:

There were no interfund transfers or loans in fiscal year 2025-2026.

## Refunds:

There were no refunds made in fiscal year 2025-2026.

CITY OF
SIERRA
MADRE

# STAFF REPORT

## PLANNING & COMMUNITY PRESERVATION

| | |
|---|---|
| **DATE:** | September 8, 2026 |
| **TO:** | Honorable Mayor and City Council |
| **FROM:** | Clare Lin, Director of Planning & Community Preservation<br>By: Joshua Wolf, Senior Planner |
| **SUBJECT:** | **Report, Discussion, and Direction to Waive and Refund Plan Check and Permit Fees for Victims of the 2025 Eaton Fireto Waive and Refund Plan Check and Permit Fees for Victims of the 2025 Eaton Fire** |

**RECOMMENDATION**

It is recommended that the City Council:

1. Receive and file this report regarding a potential program to waive and refund certain City plan check, permit, and inspection fees for eligible structures impacted by the Eaton Fire and subsequent debris flows;
2. Direct staff to return with administrative procedures for eligibility determinations, refunds, and program reporting; and
3. Direct staff to prepare a resolution to waive qualifying City plan check, permit, and inspection fees for eligible reconstruction projects subject to Urgency Ordinance No. 1480-U and authorize refunds of qualifying City fees previously paid for eligible projects, subject to a fee-waiver/refund application, and staff verification.

**SUMMARY**

Urgency Ordinance No. 1480-U, adopted March 25, 2025, declared a shelter crisis and established a five-year emergency rebuilding framework for property owners with red-tagged or yellow-tagged structures impacted by the Eaton Fire and subsequent debris flows. The ordinance was intended to streamline and reduce the cost of redevelopment, including by suspending specified discretionary reviews, allowing limited additional floor area, suspending certain public-improvement requirements, facilitating temporary housing, extending permits, streamlining building-plan review, reducing the potential need for geological and soil reports, and directing coordinated review of grading, drainage, fire safety, and building code requirements.

This report addresses the remaining cost component: whether the City should waive or refund City-imposed plan check, permit, and inspection fees for eligible recovery and reconstruction projects. A preliminary fiscal analysis, included in this report as Attachment 1, using the FY 2026-27 Fee Schedule estimates approximately $604,346.34 in City plan check, permit, and inspection fees for 24 identified structures associated with red-tagged properties, including fees already paid. The estimate represents a planning-level maximum for the modeled projects and will change as final designs, valuations, code requirements, project scopes, and permit submittals are established and if fees are applied under fee schedules adopted in future fiscal years. The City's General Fund is identified as the sole available source to fund the expenses incurred for Professional Services and Contract Services necessary to provide the plan check, permit, and inspection services associated with reconstruction.

The preliminary analysis identifies estimated plan check and permit charges across several categories: building plan check, fire sprinkler plan check, grading plan check, building permits, plumbing permits, electrical permits, solar permits, mechanical permits, and fire sprinkler permits. The analysis includes dwelling units, garages, accessory dwelling units (ADUs), and two office structures. Because Ordinance No. 1480-U applies to red-tagged and yellow-tagged structures but does not pertain to a structure's occupancy type, the City Council must decide whether relief should apply to all red- and yellow-tagged qualifying structures under the ordinance or be limited to red-tagged residential reconstruction and related accessory structures.

Should the City Council elect to proceed with a fee waiver program, staff recommends a targeted program aligned with Ordinance No. 1480-U: waive qualifying City fees for reconstruction or repair of eligible red-tagged or yellow-tagged structures directly impacted by the Eaton Fire and subsequent debris flows, including refunds for qualifying fees previously paid. The program should exclude third-party and State-mandated charges, penalties, reinspection fees attributable to noncompliance, and costs for new or elective improvements not directly tied to an eligible recovery project. Before final adoption, staff should confirm the final project inventory, separate paid amounts from prospective charges, identify the affected revenue funds, and return with a recommended funding source and not-to-exceed fiscal authorization.

## DISCUSSION & ANALYSIS

*Background*

The Eaton Fire ignited on January 7, 2025. Approximately 750 acres burned within Sierra Madre and 35 structures were destroyed or damaged. The City Council proclaimed a local emergency on January 9, 2025. A significant debris flow later occurred on February 13, 2025, and the Council proclaimed an additional local emergency on February 25, 2025.

The City Council adopted Urgency Ordinance No. 1480-U on March 25, 2025, for the immediate preservation of public peace, health, and safety. The ordinance declares a shelter crisis and applies to property owners with red-tagged structures impacted by the Eaton Fire and subsequent debris flows. Unless earlier amended or repealed, the ordinance terminates on the fifth anniversary of its effective date. The ordinance establishes the City’s existing policy basis for an expedited and lower-cost recovery process. Among other provisions, it:

- Allows the greater of 10 percent additional floor area or 250 square feet for qualifying reconstruction projects;
- Suspends the Low Impact Development Plan requirement for eligible reconstruction projects;
- Approves reconstruction of projects if they were previously approved under the prior two Building Code cycles, 2019 and 2022, foregoing additional building-plan review;
- Extends applicable entitlements and building permits;
- Authorizes the City Engineer to forego geologic or soil reports when available data supports that determination; and
- Directs streamlined administrative review, fire hydrant flow analysis, and consideration of alternative materials, designs, and construction methods that satisfy safety standards.

On May 12, 2026, the City Council asked that a proposal be brought forth to waive plan check fees for residents that are rebuilding after the fire commensurate with programs offered by the City of Pasadena and County of Los Angeles. Ordinance No. 1480-U does not waive permit/inspection fees. A fee-relief program would reduce applicants' direct payment obligations while the City continues to perform the safety, building, fire, grading, and inspection work necessary for reconstruction.

*Preliminary Fiscal Analysis*

Staff completed a preliminary fiscal analysis using the FY 2026-27 Fee Schedule based on an estimated inventory of 24 structures at affected properties. The model estimates fees from assumed construction areas, occupancy classifications, construction types, and project valuations. The analysis includes both residential and nonresidential structures and includes certain structures identified as garages or ADUs.

The model should be treated as a budget-planning estimate, not as a final invoice or a commitment that each listed project will proceed in the modeled form. Actual amounts will vary based on final building area, valuation, scope of reconstruction, approved plans, code-required systems, fire and grading conditions, and whether the applicant seeks work beyond the emergency rebuilding scope.

The fiscal analysis also identifies some entries as "PAID" and separately lists certain actual invoiced or paid amounts. The preliminary total below therefore reflects the estimated charges for both modeled projects and actual reconstruction projects. Any refund program must be limited to actual qualifying City fees paid and retained by the City.

The preliminary analysis estimates the following gross fee exposure by category for the 24 modeled structures:

| Fee Category | Revenue Account | Expense Account | Amount |
|---|---|---|---|
| Building Plan Check | 10000.40000.47012 | 10000.40000.52100 | $204,863.67 |
| Fire Sprinkler Plan Check | 10000.40000.47061 | 10000.40000.52100 | $13,333.46 |
| Grading and Drainage Plan Check | 10000.40000.47062 | 10000.40000.52100 | $44,772.00 |
| Building Permit and Inspections | 10000.40000.43010 | 10000.40000.52100 | $219,609.21 |
| Plumbing Permit and Inspections | 10000.40000.43011 | 10000.40000.52100 | $40,061.00 |
| Electrical Permit and Inspections | 10000.40000.43012 | 10000.40000.52100 | $39,708.00 |
| Solar Permit and Inspections | 10000.40000.43012 | 10000.40000.52100 | $8,100.00 |
| Mechanical Permit and Inspections | 10000.40000.43013 | 10000.40000.52100 | $14,477.00 |
| Fire Sprinkler Permit and Inspections | 10000.40000.47061 | 10000.40000.52100 | $19,422.00 |
| | | **Total** | **$604,346.34** |

The fiscal analysis includes a dollar figure for valuation and are based on actual amounts for reconstruction projects that have, at minimum, been submitted for review and estimated amounts for model projects that are calculated in the assumption that the reconstruction is a project eligible under Ordinance No. 1480-U and leveraging the maximum available additional floor area permitted. Valuation is a figure necessary to calculate fees for Building Plan Check and Building Permit/Inspections; it does not represent a fee charged. All other fees in the fiscal analysis are charged at flat rates or fixed amounts.

The estimated total above includes fees charged only by the City and does not include all possible project costs. It excludes, or may not capture, fees mandated by State law collected by the City, utility-company costs, insurance-related costs, professional design costs, construction costs, and site-specific work that has not yet been designed or billed. It also does not necessarily reflect costs that may be avoided under Ordinance No. 1480-U through streamlined plan review, use of prior-code approvals, reduced geotechnical-report requirements, or suspension of certain public-improvement requirements. All expense accounts are linked with Professional Services and Contract Services. The revenues generated from these fees are proportioned for City staff time expenses and contract services with Willdan Associates.

The analysis also notes that certain fees had been paid before the fire. It is generally assumed that fees were paid prior to the fire for demolition and replacement construction planned prior to the fire. Each case with a fee paid prior to the fire will require project and payment history review to determine whether the project is consistent with streamlined review under Ordinance No. 1480-U.

*Proposed Fee Relief Program*

With the objective to be consistent with similar fee relief programs offered by the City of Pasadena and the County of Los Angeles, staff recommends that fee relief apply to projects meeting all of the following requirements:

1. The project concerns a structure that was red tagged consistent with Ordinance No. 1480-U;
2. The project does concern a structure or improvement that did not exist prior to January 7, 2025;
3. Property ownership has not been transferred since January 7, 2025;
4. The property is not listed for sale;
5. The project complies with the applicable rebuilding standards of Ordinance No. 1480-U, including its limits on discretionary-review relief and additional floor area; and
6. The applicant submits a City fee-waiver/refund application and documentation requested by staff to establish eligibility.

This framework would include eligible primary dwellings and related accessory structures that existed before the disaster and would not apply automatically, requiring an application be submitted for staff review and approval be granted or denied based on eligibility criteria. With the objective to be consistent with the City of Pasadena and the County of Los Angeles, the Council may choose whether to include qualifying nonresidential structures. Should the City Council elect to proceed with a fee waiver program, staff recommends waiving or refunding the following qualifying City charges for eligible projects:

- Building plan check fees;
- Fire sprinkler plan check fees;
- Grading plan check fees, if required;
- Building permit/inspection fees; and
- Plumbing, electrical, mechanical, solar, and fire sprinkler permit/inspection fees.

Staff further recommends excluding the following unless Council expressly directs otherwise and a legally available funding source is identified:

- State-mandated fees, including amounts that must be remitted to the State;
- School district, special district, utility-provider, or other third-party charges;
- Penalties, enforcement fees, or reinspection fees resulting from noncompliance or failed inspections;
- Fees for work not directly related to repair, replacement, or reconstruction of an eligible disaster-impacted structure;
- Extraordinary site-specific engineering, public-infrastructure, or utility hard costs; and
- Fees associated with an expansion beyond the ordinance’s authorized recovery standards, except where the additional work is required by applicable code or approved by Council.

*Refund Policy*

To treat early applicants equitably, should the City Council elect to proceed with a fee waiver program, staff recommends that the Council authorize refunds or credits for qualifying City fees paid before the effective date of the fee-relief program, provided that:

1. The project meets all eligibility criteria;
2. The payment was for a fee specifically included in the Council-approved waiver schedule;
3. The amount was actually received and retained by the City;
4. The fee was paid on or after January 7, 2025, or otherwise directly relates to an eligible post-disaster recovery project; and
5. The refund is not prohibited by law and does not include a payment remitted to another entity.

For fees paid before the fire or for fees that have already funded plan review or inspection work, staff should have discretion to determine whether a refund, a credit against future eligible fees, or no relief is legally and financially appropriate. The City Attorney and Planning & Community Preservation Department should review these cases before any payment is authorized by the City Manager.

*Regional Context*

The proposed framework is consistent with approaches used in nearby jurisdictions while tailoring eligibility to Sierra Madre's adopted ordinance.

Pasadena's Eaton Fire program waived many local plan check, permit, fire-review, refuse administrative, sidewalk, and electric-service costs for eligible owner-occupied, like-for-like residential reconstruction. Pasadena used a formal waiver application, allowed refunds for eligible applicants who had already paid fees, reduced a refundable construction-and-demolition deposit, and identified fund-specific sources to offset waived revenues. Pasadena deferred a decision on certain water-service costs because they depended on site-specific infrastructure needs.

Los Angeles County concluded that permit fee waivers must be matched with a funding source because permit revenues support the staff and services needed to process reconstruction applications and conduct inspections. The County recommended targeting assistance to primary residences and like-for-like rebuilds, conducting a fee study, and using streamlining tools to reduce review time. The County also found that direct insurance recovery for permitting fees is generally not a reliable funding strategy.

Sierra Madre has already adopted a comprehensive streamlining framework consistent with other impacted jurisdictions through Ordinance No. 1480-U. The principal remaining policy questions are the scope of fees to be waived, whether qualifying nonresidential structures should be included, how to address previously paid fees, and what funding source will replace the revenue needed to provide City services.

*Fiscal Options*

Plan check, permit, and inspection fees are generally intended to recover City and contract costs for processing applications, reviewing plans, issuing permits, conducting inspections, and administering code and fire-safety requirements. A waiver or refund program does not eliminate the City's underlying cost to provide those services. Rather, it shifts the cost to another City revenue source or reduces funds otherwise available for other City operations and services.

The preliminary gross exposure estimated is $604,346.34, before reconciliation of exclusions, project cancellations, changes in scope, and potential use of prior-code approvals or other streamlining provisions under Ordinance No. 1480-U. The Council may establish a not-to-exceed appropriation only after staff completes a final reconciliation.

Potential funding approaches include:

- A one-time General Fund appropriation, if available;
- Disaster-recovery grants, philanthropic support, or other external contributions, if obtained;
- Reallocation or deferral of one-time projects or expenditures; or
- A capped program that waives core City permit and plan-check fees while excluding third-party charges and extraordinary site-specific costs.

Staff does not recommend relying on insurance recovery as the principal funding source. Insurance coverage and available proceeds differ by policy and claimant, and recovery may be unavailable or impractical after debris-removal and rebuilding claims are paid.

*Next Steps*

If directed by the Council, staff will return with the following:

1. A proposed resolution that identifies the exact fee categories to be waived and the effective dates of the program;
2. A reconciled project inventory and final fiscal analysis that distinguishes prospective waivers, verified refunds, fees already charged, and excluded charges;
3. A proposed funding source and any required budget amendment or appropriation;
4. A fee-waiver/refund application and administrative procedures;
5. A process for documenting eligibility and handling appeals or exceptional cases; and
6. Periodic reporting on the number of applications, fees waived, refunds issued, and fiscal impact.

**STRATEGIC PLAN RELATIONSHIP**

Strategic Objective: Maintain a safe, secure community.

- Goal 3. Manage Outdoor Environment

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(4)- government fiscal activities

**FISCAL IMPACT**

This discussion item has no fiscal impact on the adopted FY 26-27 budget. If the City Council chooses to waive or refund plan check, permit and inspection fees it is estimated that the total fiscal impact is approximately $604,346.34 over the term of the fee waiver program. Additional appropriations from the General Fund Reserve will be required cover plan check, permit, and inspection fees for consultant services.

Approved by:



_____

Michael Bruckner
City Manager

**Attachments**

Attachment 1: Fiscal Analysis

# Fiscal Analysis

| Estimation of fees based on FY 26-27 Fee Schedule | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Address | Structure Type | Occupancy | Type Cons | Area (PE) | Area (LFL) | Valuation | PC-B (47012) | PC-FS (47061) | PC-GD (47062) | P-BLD (43010) | P-PLB (43011) | P-ELE (43012) | P-SLR (43012) | P-MEC (43013) | P-FSP (47061) | Subtotal |
| 119 W GRANDVIEW AVE | Garage | U | VB | 500 | 750 | 53,302.50 | $ 3,254.94 | $ 582.07 | $ 1,680.00 | $ 3,183.17 | $ - | $ 405.00 | $ - | $ - | $ - | $ 9,105.18 |
| 129 W GRANDVIEW AVE | Dwelling | R-3 | VB | 1,413 | 1,663 | 292,554.96 | $ 8,902.06 | $ 582.07 | $ 2,520.00 | $ 9,089.60 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 27,216.73 |
| 147 W GRANDVIEW AVE (ADU) | Dwelling | R-3 | VB | 500 | 750 | 131,940.00 | $ 5,380.99 | $ 582.07 | $ 1,680.00 | $ 5,404.31 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 19,170.37 |
| 330 OLIVE TREE LN | Garage | U | VB | 1,100 | 1,350 | 75,000.00 | PAID | PAID | $ - | PAID | PAID | PAID | $ - | $ - | $ - | $ - |
| 390 CHURCHILL RD (MAIN BUILDING) | Dwelling | R-3 | VB | 1,973 | 2,223 | 391,070.16 | $ 11,067.19 | $ 582.07 | $ 2,520.00 | $ 11,355.71 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 31,647.97 |
| 423 YUCCA TRL | Office | B | VB | 2,316 | 2,566 | 547,250.82 | $ 14,478.91 | $ 582.07 | $ 2,520.00 | $ 14,926.55 | $ 2,002.00 | $ 2,002.00 | $ - | $ 725.00 | $ 944.00 | $ 38,180.53 |
| 501 LOTUS LN - NORTH | Dwelling | R-3 | VB | 2,000 | 2,250 | 395,820.00 | $ 11,154.67 | $ 582.07 | $ 2,520.00 | $ 11,447.27 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 31,827.01 |
| 501 N SUNNYSIDE AVE (ADU) | Dwelling | R-3 | VB | 850 | 1,100 | 193,512.00 | $ 6,736.93 | $ 582.07 | $ 1,680.00 | $ 6,823.49 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 21,945.49 |
| 576 ELM AVE | Dwelling | R-3 | VB | 2,090 | 2,340 | 344,000.00 | $ - | $ - | $ - | PAID | PAID | PAID | $ 450.00 | PAID | $ 944.00 | $ 1,394.00 |
| 585 N HERMOSA AVE | Dwelling | R-3 | VB | 1,876 | 2,126 | 374,005.92 | $ 10,695.40 | $ 582.07 | $ 2,520.00 | $ 10,966.58 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 30,887.05 |
| 642 AUBURN AVE | Dwelling | R-3 | VB | 1,571 | 1,821 | 320,350.32 | $ 9,514.42 | $ 582.07 | $ 2,520.00 | $ 9,730.52 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 28,470.01 |
| 671 MOUNT WILSON TRL | Dwelling | R-3 | VB | 2,064 | 2,314 | 407,078.88 | $ 11,417.11 | $ 582.07 | $ 2,520.00 | $ 11,721.95 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 32,364.13 |
| 685 SIERRA MEADOWS DR | Dwelling | R-3 | VB | 1,670 | 1,920 | 337,766.40 | $ 9,886.21 | $ 582.07 | $ 2,520.00 | $ 10,119.65 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 29,230.93 |
| 700 N SUNNYSIDE AVE (MAIN BUILDING) | Office | B | VA | 1,662 | 1,912 | 315,769.00 | PAID | PAID | $ - | PAID | $ 2,002.00 | PAID | $ - | $ 725.00 | PAID | $ 2,727.00 |
| 700 N SUNNYSIDE AVE (HERMITAGE) | Dwelling | R-3 | VB | 3,400 | 3,740 | 657,940.80 | $ 16,884.61 | $ 582.07 | $ 2,520.00 | $ 17,444.45 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 43,554.13 |
| 707 SIERRA MEADOWS DR | Dwelling | R-3 | VB | 1,927 | 2,177 | 359,722.00 | $ 10,045.40 | $ 564.02 | $ 252.00 | $ 10,623.23 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 27,607.65 |
| 751 OAK CREST DR (ADU) | Dwelling | R-3 | VB | 1,300 | 1,550 | 272,676.00 | $ 8,464.66 | $ 582.07 | $ 2,520.00 | $ 8,631.80 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 26,321.53 |
| 752 OAK CREST DR | Dwelling | R-3 | VB | 3,391 | 3,730 | 656,199.19 | $ 16,862.74 | $ 582.07 | $ 2,520.00 | $ 17,421.56 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 43,509.37 |
| 752 WOODLAND DRIVE | Garage | U | VB | 203 | 453 | 32,194.71 | $ 2,532.32 | $ 582.07 | $ 1,680.00 | $ 2,483.95 | $ - | $ 405.00 | $ - | $ - | $ - | $ 7,683.34 |
| 752 WOODLAND DRIVE | Dwelling | R-3 | VB | 180 | 430 | 75,645.60 | $ 3,913.40 | $ 582.07 | $ 1,680.00 | $ 3,895.31 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 16,193.78 |
| 775 SKYLAND DR | Dwelling | R-3 | VB | 1,047 | 1,297 | 228,168.24 | $ 7,502.38 | $ 582.07 | $ 2,520.00 | $ 7,624.64 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 24,352.09 |
| 800 AUBURN AVE | Garage | U | VB | 700 | 950 | 67,516.50 | $ 3,673.96 | $ 582.07 | $ 1,680.00 | $ 3,636.35 | $ - | $ 405.00 | $ - | $ - | $ - | $ 9,977.38 |
| 800 AUBURN AVE | Dwelling | R-3 | VB | 2,654 | 2,919 | 513,580.85 | $ 13,735.33 | $ 582.07 | $ 2,520.00 | $ 14,148.29 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 37,108.69 |
| 835 AUBURN AVE | Dwelling | R-3 | VB | 630 | 880 | 154,809.60 | $ 5,884.00 | $ 582.07 | $ 1,680.00 | $ 5,930.78 | $ 2,002.00 | $ 2,002.00 | $ 450.00 | $ 725.00 | $ 944.00 | $ 20,199.85 |
| **Subtotal** | | | | | | | **$ 191,987.63** | **$ 12,205.42** | **$ 44,772.00** | **$ 196,609.16** | **$ 38,038.00** | **$ 37,251.00** | **$ 8,100.00** | **$ 13,775.00** | **$ 17,936.00** | **$ 560,674.21** |

| Actual amounts invoiced or paid | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Address | Structure Type | Occupancy | Type Cons | Area (PE) | Area (LFL) | Valuation | PC-B (47012) | PC-FS (47061) | PC-GD (47062) | P-BLD (43010) | P-PLB (43011) | P-ELE (43012) | P-SLR (43012) | P-MEC (43013) | P-FSP (47061) | Subtotal |
| 119 W GRANDVIEW AVE | Garage | U | VB | 500 | 750 | | | | | | | | | | | $ - |
| 129 W GRANDVIEW AVE | Dwelling | R-3 | VB | 1,413 | 1,663 | | | | | | | | | | | $ - |
| 147 W GRANDVIEW AVE (ADU) | Dwelling | R-3 | VB | 500 | 750 | | | | | | | | | | | $ - |
| 330 OLIVE TREE LN | Garage | U | VB | 1,100 | 1,350 | $ 75,000.00 | $ 3,763.00 | $ 564.02 | $ - | $ 3,743.25 | $ 702.00 | $ 744.00 | $ - | $ - | $ - | $ 9,516.27 |
| 390 CHURCHILL RD (MAIN BUILDING) | Dwelling | R-3 | VB | 1,973 | 2,223 | | | | | | | | | | | $ - |
| 423 YUCCA TRL | Office | B | VB | 2,316 | 2,566 | | | | | | | | | | | $ - |
| 501 LOTUS LN - NORTH | Dwelling | R-3 | VB | 2,000 | 2,250 | | | | | | | | | | | $ - |
| 501 N SUNNYSIDE AVE (ADU) | Dwelling | R-3 | VB | 850 | 1,100 | | | | | | | | | | | $ - |
| 576 ELM AVE | Dwelling | R-3 | VB | 2,090 | 2,340 | $ 344,000.00 | $ - | $ - | $ - | $ 9,938.92 | $ 1,321.00 | $ 1,011.00 | | $ 702.00 | | $ 12,972.92 |
| 585 N HERMOSA AVE | Dwelling | R-3 | VB | 1,876 | 2,126 | | | | | | | | | | | $ - |
| 642 AUBURN AVE | Dwelling | R-3 | VB | 1,571 | 1,821 | | | | | | | | | | | $ - |
| 671 MOUNT WILSON TRL | Dwelling | R-3 | VB | 2,064 | 2,314 | | | | | | | | | | | $ - |
| 685 SIERRA MEADOWS DR | Dwelling | R-3 | VB | 1,670 | 1,920 | | | | | | | | | | | $ - |
| 700 N SUNNYSIDE AVE (MAIN BUILDING) | Office | B | VA | 1,662 | 1,912 | $ 315,769.00 | $ 9,113.04 | $ 564.02 | $ - | $ 9,317.88 | | $ 702.00 | | | $ 1,486.00 | $ 21,182.94 |
| 700 N SUNNYSIDE AVE (HERMITAGE) | Dwelling | R-3 | VB | 3,400 | 3,740 | | | | | | | | | | | $ - |
| 707 SIERRA MEADOWS DR | Dwelling | R-3 | VB | 1,927 | 2,177 | | | | | | | | | | | $ - |
| 751 OAK CREST DR (ADU) | Dwelling | R-3 | VB | 1,300 | 1,550 | | | | | | | | | | | $ - |
| 752 OAK CREST DR | Dwelling | R-3 | VB | 3,391 | 3,730 | | | | | | | | | | | $ - |
| 752 WOODLAND DRIVE | Garage | U | VB | 203 | 453 | | | | | | | | | | | $ - |
| 752 WOODLAND DRIVE | Dwelling | R-3 | VB | 180 | 430 | | | | | | | | | | | $ - |
| 775 SKYLAND DR | Dwelling | R-3 | VB | 1,047 | 1,297 | | | | | | | | | | | $ - |
| 800 AUBURN AVE | Garage | U | VB | 700 | 950 | | | | | | | | | | | $ - |
| 800 AUBURN AVE | Dwelling | R-3 | VB | 2,654 | 2,919 | | | | | | | | | | | $ - |
| 835 AUBURN AVE | Dwelling | R-3 | VB | 630 | 880 | | | | | | | | | | | $ - |
| **Subtotal** | | | | | | | **$ 12,876.04** | **$ 1,128.04** | **$ -** | **$ 23,000.05** | **$ 2,023.00** | **$ 2,457.00** | **$ -** | **$ 702.00** | **$ 1,486.00** | **$ 43,672.13** |

| | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Estimation of fees based on FY 26-27 Fee Schedule** | | | | | | | | | | | | | | | | |
| **Subtotal** | | | | | | | **$ 191,987.63** | **$ 12,205.42** | **$ 44,772.00** | **$ 196,609.16** | **$ 38,038.00** | **$ 37,251.00** | **$ 8,100.00** | **$ 13,775.00** | **$ 17,936.00** | **$ 560,674.21** |
| **Actual amounts invoiced or paid** | | | | | | | | | | | | | | | | |
| **Subtotal** | | | | | | | **$ 12,876.04** | **$ 1,128.04** | **$ -** | **$ 23,000.05** | **$ 2,023.00** | **$ 2,457.00** | **$ -** | **$ 702.00** | **$ 1,486.00** | **$ 43,672.13** |
| **TOTALS** | | | | | | | **$ 204,863.67** | **$ 13,333.46** | **$ 44,772.00** | **$ 219,609.21** | **$ 40,061.00** | **$ 39,708.00** | **$ 8,100.00** | **$ 14,477.00** | **$ 19,422.00** | **$ 604,346.34** |

CITY OF
SIERRA
MADRE

# STAFF REPORT

## PLANNING & COMMUNITY PRESERVATION

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Clare Lin, Director of Planning & Community Preservation
By: Joshua Wolf, Senior Planner

**SUBJECT:** **Report, Discussion, and Direction on the Sierra Madre Commercial Zoning Ordinance**

### RECOMMENDATION

It is recommended that the City Council receive and file this report and provide staff with direction to narrowly amend the Commercial Zoning Ordinance by eliminating the minimum front yard setback for new construction and development adjacent to main commercial streets.

### SUMMARY

Commercial uses and development are regulated by the City's Commercial Zoning Ordinance, codified under Chapter 17.36 (C Commercial Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code. The Commercial Zoning Ordinance was comprehensively updated in 2009. Following the adoption of the City's General Plan Update in 2015, the City Council directed the Planning Commission to implement goals, policies, and objectives of the General Plan relative to the update of the City's Commercial Zoning Ordinance. The culminated effort of the Planning Commission was forwarded in October of 2020 as a recommended ordinance for the City Council's consideration. This ordinance was adopted in part only to reduce or eliminate certain permitting procedures for certain commercial uses but maintained standards of development that have existed since 2009.

The Planning Commission recently considered an application for a zoning variance which requested reduction of the minimum front yard setback from 5 to 0 feet for a proposed addition to an existing commercial structure. Upon approving the variance, direction was given to staff to research and investigate why their recommended ordinance, which included the elimination of the minimum front yard setback for new construction and development adjacent to main commercial streets, was not the effective regulation. On August 6, 2026, staff reported to the Planning Commission on the partial adoption of the Commercial Zoning Ordinance update in 2020 and identified the parts of the update that were not adopted. Upon receipt of this report, the Planning Commission directed staff to request direction from the City Council to narrowly amend the Commercial Zoning Ordinance by eliminating the minimum front yard setback requirement for new construction and development adjacent to a main commercial street.

### DISCUSSION & ANALYSIS

*Background*

Since 2009 and until late 2020, the City regulated its Commercial Zone with strict governance on specific uses, requiring approval of a Conditional Use Permit for residential uses and many commonplace businesses such as restaurants, cafes, grocery stores, cosmetic services, and medical offices. When the City's General Plan was comprehensively updated in 2015, the Commercial Zoning Ordinance had been recognized as being outdated and standard-fit for the average commercial property found around the regional area. However, as the General Plan points out, Sierra Madre's commercial downtown is uniquely situated. Although economic trends are consistent among the greater regional area, the downtown is characterized as a village center that primarily serves the local community and is challenging to develop: available commercial land and existing commercial spaces are historic, purpose-built, small, narrow, and distant from major highways. Businesses also face the challenge of competing with regionally-serving commercial shopping malls in the City of Arcadia (The Shops at Santa Anita) and City of Pasadena (Hastings Village, Foothill Rosemead Marketplace, and Hastings Ranch Center) that offer modern plug-and-play available commercial space, have abundant on-site parking, are located near major highways. The goals and objectives of the General Plan use these challenges to define the unique character of Sierra Madre and provide opportunities for boutique, brick-and-mortar, and mom-and-pop businesses.

Using the guidance of the General Plan, the City Council requested that the Commercial Zoning Ordinance update be expedited. Understanding Sierra Madre's unique character and the care necessary to tailor land use regulations for the benefit of the community, the Planning Commission embarked on this effort over several years, on several occasions through formation of subcommittees comprising members of both the Planning Commission and City Council. An ordinance amending the Commercial Zoning Ordinance was eventually adopted in November of 2020.

On April 13, 2026, the City received an application for an addition to an existing commercial building. The existing commercial building was developed with no setback from property line adjacent to Sierra Madre Boulevard, a main commercial street, as defined. The plan for the addition proposed a patio aligned with the existing building's setback on Sierra Madre Boulevard. At the time the application was submitted, the Commercial Zoning Ordinance required a minimum setback of 5 feet, and the proposal could not be approved by-right thus requiring the applicant request a zoning variance. The fees to process and prepare a zoning variance starts at $7,777 (application processing, public noticing, and CEQA review/processing) according to the adopted FY 26-27 Fee Schedule. With little deliberation given to the request for reduced setback, the Planning Commission approved the zoning variance and requested that staff research and investigate why Ordinance No. 1431 had not been adopted with its recommended provisions that eliminated a setback requirement adjacent to a main commercial street.

*Research*

The nearly five-year effort of the Planning Commission and subcommittees culminated into a recommended ordinance to repeal and replace the 2009 Commercial Zoning Ordinance in its entirety. On October 13, 2020, the City Council conducted the first reading of Ordinance No. 1431 as recommended by the Planning Commission; a copy of the staff report and its attachments are included in this report as Attachment 1. Through deliberation, the City Council felt that numerous land use requirements in the ordinance were onerous and asked for more relief in land use requirements and that the amendments to design standards be eliminated and considered separately at a later time. Staff recommends that deliberation of the City Council be reviewed by watching archived videos of the meeting, linked below.

City Council Regular Meeting of October 13, 2020 (link)
Public Hearing begins at 1:20:58

Ordinance No. 1431 was adopted by approval of its second reading on November 10, 2020; a copy of the staff report and its attachments are included in this report as Attachment 2. Closely following the adoption of Ordinance No. 1431, subsequent ordinances affecting commercial uses and development were adopted that:

1. provide relief for new businesses occupying existing commercial space from strict minimum parking standards;
2. shift the authority of design review permits from the Planning Commission to the Director of the Planning & Community Preservation Department (a design review permit is required for commercial additions exceeding

a floor area of 500 square feet); and
3. provide streamlined review for mixed-use new developments, provided that at least two-thirds of the project is dedicated as residential use and the project meets applicable Objective Design Standards (which does not require a front yard setback for mixed-use developments).

Consideration for amending the design and development standards of the Commercial Zoning Ordinance has not since been revisited by either the Planning Commission or City Council. Staff reported its findings to the Planning Commission on August 6, 2020, including a comparative analysis of all differences between the Planning Commission's recommended ordinance and Ordinance No. 1431, as adopted; a copy of the staff report and its attachments are included in this report as Attachment 3. Upon receipt and filing of this report, the Planning Commission requested that the City Council consider narrowly amending the Commercial Zoning Ordinance to eliminate the five-foot front yard setback requirement for new construction and development adjacent to main commercial streets. Therefore, it is recommended that the City Council direct staff to initiate a Municipal Code Text Amendment to amend Subsection A (Front Yard) of Section 17.36.070 (Yards and building setbacks) of Chapter 17.36 (C Commercial Zone) of Title 17 (Zoning) of the Sierra Madre Municipal Code consistent with Planning Commission Resolution 20-11.

**STRATEGIC PLAN RELATIONSHIP**

This item supports the City's commitment to foster collaboration between residents and businesses.

**ENVIRONMENTAL ANALYSIS**

Adoption of a Commercial Zoning Ordinance amendment qualifies 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 a Commercial Zoning Ordinance amendment may have a significant effect on the environment because it will adjust existing regulations regarding commercial development within the commercial zone.

**FISCAL IMPACT**

There is no direct fiscal impact associated with adoption of a Commercial Zoning Ordinance amendment.

Approved by:

Mike

_____

Michael Bruckner
City Manager

**Attachments**

Attachment 1: October 13, 2020, City Council Agenda Report re: 1st Reading of Ordinance 1431
Attachment 2: November 10, 2020, City Council Agenda Report re: 2nd Reading of Ordinance 1431
Attachment 3: August 6, 2026, Planning Commission Staff Report re: The Commercial Zoning Ordinance

*John Capoccia, Mayor*
*Rachelle Arizmendi Mayor Pro Tem*
*Gene Goss, Council Member*
*John Harabedian, Council Member*

*Sue Spears, City Clerk*
*Michael Amerio City Treasurer*

# City of Sierra Madre Agenda Report

| | |
|---|---|
| TO: | Honorable Mayor Capoccia and Members of the City Council |
| FROM: | Gabriel Engeland, City Manager |
| REVIEWED BY: | Vincent Gonzalez, Planning and Community Preservation Director |
| DATE: | October 13, 2020 |
| **SUBJECT:** | **ORDINANCE 1431 AMENDING CHAPTER 17.08 (DEFINITIONS), SECTION 17.20.015 (DEFINITIONS), CHAPTER 17.36 (COMMERCIAL), CHAPTER 17.60 (VARIANCES AND DISCRETIONARY PERMITS) OF TITLE 17 (ZONING) OF THE SIERRA MADRE MUNICPAL CODE, AND APPROVING RESOLUTION 20-62 (COMMERCIAL ZONE USES LIST)** |

## STAFF RECOMMENDATION

Staff recommends the City Council review the recommendation from the Planning Commission and provide direction to staff from the alternatives listed below.

## ALTERNATIVES

1. The City Council may approve the recommendation from the Planning Commission.

   *RECOMMENDATION IF ALTERNATIVE SELECTED: Introduce with first reading Ordinance 1431 and Resolution 20-62 Commercial Zone Uses List*

2. The City Council may make changes or amend the recommendation from the Planning Commission to comply with the policy goals of the City Council and the written direction provided to the Planning Commission by the City Council.

   *RECOMMENDATION IF ALTERNATIVE SELECTED: Introduce with first reading Ordinance 1431 as amended and Resolution 20-62 Commercial Zone Uses List*

3. The City Council may continue consideration of the Commercial Code to a future date.

   *RECOMMENDATION IF ALTERNATIVE SELECTED: Continue consideration of Ordinance 1431 and Resolution 20-62, providing direction to the Planning Commission and staff.*

4. The City Council may choose not to adopt the recommendation from the Planning Commission.

5. The City Council may provide alternative direction.

## SUMMARY

On July 28, 2020 the City Council, through unanimous vote, provided direction to the Planning Commission (Attachment 1) to update the Commercial Code. This direction was received by the Planning Commission on August 20, 2020.

This direction to the Planning Commission was sent by the City Council after a letter from the Mayor and Mayor Pro Tem (Attachment 2) was delivered to then Planning Commission Chair John Hutt on April 11, 2020 asking the Planning Commission to make a recommendation to the full City Council on the Commercial Code.

In summary the direction to the Planning Commission, sent by unanimous vote of the City Council, was to provide sensible regulation of the business district by:

1. Not favoring certain business uses over others;

2. Applying regulation that is sensible and not burdensome;

3. Applying a market based approach that does not limit the type, use, or location of businesses that wish to locate in Sierra Madre;

4. Reducing parking restrictions and regulations; and

5. Excluding the Montecito District from the Commercial Code update and reviewing separately.

The Planning Commission recommendation is consistent with some, but not all, of the direction provided by the City Council.

## ANALYSIS

The Planning Commission was directed by the City Council to update the Commercial Code in a manner consistent with the policy goals of the City Council as listed above.

The recommendation from the Planning Commission considers portions of these policy goals, but does not consistently adhere to written direction provided unanimously by the City Council through the minute order adopted on July 28, 2020 and delivered to the Planning Commission on August 20, 2020.

The changes recommended by the Planning Commission are shown in redline (Exhibit A) with areas that may not be consistent with the City Council direction highlighted in “comments” by City staff.

Further, the proposed Commercial Code makes changes and alternations to Design Review Criteria (Section 17.36.040) – 17.36.190) found in the Commercial Code. The proposed changes are not consistent with the direction the City Council provided the Planning Commission (Attachment 1) on the Design Review Process, and were also not included in the direction of the City Council to the Planning Commission on the Commercial Code. The City Council may consider the Design Review Criteria in the Commercial Code recommended by the Planning Commission at tonight’s meeting or the City Council may postpone consideration of the Design Review Standards until the October 27, 2020 meeting when the Design Review Process is discussed.

The City Council further directed the Planning Commission to make changes to parking regulations (Attachment 1, Attachment 2). The Planning Commission made a recommendation on parking regulations to the City Council as requested. However, the proposed changes to parking regulations are currently scheduled to be considered by the City Council on October 27, 2020. The parking regulations were moved to this date to ensure consistency with City Council direction on the Commercial Code.

## BACKGROUND

General Plan Policies

In July 2015, the City Council adopted a General Plan Update that included new land use policies and an Implementation Program for the adoption of those policies. State law requires that the zoning ordinance be consistent with the adopted General Plan; therefore, it is important to move forward with the series of amendments to comply with state law.

On September 22, 2015, as part of the Strategic Plan goals, staff received City Council direction to prioritize General Plan Implementation Measures for calendar years 2015-2020. Revisions to the Commercial Zone were identified for implementation during this period. Land Use Implementation Measure-5 (IM-5) includes direction to enforce the Commercial Zoning Ordinance, and amend it as necessary to maintain an area of the City for commercial uses. A short list of applicable Goals and Policies of the General Plan 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.

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.

Planning Commission Evaluation

In an effort to update the Commercial Zoning Code Chapter 17.36, the Planning Commission (Commission) appointed a three-member subcommittee that included then-Chair Spears, then-Vice Chair Hutt and former Commissioner Frierman-Hunt to analyze the current ordinance and bring back proposed revisions for the Planning Commission's discussion and review. The Planning Commission reviewed the draft recommendations from the subcommittee at their meetings on March 15, 2018, April 19, 2018 and May 17, 2018, reviewing redline amendments and introducing additional changes to the Commercial Zone and other applicable Municipal Code Sections which include Chapters: 17.08 (Definitions), Section 17.20.015 (Definitions), Chapter 17.40 (Manufacturing Zone), and Chapter 17.60 (Variances and Discretionary Permits). The revisions to the above Codes were necessary to achieve consistency specific to cross references in the commercial zone and other related zoning provisions.

While parking provisions were to be addressed inclusive of the Commercial Code Update, the Planning Commission determined that a more focused review of Chapter 17.68 (Parking), would best be addressed as a standalone amendment. The Planning Commission appointed a subcommittee to evaluate parking regulations in coordination with the Commercial Code amendments. The Planning Commission reviewed the draft recommendations from the subcommittee at their meetings on February 6, 2020 and September 19, 2020, reviewing redline amendments and introducing additional changes. At the direction of the City Council, both the Commercial Code and Parking Code amendments will be considered by the City Council concurrently.

City Council Discussion of Proposed Commercial Code Amendments

At the meeting on March 28, 2019, the City Council received a report regarding the proposed revisions to the City's Commercial Zone regulations. The City Council provided direction to make appropriate changes to the Commercial Code as recommended by the Planning Commission and appointed a subcommittee consisting of then-Mayor Pro Tem John Capoccia, and then-Council member Rachelle Arizmendi, and Council member Gene Goss (alternate) to work with the Planning Commission of then Chair and Vice Chair John Hutt and Tom Denison, respectively, to provide further policy direction regarding Commercial Code revisions, based on the direction of the City Council.

The City Council policy directive to the Planning Commission and staff was as follows:

1. The Montecito District should not be included with the commercial code update at this time; however, the Commission may proceed with amendments for cross reference purposes;
2. Do not impose distance requirements or limit businesses by number or location;
3. Do not consider primary and secondary storefront restrictions—let the "free market" determine land use, and
4. Include parking in the commercial code update.

Planning Commission Consideration of Proposed Commercial Code Amendments

The Planning Commission conducted duly noticed public meetings on March 15, 2018, April 19, 2018, May 17, 2018, February 6, 2020, June 4, 2020, and August 6, 2020, at which time it heard and considered public testimony received and made part of the public record. The Planning Commission recommended approval to the City Council of the proposed text amendments at a noticed public hearing held on September 3, 2020.

The following highlights the amendments to the commercial zone including amendments to other chapters of the zoning code in an effort to achieve consistency specific to cross references in the Commercial Zone and other related zoning provisions. Clean and redline versions of the proposed revisions to Chapter 17.08 (Definitions), Section 17.20.015 (Definitions), and Chapters 17.36 (Commercial), 17.40 (Manufacturing), and 17.60 (Variances and Discretionary Permits) included as Exhibits A (clean version as amended), and Exhibit B (redline version from existing Code).

**Chapter 17.08 (Definitions) and Section 17.20.015 (Definitions)**

The amendments to Chapter 17.08 (Definitions) and Section 17.20.015 (Definitions) provides general clean-up for cross reference purposes. The amendment also includes the omission of the definition of "bedroom," which appears in both references for the purpose of calculating the number of required parking spaces for the R-1 (One-Family Residential Zone), R-2 (Two-Family Residential Zone), R-3 (Multiple-Family Residential Zone) and the R-P (Residential-Professional Zone). The proposed parking requirements in Chapter 17.68 (Parking) as detailed in Section 17.68.020 (Parking Spaces Required) updates residential parking requirements based on building square footage not bedroom count. Revisions to Chapter 17.68 are addressed under separate Municipal Code Text Amendment – Parking Code Amendments Ordinance No. 1432.

**Chapter 17.36 (Commercial Zone)**

Changes made to Chapter 17.36 (Commercial Zone) include how uses are regulated. First, the regulation of use was separated from design. This allows the focus on review efforts for new development. Because new construction is regulated as design rather than use, the regulation of use can be more lenient. Second, rather than include a comprehensive list of uses within the code itself, the code was revised to regulate commercial zone use categories. The director can then independently maintain a detailed list of uses which fall under each category, included herein for consideration as City Council Resolution 20-62.

Following is a bullet point summary of revisions to Chapter 17.36 – Commercial:

- 17.36.010 – Revision omits references to "downtown commercial," "downtown business," and uses the reference "C Zone." Additional revision omits the reference to "redevelopment agency."

- 17.36.015 – New definitions section. Defines “Commercial Zone Use Categories,” “Main commercial street” and “SRO” as required by the housing element.

- 17.36.020 – The revisions to the use list include emphasis on categories (retail sales, office uses, service establishments, financial institutions, educational facilities, recreation and entertainment facilities, and automobile and transportation-related establishments). The comprehensive list of commercial zone uses in the Code was omitted from this section and is maintained separately by the Director. Additional changes include employment of minor conditional use permit (MCUP) as a midpoint between permitted and full conditional use permit (CUP), regulation by size, and generally a relaxing/streamlining of use regulations.

- 17.36.025 – Adult businesses. No changes.

- 17.36.027 – Other uses and construction activities. Added new section pertaining to construction activities that are permitted of right or require discretionary review. The Section lists a subset of such uses and construction activities inclusive of demolitions, certain conditionally permitted uses (group living facilities such as child care and community care facilities), signs, home occupations, temporary use permits, and wireless communication facilities. Corresponding code references are listed for reference purposes only.

- 17.36.030 – New construction, additions, and building alterations. Rather than require a CUP for all uses, interior alterations, additions of floor area of 500 square feet or less, and minor exterior façade alterations are permitted as of right; construction in excess of 20 feet in height, additions of floor area of 500 square feet or more, and significant exterior alterations require an administrative design review permit (ADRP); additions of more than 1,000 square feet, all new construction, and single-family home projects that result in aggregate floor area of all structures exceeding 3,000 square feet require a design review permit (DRP).

- 17.36.035 – Drive-through business prohibited. No Changes.

- 17.36.040 – Updated the design criteria, included illustrations to address second story building articulation, view preservation techniques, and added language from the 2015 General Plan update.

- 17.36.050 – Residential. Repurposed a deleted section to provide some guidelines for residential uses in the commercial zone. Also indicated that mixed-use projects shall be designed to provide compatibility between residential and non-residential uses.

- 17.36.060 – Size area. No changes.

- 17.36.070 – Yards and building setbacks. Differentiated setbacks for prime storefront areas. Added angle plane concept illustration for R-1 adjacency, and added provisions for encroachment (taken from R-3).

- 17.36.080 – Building and site coverage; floor area. Reduced impermeable coverage from 80% to 65%, and added General Plan required floor area ratio (FAR) maximum of 100% of gross floor area.

- 17.36.090 – Height and story limit. No change. Recent revisions to global definition of height work here.

- 17.36.100 – Parking. Included residential-specific parking standards from R-3 (and allowed affordable SROs with no parking), included broader parking relief with MCUP to allow uses that provide fewer than the required off-street parking spaces, and added parking design concepts from General Plan.

- 17.36.110 – Landscaping. Made similar revisions to landscaping provisions as was accomplished in R-3 Zone.

- 17.36.120 – Screening. Made screening requirement more general as was accomplished in the R-3 Zone.

- 17.36.130 – Hours of operation. Repurposed old trash provision (which is now covered by screening provision above) to include limits on hours of operation. This should allow more relaxed regulation of uses as potential negative effects are separately regulated.

- 17.36.140 – Outdoor storage and Sales. Added regulation of a minor conditional use permit for outdoor sale of goods and merchandise.

- 17.36.150 – Loading facilities. No changes.

- 17.36.160 – Lighting. Added a reference to new dark sky requirements.

- 17.36.170 – Property Maintenance. Repurposed old equipment provision (which is now covered by screening provision above) to emphasize need for maintenance and avoidance of nuisances.
- 17.36.180 – Underground utilities. General clean up.

- 17.36.190 – Development or construction site standards. General clean up.

**Commercial Uses List**
Rather than include a laundry list of uses within the code itself, the code was revised to regulate use categories. The director can then maintain a separate detailed list of commercial zone uses which fall under each category. The list of Commercial Zone Use Categories is included as Attachment 2, City Council Resolution 20-62.

**Chapter 17.40 (Manufacturing Zone)**
Because commercial zone uses are allowed in the manufacturing zone (which is located on East Montecito Avenue), the Commission reviewed what impact the commercial zone revisions would have there. The Commission made changes to accommodate the manufacturing code, only as necessary to make the cross-referencing work (and some minor clean-up of uses).

**Chapter 17.60 (Variances and Discretionary Permits)**
As referenced above, the ordinance amendments proposed vary the level of regulation based upon size of use. Some uses at certain sizes may be approved with a MCUP, rather than a full CUP. However, under current code MCUPs apply only to residential. This was corrected to allow MCUP review for commercial uses and made updates to the MCUP findings similar to what was done for CUPs (see 17.60.055). Provided a cross-reference for commercial oversized projects and fixed a typo in 17.60.041. Finally, comprehensive changes were made to Section 17.60.030 (the list of generic uses requiring CUPs).

## PURPOSE AND CONSISTENCY WITH THE GENERAL PLAN

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.

## CEQA / ENVIRONMENTAL

The subject ordinance is exempt from California Environmental Quality Act (CEQA) review pursuant to Title 14, § 15061 subdivision (b)(3) and § 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.

## FINANCIAL REVIEW / SOURCE OF FUNDING

There is no immediate financial impact related to the proposed amendments to Chapter 17.08 (Definitions), Section 17.20.015 (Definitions), Chapter 17.36 (Commercial Zone) in its entirety, Chapter 17.40 (Manufacturing Zone), and Chapter 17.60 (Variances and Discretionary Permits) of the Sierra Madre Municipal Code. Staff time was incurred in the preparation of the report and draft ordinance.

**PUBLIC NOTICE PROCESS**

This item has been noticed though the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library. Notice of the hearing was published consistent with the requirements of Government Code Section 65090, including publication of a summary notice of public hearing in the local adjudicated newspaper.

**Attachments:**

Exhibit A – Proposed Commercial Code Amendments in Redline with Staff Comments
Attachment 1 – Direction from City Council to Planning Commission – August 6, 2020 letter Attachment 2 – Mayor and Mayor Pro Tem letter to Chair Hutt – April 11, 2020
Attachment 3 – Draft City Council Ordinance 1431
Attachment 4 – City Council Resolution 20-62 (Commercial Zone Uses List)
Attachment 5 – Planning Commission Resolution 20-11 (Commercial Code Update)
Attachment 6 – Planning Commission Resolution 20-12 (Commercial Zone Uses List)

# EXHIBIT A

Chapter 17.08 - DEFINITIONS

**Sections:**

17.08.010 - Definitions—Generally.

For the purpose of this title, the words, phrases and terms set forth in this chapter shall be deemed to have the meaning ascribed to them in this chapter.

(Prior code § 9120)

17.08.020 - Words, terms, phrases defined.

"Abut, adjoining or contiguous" means, in reference to real property, two or more lots sharing a common lot line; with reference to two or more objects, the same shall mean in immediate contact with each other.

"Access" means the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a lot, from a public or private street or alley.

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four feet in length, such accessory building shall be considered as part of the main building.

"Accessory use" means a use which is directly related, but clearly subordinate, to a ~~permitted~~ principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve, except as expressly otherwise provided herein.

"Adjacent" means two or more objects which are located in close proximity to each other.

"Adult residential facility" is a state licensed residential home for adults eighteen through fifty-nine years of age with mental health care needs who have physical and/or developmental disabilities and require or prefer assistance with care and supervision. An adult residential facility is a subset of a community care facility.

"Adult residential facility for persons with special health care needs" is a state licensed residential home that provides twenty-four-hour services for up to five adults with developmental disabilities who have special health care and intensive support needs and who would otherwise need to reside in an institution. An adult residential facility with special health care needs is a subset of a residential health care facilities (chronically ill).

"Affordable unit" has the meaning indicated in Section 17.34.020.

"Alley" means a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

"Apartment" means the same as "dwelling unit."

"Apartment house" means a ~~building containing three or more~~multi-family dwelling ~~units~~.

"Assessed value" means the then assessed value of the land, building or structure, as is shown on the current assessment role in effect as of the time of the making of the determination of such assessed value.

"Assessor" means the tax assessor of the county of Los Angeles.

"Assisted living facility" means the same as "residential care facility for the elderly."

~~"Automobile repair and service garage" means a facility which provides for the repair and maintenance of motor vehicles; provided, that such facility shall not be deemed to include painting of motor vehicles, nor body and fender repair.~~

~~"Automobile wrecking" means the dismantling or wrecking of one or more used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.~~

"Barber shop" means a place of business for a barber, whose occupation is to cut any type of hair, give shaves and trim beards.

"Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Beauty shop" means establishments where hairdressing, and services incidental to hairdressing are done, including the sale of beauty supplies and cosmetics.

"Bed and breakfast inn" has the meaning indicated in Section 17.82.030.

~~"Bedroom" R-2 zone. For the purpose of calculating parking requirements in the R-2 zone, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one family or recreation room, one dining room, and bathrooms.~~

~~"Bedroom" R-3 and R-P zones. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one dining room, and bathrooms. Single-family residences located in the R-3 and R-P zones shall be subject to the bedroom definition in the R-1 zone.~~

"Block" means all properties fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

"Boarding house" means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreement or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence. Such use is prohibited in all zones excluding licensed group living facilities or similar uses.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or property of any kind.

Building, Accessory. "Accessory building" means a separate, detached building, housing a permitted accessory use, located on the same lot as the main building or principal use.

Building Height. See "Height."

Building, Main. "Main building" means a building in which is conducted one or more principal uses permitted on the lot upon which it is situated.

"Building site" means: (1) the ground area of one lot or (2) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces, as required by this chapter.

"Business day" means a day on which city offices are open for regular business.

"Canopy" means any structure, temporary or permanent, constructed of canvas or other cloth or material on a framework sheltering an area, or forming a sheltered walk to the entrance of a building.

"Carport" means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

~~"Cellar" means the same as "basement."~~

"Centerline" means the centerline, as determined by the city engineer, of any street, highway or alley.

"Child care center" means a facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility and where the operator is not required to live on the property.

"Children's day care center" (emotionally disturbed) means a state licensed institution of no more than six beds intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders. A children's day care center is a subset of a community care facility.

"City" means the city of Sierra Madre.

"City manager" means the city manager of the city.

"Clerk" means the city clerk of the city.

Club, Private. "Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a commercial enterprise.

"Code" means the Sierra Madre Municipal Code.

"Commission" means the planning commission of the city.

"Communications equipment buildings" mean buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

"Community care facilities" are licensed by the community care licensing division of the state department of social services or similar state programs that provide non-medical residential care to children or adults who are physically disabled and/or mentally impaired who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Community care facilities are comprised of adult residential facility, children's day center (emotionally disturbed), group home, and residential school (developmentally disabled).

~~"Condominium" means the same as "dwelling, multiple."~~

"Continuing care retirement community" is a state licensed "residential care facility for the elderly" that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one location, and usually for resident's lifetime. Continuing care retirement community is a subset of a residential care facility for the elderly.

"Council" means the city council of the city.

~~"Court" means an area which is open and unoccupied by any building or structure, bounded on three or more sides by the exterior walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.~~

~~"Dairy" means any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.~~

~~"Detached living quarters" mean the same as "Guest house."~~

"Director" means director of planning for the city.

~~"Drive-in restaurant" means a restaurant use which:~~

~~1. Has facilities to allow patrons to consume prepared food at an area outside of an enclosed building; and/or~~

~~2. Has facilities which would allow the service of prepared foods directly to a patron while that patron is in a motor vehicle, whether or not for consumption on the premises.~~

"Disabled" as defined in state or federal law.

"Drug and alcohol recovery and rehabilitation facilities" are unlicensed homes, residences, facilities, or premises which provide housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but do not provide professional medical, psychiatric, psychological, or nursing care for the purpose of curing persons of drug or alcohol addiction. A residential drug and alcohol rehabilitation facility is a type of "sober living home."

"Drug and alcohol treatment facilities" are licensed by the state department of drug and alcohol programs or similar state programs serving six or fewer persons that provide twenty-four-hour residential

non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.

~~Dump, Inert Solids. "Inert solids dump" means an area devoted to the disposal of nonwater soluble, nondecomposable inert solids such as natural earth, rock, sand and gravel; paving fragments; concrete brick; plaster and plaster products; steel mill slag; glass; asbestos fiber and products therefrom.~~

~~Dump, Rubbish and Refuse. "Rubbish and refuse dump" means an area devoted to the disposal of inert solid and/or decomposable organic refuse and scrap metal.~~

"Duplex" means the same as "Dwelling, two-family."

Dwelling, Multi-family. "Multi-family dwelling" or "multiple family dwelling" means a building designed or used for occupancy, as living quarters, by three or more separate families or persons and containing one dwelling unit per separate family or person.

Dwelling, Single-family. "Single-family dwelling" means a detached building designed or used for occupancy, as living quarters, by one person or one family. "Single-family dwelling" shall also include a modular home manufactured and certified under the National Mobilehome Construction and Safety Standards Act of 1974 on a permanent foundation system approved by the city engineer.

~~Dwelling, Three-family. "Three-family dwelling" means a building designed or used for occupancy, as living quarters, by three separate families or persons and containing three dwelling units.~~

Dwelling, Two-family. "Two-family dwelling" means a building designed or used for occupancy, as living quarters, by two separate families or persons and containing two dwelling units.

"Dwelling unit" means one or more rooms in a building designed and intended to be used as living quarters by one person or one family.

"Educational institution" means any public, private or parochial; elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning.

"Emergency shelter" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis (six months or less) to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.

"Engineer" means the city engineer of the city.

"Explosives" mean any explosive substance, as defined in Section 12000 of the Health and Safety Code of the state of California.

"Facilities for preparole adjustment/rehabilitation" mean any building where a program is conducted to prepare prisoners for return to the community in which they live and assist them in developing emotionally stable and economically productive lives.

"Family" means a "housekeeping unit".

"Family day care home" is a licensed facility offering an organized daytime program for the supervision and care of children in the licensees own home. Family day care homes are comprised of family day care home-small, and family day care home-large.

"Family day care home, large" means a licensed facility offering an organized daytime program for the supervision and care of nine and up to fourteen children in the licensees own home.

"Family day care home, small" means a licensed facility offering an organized daytime program for the supervision and care of up to eight or fewer children in the licensees own home.

~~"Fence" means a fence made of material other than concrete block or masonry.~~

"First story" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below preexisting natural grade, as defined herein, for more than fifty percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

"Floor area" means the sum of the horizontal areas of floors of buildings measured from the exterior face of exterior walls.

Floor Area Net. "Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

"Fraternity" means the same as "Club, Private."

Frontage, Street. "Street frontage" means the length of a lot line of a lot which abuts a street.

"Garage" means any building, with three enclosed sides, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

Gender. When consistent with context, words in the masculine gender include the feminine and neuter genders.

Grade. Whenever the term "grade" is used alone, it shall refer to the most restrictive condition.

"Grade, finished" means the final grade of the site which conforms to the approved plan.

"Grade, natural" means prior to deposit of earth material placed by artificial means and/or prior to the mechanical removal of earth material.

"Grade, preexisting" means an established grade that exists on a site for which a legal grading or building permit was in effect for ten years prior to a request for a building, demolition or grading permit.

"Gradient" means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

"Group home" means a state licensed facility that provides twenty-four-hour non-medical care and supervision in a structured environment to troubled youths who exhibit social, psychological, and behavioral problems and is a subset of a community care facility.

"Guest house" means living quarters located within an accessory building, designed and utilized for the sole use of persons employed on the lot, or for temporary use by guests of the occupants of the dwelling located upon such lot. Guest houses shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

"Group living facilities" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for persons with mental, physical and/or developmental disabilities (as defined in state or federal law) in a group setting.

"Height" of building is the vertical distance above a reference datum measured to the highest point of the roof structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The lowest elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The lowest elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Highway" means the same as "Street."

"Home occupations" mean any ongoing or repetitive business or professional use, activity or utilization of residentially zoned and improved property, by the inhabitants of said property, which is incidental and accessory to the primary residential use and does not generate an adverse impact to the surrounding neighborhood, pursuant to the provisions of Chapter 17.85 of this title.

"Hospital, general" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guest rooms, which ~~have no cooking facilities and which~~ are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Household pets" mean, and are limited to, the following pets, maintained principally within a dwelling unit:

1. Domesticated cats;
2. Domesticated dogs;
3. Fish, without limit on number; and
4. Any bird which is:
    a. Customarily kept in residence with man; and
    b. Kept, at all times, within a dwelling unit; specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese or ducks.

"Housekeeping unit" means a single, integrated home-style of living together and sharing of space in a nonexclusive, noncompartmentalized lifestyle with one kitchen, one set of utilities, and one mailing address and with one front door for all persons residing at that location.

"Kennel" means a place where four or more adult dogs and/or cats are kept, whether by the owner of such dogs and cats or by other persons, providing facilities and care, whether or not for compensation. An "adult" dog or cat, for the purpose of these regulations, is one that has reached the age of four months.

"Kitchen" means any room or space within a building designed and intended to be used for the cooking or the preparation of food.

"Landscaping" means the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches; "landscaped area" means an area upon which landscaping is required by these regulations to be continuously maintained.

"Livestock" means a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

"Long-term care facility (mental disorders)" means a state licensed facility of seven-patient capacity or more intended primarily for the admission of chronic mentally ill or mentally disordered or other incompetent persons who are provided medical care, nursing services and intensive supervision.

A long-term care facility (mental disorders) is a subset of residential health care facilities (chronically ill).

"Lot" or "parcel of land" means:

1. A parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded record of survey map; or
3. A parcel of real property shown on a parcel map as a single lot, lawfully recorded pursuant to the provisions of the Subdivision Map Act; or
4. Any parcel of real property otherwise lawfully created and dimensioned prior to October 1, 1955; or
5. Two or more lots which are combined by an appropriate recorded written instrument, or two or more lots which are combined by a common usage, shall be deemed, for all purposes, a single lot.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel; provided, however, that the following shall be excluded from the computation thereof:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site; or

2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot Area, Interior. "Interior lot area" means the total lot area minus: (1) the sum of the ground floor area of all buildings located thereon, and (2) any area used for perimeter landscaping.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, Interior. "Interior lot" means a lot, other than a corner or reversed corner, or through lot.

Lot, Key. "Key lot" means a lot which has a side lot line which is a common lot line with the rear lot line of a reversed corner lot.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; and

2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and

3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. "Side lot line" means any lot line which is not a front or rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

Lot, Through. "Through lot" means a lot having frontage on two approximately parallel streets.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

Average width shall be the average of the length of line drawn parallel to the "lot width line" extending toward the front and rear lot lines at ten-foot intervals, but excluding from such determination any prolongated portions of the lot used exclusively for access to a public street or for a driveway.

In computing lot width or average width, the following shall be excluded:

1. Any portion of said width which serves as an access easement to any other lot or building site; and

2. Any portion of said width which serves as an improved surface flood control project under the jurisdiction of any public agency.

"Main commercial street" means Sierra Madre Boulevard, Baldwin Avenue, and the westerly 2/3rds of East Montecito Avenue between Baldwin Avenue and Mountain Trail.

**Commented [c1]:** Consider in context of City Council Direction #5: Do not include Montecito with regulations for Commercial Code.

"Map" means the zoning map of the city.

"Manufacturing" means the creation of a product from raw materials.

"May" is permissive.

"Medical and/or dental clinic" means any facility providing health service, or medical, surgical or dental care of the sick or injured, but shall not include inpatient or overnight accommodations. "Medical clinic" includes health center, health clinic, doctors' and dentists' offices.

"Mobilehome" means a mobilehome defined as such in the Mobilehome Park Law (Health and Safety Code, Section 18000 et seq.).

"Mobilehome park" means any lot where mobilehomes and/or sites are rented or leased or offered for rent or lease.

"Mobilehome site" means that portion of a mobilehome park designated for use or occupancy of one mobilehome and including all appurtenant facilities thereon.

"Modular home" means factory constructed, single-family one-story detached dwellings, certified under the National Mobilehome Construction and Safety Standards Act of 1974, with approved sticker attached, and placed on full, approved foundation systems and permanently anchored thereto.

"Motel" means one or more buildings containing rooms, ~~without kitchen facilities,~~ each having a separate entrance leading directly from the outside of the buildings or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media~~; one unit, for use by a resident manager, may have kitchen facilities~~. "Motel" includes auto courts, motor lodges and tourist courts.

~~Nonconforming Building, Structure or Use.~~

"Nonconforming building or structure" means a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the then existing zoning regulations of the city, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

"Nonconforming use" means the utilization of any lot, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning regulations, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

Notice. Whenever written notice is required to be given by personal service thereof upon the person or persons to be notified, or by United States mail, postage prepaid, addressed to such person or persons at his last known address; such notice shall be conclusively deemed to have been given as of the time of personal service, or as of the time the same is deposited in the course of postal transmission.

"Nursery (developmentally disabled)" means a state-licensed facility intended primarily for the admission of nonambulatory intellectually disabled patients, who are provided nursing services primarily in crib accommodations serving six or fewer persons. Nursery (developmentally disabled) is a subset of residential health care facilities (chronically ill).

"Nursery school" means the same as "child care center."

~~"Oath" includes affirmation.~~

"Open space" means an area other than a required yard area, driveway or off-street parking facility, which has no building or structure located therein, except for those used exclusively for recreational purposes. To meet the requirement of open space such area, referred to as usable open space, shall meet the following:

If the same is located upon the ground, or upon the roof of a subterranean garage, such contiguous area shall not be less than five hundred square feet in area; and

If the roof of such subterranean garage is utilized for such open space all such roof areas may be utilized for such open space provided that the same is not in excess of two feet above the grade of the lot immediately adjacent thereto; and

That where such open space is located on any roof area, other than a subterranean garage, not to exceed twenty-five percent of such roof area may be utilized to meet the open space requirement.

~~"Operator" means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules and governing behavior or the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management or leasing of the property and that does not otherwise meet the definition of operator.~~

Parking Space, Off-Street. "Off-street parking space" means a readily accessible area on a lot, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

"Perimeter landscaping" means any landscaping required by the provisions of this code which is adjacent to, and runs substantially parallel with, any property line of the lot for which such landscaping is required.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, public agency, public utility, or any group or combination acting as a unit; "person" shall not include the city.

"Plural." When consistent with the context, words in plural include the singular.

~~"Principal use" means a use specifically allowed of right in any one or more of the zones set forth in this title.~~

"Primary use" or "principal use" means the main purpose for which a lot is developed and occupied, including the activities that are conducted on the lot a majority of the hours during which activities occur.

"Preschool child care center" is a licensed facility that serves children ages two to four.

"Prime storefront area" means that portion of a building located on the first floor, from the property line facing a main commercial street back to a depth of 50 feet.

"Processing" means, when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

~~"Quarry" means any place on a lot where dirt, soil and gravel, rock or other similar material is removed by excavation or otherwise; "quarry" shall not include the excavation and removal of materials from a lot preparatory to construction of a building for which a building permit has been issued and remains in full force and effect; provided, that such excavation is confined to that necessary for such building construction.~~

"Recorder" means the county recorder of the county of Los Angeles.

"Regulations" means the provisions of this title.

"Residential care for the chronically ill" is a facility that provides care and supervision to adults who have terminal illness and is a subset of residential health care facilities (chronically ill).

"Residential care facility for the elderly" means a licensed housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities

**Commented [c2]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under sixty years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316 of the Health and Safety Code. Residential care facilities for the elderly are comprised of assisted living facilities, and continuing care retirement communities. Facilities serving six or fewer persons are allowed in residential zones.

~~"Residential/commercial mixed-use" means developments which integrate residential and commercial uses within a single project. Mixed-use developments include projects where housing is developed above commercial ("vertical" mixed-use), as well as projects where residential and commercial uses are developed side-by-side ("horizontal" mixed-use).~~

"Residential health care facilities (chronically ill)" are licensed by the state department health services and state department of mental health serving six or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care. Residential health care facilities (chronically ill) are comprised of adult residential facilities for persons with special health care needs, long-term care facility (mental disorders), nursery (developmentally disabled), and residential care for the chronically ill.

"Residential school (developmentally disabled)" means a state-licensed facility intended primarily for the admission, care, and treatment of educable and trainable developmentally disabled patients. The facility shall provide an educational program on the premises as one of its services. Residential school is a subset of a community care facility.

"School aged child care facility" is a state licensed facility that serves children ages five to seventeen.

"Secretary" means the secretary of the commission.

"Service station" is a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries and automotive accessories; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as a part of such service station usage.

"Shall" is mandatory.

Singular. When consistent with the context, words in the singular number shall include the plural.

~~"Solid fill" means any combustible materials, insoluble in water, such as soil, rock, sand or gravel that can be used for grading land or filling depressions.~~

~~"Solid fill project" means any operation which involves the importation and deposit of one thousand or more cubic yards of solid fill material, on a lot, for the purpose of reclaiming such lot or portion thereof.~~

"Sorority" means the same as "club, private."

~~Stable, Private. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.~~

~~"Stand" means a structure for the display and sale of products with no space for customers within the structure itself.~~

"State" means the state of California.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above pre-existing or natural grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such useable or unusable underfloor space shall be considered as a story.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property; "street" shall not include an "alley."

Street Frontage. See "Frontage, street."

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Except: Fences or walls less than three feet in height located in any required yard area, provided the same are not adjacent to any property line and do not interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off shall not be excepted.

"Supportive housing" means housing with no limit on length of stay that is occupied to the target population as defined in the Health and Safety Code 53260(d), which provides services for six or fewer persons and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her heath status, and maximizing his or her ability to live, and when possible, work in the community.

Tenses. When consistent with the context, words used in the present tense include the past and future tenses and words in the future tense include the present tense.

"Tent" means any structure, temporary or permanent, constructed of canvas or other cloth or material attached to, and encloses, a framework that is intended to provide shelter to an area.

Trailer, Automobile. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

Trailer Park, Trailer Court and Public Camp. Any or all of them shall mean any area or tract of land used or designed to accommodate one or more automobile trailers or one or more camp parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Transfer station" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

"Target population" is defined as adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health problems; and persons eligible for services under the Lanterman Development Disabilities Act, which provides services to persons with developmental disabilities that originate before the person turned eighteen.

"Transitional housing" means rental housing provided to facilitate the movement of homeless individuals or families to conventional housing. Transitional housing may take the form of single-family or multi-family units, and may include supportive services operated under program requirements to allow individuals or families to gain necessary life skills in support of independent living. This type of housing may be occupied by a program recipient for a minimum of six months up to a maximum of two years, at which time it may be recirculated to another eligible program recipient.

"Triplex" means the same as "dwelling, three-family."

"Use" means the utilization of a lot, building, structure or any combination thereof.

~~"Wall" means a concrete block or masonry wall.~~

"Writing" includes any form of message recorder in English and capable of visual comprehension.

"Yard" means an open space, other than a court bounded on three or more sides by the exterior walls of a building, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided

in this chapter. Wherever in this chapter required yards are prescribed, the same shall be established from the boundary line of such lot or parcel; provided, that the following shall be excluded, and the boundary line shall be deemed to be the interior line of:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site;
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

Yard, Front. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curbed front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in a manner prescribed in this definition.

Yard, Rear. "Rear yard" means a yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

Yard, Rear Line of Required Front. "Rear line of required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

Yard, Required Setback. For purposes of the restriction of any structure exceeding forty-two inches in height, the term "setback" includes any required yard, front, side or back.

Yard, Side. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the beginning of the required rear yard line, and at right angles to the nearest point of a side lot line towards the nearest part of a main building.

"Zoning map" or "map" means the official zoning map of the city.

(Ord. 1234 §§ 1, 2, 2005; Ord. 1214 § 2 (Exh. 1 (part)), 2004; Ord. 1185 § 2 (part), 2000; Ord. 1184 § 2, 2000; Ord. 1161 § 2A, 1998; Ord. 1136 § 1, 1997; Ord. 115 § 5, 1995; Ord. 1084 § 1 (part), 1992; Ord. 1035 § 1, 1987; Ord. 1024 § 1, 1986; Ord. 996 § 1, 1982; prior code § 9121)

(Ord. No. 1282, § 1, 10-28-08; Ord. No. 1352, §§ 1—3, 2-11-14; Ord. No. 1354, § 2, 6-10-14; Ord. No. 1379, § 1, 9-27-16; Ord. No. 1385, § 1, 2-14-17; Ord. No. 1389, Exh. A, § 1, 7-11-17)

Chapter 17.20 - R-1 ONE-FAMILY RESIDENTIAL ZONE

**Sections:**

17.20.015 - Definitions.

In addition to the definitions contained elsewhere in this title, the words and phrases set forth below shall be given the following meanings for the purposes of this chapter:

"Attic" means the area located between the uppermost plate and the roof or ridge of a structure.

"Basement, full" means basements that do not extend more than twelve inches above adjacent grade at any point around the perimeter of the structure as measured from the ceiling of the basement to the adjacent grade.

"Basement, partial" means basements that do not extend more than an average of three feet above the lower of natural, pre-existing or finish grade, and not more than eight feet at any point around the perimeter of the structure, as measured from the ceiling of the basement to the adjacent lower of natural, pre-existing or finished grade.

~~"Bedroom." For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one family or recreation room, one dining room, and bathrooms.~~

"Driveway" means an area of pavement or other pervious or impervious surface that provides vehicular access from an alley, public or private street to a parking area, garage or carport on a parcel.

"Flag lot" means a lot in the approximate configuration of a flag pole or sign post, with the pole or post functioning primarily as an access corridor or way to the main body of the lot from the street of access.

"Gross floor area" means the sum of all horizontal areas of floors covered by solid roof including first and second floors, attic spaces over 7.5 feet in height, basements, lofts, guest houses, garages, carports, patios, porches, balconies, barns, gazebos, and raised decks which are higher than 7.5 feet from natural or pre-existing grade as measured from the perimeter of the structure. Further, the area of interior spaces over sixteen feet in height shall be counted as double the floor area (see Diagram A), except for stairways and elevator shafts, which shall only be counted once. The horizontal floor area of vents, shafts, and courts shall be included in the calculation of gross floor area.

Gross floor area shall be measured from the exterior face of exterior walls. In cases where there is no wall, the measurement should be from the exterior face of the supporting posts; for cantilever-covered areas, the gross floor area shall be measured from the edge of the roof eaves excepting any roof eave exemptions, as provided below. The following shall not be computed towards floor area:

1. Roof eaves up to four feet in projection. Roof eaves that exceed four feet in projection but not more than six feet in projection may be excluded from the total floor area calculation subject to approval of an administrative design review permit pursuant to Chapter 17.60.
2. Full basements.
3. Partial basements, subject to the approval of an administrative design review permit pursuant to the requirements of Chapter 17.60.
4. Attic areas that meet all the following requirements:
    (i) Areas with vertical clearance of five feet or greater that are less than sixty percent of the surface of the building footprint, including dormer areas;
    (ii) Areas which do not include any doorway entrance that leads to an adjacent rooftop deck, patio attachment and/or exterior staircase;
    (iii) Areas which do not include an individual dormer which has a width greater than seven feet;

(iv) The combined width of all dormers along a roofline do not exceed fifty percent of the width of the roofline; and

(v) No portion of any dormer is higher than the main roofline of the house.

5. Porches on the ground floor that are attached to the primary residence, face the street (not fronting on common side or rear property lines), and are not enclosed between the heights of three feet and seven feet, with the exception of posts and building face or faces to which the porch is attached.

"Habitable attic space" means an attic space with an occupiable floor area of at least seventy square feet, a minimum vertical clearance of seven feet and an average height of 7.5 feet, and which meets minimum lighting, heating, ventilation and access requirements.

"Lot coverage" means the area of land covered by solid roofed structures, whether habitable or nonhabitable, including, but not limited to: building footprints of a single-family dwelling, detached garages, barns, covered patios, and other solid roofed accessory structures constructed on a foundation whether above, below, or at grade level. Raised decks which are over seven feet six inches from grade shall be included in the lot coverage calculation.

"Lot line, front". "Front lot line" means a lot line parallel to, and abutting, the right-of-way providing primary access to the property, except in the case of nonstandard lot configurations such as flag lots, irregularly shaped lots, reverse corner lots, or properties where access is provided by easements or private roads. In such nonstandard instances, the front lot line or lines shall be determined by the director of development services, or his/her designee, based on the character of other improvements in the vicinity; however, in no case, may the front lot line fall within any portion of any recorded easement or access corridor.

Chapter 17.36 - C COMMERCIAL ZONE[5]

**Sections:**

Footnotes:

--- (**5**) ---

**Editor's note—** Ord. No. 1296, § 1, adopted July 28, 2009, amended chapter 17.36 in its entirety to read as herein set out. Former chapter 17.36, §§ 17.36.010—17.36.210, pertained to similar subject matter and derived from Prior code §§ 9450—9455; Ord. 973, § 2(part), 1980; Ord. 984, § 6, 1981; Ord. 1041, § 1(part), 1988; Ord. 1051, § 4(part), 1989; Ord. 1084 § 1 (part), 1992; Ord. 1113 § 3, 1994; Ord. 1116 § 3, 1994; Ord. 1133, § 4, 1996; Ord. 1135 § 4, 1996; and Ord. 1214, § 2(Exh. 1(part), 2004.

17.36.010 - Criteria for commercial zoning.

The following criteria are established to assist citizens, staff, planning commission and city council in the administration and application of the ~~downtown commercial~~C zone.

A. General or Other Adopted Plans. Compliance with the general plan or other plans or programs adopted by the city shall be demonstrated. Development on properties exceeding one acre in size shall require the adoption of a comprehensive plan.

B. Location. ~~Downtown b~~Business areas shall be concentrated in the existing downtown portion of Sierra Madre.

C. Need. A demonstrated public need shall be established within the general area.

D. Design. The design or redesign of any structure shall comply with the standards established herein or in any adopted plan or program of the city.

E. Utilities, Streets, Sidewalks, Etc. The existing utilities systems (water, sewer, drainage, electrical, gas, lighting and communication facilities) and street and sidewalks are adequate, or new facilities will be constructed to serve the downtown adequately.

F. Economic Development. Commercial businesses and uses located in the ~~commercial (~~C~~)~~ zone ~~must demonstrate~~ that generate revenue ~~will be generated to~~for the city ~~and/or redevelopment agency~~are encouraged.

(Ord. 1296, § 1, 7-28-09; Ord. No. 1331, § 1, 8-14-12)

17.36.015 - Definitions.

For the purpose of this chapter, the words, phrases and terms shall be deemed to have the following meanings:

"Commercial Zone Use List" means a list of uses allowed in the C zone that fall within the use categories set forth in the table in Section 17.36.020.

"SRO" or "single room occupancy" means a small, one room dwelling unit intended to be occupied by one resident. An SRO may have shared or private kitchen and bathroom facilities, but must provide sufficient private accommodations to allow independent living and otherwise qualify as a dwelling unit under this code and state law. SROs are typically rented on a monthly basis without rental deposit, and can provide an entry point into the housing market for extremely low-income individuals, formerly homeless and disabled persons.

17.36.020 - Permitted uses and uses permitted by conditional use permit.

~~The~~A. Unless otherwise restricted or prohibited by this code, the following ~~uses~~use categories shall be permitted in the ~~Commercial Zone where the symbol~~ "C zone if noted in the "P" ~~appears~~column, and shall be permitted upon approval of a minor conditional use permit ~~where~~if noted in the "MCUP" column or conditional use permit if noted in the "CUP" ~~symbol appears,~~ column, respectively, and in either case pursuant to Section 17.60. All such uses shall be within an enclosed building unless specifically stated otherwise. ~~All other uses are prohibited, provided, however, that the director of development services may determine that any use not listed is similar to a listed use and to be treated in a similar manner. In the event that there is ambiguity as to the appropriate classification of a particular use, the planning commission shall consider the matter and shall recommend to the city council the appropriate clarification of such ambiguity, pursuant to Section 17.12.030. A list of all approved similar use determinations shall be kept on file in the development services department.~~ The required permit for some uses varies based upon the amount of floor area occupied by such use, and numbers in the table below represent square feet of floor area of such use. If a use occupies exactly the threshold amount of floor area, the lower permit shall be required (for example, a retail store with exactly 2,500 square feet of floor area would be permitted, and one with exactly 5,000 square feet of floor area would require a minor conditional use permit). Some use categories are further subdivided into subcategories of "general" or "limited", with the latter indicating a greater need for discretionary review due to its potential for nuisance, intensity, overconcentration, blighting, and/or deteriorating effect upon surrounding areas.

| ~~A~~ | ~~Retail Sales~~ | |
|---|---|---|
| | ~~Alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses~~ | ~~CUP~~ |
| | ~~Antique stores~~ | ~~P~~ |
| | ~~Apparel shops and accessories~~ | ~~P~~ |
| | ~~Appliance stores (household)~~ | ~~P~~ |
| | ~~Art galleries~~ | ~~P~~ |
| | ~~Art supply stores~~ | ~~P~~ |
| | ~~Bakery shops~~ | ~~P~~ |
| | ~~Bicycle shops~~ | ~~P~~ |
| | ~~Bookstores~~ | ~~P~~ |
| | ~~Confectionary or candy stores; candy making only when incidental to retail sales from premises~~ | ~~P~~ |
| | ~~Convenience stores (no liquor sales)~~ | ~~P~~ |
| | ~~Delicatessens~~ | ~~P~~ |
| | ~~Department stores (a store having separate sections for a wide variety of goods)~~ | ~~CUP~~ |

**Commented [c3]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #2: Do not regulate similar uses and similar business impacts differently; apply sensible regulation.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

| | | |
|---|---|---|
| | ~~Electronic stores (home and office, including repairs)~~ | ~~P~~ |
| | ~~Florist shops~~ | ~~P~~ |
| | ~~Flower sales, outdoor~~ | ~~P~~ |
| | ~~Furniture stores (no on-site manufacturing)~~ | ~~P~~ |
| | ~~Gift, novelty, card and souvenir shops~~ | ~~P~~ |
| | ~~Glass shops (including edging, beveling, silvering and staining~~ | ~~CUP~~ |
| | ~~Grocery stores~~ | ~~CUP~~ |
| | ~~Gun shops~~ | ~~CUP~~ |
| | ~~Hobby stores~~ | ~~P~~ |
| | ~~Home improvement and construction products store~~ | ~~CUP~~ |
| | ~~Ice cream stores~~ | ~~P~~ |
| | ~~Jewelry stores~~ | ~~P~~ |
| | ~~Meat markets~~ | ~~P~~ |
| | ~~Music stores~~ | ~~P~~ |
| | ~~Newsstand~~ | ~~P~~ |
| | ~~Notions or sundries store~~ | ~~P~~ |
| | ~~Pet sales (excludes dangerous animals and fish, venomous reptiles and the like)~~ | ~~CUP~~ |
| | ~~Pet supply store, excluding sale of pets other than tropical fish or goldfish~~ | ~~P~~ |
| | ~~Pottery sales~~ | ~~P~~ |
| | ~~Secondhand sales~~ | ~~P~~ |
| | ~~Shoe stores~~ | ~~P~~ |
| | ~~Sporting good stores~~ | ~~P~~ |
| | ~~Stamp and coin stores~~ | ~~P~~ |
| | ~~Stationary stores, including mail services~~ | ~~P~~ |

| | | |
|---|---|---|
| | Supermarkets | CUP |
| | Tobacco shops | CUP |
| | Toy stores | P |
| | | |
| **B** | **Office Uses** | |
| | Office uses of the business, administrative, service, consulting or professional type | P |
| | | |
| **c** | **Service Establishments** | |
| | Barber and beauty shops | P |
| | Bars and cocktail lounges | CUP |
| | Catering services | CUP |
| | Clothing and costume rental establishments | P |
| | Day/health spas | P |
| | Dry cleaning, press or laundry | CUP |
| | Health clubs or centers, exercise gymnasiums, fitness studios | CUP |
| | Lodging - hotels, motels | CUP |
| | Locksmith shops | P |
| | Machinery equipment and rental services | CUP |
| | Mail order houses, internet sales, ecommerce | P |
| | Massage therapy | P |
| | Medical office, clinics, outpatient | CUP |
| | Medical laboratories, research | CUP |
| | Nail salon | P |
| | Print shops | CUP |

| | | |
|---|---|---|
| | ~~Pet grooming~~ | ~~P~~ |
| | ~~Pharmacy, drug stores~~ | ~~P~~ |
| | ~~Photography studios~~ | ~~P~~ |
| | ~~Photocopying/duplicating services~~ | ~~P~~ |
| | ~~Picture framing stores~~ | ~~P~~ |
| | ~~Restaurants~~ | ~~CUP~~ |
| | ~~Restaurants and cafes having on-sale license for beer, wine, or other alcoholic liquors in conjunction therewith~~ | ~~CUP~~ |
| | ~~Shoeshine stands (in association with shoe stores and must be located within enclosed building~~ | ~~P~~ |
| | ~~Shoe repair shops~~ | ~~P~~ |
| | ~~Tailor shops~~ | ~~P~~ |
| | ~~Transfer, moving and storage of furniture, household and business records goods~~ | ~~CUP~~ |
| | ~~Travel agencies~~ | ~~P~~ |
| | ~~Veterinary clinics, small animal including incidental boarding~~ | ~~CUP~~ |
| | | |
| ~~D~~ | ~~**Financial Institutions**~~ | |
| | ~~Banks~~ | ~~P~~ |
| | ~~Savings and loan associations~~ | ~~P~~ |
| | ~~Finance companies~~ | ~~P~~ |
| | | |
| ~~E~~ | ~~**Educational Facilities**~~ | |
| | ~~Barber and beauty colleges~~ | ~~CUP~~ |
| | ~~Business schools~~ | ~~CUP~~ |
| | ~~Dancing, art, music, and similar training schools~~ | ~~CUP~~ |

| | | |
|---|---|---|
| | Professional/vocational schools | CUP |
| | | |
| F | **Outdoor Displays and Sales Uses** | |
| | Plant nurseries and related package sales or storage, located within private property | CUP |
| | | |
| G | **Recreational and Entertainment Facilities** | |
| | Circuses, carnivals, fairs | CUP |
| | Billiard parlors | CUP |
| | Bowling alleys | CUP |
| | Parks, playgrounds, and other commercial recreation facilities open to the public which are privately owned and operated | CUP |
| | Private clubs, fraternities, sororities and lodges | CUP |
| | Theaters (excluding open air) | CUP |
| | | |
| H | **Automobile and Transportation-Related Establishments** | |
| | Car wash, automated and manual | CUP |
| | Painting, detailing service | CUP |
| | Parking (surface lot, structure) | CUP |
| | Rental or storage facilities | CUP |
| | Repair and/or body shops (shall be within enclosed building only) | CUP |
| | Service stations (fueling stations) | CUP |
| | Utility trailer and truck rental | CUP |
| | | |
| I | **Residential Uses** | |

| | | |
|---|---|---|
| | ~~Residential uses, including transitional and supportive housing, other than on the ground level, which are consistent with the standards of Chapter 17.28 of this code and any alterations to those standards as may be approved pursuant to a permit issued under this chapter, and except as otherwise provided for parcels subject to Chapter 17.35.~~ | ~~CUP~~ |
| ~~J~~ | ~~**Adult Businesses**~~ | |
| | ~~Consistent with the standards contained in Section 17.36.025.~~ | ~~P~~ |
| | | |
| ~~K~~ | ~~Uses set forth in Section 17.60.030(A)~~ | ~~CUP~~ |

| | | | |
|---|---|---|---|
| **Retail Sales** | P | MCUP | CUP |
| Retail sales, general | ≤2,500 | 2,500-5,000 | 5,000+ |
| Retail sales, limited | | | All |
| | | | |
| **Office Uses**[1] | P | MCUP | CUP |
| Offices uses, general | ≤5,000 | 5,000+ | |
| | | | |
| **Service Establishments**[2] | P | MCUP | CUP |
| Service establishments, general | ≤2,500 | 2,500-5,000 | 5,000+ |
| Service establishments, limited | | | All |
| | | | |
| **Financial Institutions** | P | MCUP | CUP |
| Financial institutions, general | ≤5,000 | 5,000+ | |
| | | | |

[1] See also Section 17.36.030(B) for additional rules regarding office uses.

[2] See also Section 17.36.050(B) for additional rules regarding lodging establishments.

**Commented [c4]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #2: Do not regulate similar uses and similar business impacts differently; apply sensible regulation.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

**Commented [c5]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #2: Do not regulate similar uses and similar business impacts differently; apply sensible regulation.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

| | | | |
|---|---|---|---|
| **Educational Facilities** | P | MCUP | CUP |
| Educational facilities, general, | ≤5,000 | 5,000+ | |
| | | | |
| **Recreational and Entertainment Facilities** | P | MCUP | CUP |
| Recreational and entertainment facilities, general | | ≤5,000 | 5,000+ |
| | | | |
| **Automobile and Transportation-Related Establishments** | P | MCUP | CUP |
| Automobile and transportation-related establishments, general | | | All |
| | | | |
| **Residential Uses[3]** | P | MCUP | CUP |
| Residential uses | all | | |
| | | | |
| **Adult Businesses[4]** | P | MCUP | CUP |
| Adult businesses | all | | |

B. All use categories not listed above and all specific uses not listed in the Commercial Zone Use List are prohibited in the C zone. The director is authorized to exercise his or her authority under section 17.12.160, to fit an unidentified use within a specific use or use category. The director's administrative interpretation must make the following findings:

1. The proposed use meets the intent of, and is consistent with, the goals, objectives and policies of the adopted General Plan;
2. The proposed use meets the stated purpose and general intent of the zoning district in which the use is proposed to be located;
3. The proposed use will not adversely impact the public health, safety, or general welfare of the city's residents; and
4. The proposed use shares characteristics common with, and is not of a greater intensity or density, than those listed in the zoning district in which it is to be located.

[3] See also Sections 17.36.030(A) & 17.36.050 for additional rules regarding residential uses.

[4] See also Section 17.36.025 for additional rules regarding adult businesses.

**Commented [c6]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #2: Do not regulate similar uses and similar business impacts differently; apply sensible regulation.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

Notwithstanding anything else to the contrary, sales of alcohol and tobacco, whether for consumption on or offsite and whether alone or in conjunction with other uses (such as a retail store, restaurant or a newly added use) shall require a conditional use permit.

(Ord. 1296, § 1, 7-28-09; Ord. No. 1335, § 2, 6-11-13; Ord. No. 1352, § 8, 2-11-14)

17.36.025 - Adult businesses.

The following standards apply to adult businesses in the C zone:

A. An "adult business" is defined as any business which is, at any time or times, conducted exclusively for the patronage of adults from the premises of which minors are specifically excluded by law or the owner or person in possession of the premises. This definition shall exclude any use pre-empted by state law or licensed by the state.

B. "Sexually oriented" shall mean any use, display, sale, product, book, treatment, manipulation, projection, machine or other device, the principal, advertised, and emphasized purpose, use or manifestation of which is gratification, education, entertainment, observation, reading, or other stimulus, excitation, or study of explicit human heterosexual, homosexual, or other sexual activity or simulation or depiction thereof.

C. "Sexually oriented adult business" shall not be permitted on any recorded lot within six hundred feet of a church nor within six hundred feet of a public or private school for the academic education of children nor within three hundred feet of residentially zoned property.

D. In the event any prohibition set forth in subsection (C) of this section is held by any court of jurisdiction to be invalid or inapplicable, then such use or uses shall ipso facto, immediately, and automatically be classified as a conditional use requiring a conditional use permit pursuant to the provisions of the zoning code of this city and an Environmental Impact Report pursuant to the California Environmental Quality Act.

(Ord. 1296, § 1, 7-28-09)

17.36.027 - Other uses and construction activities.

In addition to those specified in this chapter, a number of other uses and construction activities are allowed in the C zone pursuant to, and in accordance with, other provisions of this title. Such uses and construction activities may be permitted of right or require discretionary review and approval in accordance with such other provisions. A subset of such uses and construction activities and their corresponding code references are listed below for reference purposes only.

A. Demolitions - Section 15.04.115 and Section 17.60.056;

B. Certain conditionally permitted uses - Section 17.60.030;

C. Signs - Chapter 17.72;

D. Home occupations within residential uses - Chapter 17.85.

E. Temporary uses - Chapter 17.88; and

F. Wireless communication facilities - Chapter 17.93

17.36.030 - New construction; additions, and building alterations.

A. ~~Any new construction, addition of floor area to an existing building, or enlargement of an existing building in the commercial zone shall require approval of a conditional use permit, pursuant to the provisions under Section~~ The following activities shall only be permitted with a design review permit, obtained in accordance with Chapter 17.60~~.~~:

1. Additions of floor area in excess of 1,000 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise; and

2. Single-family home projects that result in aggregate floor area of all structures exceeding 3,000 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise (additionally, such projects shall require Finding D.8. of Section 17.60.041 be made).

B. ~~Exterior facade alterations and interior alterations to an existing building which does not involve the expansion of floor area or an increase or intensification of activity, as determined by the development services director, do not require a conditional use permit under 17.60. However,~~ The following activities shall only be permitted with an administrative design review permit, obtained in accordance with Chapter 17.60:

1. Construction in excess of either one story or 20 feet in height;

2. Additions of floor area in excess of 500 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise;

3. Significant exterior facade alterations fronting a main commercial street which, as determined by the director, have the potential to alter materially the character of an existing main building; and

4. Office uses newly locating within the prime storefront area.

C. The following activities do not require a design review permit or administrative design review permit under Chapter 17.60; provided however, that the appropriate building permits, if required, must be obtained~~.~~:

1. Interior alterations to an existing building;

2. Additions of floor area of 500 square feet or less, whether from new construction, addition to or enlargement of an existing building, or otherwise; and

3. Minor exterior facade alterations fronting a main commercial street which, as determined by the director, do not have the potential to alter materially the character of an existing main building, and all exterior facade alterations not fronting a main commercial street.

(Ord. 1296, § 1, 7-28-09)

17.36.035 - Drive-through business prohibited.

Henceforth, the city shall not allow new drive-through business establishments, that is, business establishments which provide service to customers in a motor vehicle.

(Ord. 1296, § 1, 7-28-09)

17.36.040 - ~~Downtown d~~Design criteria.

The following design criteria shall be applied to all development within the C zone~~. Downtown Design Standards~~:

A. Architectural Style and Character. All ~~future~~ construction, exterior remodeling, development and redevelopment shall be of such architectural design as to enhance the site and surrounding environment and be consistent with the desired overall community values as stated in the General Plan. ~~Approval of each design as to its compliance or compatibility with these standards must be obtained from the development services director prior to the granting of any building permit.~~

B. Materials and colors. Materials, colors and textures generally shall be compatible with those of adjacent and other nearby buildings and the overall character of the downtown area. The ~~following~~use of traditional building materials ~~or those determined by the development services director to be similar to them shall be utilized in all construction in the commercial zone:~~

~~1. Roof materials intended to be viewed, including but not limited to clay tile or slate;~~

**Commented [c7]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

**Commented [c8]:** 17.36.040 – 17.36.190 Downton Design Criteria

Consider in context of City Council Direction (1-5)

The City Council did not direct the Planning Commission to make any changes or updates to design criteria, however, the City Council did ask the Planning Commission to make updates to Design Review to reduce subjectivity and regulation. Should the City Council want to include design criteria in the Commercial Code, or elsewhere in the City Code, it could be considered during the design review permit meeting on October 27.

Design criteria included should adhere to the Council direction to the Planning Commission for the criteria to be objective with limited regulation.

2. ~~Brick,~~such as tile, textured concrete, color-tinted concrete ~~or exposed aggregate patios and walkways;~~

3. ~~D~~, decorative masonry ~~materials such as bricks, stone or slump stone;~~

4. ~~Heavy rough textured~~(brick, river rock), wood ~~beams, headers, trim and~~ siding~~;~~

5. ~~Textured~~, and stucco is encouraged. Natural colors are encouraged. Use of decorative and permeable paving materials is encouraged.

C. ~~Colors. Earth tone or natural colors shall be utilized throughout with the use of bright, nonpastel colors for the purpose of accent; however, such accent colors shall not be used to such a degree as to become the dominant color of any structure.~~ Pedestrian friendly. Project design should accommodate and encourage pedestrian activity rather than be car-centric, including:

1. The ground floor elevation of commercial spaces facing the sidewalk should be visibly and physically penetrable by placing windows and doorways at the street elevation;

2. The use of awnings, overhangs, porticoes, trellises, and other design elements which provide protection to pedestrians is encouraged;

3. The use of architectural design elements and details to provide interest along the sidewalk is encouraged;

4. Front elevations shall be designed to mimic small individual storefronts even if one business intends to occupy the entire space. This may be accomplished using vertical design elements to break up the façade;

5. The development of outdoor spaces for dining and public gathering spaces is encouraged; and

6. Parking in the front yard is discouraged, especially along a main commercial street.

D. Landscaping. All site landscaping shall be so designed with both form and function in mind and not just as a decorative element. Desirable aspects of landscape design that are:

1. Plant material selection for seasonal color;

2. Low maintenance and drought-tolerant plant materials;

3. Use of ground cover plant materials rather than nonplant substitutes;

4. Permeable paving and water harvesting features; and

5. Use of native ~~trees~~plants when appropriate.

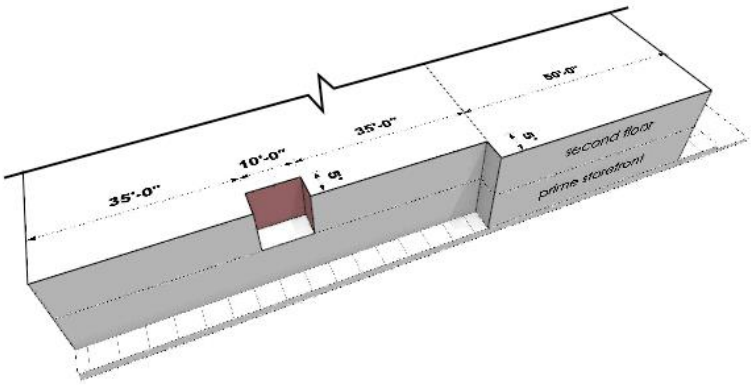
E. Signs. All signs shall be designed as an integral part of the overall architectural design theme of the building through the use of similar materials and colors, as well as proportionate size and location. Signage shall also comply with Chapter 17.72.

F. Articulation. Outside of the prime storefront area and the second floor above it, (i) articulation of exterior walls is encouraged; and (ii) in no event shall a linear wall of a second story extend longer than thirty-five feet without an offset of a minimum of five feet for a minimum linear distance of ten feet (see illustration below).

**Commented [c9]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

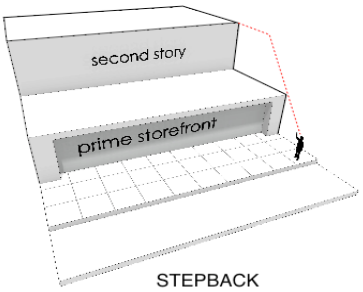
Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

**Illustration of Minimum Second Story Articulation**

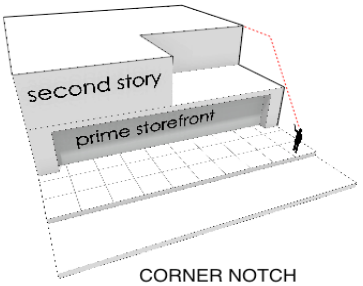



G. Views. Preservation of public and private views is encouraged, especially mountain views that could potentially be blocked by structures on the north side of Sierra Madre Boulevard. Building design techniques that may be employed to preserve view include setting back the front facade of the second story, having a second story that spans less that the full width of the lot, varying building heights, or other building articulation (see illustrations below).

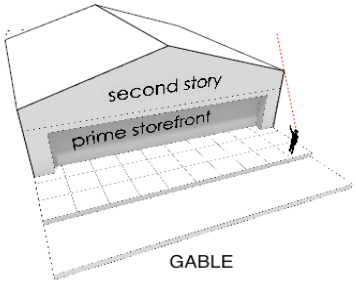
**Example Illustrations of View Preservation Techniques**



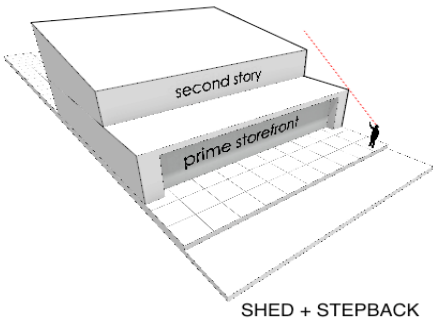

STEPBACK




CORNER NOTCH




GABLE




SHED + STEPBACK

H. General. The following apply to all development in the C zone:

1. Architectural treatment shall be applied to all building elevations;

2. ~~Review~~The design of a proposed ~~design~~project shall be related to the surrounding existing development with greater emphasis placed upon compatibility with adjacent development related to:

   a. Bulk or mass and height,

   b. Colors,

   c. Building materials,

   d. Roof lines,

   e. Access,

   f. Views,

   g. Landscaping.

I. From time to time, the planning commission may promulgate and maintain site design and massing guidelines for use by applicants and the city to guide appropriate development in the C zone.

(Ord. 1296, § 1, 7-28-09)

17.36.050 - ~~Standards of development—Generally.~~Residential/Commercial Mixed-Use.

~~The development standards set forth in the following sections of this chapter shall apply to all construction within the C zone.~~ A. All residential uses allowed in the R-3 Zone in accordance with Chapter 17.28 and SROs are permitted outside of the prime storefront area. Residential uses are prohibited in the prime storefront area except for entries, hallways, stairwells and/or other necessary accessways thereto.

**ALTERNATE** A. All residential/commercial mixed-uses allowed in the R-3 Zone in accordance with Chapter 17.28 and SROs are permitted. The residential component of a mixed-use project shall not have dwellings located on the ground floor. Lobbies, entries, hallways, stairwells and/or other necessary accessways thereto may be allowed on the ground floor.

B. Maximum residential density shall be thirteen units per acre. In addition to dwelling units, this limit applies to bed and breakfast inn, hotel or motel guest rooms with full kitchen facilities.

C. Mixed-use projects shall be designed to provide compatibility between residential and non-residential uses, and to minimize the effects of noise, odors, glare, vehicular traffic, privacy intrusion, and other potentially significant impacts on project residents.

~~(Ord. 1296, § 1, 7-28-09)~~

17.36.060 - Size area.

Every lot created after the effective date of this chapter shall have a minimum lot area of three thousand seven hundred fifty square feet.

(Ord. 1296, § 1, 7-28-09)

17.36.070 - Yards and building setbacks.

**Commented [c10]:** Consider in context of City Council Direction #2: Do not regulate similar uses and similar business impacts differently; apply sensible regulation.

Consider in context of City Council Direction on Design Review.

**Commented [c11]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.

Alternate A meets the policy goals of the City Council: not favoring one business use over another; leveling the playing field.

A. Front Yard. ~~There shall be a front yard having a minimum depth of five feet extending across the full width of the lot.~~ No front yard shall be required adjacent to a main commercial street. Elsewhere, non-residential uses shall have a minimum front yard depth of five feet, and residential uses shall have a minimum front yard depth of fifteen feet. Although not required, varied building set backs to allow for outdoor dining and sales uses, landscaping, and/or decorative paving are encouraged on long street frontages.

B. Side Yard. ~~Side yards adjacent to a street or alley shall be~~ No side yard shall be required adjacent to prime storefront areas or the second floor above them. Elsewhere, side yards shall be not less than ~~ten~~ five feet in width.

C. Rear Yard. There shall be a rear yard of not less than fifteen feet in width; however, a maximum of ten feet of said rear yard may be used for off-street parking.

D. Yards Adjacent to ~~Residential~~ 1 Zones. ~~If either the side or rear yards are adjacent to any residential zone or use, a minimum of ten feet of the required yards shall be landscaped with specimen plants and trees (minimum fifteen gallon stock) to create a solid plant screen as represented on a landscaping plan approved by the development services director.~~ Yards abutting an R-1 zoned property shall have a minimum depth of ten feet, and an encroachment limit shall be established which is determined at the point where the wall height is twenty feet, and using a forty-five-degree angle inwards toward the property to create additional setback (see illustration below).

~~(Ord. 1296, § 1, 7-28-09)~~

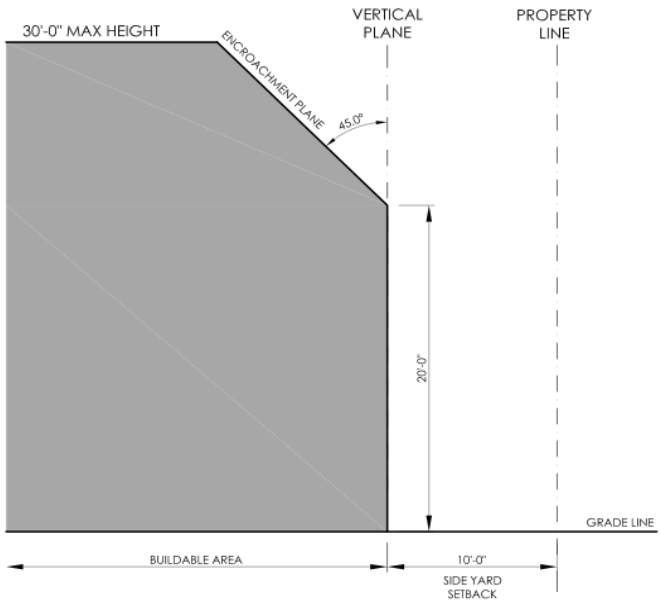
~~17.36.080 - Building and site coverage.~~

~~Coverage of any parcel by roofed structures shall not exceed eighty percent, exclusive of all existing or required streets, sidewalks and alleys.~~

**Illustration of Angle Plane Encroachment Limit**

**Commented [c12]:** Consider in context of City Council Direction #1: Do not favor certain business uses as; level the playing field.

Consider in context of City Council Direction #3: Do not limit the type, use, or location of businesses; Use a market-based approach.




E. Encroachments into setback areas:

1. Garages and other one-story accessory structures may be constructed within five feet of a side or rear property line where the difference between adjoining grades does not exceed one foot and is not adjoining an R-1 zoned property.

2. Walls and fences in accordance with Section 17.48.130.

3. Balconies and Exterior Stairways. No more than one-half of the balconies and exterior stairways shall be permitted to project more than fifty percent of the minimum setback requirement into any required setback areas. The minimum setback from any property line abutting R-1 zoned property shall be ten feet.

4. Swimming pools, hot tubs, spas and similar recreational facilities may be located no closer than five feet from the rear or side property lines, or twenty-five feet from the front property line.

5. Other encroachments into setback areas may be allowed with approval of a design review permit in accordance with Chapter 17.60 upon the additional finding by the planning commission that requiring strict compliance would run contrary to the purposes of this chapter and allowing such encroachment would substantially advance the purposes of this chapter.

17.36.080 - Building and site coverage; floor area.

A. Coverage of any parcel by impermeable surfaces (such as traditional structures, driveways, paving, and sidewalks) shall not exceed sixty-five percent of gross lot area. Permeable patios, porous paving areas, hard surfaces equipped with rain catchment and infiltration/retention

features, vegetated roof areas and other porous surfaces shall not be considered covered areas for the purpose of this standard.

B. The floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully-subterranean spaces) shall be limited to one hundred percent of gross lot area.

(Ord. 1296, § 1, 7-28-09)

17.36.090 - Height and story limit.

No building structure shall exceed a height of thirty feet and no building structure shall exceed two stories in the C zone.

(Ord. 1296, § 1, 7-28-09)

17.36.100 – Parking.

A. Off-street parking.

All off-street parking shall be provided in accordance with Chapter 17.68 of this code.

B. Parking should generally be located behind or under buildings, rather than in the front yard. Above-ground parking areas should be screened and otherwise incorporate attractive and appropriate landscaping. In addition to street access, businesses should provide pedestrian-friendly access from parking areas. Where possible, projects are encouraged to improve pedestrian access from public parking areas to commercial uses, particularly access from the parking lot on Mariposa Avenue to the commercial uses on the south side of Sierra Madre Boulevard, and to encourage the use of available public parking.

(Ord. 1296, § 1, 7-28-09)

17.36.110 - Landscaping.

The provisions of Chapter 17.68 shall apply in addition to the following:

A. All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, approved outdoor seating and sales areas, and paved or covered recreational facilities shall be landscaped and irrigated. Such landscaping and irrigation system shall be permanently maintained in an attractive manner. Existing trees to be removed shall be replaced with a substitute specimen trees (minimum thirty-inch box container size) elsewhere on the site.

B. All planted areas shall be surrounded by a curb of concrete or comparable material at least six inches above the higher of the final grade or the pavement of the parking lot, except when such planted areas lie adjacent to a paved sidewalk, masonry wall or a building. Landscaping should incorporate drought-tolerant plants and water-harvesting features, and must adhere to the city's adopted water efficient landscape standards pursuant to Chapter 15.60.

C. Landscaping shall consist of trees, shrubs and ground covers with careful consideration given to eventual size, form, susceptibility to disease and pests, durability, water consumption and adaptability to soil and climate conditions. Street trees shall be provided to city standards and in accordance with the master plan for street trees, or with current practices established by the director of public works.

D. A landscape plan drawn at a scale of not less than one inch to thirty feet shall be submitted and shall include: For all projects that are required to comply with water efficient landscape standards, a conceptual landscape plan prepared by a licensed landscape architect shall be submitted to the planning department together with the project's first application and shall be drawn to a scale of not less than one inch equals twenty feet. Said plan shall include the following information:

1. Square footage of each landscaped area;
2. Total square footage of all landscaped areas;
3. Percentage of the site devoted to landscaping;
4. Type of plant materials, i.e., the botanical and common names;
5. Location of all plant materials;
6. Container size and number of all plant materials; and
7. ~~Type, size and location of a permanent irrigation system.~~

~~(Ord. 1296, § 1, 7-28-09)~~

~~17.36.120 - Plant screens; walls.~~

~~A. A plant screen~~Tree inventory and tree protection report prepared by a licensed arborist shall be ~~erected in place of a wall, provided it is:~~ submitted. No protected tree shall be removed or substantially trimmed, except as authorized by Chapter 12.20. Specimen trees shall be replaced within the submitted landscaping plan with a minimum of twenty-four-inch box trees.

~~1. Sufficient to visually screen the parking area;~~

~~2. Comprised of specimen stock;~~

~~3. Within a planter area of at least four feet in depth;~~

~~4. Provided with a permanent irrigation system;~~

~~5. Compliant with all other provisions of this section for landscaping, including being an integral part of an approved landscaping plan.~~

~~B. A decorative masonry wall of at least thirty inches high may be substituted for a plant screen provided it is constructed and maintained along the perimeter of all off-street parking areas except at points of ingress and egress. Such wall shall be constructed of masonry units not greater than six inches in height.~~

~~C. A landscaped area of at least thirty inches in height may be substituted for a wall or plant screen if the planning commission approves its design, location, scale and landscape treatment pursuant to a permit issued under this chapter.~~

~~D. A decorative concrete, masonry or block wall of at least six feet in height shall be constructed and maintained on the boundary of any use which abuts or which lays across a public alley from a residential zone, except in front setbacks, in which such walls shall be forty-two inches or less in height.~~

~~(Ord. 1296, § 1, 7-28-09)~~

~~17.36.130 - Refuse storage.~~

~~All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view by a permanent wall at least five and one-half feet high in conformance with the architectural design of the related buildings, including a solid gate of durable opaque material approved by the development services director. All bins and containers shall be stored within the enclosure with lids closed at all times when not being loaded.~~

The project approval may include additional landscape requirements. Final plans, including irrigation and required usage calculations will be reviewed during construction plan check.

(Ord. 1296, § 1, 7-28-09)

17.36.120 - Screening.

Parking areas, refuse storage, mechanical equipment and the like shall be screened by some combination of walls, plantings or earthworks. All trash bins and containers shall be stored within an enclosure with lids closed at all times when not being loaded.

(Ord. 1296, § 1, 7-28-09)

17.36.130 – Hours of Operation.

No business established after July 31, 2020 shall be open for business to customers or clients (i) between 10:00 pm and midnight Sunday through Thursday, without first obtaining a minor conditional use permit; or (ii) between midnight and 5:00 am on any day without first obtaining a conditional use permit, in either case in accordance with Chapter 17.60. When approving any discretionary permit required by this chapter, the reviewing authority may further condition the hours of operation of a business in order to make the findings required by such permit.

**Commented [c13]:** Consider in context of City Council Direction #2: Do not regulate similar uses and similar business impacts differently; apply sensible regulation.

The City Council did not provide direction to incorporate mandatory operating hours for businesses.

17.36.140 - Outdoor storage ~~prohibited~~and sales.

All storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building. Outdoor display of goods and merchandise for sale shall require a minor conditional use permit in accordance with Chapter 17.60.

(Ord. 1296, § 1, 7-28-09)

17.36.150 - Loading facilities.

All loading or unloading areas containing a loading dock or similar facility shall be located at such a depth within a completely enclosed building as to reasonably contain and restrict noise. Further, no loading or unloading area shall be visible from a public street, or located within a front yard or side yard adjacent to a public street.

(Ord. 1296, § 1, 7-28-09)

17.36.160 - Lighting.

All lighting of ~~the~~ building, landscaping, parking lot or similar facilities shall be shielded and directed away from adjoining properties~~.~~, and shall otherwise comply with the with the city's "Dark Sky" program and the relevant provisions of the General Plan.

(Ord. 1296, § 1, 7-28-09)

17.36.170 - ~~Mechanical equipment~~Property Maintenance.

~~All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from view from street level.~~

~~(Ord. 1296, § 1, 7-28-09)~~

All properties within the C zone shall be maintained in good condition, free from nuisances, and within all performance standards set forth in this code, including without limitation, those contained in Title 8 – Health and Safety and Title 9 - Public Peace, Morals and Welfare. Any and all handling of hazardous materials shall be done in compliance with applicable local, state, and federal laws and regulations. Prior to approving any discretionary permit required by this chapter, the reviewing authority may request reasonable evidence from an applicant that a proposed project or use is likely to so comply, and failure to

provide such evidence, or a preponderance of evidence to the contrary provided by other shall be shall be grounds for denial of any such permit.

17.36.180 - Underground utilities.

All ~~utilities~~utility connections for new construction shall be underground, but utility connections to structures which lawfully preexisted the adoption of this chapter may be maintained.

(Ord. 1296, § 1, 7-28-09)

17.36.190 - Development or construction site standards.

The following standards apply to development or construction in the ~~commercial~~ C zone:

A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced or screened as determined by the building inspector;

B. Sites shall be maintained during construction as not to become an attractive or public nuisance due to storage of material, parking or activities of construction workers;

C. Any portable toilets shall be set back ten feet from all property lines;

D. Rubbish and refuse service with the city's franchised hauler shall be required at the time a building permit is issued. Service may be weekly pickup service if accessible by a public street or as otherwise authorized by the director of development services;

E. Contractors shall submit to the city a complete list of subcontractors for all services and trades and each contractor or subcontractor shall obtain a city business license prior to any work or request for inspection. Work commenced prior to issuance of necessary permits and business licenses shall be subject to double permit fees pursuant to Chapter 15.04 of this code;

F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit pursuant to Chapter 12.12 of this code;

G. Any paved public right-of-way affected by construction shall be cleaned each evening by the contractor. Cleanup shall include, but not be limited to, streets, roadways, gutters, sidewalks and parkways;

H. Violations of this section may result in the issuance of a stop work order by the building inspector in the manner specified in Chapter 15.05 of this code.

(Ord. 1296, § 1, 7-28-09)

Chapter 17.40 - M MANUFACTURING ZONE

**Sections:**

17.40.010 - Permitted uses.

In an M zone only the following uses are permitted as are hereinafter specifically provided and allowed subject to the provisions of this chapter governing off-street parking requirements.

Any use permitted in the C zone ~~except that a dwelling conforming to the yard requirements of the R-3 zone shall be permitted on the same lot on which a use permitted herein is located and which dwelling is used exclusively by the owner, lessee, caretaker or superintendent and his family~~;

Assembly of electrical appliances such as:

1. Electronic instruments and devices,
2. Radios and phonographs, including manufacture of small parts, such as coils;

Bakeries, coffee roasters, commercial kitchens, and other food processing and production facilities (excluding slaughterhouses, rendering plants or other facilities that the director determines are likely to emit foul odors or create other nuisances);

Boatbuilding (limited to those craft which may be transported over a state highway without permit);

Bottling plants;

Building material storage yards;

Cabinet shops, carpenter shops, furniture manufacture;

Carpet cleaning plants;

Ceramic products, manufacture of, including figurines, using only previously pulverized clay and kilns fired only by electricity or low pressure gas;

Cleaning and dyeing plants;

Contractors' storage yards;

Draying, freighting, trucking yards, terminals;

Electric or neon sign manufacture;

Emergency shelters;

~~Feel~~Feed and fuel yards;

Fruit packing houses;

Garment manufacturers;

Ice and cold storage plants;

Laboratories, experimental, motion pictures, testing;

Lumber yards;

Machine shops;

Manufacture of prefabricated buildings;

Outdoor advertising;

Plastics, fabrication from;

Plumbing shop, supply yards;

~~Poultry and rabbit slaughter (provided they are first reviewed and granted a conditional use permit);~~

Public utilities service yards or electrical receiving and/or transforming stations;

~~Rubber, fabrication or products made from finished rubber;~~

Sheet metal shops;

Shoe manufacturing;

Soap manufacture, cold mix only;

Storage space for transit and transportation equipment, except freight classification yards;

Textile manufacture;

Tinsmiths;

~~Tire rebuilding, recapping and retreading;~~

Wholesale businesses, storage buildings and warehouses.

Any industrial use not specifically permitted herein must be reviewed as a conditional use permit in order to locate industry in its proper and available location in the region and prevent conflict with the high degree of residential development existing in and around the city. Any use that is found to be objectionable or incompatible with the character of the city and its environs may be denied a conditional use permit based upon the standards contained in Section 17.60.040.

(Ord. 1084 § 1 (part), 1992; prior code § 9500)

(Ord. No. 1352, § 10, 2-11-14)

17.40.020 - Property development standards.

Notwithstanding anything to the contrary in this chapter, projects incorporating uses permitted in the C zone, including residential uses, shall be developed in locations, to development standards, and with required reviews and approvals only as set forth in Chapter 17.36. The regulations set forth in the following sections shall apply to all other uses and development in the M zone.

(Ord. 1084 § 1 (part), 1992; prior code § 9501 (part))

17.40.025 - Emergency shelters development standards.

A. Property Development Standards. The emergency shelter shall conform to all property development standards of the M Zone except as modified by these development standards.

B. Maximum Number of Persons/Beds. An emergency shelter for homeless persons shall contain no more than eight beds and shall provide shelter for no more than eight persons. Additionally, the cumulative total number of beds permitted in the M Zone shall not exceed eight. Such maximum number may be accommodated in multiple shelters not to exceed the cumulative total.

C. Parking. On-site parking shall be provided based on the following standards: one parking space for every four beds, plus one-half space designated for each bedroom designated for families with children, plus one parking space for each employee or volunteer on duty, plus one space for every vehicle operated by the facility.

D. Lighting. Adequate exterior lighting shall be provided for security purposes. The lighting shall be stationary and designed, arranged and installed so as to confine direct rays onto the premises and to direct light away from adjacent structures and public rights-of-way. External lighting shall be of intensity compatible with the neighborhood.

E. Common Facilities. The emergency shelter may provide one or more of the following specific common facilities for the exclusive use of the residents:

1. Central cooking and dining room.
2. Recreation room.
3. Laundry facilities to serve the number of occupants in the shelter.
4. Other uses that are considered as ancillary to the primary use such as office, storage.

F. On-site Staff. At least one manager shall be on site during all hours of operation of the facility. Such manager must be an individual who does not utilize the shelter's beds or other services and who resides off-site. The manager must be accompanied by one supportive staff member. Such staff member must be an individual who does not utilize the shelter's beds or other services and who resides off-site.

G. Security. Security personnel shall be provided during operational hours whenever clients are on the site. Security personnel are in addition to the staffing requirements in subsection (E). A security plan shall be submitted to the city prior to issuance of a certificate of occupancy.

H. Concentration of Uses. No more than one emergency shelter shall be permitted within a radius of three hundred feet from another such emergency shelter.

I. Emergency Shelter Operations. The agency or organization operating the emergency shelter shall comply with the following requirements:

1. Each emergency shelter resident shall stay for no more than ninety days (cumulative, not consecutive) in a three-hundred-sixty-five-day period. Extensions up to a total stay of one hundred eighty days in a three-hundred-sixty-five-day period may be provided if no alternative housing is available.
2. On-site client waiting and intake areas shall be located inside the building.
3. The provider shall provide an annual report of the use of the facility and determination of compliance with the city's development standards for the use.

(Ord. No. 1352, § 11, 2-11-14)

17.40.030 - Height.

No building structure, or any part thereof in an M zone shall be erected to a height exceeding two stories or thirty feet, whichever is the lesser.

(Ord. 1041 § 1 (part), 1988: prior code § 9501(a))

17.40.040 - Front yard.

Every lot and every parcel of land in an M zone shall have a front yard only when any one or more of the following conditions apply:

A. If the premises are devoted to an R use in the M zone, such use shall maintain a front yard conforming to the front yard requirements in the R-3 zone.

B. When property classified for M purposes comprises part of the frontage in a block on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for R purposes, the front yard in such M zone shall conform to the front yard required in the R-3 zone.

C. A front yard shall be provided as may be required by specific plan or in a conditional use permit or variance.

(Ord. 1084 § 1 (part), 1992; prior code § 9501(b))

17.40.050 - Placement of buildings.

No building shall be erected closer than ten feet to the rear of any lot zoned for M purposes, if the rear of such lot abuts the side lot line of property zoned for R purposes and no alley intervenes.

(Ord. 1084 § 1 (part), 1992; prior code § 9502)

17.40.060 - Limitations on land use.

Any building located on an alley and having an opening used as a means of access from such alley shall maintain a distance of not less than ten feet from such alley.

(Ord. 1084 § 1 (part), 1992; prior code § 9503)

17.40.070 - Miscellaneous requirements.

All uses shall be subject to all specific requirements of this chapter, including off-street parking.

(Ord. 1084 § 1 (part), 1992; prior code § 9504)

17.40.080 - Refuse storage.

All trash, garbage and refuse storage areas shall be screened on all sides from public view by a minimum five and one-half-foot-high permanent wall in conformance with the architectural design of the related buildings, including a solid gate of durable wood or comparable material. All bins and containers within the enclosure shall be maintained with lids closed except for placement of material within such containers.

(Ord. 973 § 2 (part), 1980: prior code § 9505)

17.40.090 - Development or construction site standards.

The following standards apply to development or construction in the M zone:

A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced as determined by the building inspector.

B. The residential character of neighborhood to be maintained during construction as to not to become an attractive or public nuisance, due to storage of material, parking or activities of the contractor employees.

C. Temporary services on-site, shall be ten feet behind the property line, i.e., portable toilet facilities.

D. Rubbish and refuse service with city contractor shall be required at the time the building permit is issued. Service may be weekly pickup service if accessible by a public street, or by scout or commercial service as otherwise authorized.

E. Contractors, subcontractors shall be required to have a completed subcontractors list for all services and trades and business licenses obtained prior to any construction or request for inspection. Where work for which a permit is required wherein the work has started or has proceeded prior to obtaining said permits or business licenses, the permit fees shall be doubled pursuant to Chapter 15.04 of this code.

F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit and approval in advance of any activity pursuant to Chapter 12.12 of this code.

G. The public right-of-way, if improved and in place, or at the entry to the project from an existing street, shall be cleaned each evening by the contractor. Clean up shall include, but not be limited to, streets, roadways, gutters, sidewalks, and parkways.

H. Violations of subsections (A) through (G) of this section may result in the issuance of a stop work order by the Building Inspector. Work so halted shall have the right of due notice and an Administrative Hearing upon request.

(Ord. 1051 § 4 (part), 1989: prior code § 9506)

Chapter 17.60 - VARIANCES AND DISCRETIONARY PERMITS[10]

**Sections:**

Footnotes:

--- (**10**) ---

**Editor's note—** Ord. No. 1389, Exh. A, § 22, adopted July 11, 2017, changed the title of Ch. 17.60 from "Variances and Conditional Use Permits" to read as herein set out.

17.60.010 - Variances.

When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this chapter occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner hereinafter set forth in this chapter.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

(Prior code § 9800)

17.60.020 - Variances—Burden of proof.

Before any zone variance is granted, the applicant shall show, to the reasonable satisfaction of the body hearing such matter, that there are special circumstances applicable to the property involved, such as size, shape, topography, location or surroundings, which do not generally apply to other adjacent properties included in the same zone as the subject property, which make the granting of the zone variance necessary in order to facilitate a reasonable use of the property involved.

(Prior code § 9801)

17.60.025 - Minor variances.

The director of development services may grant a minor variance from regulations, as specified in Chapter 17.20 or Chapter 17.30 of this code, as applicable.

A. Application. Applications for a minor variance shall be initiated by submitting the following materials to the development services department:

1. A completed application form signed by the property owner or authorized agent, accompanied by the required fees and plans;
2. Signatures from all owners of property abutting the project site and directly across the street from the project site or written evidence indicating approval of the request, and the posting of a sign on the property for ten days; or
3. A list, drawn from the last equalized property tax assessment roll showing the names and addresses of the owner or record of each lot abutting the property and each property on the block within one hundred fifty feet of the property, and the posting of a sign on the property for ten days.

B. Notice.

1. If the applicant is unable to obtain the written approval of the property owners abutting and directly across the street from the property, notice shall be given to immediately adjacent property owners and property owners on the block within one hundred fifty feet of the subject property to notify them that an application is being filed for a minor variance.
2. Comments shall be accepted by the director for a ten-day period following the application submittal.
3. The director may use any comments received to assist in making findings and conditions relating to the application.

C. Burden of Proof and Conditions of Approval. The director must find, or conditions must be imposed, to insure that:

1. The project does not adversely impact the public health, safety, and welfare;
2. The design of the home is improved with the granting of the minor variance.

D. An action by the director may be appealed to the planning commission and subsequently to the city council pursuant to Chapter 17.66 of this title.

(Ord. 1234 § 5, 2005; Ord. 1115 § 18, 1995)

(Ord. No. 1313, § 4, 3-22-11)

17.60.028 - Modification of required yards.

The director of development services, may grant a modification of a required yard as follows:

A. Reduction of open areas by permitting portions of a building to extend into a required yard by not more than ten percent;

B. A modification of a required yard, as set forth in this section, may be granted pursuant to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055 of this chapter;

C. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115 of this chapter, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

17.60.030 - Conditional use permits—When required.

The purpose of any conditional use permit shall be to insure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones as hereinafter set forth, provided that a conditional use permit is first obtained pursuant to the provisions of this part, unless such use is designated as a permitted use in a particular zone.

A. Conditional Uses—All zones except the OS and R-C Zones.

Airports, landing fields, heliports, and helistops;

Borrow pits to a depth of over three feet;

Cemeteries;

Churches, temples and other places of worship, provided they shall be excluded from the C (commercial) zone, except as provided in Section 17.56.120 of this title;

Clubs, provided they shall be excluded from the R-1 and R-2 zones (see Section 17.36.020(F) of this title);

Columbariums, crematories and mausoleums;

Crops, field, tree, bush, berry, and row, including nursery stock, the growing of (see Section 17.20.020(H) of this title);

~~Dumps;~~

Educational institutions;

Equestrian establishments;

~~Establishments or enterprises involving large assemblages of people or automobiles as follows:~~

~~Amusement parks;~~

~~Circuses, carnivals, or fairgrounds;~~

~~Labor camps;~~

Open air theatres;

Race tracks and rodeos;

Recreational centers privately operated;

Trailer (mobilehome) parks;

Fraternity;

Golf courses, privately owned;

Livestock, care and maintenance for commercial or noncommercial purposes;

Mortuaries;

~~Natural mineral resources, the development of, together with the necessary buildings, apparatus or appurtenances incidental thereto; provided, that no review or permit shall be required for the exploration of oil, rock, sand, gravel, or clay if any other section of this code makes separate provisions with respect thereto;~~

Nonprofit organizations provided they shall be excluded from the C (commercial) zone except as provided in Section 17.56.120;

Parking lots, commercial;

~~Public utilities or utilities operated by mutual agencies consisting of water wells, electrical substations, gas metering stations, telephone exchanges, power boosters or conversion plants with the necessary buildings, apparatus, or appurtenances incident thereto when located in other than C or M zones;~~

Public utility facilities and utilities~~, operated by mutual companies except any public facility for which a building permit is not required pursuant to the city's building regulations, and any such facility which is permitted by a city-granted franchise;~~ to the extent the City is authorized to regulate the use of land under Federal and State law.

~~Refuse, disposal of;~~

Sewage disposal plants;

Sorority;

Swimming pools, hot tubs, spas and similar recreational facilities ~~which are located within twenty-five feet and/or are visible to or from~~ as a ~~public or private street or alley~~ primary use;

Veterinarians, kennels and small animal hospitals.

B. Conditional Uses—R-1, R-2, R-3 and R-C Zones.

Maintenance of keeping of horses or mules, as enumerated in Chapter 6.08, "Animals Generally";

Family day care home, large;

Any use permitted pursuant to Section 5116 of the Welfare and Institutional Code of the state of California (certain licensed residential care facilities for the elderly).

C. Conditional uses—R-2 development in the R-2 zone;

D. ~~Conditional uses—H zone. Development, structures, grading, or subdivisions;~~

~~E.~~ Conditional uses—R-P (R-3 with residential entrepreneurial overlay) zone and C (commercial) zone only in the portions of the C zone where residential uses are allowed;

Child care center/nursery school;

Community care facilities, seven beds or more;

Drug and alcohol recovery and rehabilitation facilities;

Drug and alcohol treatment facilities;

Facilities for preparole adjustment/rehabilitation;

Residential care facility for the elderly with seven beds or more;

Residential health care facilities (chronically ill) with seven beds or more.

~~F.~~E. Wireless communications facilities, as provided in Chapter 17.93 of this title.

(Ord. 1247 § 7, 2006; Ord. 1214 § 2 (Exh. 1 (part)), 2004; Ord. 1177 § 4 (part), 2000; Ord. 1135 § 5, 1996; Ord. 1133 § 5, 1996; Ord. 1116 § 4, 1994; Ord. 1113 § 4, 1994; Ord. 1084 § 1 (part), 1992; Ord. 1079U § 3, 1991; Ord. 1062 § 2, 1990; Ord. 1037 § 6, 1988; Ord. 1033 § 3, 1987; Ord. 1006 § 2, 1983; Ord. 996 § 7, 1982; Ord. 975 § 2, 1980; Ord. 960 § 2, 1978; prior code § 9810)

(Ord. No. 1296, § 3, 7-28-09; Ord. No. 1313, § 4, 3-22-11; Ord. No. 1385, § 2, 2-14-17; Ord. No. 1389, Exh. A, §§ 23—26, 7-11-17)

17.60.040 - Burden of proof.

Before any conditional use permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

A. That the site for the proposed use is adequate in size, shape, topography, and location;

B. That the site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use;

C. That the proposed use is neither detrimental to the public health, safety and general welfare, nor will unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;

D. That there is a demonstrated need for the use requested;

E. That the proposed use is consistent with the general plan, zoning and other applicable codes;

F. That the use at the location requested would benefit the public interest and convenience.

(Ord. 1084 § 1 (part), 1992: prior code § 9811)

(Ord. No. 1375, § 5, 2-9-16; Ord. No. 1389, Exh. A, § 27, 7-11-17)

**Editor's note—** Ord. No. 1389, Exh. A, § 27, adopted July 11, 2017, changed the title of § 17.60.040 from "Conditional use permits—Burden of proof" to read as herein set out.

17.60.041 - Design review permit.

A. Purpose. The purpose of an administrative design review permit and a design review permit is to ensure that an applicable project incorporates good design principles and is compatible with its neighborhood and natural surroundings.

B. Reviewing Authority. Except as otherwise provided by this chapter, the reviewing authority for an administrative design review permit application shall be the director and the reviewing authority for a design review permit application shall be the planning commission. The reviewing authority shall approve, conditionally approve, or deny an application for an administrative design review permit or a design review permit in writing.

C. Review Procedure. An administrative design review permit shall be noticed, processed and may be appealed in compliance with the requirements for a minor conditional use permit; provided however, that the director may refer any application for an administrative design review permit to the planning commission at the director's sole discretion. A design review permit shall be noticed, processed and may be appealed in compliance with the requirements established for a conditional use permit.

D. Findings. Before an administrative design review permit or a design review permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

1. The proposed project is consistent with the general plan, zoning code and any applicable design standards.

2. The proposed project will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties.

3. The height, bulk, scale, mass and siting of the proposed project is compatible with the existing neighborhood, landforms and surroundings.

4. The proposed project reflects the scale of the neighborhood in which it is proposed and it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting.

5. The proposed project neither unreasonably interferes with public views or the views and privacy of neighbors, produces unreasonable noise levels, nor causes material adverse impacts.

6. The proposed project exhibits a coherent project-wide design, and each structure or portion thereof (especially additions) on the site is compatible with other portions of the project, regardless of whether the same are publicly visible.

7. For proposed projects seeking relief from development standards, where allowed, to accommodate characteristics of an identifiable architectural style (such as additional height pursuant to Section 17.20.027(A)), the proposed project adheres to the norms of such identifiable architectural style and that such style is consistently carried through on all elevations of the building, regardless of whether the same are publicly visible.

8. For proposed projects that require discretionary review due to exceeding size thresholds (pursuant to Sections 17.20.027(C), 17.30.045(B), 17.28.070(A)1 or similar), that the proposed is a superior project that would enhance its neighborhood and exhibit exceptional design through a combination of most, if not all, of:

   a. Innovative, thoughtful and/or noteworthy architecture that is responsive to the specific site, rather than standard, generic, or "cookie-cutter" plans;

   b. Where applicable, adaptive reuse or other preservation and restoration of historic structures;

   c. Preservation of the natural landscape to the extent possible by such means as minimizing grade changes and retaining protected and specimen trees;

d. Siting of structures in keeping with landforms and so as to maximize open space, public views, and neighbor views and privacy;

e. High quality architectural details and building materials compatible with the overall project design; and

f. Sustainable building and landscaping practices, especially water-saving features.

E. Compatibility. As used in this section, compatibility is not interpreted to mean simple repetition of existing form, mass, scale and bulk. Nor is compatibility interpreted to mean repetition of building style or detailing. Compatibility is based on consideration of a constellation of associated characteristics including building type, the property site plan, building mass and scale, and architectural material and expression. Compatibility comes from an identification of character-defining features of an area, and an applicant's thoughtful response to them within the design.

F. Applicability in Relation to Other Standards. This section is not meant to be a perfunctory review of projects which comply with other development standards. Rather it is meant to impose significant, separate, and additional burdens on proposed projects with the understanding that in many cases satisfying such burdens may call for significantly reduced development intensity than is allowed otherwise under this title. By way of illustration and not limitation, (i) so as not to unreasonably interfere with views and privacy, a project proposed on a narrow or irregularly shaped parcel may accommodate significantly less second story floor area than would otherwise be allowed; (ii) so as not to unreasonably interfere with views and privacy, a proposed project with significant second story floor area may need to be set back farther from lot lines than otherwise allowed; (iii) to ensure compatibility with and not to visually overpower or dominate the neighborhood, the floor area of a proposed project in a neighborhood predominated by smaller homes may need to be much lower than allowed by objective criteria; (iv) to ensure compatibility with landforms, a project proposed on a parcel with steep slopes or irregular topography may have much more limited siting options than setback standards would allow and may need reduced height and/or floor area; and (v) to exhibit exceptional design through noteworthy architecture, the floor area of a proposed project may need to be much lower than allowed by objective criteria in order to allow space for articulation, variation in massing, covered porches, and other enhancing architectural features.

G. Additional Application Materials. As standard two-dimensional building elevations and other similar graphic materials typically do a poor job of depicting projects in context, it is recommended that applicants provide materials in addition to those otherwise required in order to demonstrate that their proposed projects satisfy the foregoing burdens. Such materials may include, but are not limited to, three-dimensional perspective renderings from multiple angles; photo simulations showing the sited project in relation to neighboring structures and landforms; comparisons of proposed building size, height, setbacks, etc. to surrounding structures; story poles; material and color boards; information on energy and water saving systems; and colored landscape plans showing protected and specimen trees and illustrating drought-tolerant landscaping, permeable paving and other water-saving features.

(Ord. 1115 § 17, 1995)

(Ord. No. 1375, § 6, 2-9-16; Ord. No. 1389, Exh. A, § 28, 7-11-17)

**Editor's note—** Ord. No. 1389, Exh. A, § 28, adopted July 11, 2017, changed the title of § 17.60.041 from "Additional burden of proof for permits for certain noted projects" to read as herein set out.

17.60.050 - Conditional use permits—Exemption.

A. Application of Division—Permitted Use. Notwithstanding the provisions of this chapter, if any use is designated as a permitted principal use in any zone, the conditional use permit requirement shall not apply to that use in that zone.

B. Nonconformity. None of the uses enumerated in Section 17.60.030, for which a conditional use permit is required, shall be deemed nonconforming if:

1. The same complied with the zoning regulations in effect on June 14, 1977;
2. The same would otherwise have acquired a nonconforming status solely by reason of the application of Section 17.60.030; and
3. There is no alteration or enlargement of the use, nor the commencement of any new use on the lot where located; and
4. The existing valid horse-keeping license has been reviewed under the provisions of Sections 17.60.060 through 17.60.050 prior to December 1, 1978, and a conditional use permit approved for the use.

C. Effect of Grant of Conditional Use Permit. Where a conditional use permit is granted for one or more uses on a lot, no other use, building or structure shall be located or maintained upon such lot, unless allowed pursuant to the provisions of the conditions of approval imposed upon the issuance of such permit.

(Ord. 1084 § 1 (part), 1992: Ord. 960 § 3, 1978; prior code § 9812)

17.60.055 - Minor conditional use permit.

Uses, activities and development standards listed in sections of this title as permitted subject to the granting of a minor conditional use permit may be approved by the director of development services, without a public hearing, pursuant to the following provisions:

A. Application and Fees. An application for a minor conditional use permit shall be filed by the owner of the property (or authorized agent) for which the permit is requested on forms furnished by the development services department. The applicant shall submit the appropriate fee in conjunction with the submittal of an application, the amount of which is determined by resolution of the city council.

B. Posted Notice. A notice that a minor conditional use permit is to be considered shall be mailed to all property owners within a three hundred-foot radius of the property where the minor conditional use permit is proposed. The notification shall describe the proposed minor conditional use permit and shall provide a comment period of not less than fourteen calendar days. Additionally, signage shall be posted in accordance with Section 17.60.100B.; however, references therein to the planning commission's decision on a conditional use permit shall be interpreted as the director's decision on the minor conditional use permit.

C. Determination. Upon consideration of any comments received, the director of development services may approve, conditionally approve, or deny the proposed minor conditional use permit pursuant to the following findings:

1. That the proposed request will not be detrimental, or otherwise be inconsistent with the ~~residential~~ character of ~~the~~its neighborhood;
2. That the site of the proposed request is adequate in size, shape ~~and~~, topography and location to accommodate the request;
3. That the proposed request is neither detrimental to the public health, safety and general welfare, nor will ~~not~~ unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent property owners;
4. That there is a demonstrated need for the use requested;
5. That the proposed request will be arranged, designed, constructed, operated and/or maintained so as to be compatible with the intended character of the surrounding area and shall not change the essential character of the surrounding area from that intended in the general plan.

D. Conditions of Approval. When approving or conditionally approving a minor conditional use permit, the director of development services shall designate conditions deemed necessary to protect the public health, safety and general welfare.

E. Notification of Determination. Within three days upon the determination by the director of development services to approve, conditionally approve or deny the requested minor conditional use permit, notification of the determination shall be mailed to all property owners within a three hundred foot radius of the property where the minor conditional use permit has been requested. In addition, notification of the director's determination shall also be provided to the applicant, council and planning commission.

F. Appeal. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

(Ord. No. 1375, § 7, 2-9-16)

17.60.056 - Discretionary demolition permit.

A. Purpose. The purpose of the discretionary demolition permit procedure is to insure that potential historic resources are properly evaluated before they are altered or demolished.

B. For purposes of this section, "demolition" is defined as the destruction and removal, in part or in whole, of the foundation, exterior walls, roof structure, exterior framing, exterior siding and/or finish cladding material, porches, chimney and architectural details.

C. No structure which was constructed seventy-five years or more prior to the date of the application for review shall be demolished without a discretionary demolition permit.

D. Procedure: Any application for a discretionary demolition permit shall be accompanied by (i) a written historic assessment or survey prepared by a qualified architectural historian selected from the list of qualified consultants on file with the planning and community preservation department which concludes that the property proposed to be demolished is not classified under the California Historic Resource Codes 1 to 5 - eligible for local listing or designation, or a contributor to an existing or potential district and (ii) an application for replacement development project consistent with the standards and requirements of the applicable zoning district, and (iii) an affidavit of posting of a sign at least three feet by four feet in size, located in a conspicuous place on the property abutting a public street or alley, identifying the property as the subject of an application for a demolition permit. Both the discretionary demolition permit and the application for the replacement development project shall be reviewed concurrently and no discretionary demolition permit shall be approved unless and until the replacement development project is approved. The reviewing body for a demolition permit shall be the same body or individual that would review and approve the accompanying replacement development project.

E. A discretionary demolition permit may be approved if the reviewing body makes one of the following determinations:

1. The structure proposed to be demolished is neither designated on the local list of historic resources nor eligible for designation as an individual resource or contributor to a district or potential district, and the replacement development project is approved; or

2. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.

F. Exceptions. The following applications do not require a discretionary demolition permit:

1. Demolition of any interior walls of any structure for the purpose of remodel, repair or maintenance, subject to any required permits;

2. Removal and replacement, subject to any required permits, of exterior windows, doors, roof covering, foundation, exterior siding and/or finish cladding material, porches, chimney, architectural details and other structural or decorative elements deemed by the director to be minor alterations, where the materials used for maintenance and replacement do not materially alter the appearance, size or character of the existing structure;

3. Any proposed demolition of a structure constructed less than seventy-five years from the date of the applications, which is subject to the provisions of Section 15.04.115;

4. Any proposed demolition of a historic landmark which is subject to the provisions of Section 17.82.090;

5. The director may rely on definitions and permitting processes in the municipal code to consider circumstances which do not meet the exact criteria defined in exceptions 1—5 above, to determine that a specific case meets the intent of one or more of the exceptions.

6. The director may refer any applications that do not require a discretionary demolition permit to the planning commission if the director determines at the director's sole discretion that the proposed development has the potential to result in significant impacts to the structure. In the event the director refers an application to the planning commission, the planning commission shall follow the requirements for a discretionary demolition permit as set forth in this chapter.

G. An applicant who does not qualify for a discretionary demolition permit under subsection E or H of this section may seek a certificate of economic hardship pursuant to Section 17.82.100.

H. Burden of Proof on Applicant. Before any demolition permit is granted, the application shall show, to the reasonable satisfaction of the body considering such matter, the existence of the following facts:

1. That the structure proposed for demolition:

   a. Has no local, state or national historic significance as determined by the historic resources survey pursuant to subsection D above; or

   b. Is deemed to be eligible for local listing or designation under the California Historic Resource Codes 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted, and/or a historical resources evaluation report with identified mitigation measures has been prepared that will allow the project to proceed, with a certificate of appropriateness including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing the original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document or the historical resources evaluation report; or

   c. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.

2. That the proposed demolition activities will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;

3. That there is a demonstrated need for the demolition activity requested;

4. That the result of the demolition activity is consistent with the objectives of the general plan; and

5. That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested.

I. Appeal.

1. Any person may appeal a decision of the planning director to the planning commission pursuant to Section 17.60.115.

2. Any person may appeal a decision of the planning commission to the city council pursuant to Sections 17.60.120 and 17.60.130.

(Ord. No. 1363, § 2, 3-24-15; Ord. No. 1386, Exh. A, § 1, 2-28-17)

17.60.058 - Projects with multiple applications.

If multiple concurrent applications that call for different reviewing authorities are made for the same project, the applications shall be noticed and processed together and reviewed by the highest required authority. For example, if a project requires a design review permit and a minor conditional use permit, both such applications shall be noticed and processed together, and reviewed together in a public hearing by the planning commission. Before the project could move forward, the planning commission would need to make the required findings for the design review permit set forth in Section 17.60.041(D) and those for the minor conditional use permit set forth in Section 17.60.055(C). The action of the planning commission could then be appealed to the city council pursuant to Section 17.60.120 (note that Sections 17.60.055(F) and 17.60.115 would not apply to an appeal of the minor conditional use permit as the matter would have already been reviewed by the planning commission).

(Ord. No. 1389, Exh. A, § 29, 7-11-17)

17.60.060 - Applications for variance or conditional use permits—Withdrawal thereof.

Applications for a zone variance, conditional use permit, shall be filed by the owner of the property affected thereby, or his agent, with the director, on forms furnished by the director, which shall set forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the variance or conditional use permit, in accordance with the provisions of this part.

The applicant shall furnish to the director an accurate list of the names and addresses of all property owners to whom notice must be given as hereinafter provided. The director may provide the radius map and mailing list for a fee to be set by the city council.

(Ord. 1084 § 1 (part), 1992: prior code § 9820)

17.60.070 - Filing fees—Withdrawal.

Each such original application, modification application or appeal, shall be accompanied by a filing and processing fee in an amount as set by the council. Any applicant may withdraw his/her application by filing a written request to do so at any time prior to final action thereon; provided, that there shall be no refund of fees.

(Ord. 1084 § 1 (part), 1992: prior code § 9821)

17.60.080 - Hearings.

Every application for a zone variance or conditional use permit shall be set for a public hearing before the commission by the director. Hearings may be continued from time to time by the commission or council, as it may deem necessary.

(Ord. 1084 § 1 (part), 1992: prior code § 9822)

17.60.090 - Conditions.

The granting of any zone variance or conditional use permit may be conditioned. The purpose of any such conditions shall be to insure that the activity thus permitted will be conducted in a manner consistent with the public peace, safety, general welfare, and the provisions of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9823)

17.60.100 - Public notices.

Notice of the time and place of public hearings before the planning commission and city council on zone variance and conditional use permit applications shall be made as follows:

A. Mailed Public Notice. Public notices shall be given by United States mail, postage prepaid, addressed to the owners of property located within a radius of three hundred feet from the external boundaries of the property to which the application relates, addressed to the owners as shown on the latest equalized assessment roll of the county, or from other records which contain more recent and accurate addresses.

B. Posting of Property. A notice of public hearing sign, meeting the criteria set forth below, shall be posted a minimum of fourteen days prior to the scheduled public hearing, and the sign shall remain in place until the expiration of the appeal period following a decision by the planning commission. If an appeal to the city council is filed, a new public hearing sign complying with this section shall be posted. Failure to post the sign on the property by the applicant shall result in the automatic continuance of the project to the next available planning commission or city council meeting. The sign shall be posted in the following manner:

1. The sign shall be located in a conspicuous place on the property abutting a public or private street or alley not more than ten feet inside the property line.
2. The sign shall be twelve feet square in sign area, generally measuring three feet by four feet.
3. The sign shall not exceed six feet in height from the ground level; provided that if the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may be permitted with the approval of the director of development services to ensure visibility of the sign from the public right-of-way.
4. The sign shall not be illuminated.
5. The size, style, number, and color of the sign's lettering shall be the specifications approved by the director of development services, and the director may approve deviations to these requirements in order to meet the intent of these noticing provisions.
6. Support elements for the sign shall be made of four-inch by four-inch wood posts, or similar; provided however, that a sign may be posted in a window, on a fence, or on a building wall when there is an existing structure on site that is set back less than ten feet from the street.
7. A building permit shall not be required for the posting of a sign installed in compliance with this subsection.
8. The applicant shall submit proof of posting to the director of development services or his or her designee in the form of a signed affidavit and a photograph of the sign.
9. Any costs associated with complying with this subsection shall be borne by the applicant.

C. Contents of Notice. Such notices shall describe the subject property, identify the project case number, and contain a brief description of the proposed project and the date, time and place of the public hearing.

(Ord. 1177 § 4 (part), 2000: Ord. 1084 § 1 (part), 1992: prior code § 9824)

(Ord. No. 1305, § 1, 2-9-10)

17.60.110 - Commission action.

Within a reasonable time after the public hearing upon a variance or conditional use permit application, the commission, by resolution, shall approve, conditionally approve or deny the same. Said resolution shall contain a brief statement of facts upon which its action is based. Within seven days following the adoption

of such a resolution, the commission's secretary shall forward a copy thereof to the city clerk, to the applicant and to any other person requesting the same.

(Ord. 1084 § 1 (part), 1992: prior code § 9825)

17.60.115 - Appeals of director determination.

Upon receiving a notice of an appeal of the determination of the director of development services by any aggrieved party, the following provisions shall apply:

A. Appeal Fee. An appeal fee shall be required as set forth in the fee schedule adopted by city council resolution.

B. Consideration of the Appeal. The director of development services shall schedule the matter to be considered by the planning commission at the first available planning commission meeting. Public notice of the consideration of the appeal by the planning commission shall be distributed pursuant to the public notice requirements of the action being appealed.

C. Determination of the Appeal. Upon receipt of the appeal, the planning commission shall consider all evidences and information upon which the director made the determination, including all relevant public testimonies, and adopt one of the following actions:

1. Affirm the determination of the director of development services and deny the appeal;

2. Uphold the appeal, thereby reversing the determination of the director of development services; or

3. Modify the determination of the director of development services as deemed appropriate.

D. Appeals of decisions of the planning commission shall be made pursuant to the provisions of Section 17.60.130 and Chapter 17.66 of this title.

(Ord. 1234 § 6, 2005; Ord. 1177 § 4 (part), 2000: Ord. 1115 § 16, 1995)

17.60.120 - Appeal.

A. The resolution of the planning commission granting or denying a zone variance or conditional use permit shall become final on the tenth business day following its adoption unless:

1. Within such time an appeal, in writing, is filed with the city council, by the applicant or any other interested person in the manner set forth in Chapter 17.66 of this title;

2. Within such time a call for review is made in the manner set forth in Chapter 17.66 of this title.

B. The decision of the commission shall be final and conclusive in the absence of a timely filed appeal. The timely filing of an appeal shall stay the effective date of the commission's resolution pending action by the city council.

C. Appeals of the planning commission decision shall require the filing of a fee as set forth in Chapter 17.66 of this title.

(Ord. 1234 § 7, 2005: Ord. 1139 § 2(B), 1997; Ord. 1084 § 1 (part), 1992; Ord. 1004 § 1, 1983: Ord. 998 § 1, 1983: prior code § 9826)

17.60.130 - City council action.

Upon receiving a notice of appeal, or call for review of a decision of the planning commission, the city council shall either:

A. Affirm the action of the planning commission;

B. Refer the matter back to the planning commission with or without instructions for further proceedings;

C. Alter the action of the planning commission in the manner it shall determine is necessary to comply with this code and other applicable law; or

D. Notice of the city council's decision shall be made by the city clerk within the time set forth in Chapter 17.66 of this title.

(Ord. 1234 § 8, 2005: Ord. 1084 § 1 (part), 1992; Ord. 1004 § 2, 1983: prior code § 9827)

17.60.150 - Failure to give notice.

Inadvertent failure to give notice in the manner prescribed herein shall have no effect upon any proceeding before the commission or the council.

(Ord. 1139 § 2(C), 1997; Ord. 1084 § 1 (part), 1992; Ord. 917 § 3 (part), 1974: prior code § 9829)

17.60.160 - Revocation of variances and conditional use permits.

A. Upon recommendation by the director, the body which initially granted a zone variance or conditional use permit shall conduct a noticed public hearing to determine whether such variance or conditional use permit should be revoked. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

1. That the variance or permit was obtained by fraud;

2. That the use for which such approval was granted has ceased to exist by reason of a voluntary abandonment;

3. That the permit or variance granted is being or has been exercised contrary to any conditions of approval imposed upon such permit or variance, or in violation of any law; or

4. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a public nuisance.

B. If the revocation hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Section 17.60.120 of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9830)

17.60.170 - Expiration.

Any zone variance or conditional use permit shall be null and void if the use granted thereby is not commenced within the time specified in the resolution approving such zone variance or conditional use permit, or, if no time is so specified, if commencement does not occur within one year from the date said zone variance or permit is granted. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed pursuant to this section, once, for a period of not to exceed one year. Provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such variance or permit, the time for exercising such rights shall be automatically extended pending a final determination of such litigation.

(Ord. 1084 § 1 (part), 1992: prior code § 9831)

17.60.175 - Penalties.

In the event that construction which is inconsistent with a conditional use permit or variance is performed, the first three applications for an amendment to the previously approved conditional use permit

or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of twice the rate of the current city rate for obtaining a conditional use permit or variance. Subsequent applications for making application for a conditional use permit or variance for all amendment to the previously approved conditional use permit or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of five times the rate of the current city rate for obtaining a conditional use permit or variance.

A. Procedures Prior to Imposition of Penalty Fees. No penalty shall be imposed pursuant to this subsection until city staff determines that unauthorized construction has occurred and the applicant or property owner or a representative of the applicant or property owner has been given an opportunity to discuss that determination with the director of development services.

B. Refund of Penalty and Fees. The penalty and application fees shall be refunded if the planning commission finds that the construction was, in fact, consistent with the originally approved conditional use permit or variance.

C. Appeal to the City Council. If the planning commission finds that the construction was inconsistent with the conditional use permit or variance, the applicant may appeal that determination to the city council in the manner and within the time set forth in Chapter 17.66 of this title. The penalty, application and appeals fees shall be refunded if the city council determines that the construction was, in fact, consistent with the originally approved conditional use permit or variance.

D. Judicial Review. If the city council determines that the construction was inconsistent with the conditional use permit or variance, that determination shall constitute a final administrative action of the city and the applicant may seek judicial review of that decision in the manner provided by law.

E. Removal of Unauthorized Construction. Payment of the penalty shall not preclude the city from disapproving an amendment and requiring the applicant to bring the construction into conformity with the previously approved conditional use permit or variance.

F. Violation—Misdemeanor. The penalties for violating any of the provisions of this chapter, and/or any condition of any entitlement or permit granted under this chapter, are as set forth in Section 1.12.010 of this code.

(Ord. 1234 § 10, 2005; Ord. 1130 § 1, 1996)

17.60.180 - Modification.

Any condition imposed upon the granting of a zone variance or conditional use permit, including a zoning approval granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be modified or eliminated, or new conditions may be added; provided, that the body which granted the zone variance or conditional use permit which is the subject of the modification proceeding shall first conduct a public hearing thereon, noticed in the same manner as was required for its initial granting. No such modification shall be granted unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or that such action is necessary to permit reasonable operation under the zone variance or conditional use permit, as granted. If the modification hearing is conducted by the commission, its decision shall be subject to review on appeal in the time and manner set forth in Chapter 17.66 of this title.

(Ord. 1234 § 11, 2005: Ord. 1084 § 1 (part), 1992: prior code § 9832)

**ATTACHMENT 1**

790 E. Colorado Boulevard, Suite 850
Pasadena, CA 91101-2109
Voice (213) 542-5700
Fax (213) 542-5710

COLANTUONO
HIGHSMITH
WHATLEY, PC

Aleks R. Giragosian
(213) 542-5734
AGiragosian@chwlaw.us

Our File No. 49011.0001

August 6, 2020

**VIA ELECTRONIC MAIL**

Re: Direction from City Council regarding the Planning Commission's recommendation pertaining to Sierra Madre Municipal Code chapter 17.36 (C Commercial Zone), chapter 17.68 (Parking), and section 17.60.041 (Design Review Permit) and its related design review eligibility criteria

Honorable Chair Dennison and Planning Commissioners:

On July 28, 2020, the City Council directed me via minute order to draft this letter requesting the Planning Commission submit its recommendations regarding Sierra Madre Municipal Code ("SMMC") chapter 17.36 (C Commercial Zone), chapter 17.68 (Parking), and section 17.60.041 (Design Review Permit) and its related design review eligibility criteria. The City Council would like to consider the Planning Commission's recommended amendments to the zoning provisions above at its October 27, 2020 regular meeting. To meet that deadline, the Planning Commission must hold a public hearing and adopt a resolution regarding each of these items by no later than its October 15, 2020 regular meeting.

1. The City Council would like to consider the Planning Commission's recommendation during the current legislative session.

As you know, a new City Council will be elected on November 2, 2020. The transition to the new City Council will take place sometime in December. Given the City Council's calendar, October 27, 2020 is the latest possible date the current City Council can review and act on the Planning Commission's recommendation. To that end, the City Council is requesting the Planning Commission render a recommendation by October 15, 2020. This request is made under Government Code section 65853, which reads, in relevant part, "When the legislative body has requested the planning commission to study and report upon a zoning ordinance or amendment which is within the scope of

this section and the planning commission fails to act upon such request within a reasonable time, the legislative body may, by written notice, require the planning commission to render its report within 40 days." In this case, the City Council is allowing the Planning Commission to render a decision in 70 days, as opposed to 40.

2. The City Council provided the Planning Commission with direction regarding its desired amendments to the Zoning Code

The City Council provided direction to the Planning Commission regarding the desired amendments to SMMC chapter 17.36 at the May 28, 2019 City Council meeting. City staff's agenda report proposed the following five goals:

"1. Facilitate the land use entitlement process for business establishments (cheaper, quicker)
2. Add land uses that are not currently included in Zoning Code to improve regulations.
3. Improve underutilization of downtown area, limit overconcentration of specific uses.
4. Lessen/eliminate review thresholds for projects based on size and community impact.
5. Provide sensible regulation, not over-regulation."

According to the May 28th meeting minutes, City Council unanimously supported amending Chapters 17.36 to realize staff's goals with the following qualifications:

1. Regarding goal 3, "yes to improving under-utilization, but not through the two items listed, prefer moving to a market-based approach and leveling the playing field, instead of limiting the types of businesses."
2. Regarding goal 5, "all agreed but seems overarching and duplicates the other goals trending towards sensible regulation."

Additionally, the City Council made the following points,

"(1) Commercial Code update utilizing the guidance provided in the goals and specifically using a market-based approach as opposed to any type of limitation,
(2) address and change parking restrictions, and

(3) Montecito separate from the Downtown."

The City Council followed up with a letter eleven months later addressed to Chair Hutt, dated April 11, 2020, providing further written direction regarding the commercial code, parking standards, and design review findings. A copy of the April 11, 2020 letter is attached as Attachment A. The April 11th letter emphasized that the City Council would like the Commercial Code to be amended to:

"1. Level the playing field – do not favor one land use over another; Let the "free market" determine land use (let restaurants compete with office uses);
2. Do not impose distance requirements between businesses or limitations by location, number, or type of use (with the exception of business types that are recommended as prohibited);
3. Do not include the Montecito District in the Commercial Code updates (except as necessary to clean up provisions or references as you recommend);
4. Please include a recommendation to reduce parking regulations as part of the recommendation of the Commercial Code."

Regarding design review, the April 11th letter stated: "In addition to the proposed changes to the Commercial Code, the City Council has asked the Planning Commission to provide a recommendation on the current design review findings. The current findings are inherently subjective and difficult to interpret and apply consistently. The City Council asked the Planning Commission to adopt design review findings that are objective and can be applied sensibly."

3. The City Council is willing to consider the Planning Commission's alternatives to amending the design review findings

At its July 16, 2020 regular meeting, members of the Planning Commission expressed their desire to maintain the current design review findings and questioned the legality of staff's proposed design review findings in light of Senate Bill No. 330. Attached as Attachment B is a confidential legal memorandum for the Planning Commission's review discussing many of the points raised at the meeting.

At the conclusion of the meeting, the Planning Commission asked staff to propose changes to the eligibility criteria for the design review permit to limit the number of housing development projects that would be subject to design review. Members of the

City Council are willing to consider a recommendation to the eligibility criteria in lieu of a recommendation to the design review findings. The City Council expressly authorized the Planning Commission to consider design review eligibility criteria at its July 28, 2020 meeting.

A draft resolution containing proposed amendments to chapters 17.36 and 17.68 is part of the August 6, 2020 agenda packet. Staff will submit a resolution containing revisions to the design review eligibility criteria and design review findings at the Planning Commission's September 3, 2020 meeting. The Planning Commission can choose whether to recommend amendments to the eligibility criteria or the findings, but it must act on one.

If the Planning Commission does not render its recommendation in time, staff's recommendation will be deemed approved by the Planning Commission. Government Code section 65853 goes on to state, "Upon receipt of the written notice the planning commission, if it has not done so, shall conduct the public hearing as required by Section 65854. Failure to so report to the legislative body within the above time period shall be deemed to be approval of the proposed zoning ordinance or amendment to a zoning ordinance." After October 15th, the City Council will hold a public hearing to consider either the Planning Commission's or staff's proposed amendments to the zoning code.

Staff proposes the following timeline:

| Date | Action |
|---|---|
| August 6, 2020 | Discussion of chapter 17.36 (C Commercial Zone) and chapter 17.68 (Parking) |
| August 13, 2020 | Public hearing regarding chapter 17.36 (C Commercial Zone) and chapter 17.68 (Parking) & recommendation to City Council; public hearing regarding section 17.60.041 (Design Review Permit) and its related design review eligibility criteria |
| September 3, 2020 | Continue public hearing regarding section 17.60.041 (Design Review Permit) and its related design review eligibility criteria |

| | |
|---|---|
| September 17, 2020 | Continue public hearing regarding section 17.60.041 (Design Review Permit) and its related design review eligibility criteria |
| October 1, 2020 | Continue public hearing regarding section 17.60.041 (Design Review Permit) and its related design review eligibility criteria & recommendation to City Council |

If you have any questions regarding the contents of this letter, please do not hesitate to reach out to me at the contact information above or to Director of Planning and Community Preservation Vincent Gonzalez.

Sincerely,

Aleks R. Giragosian

ARG:arg

cc: John Capoccia, Mayor
Rachelle Arizmendi, Mayor Pro Tem
Gene Goss, Councilmember
John Harabedian, Councilmember
Gabriel Engeland, City Manager
Vincent Gonzalez, Director of Planning and Community Preservation
Teresa L. Highsmith, City Attorney

Attachments:
Attachment A: April 11, 2020 City Council letter to Planning Commission Chair
Attachment B: Confidential Legal Memorandum re

**ATTACHMENT 2**

# City of Sierra Madre

Office of the City Council

April 11, 2020

Planning Commission Chair Hutt,

The City Council subcommittee respects the dedication and service of the Planning Commission, and also recognizes the additional work and diligence you provide as the Chair. We appreciate the opportunity for continued dialogue on the topic of the Commercial Code, as well as future recommendations the Planning Commission will make to the City Council. We understand the position you have as Commission Chair is not easy. You have done a remarkable job thus far, and your commitment to the City of Sierra Madre is noteworthy.

At your request, the City Council agreed to continue the public hearing scheduled for consideration and adoption of the Commercial Code at the March 24, 2020 City Council meeting. The City Council continued the item until the Planning Commission is able to review and make an updated recommendation. As members of the subcommittee, we are disappointed that the City Council had to delay consideration of this topic.

As you know, the City Council provided specific direction to the Planning Commission at the May 28, 2019 meeting. For your reference, the City Council provided the following policy direction:

1. Level the playing field – do not favor one land use over another; Let the "free market" determine land use (let restaurants compete with office uses);
2. Do not impose distance requirements between businesses or limitations by location, number, or type of use (with the exception of business types that are recommended as prohibited);
3. Do not include the Montecito District in the Commercial Code updates (except as necessary to clean up provisions or references as you recommend);
4. Please include a recommendation to reduce parking regulations as part of the recommendation of the Commercial Code.

In order to expound on the policy direction provided to the Planning Commission by the City Council, a subcommittee was formed. The subcommittee included Mayor Capoccia and Mayor Pro Tem Arizmendi from the City Council and Chair Hutt and Vice Chair Denison of the Planning Commission. Additionally, City Manager Engeland and Director Gonzalez also participated.

During subcommittee deliberations, the direction of the City Council was further discussed, and upon conclusion, notes to recap the discussions were provided to all participants and sample/draft revised Commercial Code language and themes were shared. Specifically, the email to the subcommittee capturing the deliberation on October 16, 2019 outlined the Council direction, the work of the subcommittee, and summarized Planning Commission recommendations. At no point did you voice any concern over your understanding of the Council's direction, the draft language or concepts reviewed by the subcommittee, or in any communication where you were offered the opportunity to provide feedback. In addition to the work of the subcommittee, the Planning Commission held a discussion on

the Commercial Code on February 6, 2020. At the conclusion of the meeting the Planning Commission offered no additional or recommended changes to the City Council. Importantly, the Planning Commission declined to include parking regulations in the Commercial Code as directed by the City Council and discussed with the subcommittee.

You first raised your concerns to the Mayor and City Manager separately on March 24, 2020 mere hours before the planned Public Hearing on this item. Even though the City Council agreed to delay discussion of this item, we were disappointed by both the timing of your request as well as the concerns you raised, given that you had ample opportunity to discuss these items either formally at the Planning Commission meeting, or directly with the members of the subcommittee or the City Manager at your convenience.

The proposed amendments to the Commercial Code, in the opinion of the City Council members on the subcommittee, accurately and faithfully adheres to the direction of the City Council. Further, the proposed amendments encapsulate precisely the discussions and communications of the subcommittee, of which you are a member. The proposed code reduces regulations and red-tape for our businesses and makes opening a business less cumbersome and costly. Further, it does not limit the number or types of businesses allowed, set artificial distance requirements between uses or location, or provide other regulations that the City Council and subcommittee agreed would be unnecessary, confusing, and overly-bureaucratic.

Please consider this policy direction when the Planning Commission schedules the Public Hearing to make a recommendation to the City Council. To the extent the Planning Commission would like to incorporate into the recommendation any of the items you outlined in your email to the City Council on March 24, 2020 please do so in a way that is compatible with the policy direction of the City Council and in the spirit of the conversations that took place with the subcommittee.

In addition to the proposed changes to the Commercial Code, the City Council has asked the Planning Commission to provide a recommendation on the current design review findings. The current findings are inherently subjective and difficult to interpret and apply consistently. The City Council asked the Planning Commission to adopt design review findings that are objective and can be applied sensibly. City Staff provided a recommendation to the Planning Commission based on this direction. The Planning Commission held two discussions on this topic, but has yet to make a recommendation to the City Council. We understand the recommendation was delayed at the level of the Planning Commission due to the adoption of Senate Bill 330. Please place this item on your next available agenda for discussion and make your recommendation to the City Council as soon as is practical.

The Planning Commission provides a valuable service to the City Council by developing recommendations and code improvements based on the City Council's policy direction. We appreciate the work you do and look forward to the final product. We hope that misunderstandings such as these can be avoided moving forward.

Respectfully,

John Capoccia
Mayor
City of Sierra Madre

Rachelle Arizmendi
Mayor Pro Tem
City of Sierra Madre

**ATTACHMENT 3**

# ORDINANCE NO. 1431

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE CALIFORNIA AMENDING CHAPTER 17.08 ("DEFINITIONS"), SECTION 17.20.015 (DEFINITIONS), CHAPTER 17.36 ("COMMERCIAL ZONE") IN ITS ENTIRETY, 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 replacing Chapter 17.36 ("Commercial Zone") in its entirety. 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"), Section 17.20.015 ("Definitions"), Chapter 17.40 ("Manufacturing Zone"), 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"), Section

17.20.015 (“Definitions”), 17.36 (“Commercial”), 17.40 (“Manufacturing Zone”), 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.

**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:**

_____
Sue Spears, City Clerk

**APPROVED AS TO FORM:**

_____
Teresa L. Highsmith, 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:**

**ATTACHMENT 4**

## CITY COUNCIL RESOLUTION 20-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE ADOPTING THE COMMERCIAL ZONE USES LIST TO BE MAINTAINED BY THE DIRECTOR OF PLANNING AND COMMUNITY PRESERVATION**

**WHEREAS**, the City desires to update the Sierra Madre Municipal Code by replacing Chapter 17.36 ("Commercial") in its entirety. The amendments include updating the list of permitted and conditionally permitted uses in the commercial zone, updating the corresponding development standards and other related zoning provisions; and

**WHEREAS**, a component of the Commercial Zone amendments includes omission of Section 17.36.020 – "Permitted uses and uses permitted by conditional use permit," and replaced with "Commercial Use Categories;" and

**WHEREAS**, a stand-alone document, a comprehensive "Commercial Zone Uses" list with reference to Commercial Use Categories should be established by the City Council and maintained by the Director; 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, CALIFORNIA DOES RESOLVE 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 Commercial Zone Uses list organized by Use Categories, attached to this resolution as Exhibit A and incorporated herein by reference.

**SECTION 3. General Plan Consistency.** The list of Commercial Zone Uses is consistent with the Goals and Objectives of the General Plan; in that it would ensure a diversity of commercial uses intended to meet the needs of local residents, and to accommodate commercial uses intended to attract visitors.

**SECTION 4. CEQA.** The City Council hereby finds that adoption of the amendment qualifies for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061 subdivision (b)(3) as it can be seen with certainty that there is no possibility that the adoption of the Commercial Uses List may have a significant effect on the environment, because the document is solely intended to be used for classification purposes for new and existing businesses.

**PASSED, APPROVED AND ADOPTED**, this _____ day of _____, 2020.

_____
John Capoccia, Mayor

**ATTEST:**

_____
Sue Spears, City Clerk

**APPROVED AS TO FORM:**

_____
Teresa L. Highsmith, 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:**

# EXHIBIT A

**Sierra Madre**
**Commercial Zone Uses**
**Organized by Use Category**

**Retail sales, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Antique stores
Apparel shops and accessories
Appliance stores (household)
Art galleries
Art supply stores
Bakery shops
Bicycle shops (including sales of electric bikes & scooters)
Bookstores
Coffee and Tea shops
Computer and electronic stores (home and office, including repairs)
Confectionary or candy stores; candy making only when incidental to retail sales from premises
Convenience stores
Delicatessens
Department stores (a store having separate sections for a wide variety of goods)
Florist shops (including flower and plant sales)
Furniture stores (no on-site manufacturing)
Gift, novelty, card and souvenir shops
Glass shops (sales only)
Grocery stores
Hobby stores
Ice cream stores
Jewelry stores
Meat markets
Music stores
Newsstand
Notions or sundries store
Pet supply store, excluding sale of pets other than tropical fish or goldfish
Pottery sales
Secondhand sales
Shoe stores
Sporting goods stores
Stamp and coin stores
Stationary stores, including mail services
Supermarkets
Toy stores

**Retail sales, limited**
(CUP)

Alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses
Glass repair shops (including edging, beveling, silvering and staining)
Gun and firearm sales, whether alone or in conjunction with other uses
Home improvement and construction products store and plant nurseries
Pet sales (excludes dangerous animals and fish, venomous reptiles and the like)
Tobacco and e-cigarette sales, whether for consumption on or offsite and whether alone or in conjunction with other uses (note that this includes any product intended to be smoked or vaped, other than marijuana)

**Offices, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Administrative,
Consulting,
Mail order houses, internet sales, ecommerce
Professional services

**Service establishments, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Barber and beauty shops
Car share services (such as zipcar), including parking therefor
Clothing and costume rental establishments
Cosmetic services, non-medical (including nail salon and tanning salon)
Day/health spas (including massage therapy)
Health clubs or centers, exercise gymnasiums, fitness studios (including martial arts, pilates, and yoga)
Locksmith shops
Mailbox and business services stores
Medical office, clinics, outpatient
Pharmacy, drug stores
Pet grooming
Photography studios
Photocopying/duplicating services & print shops
Picture framing stores
Restaurants
Shoeshine stands (in association with shoe stores and must be located within enclosed building)
Shoe repair shops
Tailor shops
Travel agencies
Veterinary clinics

**Service establishments, limited**
(CUP)

Catering services
Dry cleaning, press or laundry
Laundromats
Lodging – bed and breakfast inns, hotels, and motels, (those with in-suite kitchen facilities subject to density limits of Section 17.36.050(B))
Machinery equipment and rental services
Medical laboratories, research
Veterinary clinics, small animal including incidental boarding

**Financial institutions, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Banks
Savings and loan associations
Finance companies

**Educational facilities, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Barber and beauty colleges
Business schools
Dancing, art, music, and similar training schools
Professional/vocational schools

**Recreational and entertainment facilities, general**
(MCUP if up to 5,000 SF; CUP if larger than 5000 SF)

Circuses, carnivals, fairs
Billiard parlors
Bowling alleys
Clubs, fraternities, sororities and lodges
Parks, playgrounds, and other commercial recreation facilities open to the public which are privately owned and operated
Theaters, dance and music venues (excluding open air)

**Automobile and transportation-related establishments, general**
(CUP)

Car and motorcycle dealerships
Car rentals (other than car share services)
Sales of internal combustion engine-powered vehicles
Painting, detailing service
Parking facilities (surface lot, structure) as a primary use
Rental or storage facilities
Repair and/or body shops (shall be within enclosed building only)
Service stations (fueling stations)
Utility trailer and truck rental

**Residential**
(permitted if located outside the prime storefront area, prohibited within the prime storefront area)

Duplexes or two family dwelling units
Multi-family dwelling units
Second units as defined in Chapter 17.22
Single family dwelling units
SROs

**ATTACHMENT 5**

## PLANNING COMMISSION RESOLUTION 20-11

**A RESOLUTION OF THE PLANNING COMMISSIOIN OF THE CITY OF SIERRA MADRE RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A COMMERCIAL USES LIST AND AN ORDINANCE AMENDING CHAPTER 17.08 ("DEFINITIONS"), SECTION 17.20.015 ("DEFINITIONS"), CHAPTER 17.36 ("COMMERCIAL ZONE") IN ITS ENTIRETY, CHAPTER 17.40 ("MANUFACTURING ZONE"), AND CHAPTER 17.60 ("VARIANCES AND DISCRETIONARY PERMITS") OF TITLE 17 ("ZONING") 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 replacing Chapter 17.36 ("C-Commercial Zone") in its entirety. 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"), Section 17.20.015 ("Definitions"), Chapter 17.40 ("Manufacturing Zone"), 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, June 4, 2020, and August 6, 2020, conducted duly noticed public meetings at which time it heard and considered public testimony received and made part of the public record; and

**WHEREAS**, the Planning Commission has received the report and recommendations of staff; 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.

**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 this reference.

**SECTION 2**. **Amendment.** The Planning Commission recommends the City Council adopt the proposed ordinance amendments, attached to the staff report as Exhibit A and incorporated herein by reference, amending Chapters 17.08 ("Definitions"), Section 17.20.015 ("Definitions"), 17.40 ("Manufacturing Zone"), 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.

**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.

**PASSED, APPROVED AND ADOPTED ON** this 3rd day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tom Denison
Chair, Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation

**ATTACHMENT 6**

## PLANNING COMMISSION RESOLUTION 20-12

**A RESOLUTION OF THE PLANNING COMMISSIOIN OF THE CITY OF SIERRA MADRE RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF THE COMMERCIAL ZONE USES LIST TO BE MAINTAINED BY THE DIRECTOR OF PLANNING AND COMMUNITY PRESERVATION**

**WHEREAS**, the City desires to update the Sierra Madre Municipal Code by replacing Chapter 17.36 ("Commercial") in its entirety. The amendments include updating the list of permitted and conditionally permitted uses in the commercial zone, updating the corresponding development standards and other related zoning provisions; and

**WHEREAS**, a component of the Commercial Zone amendments includes omission of Section 17.36.020 – "Permitted uses and uses permitted by conditional use permit," and replaced with "Commercial Use Categories;" and

**WHEREAS**, a stand-alone document, a comprehensive "Commercial Zone Uses" list with reference to Commercial Use Categories should be established by the City Council and maintained by the Director; and

**WHEREAS**, the Planning Commission has received the report and recommendations of staff; 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.

**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 this reference.

**SECTION 2**. **Amendment.** The Planning Commission recommends the City Council adopt the proposed Commercial Zone Uses list organized by Use Categories, attached to this resolution as Exhibit A and incorporated herein by reference.

**SECTION 3. General Plan Consistency.** The list of Commercial Zone Uses is consistent with the Goals and Objectives of the General Plan; in that it would ensure a diversity of commercial uses intended to meet the needs of local residents, and to accommodate commercial uses intended to attract visitors.

**SECTION 4. CEQA.** The Planning Commission hereby finds that adoption of the amendment qualifies for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061 subdivision (b)(3) as it can be seen with certainty that there is no possibility that the adoption of the Commercial Uses List may have a significant

effect on the environment, because the document is solely intended to be used for classification purposes for new and existing businesses.

**PASSED, APPROVED AND ADOPTED ON** this 3rd day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tom Denison
Chair, Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation

# EXHIBIT A

**Sierra Madre**
**Commercial Zone Uses**
**Organized by Use Category**

**Retail sales, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Antique stores
Apparel shops and accessories
Appliance stores (household)
Art galleries
Art supply stores
Bakery shops
Bicycle shops (including sales of electric bikes & scooters)
Bookstores
Coffee and Tea shops
Computer and electronic stores (home and office, including repairs)
Confectionary or candy stores; candy making only when incidental to retail sales from premises
Convenience stores
Delicatessens
Department stores (a store having separate sections for a wide variety of goods)
Florist shops (including flower and plant sales)
Furniture stores (no on-site manufacturing)
Gift, novelty, card and souvenir shops
Glass shops (sales only)
Grocery stores
Hobby stores
Ice cream stores
Jewelry stores
Meat markets
Music stores
Newsstand
Notions or sundries store
Pet supply store, excluding sale of pets other than tropical fish or goldfish
Pottery sales
Secondhand sales
Shoe stores
Sporting goods stores
Stamp and coin stores
Stationary stores, including mail services
Supermarkets
Toy stores

**Retail sales, limited**
(CUP)

Alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses
Glass repair shops (including edging, beveling, silvering and staining)
Gun and firearm sales, whether alone or in conjunction with other uses
Home improvement and construction products store and plant nurseries
Pet sales (excludes dangerous animals and fish, venomous reptiles and the like)
Tobacco and e-cigarette sales, whether for consumption on or offsite and whether alone or in conjunction with other uses (note that this includes any product intended to be smoked or vaped, other than marijuana)

**Offices, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Administrative,
Consulting,
Mail order houses, internet sales, ecommerce
Professional services

**Service establishments, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Barber and beauty shops
Car share services (such as zipcar), including parking therefor
Clothing and costume rental establishments
Cosmetic services, non-medical (including nail salon and tanning salon)
Day/health spas (including massage therapy)
Health clubs or centers, exercise gymnasiums, fitness studios (including martial arts, pilates, and yoga)
Locksmith shops
Mailbox and business services stores
Medical office, clinics, outpatient
Pharmacy, drug stores
Pet grooming
Photography studios
Photocopying/duplicating services & print shops
Picture framing stores
Restaurants
Shoeshine stands (in association with shoe stores and must be located within enclosed building)
Shoe repair shops
Tailor shops
Travel agencies
Veterinary clinics

**Service establishments, limited**
(CUP)

Catering services
Dry cleaning, press or laundry
Laundromats
Lodging – bed and breakfast inns, hotels, and motels, (those with in-suite kitchen facilities subject to density limits of Section 17.36.050(B))
Machinery equipment and rental services
Medical laboratories, research
Veterinary clinics, small animal including incidental boarding

**Financial institutions, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Banks
Savings and loan associations
Finance companies

**Educational facilities, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Barber and beauty colleges
Business schools
Dancing, art, music, and similar training schools
Professional/vocational schools

**Recreational and entertainment facilities, general**
(MCUP if up to 5,000 SF; CUP if larger than 5000 SF)

Circuses, carnivals, fairs
Billiard parlors
Bowling alleys
Clubs, fraternities, sororities and lodges
Parks, playgrounds, and other commercial recreation facilities open to the public which are privately owned and operated
Theaters, dance and music venues (excluding open air)

**Automobile and transportation-related establishments, general**
(CUP)

Car and motorcycle dealerships
Car rentals (other than car share services)
Sales of internal combustion engine-powered vehicles
Painting, detailing service
Parking facilities (surface lot, structure) as a primary use
Rental or storage facilities
Repair and/or body shops (shall be within enclosed building only)
Service stations (fueling stations)
Utility trailer and truck rental

**Residential**
(permitted if located outside the prime storefront area, prohibited within the prime storefront area)

Duplexes or two family dwelling units
Multi-family dwelling units
Second units as defined in Chapter 17.22
Single family dwelling units
SROs

*John Capoccia, Mayor*
*Rachelle Arizmendi Mayor Pro Tem*
*Gene Goss, Council Member*
*John Harabedian, Council Member*

*Sue Spears, City Clerk*
*Michael Amerio City Treasurer*

# City of Sierra Madre Agenda Report

TO: Honorable Mayor Capoccia and Members of the City Council

FROM: Gabe Engeland, City Manager

REVIEWED BY: Vincent Gonzalez, Planning and Community Preservation Director

DATE: November 10, 2020

**SUBJECT:** **SECOND READING OF ORDINANCE 1431 AMENDING CHAPTER 17.08 (DEFINITIONS), CHAPTER 17.36 (COMMERCIAL), CHAPTER 17.60 (VARIANCES AND DISCRETIONARY PERMITS) AND APPROVING RESOLUTION 20-62 COMMERCIAL ZONE USES LIST**

## STAFF RECOMMENDATION

Staff recommends that the City Council conduct a second reading of Ordinance No. 1431, amending Chapter 17.08 (Definitions), Chapter 17.36 (Commercial), Chapter 17.60 (Variances and Discretionary Permits) and approving Resolution 20-62 Commercial Zone Uses List.

## SUMMARY

At the meeting on October 27, 2020, City Council introduced for first reading Ordinance 1431 regarding amendments to Chapter 17.08 (Definitions), Chapter 17.36 (Commercial), Chapter 17.60 (Variances and Discretionary Permits) and approving Resolution 20-62 Commercial Zone Uses List.

Staff recommends that the City Council conduct a second reading of Ordinance 1431 as amended by the City Council at their meeting on October 13, 2020.

## ANALYSIS

A clean version of Ordinance 1431 is attached herein as Exhibit A. A redline version of Ordinance 1431 is attached herein as Exhibit B for reference.

General Plan Policies

In July 2015, the City Council adopted a General Plan Update that included new land use policies and an Implementation Program for the adoption of those policies. State law requires that the zoning ordinance be consistent with the adopted General Plan; therefore, it is important to move forward with the series of amendments to comply with state law.

On September 22, 2015, as part of the Strategic Plan goals, staff received City Council direction to prioritize General Plan Implementation Measures for calendar years 2015-2020. Revisions to the Commercial Zone were identified for implementation during this period. Land Use Implementation Measure-5 (IM-5) includes direction to enforce the Commercial

Zoning Ordinance, and amend it as necessary to maintain an area of the City for commercial uses. A short list of applicable Goals and Policies of the General Plan 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.

**PURPOSE AND CONSISTENCY WITH THE GENERAL PLAN**

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.

**CEQA / ENVIRONMENTAL**

The subject ordinance is exempt from California Environmental Quality Act (CEQA) review pursuant to Title 14, § 15061 subdivision (b)(3) and § 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.

**FINANCIAL REVIEW / SOURCE OF FUNDING**

There is no immediate financial impact related to the proposed amendments to Chapter 17.08 (Definitions), Section 17.20.015 (Definitions), Chapter 17.36 (Commercial Zone) in its entirety, Chapter 17.40 (Manufacturing Zone), and Chapter 17.60 (Variances and Discretionary Permits) of the Sierra Madre Municipal Code. Staff time was incurred in the preparation of the report and draft ordinance.

**PUBLIC NOTICE PROCESS**

This item has been noticed though the regular agenda notification process. Copies of the report are available via the City's website at www.cityofsierramadre.com, at the City Hall public counter, and the Sierra Madre Public Library. Notice of the hearing was published consistent with the requirements of Government Code Section 65090, including publication of a summary notice of public hearing in the local adjudicated newspaper.

**Attachments:**

Attachment 1 – City Council Ordinance 1431
- Exhibit A – Ordinance 1431 (clean)
- Exhibit B – Ordinance 1431 (redline)

Attachment 2 – City Council Resolution 20-62 (Commercial Zone Uses List)
Attachment 3 – Planning Commission Resolution 20-11 (Commercial Code Update)
Attachment 4 – Planning Commission Resolution 20-12 (Commercial Zone Uses List)

**ATTACHMENT 1**

# 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:**

_____
Sue Spears, City Clerk

**APPROVED AS TO FORM:**

_____
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:**

Chapter 17.08 - DEFINITIONS

**Sections:**

17.08.010 - Definitions—Generally.

For the purpose of this title, the words, phrases and terms set forth in this chapter shall be deemed to have the meaning ascribed to them in this chapter.

(Prior code § 9120)

17.08.020 - Words, terms, phrases defined.

"Abut, adjoining or contiguous" means, in reference to real property, two or more lots sharing a common lot line; with reference to two or more objects, the same shall mean in immediate contact with each other.

"Access" means the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a lot, from a public or private street or alley.

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four feet in length, such accessory building shall be considered as part of the main building.

"Accessory use" means a use which is directly related, but clearly subordinate, to a principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve, except as expressly otherwise provided herein.

"Adjacent" means two or more objects which are located in close proximity to each other.

"Adult residential facility" is a state licensed residential home for adults eighteen through fifty-nine years of age with mental health care needs who have physical and/or developmental disabilities and require or prefer assistance with care and supervision. An adult residential facility is a subset of a community care facility.

"Adult residential facility for persons with special health care needs" is a state licensed residential home that provides twenty-four-hour services for up to five adults with developmental disabilities who have special health care and intensive support needs and who would otherwise need to reside in an institution. An adult residential facility with special health care needs is a subset of a residential health care facilities (chronically ill).

"Affordable unit" has the meaning indicated in Section 17.34.020.

"Alley" means a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

"Apartment" means the same as "dwelling unit."

"Apartment house" means a multi-family dwelling.

"Assessed value" means the then assessed value of the land, building or structure, as is shown on the current assessment role in effect as of the time of the making of the determination of such assessed value.

"Assessor" means the tax assessor of the county of Los Angeles.

"Assisted living facility" means the same as "residential care facility for the elderly."

"Barber shop" means a place of business for a barber, whose occupation is to cut any type of hair, give shaves and trim beards.

"Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Beauty shop" means establishments where hairdressing, and services incidental to hairdressing are done, including the sale of beauty supplies and cosmetics.

"Bed and breakfast inn" has the meaning indicated in Section 17.82.030.

"Bedroom" R-2 zone. For the purpose of calculating parking requirements in the R-2 zone, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one family or recreation room, one dining room, and bathrooms.

"Bedroom" R-3 and R-P zones. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one dining room, and bathrooms. Single-family residences located in the R-3 and R-P zones shall be subject to the bedroom definition in the R-1 zone.

"Block" means all properties fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

"Boarding house" means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreement or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence. Such use is prohibited in all zones excluding licensed group living facilities or similar uses.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or property of any kind.

Building, Accessory. "Accessory building" means a separate, detached building, housing a permitted accessory use, located on the same lot as the main building or principal use.

Building Height. See "Height."

Building, Main. "Main building" means a building in which is conducted one or more principal uses permitted on the lot upon which it is situated.

"Building site" means: (1) the ground area of one lot or (2) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces, as required by this chapter.

"Business day" means a day on which city offices are open for regular business.

"Canopy" means any structure, temporary or permanent, constructed of canvas or other cloth or material on a framework sheltering an area, or forming a sheltered walk to the entrance of a building.

"Carport" means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

"Centerline" means the centerline, as determined by the city engineer, of any street, highway or alley.

"Child care center" means a facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility and where the operator is not required to live on the property.

"Children's day care center" (emotionally disturbed) means a state licensed institution of no more than six beds intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders. A children's day care center is a subset of a community care facility.

"City" means the city of Sierra Madre.

"City manager" means the city manager of the city.

"Clerk" means the city clerk of the city.

Club, Private. "Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a commercial enterprise.

"Code" means the Sierra Madre Municipal Code.

"Commission" means the planning commission of the city.

"Communications equipment buildings" mean buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

"Community care facilities" are licensed by the community care licensing division of the state department of social services or similar state programs that provide non-medical residential care to children or adults who are physically disabled and/or mentally impaired who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Community care facilities are comprised of adult residential facility, children's day center (emotionally disturbed), group home, and residential school (developmentally disabled).

"Continuing care retirement community" is a state licensed "residential care facility for the elderly" that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one location, and usually for resident's lifetime. Continuing care retirement community is a subset of a residential care facility for the elderly.

"Council" means the city council of the city.

"Director" means director of planning for the city.

"Disabled" as defined in state or federal law.

"Drug and alcohol recovery and rehabilitation facilities" are unlicensed homes, residences, facilities, or premises which provide housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but do not provide professional medical, psychiatric, psychological, or nursing care for the purpose of curing persons of drug or alcohol addiction. A residential drug and alcohol rehabilitation facility is a type of "sober living home."

"Drug and alcohol treatment facilities" are licensed by the state department of drug and alcohol programs or similar state programs serving six or fewer persons that provide twenty-four-hour residential non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.

"Duplex" means the same as "Dwelling, two-family."

Dwelling, Multi-family. "Multi-family dwelling" or "multiple family dwelling" means a building designed or used for occupancy, as living quarters, by three or more separate families or persons and containing one dwelling unit per separate family or person.

Dwelling, Single-family. "Single-family dwelling" means a detached building designed or used for occupancy, as living quarters, by one person or one family. "Single-family dwelling" shall also include a modular home manufactured and certified under the National Mobilehome Construction and Safety Standards Act of 1974 on a permanent foundation system approved by the city engineer.

Dwelling, Two-family. "Two-family dwelling" means a building designed or used for occupancy, as living quarters, by two separate families or persons and containing two dwelling units.

"Dwelling unit" means one or more rooms in a building designed and intended to be used as living quarters by one person or one family.

"Educational institution" means any public, private or parochial; elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning.

"Emergency shelter" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis (six months or less) to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.

"Engineer" means the city engineer of the city.

"Explosives" mean any explosive substance, as defined in Section 12000 of the Health and Safety Code of the state of California.

"Facilities for preparole adjustment/rehabilitation" mean any building where a program is conducted to prepare prisoners for return to the community in which they live and assist them in developing emotionally stable and economically productive lives.

"Family" means a "housekeeping unit".

"Family day care home" is a licensed facility offering an organized daytime program for the supervision and care of children in the licensees own home. Family day care homes are comprised of family day care home-small, and family day care home-large.

"Family day care home, large" means a licensed facility offering an organized daytime program for the supervision and care of nine and up to fourteen children in the licensees own home.

"Family day care home, small" means a licensed facility offering an organized daytime program for the supervision and care of up to eight or fewer children in the licensees own home.

"First story" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below preexisting natural grade, as defined herein, for more than fifty percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

"Floor area" means the sum of the horizontal areas of floors of buildings measured from the exterior face of exterior walls.

Floor Area Net. "Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

"Fraternity" means the same as "Club, Private."

Frontage, Street. "Street frontage" means the length of a lot line of a lot which abuts a street.

"Garage" means any building, with three enclosed sides, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

Gender. When consistent with context, words in the masculine gender include the feminine and neuter genders.

Grade. Whenever the term "grade" is used alone, it shall refer to the most restrictive condition.

"Grade, finished" means the final grade of the site which conforms to the approved plan.

"Grade, natural" means prior to deposit of earth material placed by artificial means and/or prior to the mechanical removal of earth material.

"Grade, preexisting" means an established grade that exists on a site for which a legal grading or building permit was in effect for ten years prior to a request for a building, demolition or grading permit.

"Gradient" means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

"Group home" means a state licensed facility that provides twenty-four-hour non-medical care and supervision in a structured environment to troubled youths who exhibit social, psychological, and behavioral problems and is a subset of a community care facility.

"Guest house" means living quarters located within an accessory building, designed and utilized for the sole use of persons employed on the lot, or for temporary use by guests of the occupants of the dwelling

located upon such lot. Guest houses shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

"Group living facilities" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for persons with mental, physical and/or developmental disabilities (as defined in state or federal law) in a group setting.

"Height" of building is the vertical distance above a reference datum measured to the highest point of the roof structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The lowest elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The lowest elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Highway" means the same as "Street."

"Home occupations" mean any ongoing or repetitive business or professional use, activity or utilization of residentially zoned and improved property, by the inhabitants of said property, which is incidental and accessory to the primary residential use and does not generate an adverse impact to the surrounding neighborhood, pursuant to the provisions of Chapter 17.85 of this title.

"Hospital, general" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guest rooms, which are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Household pets" mean, and are limited to, the following pets, maintained principally within a dwelling unit:

1. Domesticated cats;
2. Domesticated dogs;
3. Fish, without limit on number; and
4. Any bird which is:
    a. Customarily kept in residence with man; and
    b. Kept, at all times, within a dwelling unit; specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese or ducks.

"Housekeeping unit" means a single, integrated home-style of living together and sharing of space in a nonexclusive, noncompartmentalized lifestyle with one kitchen, one set of utilities, and one mailing address and with one front door for all persons residing at that location.

"Kennel" means a place where four or more adult dogs and/or cats are kept, whether by the owner of such dogs and cats or by other persons, providing facilities and care, whether or not for compensation. An "adult" dog or cat, for the purpose of these regulations, is one that has reached the age of four months.

"Kitchen" means any room or space within a building designed and intended to be used for the cooking or the preparation of food.

"Landscaping" means the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including but not limited to, fountains, reflecting pools, art works, screens,

walls, fences and benches; "landscaped area" means an area upon which landscaping is required by these regulations to be continuously maintained.

"Livestock" means a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

"Long-term care facility (mental disorders)" means a state licensed facility of seven-patient capacity or more intended primarily for the admission of chronic mentally ill or mentally disordered or other incompetent persons who are provided medical care, nursing services and intensive supervision.

A long-term care facility (mental disorders) is a subset of residential health care facilities (chronically ill).

"Lot" or "parcel of land" means:

1. A parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded record of survey map; or
3. A parcel of real property shown on a parcel map as a single lot, lawfully recorded pursuant to the provisions of the Subdivision Map Act; or
4. Any parcel of real property otherwise lawfully created and dimensioned prior to October 1, 1955; or
5. Two or more lots which are combined by an appropriate recorded written instrument, or two or more lots which are combined by a common usage, shall be deemed, for all purposes, a single lot.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel; provided, however, that the following shall be excluded from the computation thereof:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site; or
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot Area, Interior. "Interior lot area" means the total lot area minus: (1) the sum of the ground floor area of all buildings located thereon, and (2) any area used for perimeter landscaping.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, Interior. "Interior lot" means a lot, other than a corner or reversed corner, or through lot.

Lot, Key. "Key lot" means a lot which has a side lot line which is a common lot line with the rear lot line of a reversed corner lot.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; and

2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and

3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. "Side lot line" means any lot line which is not a front or rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

Lot, Through. "Through lot" means a lot having frontage on two approximately parallel streets.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

Average width shall be the average of the length of line drawn parallel to the "lot width line" extending toward the front and rear lot lines at ten-foot intervals, but excluding from such determination any prolongated portions of the lot used exclusively for access to a public street or for a driveway.

In computing lot width or average width, the following shall be excluded:

1. Any portion of said width which serves as an access easement to any other lot or building site; and

2. Any portion of said width which serves as an improved surface flood control project under the jurisdiction of any public agency.

"Main commercial street" means Sierra Madre Boulevard, Baldwin Avenue.

"Map" means the zoning map of the city.

"Manufacturing" means the creation of a product from raw materials.

"May" is permissive.

"Medical and/or dental clinic" means any facility providing health service, or medical, surgical or dental care of the sick or injured, but shall not include inpatient or overnight accommodations. "Medical clinic" includes health center, health clinic, doctors' and dentists' offices.

"Mobilehome" means a mobilehome defined as such in the Mobilehome Park Law (Health and Safety Code, Section 18000 et seq.).

"Mobilehome park" means any lot where mobilehomes and/or sites are rented or leased or offered for rent or lease.

"Mobilehome site" means that portion of a mobilehome park designated for use or occupancy of one mobilehome and including all appurtenant facilities thereon.

"Modular home" means factory constructed, single-family one-story detached dwellings, certified under the National Mobilehome Construction and Safety Standards Act of 1974, with approved sticker attached, and placed on full, approved foundation systems and permanently anchored thereto.

"Motel" means one or more buildings containing rooms, each having a separate entrance leading directly from the outside of the buildings or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media. "Motel" includes auto courts, motor lodges and tourist courts.

"Nonconforming building or structure" means a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the then existing zoning regulations of the city, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

"Nonconforming use" means the utilization of any lot, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning regulations, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

Notice. Whenever written notice is required to be given by personal service thereof upon the person or persons to be notified, or by United States mail, postage prepaid, addressed to such person or persons at his last known address; such notice shall be conclusively deemed to have been given as of the time of personal service, or as of the time the same is deposited in the course of postal transmission.

"Nursery (developmentally disabled)" means a state-licensed facility intended primarily for the admission of nonambulatory intellectually disabled patients, who are provided nursing services primarily in crib accommodations serving six or fewer persons. Nursery (developmentally disabled) is a subset of residential health care facilities (chronically ill).

"Nursery school" means the same as "child care center."

"Open space" means an area other than a required yard area, driveway or off-street parking facility, which has no building or structure located therein, except for those used exclusively for recreational purposes. To meet the requirement of open space such area, referred to as usable open space, shall meet the following:

If the same is located upon the ground, or upon the roof of a subterranean garage, such contiguous area shall not be less than five hundred square feet in area; and

If the roof of such subterranean garage is utilized for such open space all such roof areas may be utilized for such open space provided that the same is not in excess of two feet above the grade of the lot immediately adjacent thereto; and

That where such open space is located on any roof area, other than a subterranean garage, not to exceed twenty-five percent of such roof area may be utilized to meet the open space requirement.

“Parking Space, Off-Street.” "Off-street parking space" means a readily accessible area on a lot, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

"Perimeter landscaping" means any landscaping required by the provisions of this code which is adjacent to, and runs substantially parallel with, any property line of the lot for which such landscaping is required.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, public agency, public utility, or any group or combination acting as a unit; "person" shall not include the city.

“Primary use” or "principal use" means the main purpose for which a lot is developed and occupied, including the activities that are conducted on the lot a majority of the hours during which activities occur.

"Preschool child care center" is a licensed facility that serves children ages two to four.

"Prime storefront area" means that portion of a building located on the first floor, from the property line facing a main commercial street back to a depth of 50 feet.

"Processing" means, when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

"Recorder" means the county recorder of the county of Los Angeles.

"Regulations" means the provisions of this title.

"Residential care for the chronically ill" is a facility that provides care and supervision to adults who have terminal illness and is a subset of residential health care facilities (chronically ill).

"Residential care facility for the elderly" means a licensed housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under sixty years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316 of the Health and Safety Code. Residential care facilities for the elderly are comprised of assisted living facilities, and continuing care retirement communities. Facilities serving six or fewer persons are allowed in residential zones.

"Residential health care facilities (chronically ill)" are licensed by the state department health services and state department of mental health serving six or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care. Residential health care facilities (chronically ill) are comprised of adult residential facilities for persons with special health care needs, long-term care facility (mental disorders), nursery (developmentally disabled), and residential care for the chronically ill.

"Residential school (developmentally disabled)" means a state-licensed facility intended primarily for the admission, care, and treatment of educable and trainable developmentally disabled patients. The facility shall provide an educational program on the premises as one of its services. Residential school is a subset of a community care facility.

"School aged child care facility" is a state licensed facility that serves children ages five to seventeen.

"Secretary" means the secretary of the commission.

"Service station" is a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries and automotive accessories; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as a part of such service station usage.

"Shall" is mandatory.

Singular. When consistent with the context, words in the singular number shall include the plural.

"Sorority" means the same as "club, private."

"State" means the state of California.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above pre-existing or natural grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such useable or unusable underfloor space shall be considered as a story.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property; "street" shall not include an "alley."

Street Frontage. See "Frontage, street."

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Except: Fences or walls less than three feet in height located in any required yard area, provided the same are not adjacent to any property line and do not interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off shall not be excepted.

"Supportive housing" means housing with no limit on length of stay that is occupied to the target population as defined in the Health and Safety Code 53260(d), which provides services for six or fewer persons and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her heath status, and maximizing his or her ability to live, and when possible, work in the community.

Tenses. When consistent with the context, words used in the present tense include the past and future tenses and words in the future tense include the present tense.

"Tent" means any structure, temporary or permanent, constructed of canvas or other cloth or material attached to, and encloses, a framework that is intended to provide shelter to an area.

Trailer, Automobile. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

Trailer Park, Trailer Court and Public Camp. Any or all of them shall mean any area or tract of land used or designed to accommodate one or more automobile trailers or one or more camp parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Transfer station" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

"Target population" is defined as adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health problems; and persons eligible for services under the Lanterman Development Disabilities Act, which provides services to persons with developmental disabilities that originate before the person turned eighteen.

"Transitional housing" means rental housing provided to facilitate the movement of homeless individuals or families to conventional housing. Transitional housing may take the form of single-family or multi-family units, and may include supportive services operated under program requirements to allow individuals or families to gain necessary life skills in support of independent living. This type of housing may be occupied by a program recipient for a minimum of six months up to a maximum of two years, at which time it may be recirculated to another eligible program recipient.

"Triplex" means the same as "dwelling, three-family."

"Use" means the utilization of a lot, building, structure or any combination thereof.

"Writing" includes any form of message recorder in English and capable of visual comprehension.

"Yard" means an open space, other than a court bounded on three or more sides by the exterior walls of a building, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. Wherever in this chapter required yards are prescribed, the same shall be established from the boundary line of such lot or parcel; provided, that the following shall be excluded, and the boundary line shall be deemed to be the interior line of:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site;
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

Yard, Front. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front

yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curbed front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in a manner prescribed in this definition.

Yard, Rear. "Rear yard" means a yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

Yard, Rear Line of Required Front. "Rear line of required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

Yard, Required Setback. For purposes of the restriction of any structure exceeding forty-two inches in height, the term "setback" includes any required yard, front, side or back.

Yard, Side. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the beginning of the required rear yard line, and at right angles to the nearest point of a side lot line towards the nearest part of a main building.

"Zoning map" or "map" means the official zoning map of the city.

(Ord. 1234 §§ 1, 2, 2005; Ord. 1214 § 2 (Exh. 1 (part)), 2004; Ord. 1185 § 2 (part), 2000; Ord. 1184 § 2, 2000; Ord. 1161 § 2A, 1998; Ord. 1136 § 1, 1997; Ord. 115 § 5, 1995; Ord. 1084 § 1 (part), 1992; Ord. 1035 § 1, 1987; Ord. 1024 § 1, 1986; Ord. 996 § 1, 1982; prior code § 9121)

(Ord. No. 1282, § 1, 10-28-08; Ord. No. 1352, §§ 1—3, 2-11-14; Ord. No. 1354, § 2, 6-10-14; Ord. No. 1379, § 1, 9-27-16; Ord. No. 1385, § 1, 2-14-17; Ord. No. 1389, Exh. A, § 1, 7-11-17)

Chapter 17.36 - C COMMERCIAL ZONE[5]

**Sections:**

Footnotes:

--- (**5**) ---

**Editor's note—** Ord. No. 1296, § 1, adopted July 28, 2009, amended chapter 17.36 in its entirety to read as herein set out. Former chapter 17.36, §§ 17.36.010—17.36.210, pertained to similar subject matter and derived from Prior code §§ 9450—9455; Ord. 973, § 2(part), 1980; Ord. 984, § 6, 1981; Ord. 1041, § 1(part), 1988; Ord. 1051, § 4(part), 1989; Ord. 1084 § 1 (part), 1992; Ord. 1113 § 3, 1994; Ord. 1116 § 3, 1994; Ord. 1133, § 4, 1996; Ord. 1135 § 4, 1996; and Ord. 1214, § 2(Exh. 1(part), 2004.

17.36.010 - Criteria for commercial zoning.

The following criteria are established to assist citizens, staff, planning commission and city council in the administration and application of the C zone.

A. General or Other Adopted Plans. Compliance with the general plan or other plans or programs adopted by the city shall be demonstrated. Development on properties exceeding one acre in size shall require the adoption of a comprehensive plan.

B. Location. Business areas shall be concentrated in the existing downtown portion of Sierra Madre.

C. Need. A demonstrated public need shall be established within the general area.

D. Design. The design or redesign of any structure shall comply with the standards established herein or in any adopted plan or program of the city.

E. Utilities, Streets, Sidewalks, Etc. The existing utilities systems (water, sewer, drainage, electrical, gas, lighting and communication facilities) and street and sidewalks are adequate, or new facilities will be constructed to serve the downtown adequately.

F. Economic Development. Commercial businesses and uses located in the C zone that generate revenue for the city are encouraged.

(Ord. 1296, § 1, 7-28-09; Ord. No. 1331, § 1, 8-14-12)

17.36.015 - Definitions.

For the purpose of this chapter, the words, phrases and terms shall be deemed to have the following meanings:

"Commercial Zone Use List" means a list of uses allowed in the C zone that fall within the use categories set forth in the table in Section 17.36.020.

"SRO" or "single room occupancy" means a small, one room dwelling unit intended to be occupied by one resident. An SRO may have shared or private kitchen and bathroom facilities, but must provide sufficient private accommodations to allow independent living and otherwise qualify as a dwelling unit under this code and state law. SROs are typically rented on a monthly basis without rental deposit, and can provide an entry point into the housing market for extremely low-income individuals, formerly homeless and disabled persons.

17.36.020 - Permitted uses and uses permitted by conditional use permit.

A. Unless otherwise restricted or prohibited by this code, the following use categories shall be permitted in the "C" zone if noted in the "P" column, and shall be permitted upon approval of a conditional use permit if noted in the "CUP" column pursuant to Section 17.60. All such uses shall be within an enclosed

building unless specifically stated otherwise. The required permit for some uses varies based upon the amount of floor area occupied by such use, and numbers in the table below represent square feet of floor area of such use. If a use occupies exactly the threshold amount of floor area, the lower permit shall be required (for example, a retail store with exactly 7,500 square feet of floor area would be permitted). Some use categories are further subdivided into subcategories of "general" or "limited", with the latter indicating a greater need for discretionary review due to its potential for nuisance, intensity, overconcentration, blighting, and/or deteriorating effect upon surrounding areas.

| **Retail Sales** | P | CUP |
|---|---|---|
| Retail sales, general | <7,500 | 7,500+ |
| Retail sales, limited | | All |
| | | |
| **Office Uses**[1] | P | CUP |
| Offices uses, general | <7,500 | 7,500+ |
| | | |
| **Service Establishments**[2] | P | CUP |
| Service establishments, general | <7,500 | 7,500+ |
| Service establishments, limited | | All |
| | | |
| **Financial Institutions** | P | CUP |
| Financial institutions, general | <7,500 | 7,500+ |
| | | |
| **Educational Facilities** | P | CUP |
| Educational facilities, general, | <7,500 | 7,500+ |
| | | |
| **Recreational and Entertainment Facilities** | P | CUP |
| Recreational and entertainment facilities, general | <7,500 | 7,500+ |

[1] See also Section 17.36.030(B) for additional rules regarding office uses.

[2] See also Section 17.36.050(B) for additional rules regarding lodging establishments.

| | | |
|---|---|---|
| | | |
| **Automobile and Transportation-Related Establishments** | P | CUP |
| Automobile and transportation-related establishments, general | | All |
| | | |
| **Residential Uses[3]** | P | CUP |
| Residential uses | All | |
| | | |
| **Adult Businesses[4]** | P | CUP |
| Adult businesses | | All |

B. All use categories not listed above and all specific uses not listed in the Commercial Zone Use List are prohibited in the C zone. The director is authorized to exercise his or her authority under section 17.12.160, to fit an unidentified use within a specific use or use category. The director's administrative interpretation must make the following findings:

1. The proposed use meets the intent of, and is consistent with, the goals, objectives and policies of the adopted General Plan;
2. The proposed use meets the stated purpose and general intent of the zoning district in which the use is proposed to be located;
3. The proposed use will not adversely impact the public health, safety, or general welfare of the city's residents; and
4. The proposed use shares characteristics common with, and is not of a greater intensity or density, than those listed in the zoning district in which it is to be located.

Notwithstanding anything else to the contrary, sales of alcohol and tobacco, whether for consumption on or offsite and whether alone or in conjunction with other uses (such as a retail store, restaurant or a newly added use) shall require a conditional use permit.

(Ord. 1296, § 1, 7-28-09; Ord. No. 1335, § 2, 6-11-13; Ord. No. 1352, § 8, 2-11-14)

17.36.025 - Adult businesses.

The following standards apply to adult businesses in the C zone:

A. An "adult business" is defined as any business which is, at any time or times, conducted exclusively for the patronage of adults from the premises of which minors are specifically excluded

[3] See also Sections 17.36.030(A) & 17.36.050 for additional rules regarding residential uses.

[4] See also Section 17.36.025 for additional rules regarding adult businesses.

by law or the owner or person in possession of the premises. This definition shall exclude any use pre-empted by state law or licensed by the state.

B. "Sexually oriented" shall mean any use, display, sale, product, book, treatment, manipulation, projection, machine or other device, the principal, advertised, and emphasized purpose, use or manifestation of which is gratification, education, entertainment, observation, reading, or other stimulus, excitation, or study of explicit human heterosexual, homosexual, or other sexual activity or simulation or depiction thereof.

C. "Sexually oriented adult business" shall not be permitted on any recorded lot within six hundred feet of a church nor within six hundred feet of a public or private school for the academic education of children nor within three hundred feet of residentially zoned property.

D. In the event any prohibition set forth in subsection (C) of this section is held by any court of jurisdiction to be invalid or inapplicable, then such use or uses shall ipso facto, immediately, and automatically be classified as a conditional use requiring a conditional use permit pursuant to the provisions of the zoning code of this city and an Environmental Impact Report pursuant to the California Environmental Quality Act.

(Ord. 1296, § 1, 7-28-09)

17.36.027 - Other uses and construction activities.

In addition to those specified in this chapter, a number of other uses and construction activities are allowed in the C zone pursuant to, and in accordance with, other provisions of this title. Such uses and construction activities may be permitted of right or require discretionary review and approval in accordance with such other provisions. A subset of such uses and construction activities and their corresponding code references are listed below for reference purposes only.

A. Demolitions - Section 15.04.115 and Section 17.60.056;

B. Certain conditionally permitted uses - Section 17.60.030;

C. Signs - Chapter 17.72;

D. Home occupations within residential uses - Chapter 17.85.

E. Temporary uses - Chapter 17.88; and

F. Wireless communication facilities - Chapter 17.93

17.36.030 - New construction; additions, and building alterations.

A. The following activities shall only be permitted with a design review permit, obtained in accordance with Chapter 17.60;

1. Additions of floor area in excess of 1,000 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise; and

2. Single-family home projects that result in aggregate floor area of all structures exceeding 3,000 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise (additionally, such projects shall require Finding D.8. of Section 17.60.041 be made).

B. The following activities shall only be permitted with an administrative design review permit, obtained in accordance with Chapter 17.60:

1. Construction in excess of either one story or 20 feet in height;

2. Additions of floor area in excess of 500 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise;

3. Significant exterior facade alterations fronting a main commercial street which, as determined by the director, have the potential to alter materially the character of an existing main building; and

C. The following activities do not require a design review permit or administrative design review permit under Chapter 17.60; provided however, that the appropriate building permits, if required, must be obtained:

1. Interior alterations to an existing building;

2. Additions of floor area of 500 square feet or less, whether from new construction, addition to or enlargement of an existing building, or otherwise; and

3. Minor exterior facade alterations fronting a main commercial street which, as determined by the director, do not have the potential to alter materially the character of an existing main building, and all exterior facade alterations not fronting a main commercial street.

(Ord. 1296, § 1, 7-28-09)

17.36.035 - Drive-through business prohibited.

Henceforth, the city shall not allow new drive-through business establishments, that is, business establishments which provide service to customers in a motor vehicle.

(Ord. 1296, § 1, 7-28-09)

17.36.040 – Downtown design criteria.

The following design criteria shall be applied to all development within the C zone. Downtown Design Standards:

A. Architectural Style and Character. All future construction, exterior remodeling, development and redevelopment shall be of such architectural design as to enhance the site and surrounding environment and be consistent with the desired overall community values stated in the General Plan. Approval of each design as to its compliance or compatibility with these standards must be obtained from the development services director prior to the granting of any building permit.

B. Materials. The following building materials or those determined by the development services director to be similar to them shall be utilized in all construction in the commercial zone:

1. Roof materials intended to be viewed, including but not limited to clay tile or slate;

2. Brick, tile, textured concrete, tinted concrete or exposed aggregate patios and walkways;

3. Decorative masonry materials such as bricks, stone or slump stone;

4. Heavy rough textured wood beams, headers, trim and siding;

5. Textured stucco.

C. Colors. Earth tone or natural colors shall be utilized throughout with the use of bright, nonpastel colors for the purpose of accent; however, such accent colors shall not be used to such a degree as to become the dominant color of any structure.

D. Landscaping. All site landscaping shall be so designed with both form and function in mind and not just as a decorative element. Desirable aspects of landscape design that are:

1. Plant material selection for seasonal color;

2. Low maintenance plant materials;

3. Use of ground cover plant materials rather than nonplant substitutes;

4. Use of native trees when appropriate.

E. Signs. All signs shall be designed as an integral part of the overall architectural design theme of the building through the use of similar materials and colors, as well as proportionate size and location.

F. General. The following apply to all development in the C zone:

1. Architectural treatment shall be applied to all building elevations;
2. The design of a proposed project shall be related to the surrounding existing development with greater emphasis placed upon compatibility with adjacent development related to:
    a. Bulk or mass, height,
    b. Colors,
    c. Building materials,
    d. Roof lines,
    e. Access,
    f. Views,
    g. Landscaping.

(Ord. 1296, § 1, 7-28-09)

17.36.050 – Standards of development—Generally.

The development standards set forth in the following sections of this chapter shall apply to all construction within the C zone.

(Ord. 1296, § 1, 7-28-09)

17.36.060 - Size area.

Every lot created after the effective date of this chapter shall have a minimum lot area of three thousand seven hundred fifty square feet.

(Ord. 1296, § 1, 7-28-09)

17.36.070 - Yards and building setbacks.

A. Front Yard. There shall be a front yard having a minimum depth of five feet extending across the full width of the lot.

B. Side Yard. Side yards adjacent to a street or alley shall be not less than ten feet in width.

C. Rear Yard. There shall be a rear yard of not less than fifteen feet in width; however, a maximum of ten feet of said rear yard may be used for off-street parking.

D. Yards Adjacent to Residential Zones. If either the side or rear yards are adjacent to any residential zone or use, a minimum of ten feet of the required yards shall be landscaped with specimen plants and trees (minimum fifteen gallon stock) to create a solid plant screen as represented on a landscaping plan approved by the development services director.

17.36.080 - Building and site coverage.

Coverage of any parcel by roofed structures shall not exceed eight percent, exclusinve of all existing of required street, sidewalks and alleys.

(Ord. 1296, § 1, 7-28-09)

17.36.090 - Height and story limit.

No building structure shall exceed a height of thirty feet and no building structure shall exceed two stories in the C zone.

(Ord. 1296, § 1, 7-28-09)

17.36.100 – Off-street parking.

A. All off-street parking shall be provided in accordance with Chapter 17.68 of this code.

(Ord. 1296, § 1, 7-28-09)

17.36.110 - Landscaping.

A. All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, approved outdoor seating and sales areas, and paved or covered recreational facilities shall be landscaped and permanently maintained. Existing trees to be removed shall be replaced with substitute specimen trees (minimum thirty-inch box container size) elsewhere on the site.

B. All planted areas shall be surrounded by a curb of concrete or comparable material at least six inches above the higher of the final grade or the pavement of the parking lot, except when such planted areas lie adjacent to a paved sidewalk, masonry wall or a building.

C. Landscaping shall consist of trees, shrubs and ground covers with careful consideration given to eventual size, form, susceptibility to disease and pests, durability, water consumption and adaptability to soil and climate conditions.

D. A landscape plan drawn at a scale of not less than one inch to thirty feet shall be submitted and shall include:

1. Square footage of each landscaped area;
2. Total square footage of all landscaped areas;
3. Percentage of the site devoted to landscaping;
4. Type of plant materials, i.e., the botanical and common names;
5. Location of all plant materials;
6. Container size and number of all plant materials;
7. Type, size and location of a permanent irrigation system.

(Ord. 1296, § 1, 7-28-09)

17.36.120 - Plant screens; walls.

A. A plant screen shall be erected in place of a wall, providing it is:

1. Sufficient to visually screen the parking area;
2. Comprised of specimen stock;
3. Within a planter area of at least four feet in depth;

4. Provided with a permanent irrigation system;

5. Compliant with all other provisions of this section for landscaping, including being an integral part of an approved landscaping plan.

B. A decorative masonry wall of at least thirty inches high may be substituted for a plant screen provided it is constructed and maintained along the perimeter of all off-street parking areas except at points of ingress and egress. Such wall shall be constructed of masonry units not greater than six inches in height.

C. A landscaped area of at least thirty inches in height may be substituted for a wall or plant screen if the planning commission approves its design, location, scale and landscape treatment pursuant to a permit issued under this chapter.

D. A decorative concrete, masonry or block wall of at least six feet in height shall be constructed and maintained on the boundary of any use which abuts or which lays across a public alley from a residential zone, except in front setbacks, in which such walls shall be forty-two inches or less in height.

(Ord. 1296, § 1, 7-28-09)

17.36.130 - Refuse storage.

All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view by a permanent wall at least five and one-half feet high in conformance with the architectural design of the related buildings, including a solid gate of durable opaque material approved by the development services director. All bins and containers shall be stored within the enclosure with lids closed at all times when not being loaded.

(Ord. 1296, § 1, 7-28-09)

17.36.140 - Outdoor storage prohibited.

All storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building.

(Ord. 1296, § 1, 7-28-09)

17.36.150 - Loading facilities.

All loading or unloading areas containing a loading dock or similar facility shall be located at such a depth within a completely enclosed building as to reasonably contain and restrict noise. Further, no loading or unloading area shall be visible from a public street, or located within a front yard or side yard adjacent to a public street.

(Ord. 1296, § 1, 7-28-09)

17.36.160 - Lighting.

All lighting of the building, landscaping, parking lot or similar facilities shall be shielded and directed away from adjoining properties.

(Ord. 1296, § 1, 7-28-09)

17.36.170 - Mechanical equipment.

All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from view from street level.

(Ord. 1296, § 1, 7-28-09)

17.36.180 - Underground utilities.

All utilities connections for new construction shall be underground, but utility connections to structures which lawfully preexisted the adoption of this chapter may be maintained.

(Ord. 1296, § 1, 7-28-09)

17.36.190 - Development or construction site standards.

The following standards apply to development or construction in the commercial zone:

A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced or screened as determined by the building inspector;

B. Sites shall be maintained during construction as not to become an attractive or public nuisance due to storage of material, parking or activities of construction workers;

C. Any portable toilets shall be set back ten feet from all property lines;

D. Rubbish and refuse service with the city's franchised hauler shall be required at the time a building permit is issued. Service may be weekly pickup service if accessible by a public street or as otherwise authorized by the director of development services;

E. Contractors shall submit to the city a complete list of subcontractors for all services and trades and each contractor or subcontractor shall obtain a city business license prior to any work or request for inspection. Work commenced prior to issuance of necessary permits and business licenses shall be subject to double permit fees pursuant to Chapter 15.04 of this code;

F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit pursuant to Chapter 12.12 of this code;

G. Any paved public right-of-way affected by construction shall be cleaned each evening by the contractor. Cleanup shall include, but not be limited to, streets, roadways, gutters, sidewalks and parkways;

H. Violations of this section may result in the issuance of a stop work order by the building inspector in the manner specified in Chapter 15.05 of this code.

(Ord. 1296, § 1, 7-28-09)

Chapter 17.60 - VARIANCES AND DISCRETIONARY PERMITS[10]

**Sections:**

Footnotes:

--- (**10**) ---

**Editor's note—** Ord. No. 1389, Exh. A, § 22, adopted July 11, 2017, changed the title of Ch. 17.60 from "Variances and Conditional Use Permits" to read as herein set out.

17.60.010 - Variances.

When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this chapter occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner hereinafter set forth in this chapter.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

(Prior code § 9800)

17.60.020 - Variances—Burden of proof.

Before any zone variance is granted, the applicant shall show, to the reasonable satisfaction of the body hearing such matter, that there are special circumstances applicable to the property involved, such as size, shape, topography, location or surroundings, which do not generally apply to other adjacent properties included in the same zone as the subject property, which make the granting of the zone variance necessary in order to facilitate a reasonable use of the property involved.

(Prior code § 9801)

17.60.025 - Minor variances.

The director of development services may grant a minor variance from regulations, as specified in Chapter 17.20 or Chapter 17.30 of this code, as applicable.

A. Application. Applications for a minor variance shall be initiated by submitting the following materials to the development services department:

1. A completed application form signed by the property owner or authorized agent, accompanied by the required fees and plans;

2. Signatures from all owners of property abutting the project site and directly across the street from the project site or written evidence indicating approval of the request, and the posting of a sign on the property for ten days; or

3. A list, drawn from the last equalized property tax assessment roll showing the names and addresses of the owner or record of each lot abutting the property and each property on the block within one hundred fifty feet of the property, and the posting of a sign on the property for ten days.

B. Notice.

1. If the applicant is unable to obtain the written approval of the property owners abutting and directly across the street from the property, notice shall be given to immediately adjacent property owners and property owners on the block within one hundred fifty feet of the subject property to notify them that an application is being filed for a minor variance.
2. Comments shall be accepted by the director for a ten-day period following the application submittal.
3. The director may use any comments received to assist in making findings and conditions relating to the application.

C. Burden of Proof and Conditions of Approval. The director must find, or conditions must be imposed, to insure that:

1. The project does not adversely impact the public health, safety, and welfare;
2. The design of the home is improved with the granting of the minor variance.

D. An action by the director may be appealed to the planning commission and subsequently to the city council pursuant to Chapter 17.66 of this title.

(Ord. 1234 § 5, 2005; Ord. 1115 § 18, 1995)

(Ord. No. 1313, § 4, 3-22-11)

17.60.028 - Modification of required yards.

The director of development services, may grant a modification of a required yard as follows:

A. Reduction of open areas by permitting portions of a building to extend into a required yard by not more than ten percent;

B. A modification of a required yard, as set forth in this section, may be granted pursuant to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055 of this chapter;

C. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115 of this chapter, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

17.60.030 - Conditional use permits—When required.

The purpose of any conditional use permit shall be to insure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones as hereinafter set forth, provided that a conditional use permit is first obtained pursuant to the provisions of this part, unless such use is designated as a permitted use in a particular zone.

A. Conditional Uses—All zones except the OS and R-C Zones.

Airports, landing fields, heliports, and helistops;

Borrow pits to a depth of over three feet;

Cemeteries;

Churches, temples and other places of worship, provided they shall be excluded from the C (commercial) zone, except as provided in Section 17.56.120 of this title;

Clubs, provided they shall be excluded from the R-1 and R-2 zones (see Section 17.36.020(F) of this title);

Columbariums, crematories and mausoleums;

Crops, field, tree, bush, berry, and row, including nursery stock, the growing of (see Section 17.20.020(H) of this title);

Educational institutions;

Equestrian establishments;

Open air theatres;

Race tracks and rodeos;

Recreational centers privately operated;

Trailer (mobilehome) parks;

Fraternity;

Golf courses, privately owned;

Livestock, care and maintenance for commercial or noncommercial purposes;

Mortuaries;

Nonprofit organizations provided they shall be excluded from the C (commercial) zone except as provided in Section 17.56.120;

Parking lots, commercial;

Public utility facilities and utilities, to the extent the city is authorized to regulate the use of land under Federal and State law;

Sewage disposal plants;

Sorority;

Swimming pools, hot tubs, spas and similar recreational facilities as a primary use;

Veterinarians, kennels and small animal hospitals.

B. Conditional Uses—R-1, R-2, R-3 and R-C Zones.

Maintenance of keeping of horses or mules, as enumerated in Chapter 6.08, "Animals Generally";

Family day care home, large;

Any use permitted pursuant to Section 5116 of the Welfare and Institutional Code of the state of California (certain licensed residential care facilities for the elderly).

C. Conditional uses—R-2 development in the R-2 zone;

D. Conditional uses—R-P (R-3 with residential entrepreneurial overlay) zone and C (commercial) zone only in the portions of the C zone where residential uses are allowed;

Child care center/nursery school;

Community care facilities, seven beds or more;

Drug and alcohol recovery and rehabilitation facilities;

Drug and alcohol treatment facilities;

Facilities for preparole adjustment/rehabilitation;

Residential care facility for the elderly with seven beds or more;

Residential health care facilities (chronically ill) with seven beds or more.

E. Wireless communications facilities, as provided in Chapter 17.93 of this title.

(Ord. 1247 § 7, 2006; Ord. 1214 § 2 (Exh. 1 (part)), 2004; Ord. 1177 § 4 (part), 2000; Ord. 1135 § 5, 1996; Ord. 1133 § 5, 1996; Ord. 1116 § 4, 1994; Ord. 1113 § 4, 1994; Ord. 1084 § 1 (part), 1992; Ord. 1079U § 3, 1991; Ord. 1062 § 2, 1990; Ord. 1037 § 6, 1988; Ord. 1033 § 3, 1987; Ord. 1006 § 2, 1983; Ord. 996 § 7, 1982; Ord. 975 § 2, 1980; Ord. 960 § 2, 1978; prior code § 9810)

(Ord. No. 1296, § 3, 7-28-09; Ord. No. 1313, § 4, 3-22-11; Ord. No. 1385, § 2, 2-14-17; Ord. No. 1389, Exh. A, §§ 23—26, 7-11-17)

17.60.040 - Burden of proof.

Before any conditional use permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

A. That the site for the proposed use is adequate in size, shape, topography, and location;

B. That the site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use;

C. That the proposed use is neither detrimental to the public health, safety and general welfare, nor will unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;

D. That there is a demonstrated need for the use requested;

E. That the proposed use is consistent with the general plan, zoning and other applicable codes;

F. That the use at the location requested would benefit the public interest and convenience.

(Ord. 1084 § 1 (part), 1992: prior code § 9811)

(Ord. No. 1375, § 5, 2-9-16; Ord. No. 1389, Exh. A, § 27, 7-11-17)

**Editor's note—** Ord. No. 1389, Exh. A, § 27, adopted July 11, 2017, changed the title of § 17.60.040 from "Conditional use permits—Burden of proof" to read as herein set out.

17.60.041 - Design review permit.

A. Purpose. The purpose of an administrative design review permit and a design review permit is to ensure that an applicable project incorporates good design principles and is compatible with its neighborhood and natural surroundings.

B. Reviewing Authority. Except as otherwise provided by this chapter, the reviewing authority for an administrative design review permit application shall be the director and the reviewing authority for a design review permit application shall be the planning commission. The reviewing authority shall approve, conditionally approve, or deny an application for an administrative design review permit or a design review permit in writing.

C. Review Procedure. An administrative design review permit shall be noticed, processed and may be appealed in compliance with the requirements for a minor conditional use permit; provided however, that the director may refer any application for an administrative design review permit to the planning commission at the director's sole discretion. A design review permit shall be noticed, processed and may be appealed in compliance with the requirements established for a conditional use permit.

D. Findings. Before an administrative design review permit or a design review permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

1. The proposed project is consistent with the general plan, zoning code and any applicable design standards.
2. The proposed project will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties.
3. The height, bulk, scale, mass and siting of the proposed project is compatible with the existing neighborhood, landforms and surroundings.
4. The proposed project reflects the scale of the neighborhood in which it is proposed and it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting.
5. The proposed project neither unreasonably interferes with public views or the views and privacy of neighbors, produces unreasonable noise levels, nor causes material adverse impacts.
6. The proposed project exhibits a coherent project-wide design, and each structure or portion thereof (especially additions) on the site is compatible with other portions of the project, regardless of whether the same are publicly visible.
7. For proposed projects seeking relief from development standards, where allowed, to accommodate characteristics of an identifiable architectural style (such as additional height pursuant to Section 17.20.027(A)), the proposed project adheres to the norms of such identifiable architectural style and that such style is consistently carried through on all elevations of the building, regardless of whether the same are publicly visible.
8. For proposed projects that require discretionary review due to exceeding size thresholds (pursuant to Sections 17.20.027(C), 17.30.045(B), 17.28.070(A)1 or similar), that the proposed is a superior project that would enhance its neighborhood and exhibit exceptional design through a combination of most, if not all, of:
    a. Innovative, thoughtful and/or noteworthy architecture that is responsive to the specific site, rather than standard, generic, or "cookie-cutter" plans;
    b. Where applicable, adaptive reuse or other preservation and restoration of historic structures;
    c. Preservation of the natural landscape to the extent possible by such means as minimizing grade changes and retaining protected and specimen trees;
    d. Siting of structures in keeping with landforms and so as to maximize open space, public views, and neighbor views and privacy;
    e. High quality architectural details and building materials compatible with the overall project design; and
    f. Sustainable building and landscaping practices, especially water-saving features.

E. Compatibility. As used in this section, compatibility is not interpreted to mean simple repetition of existing form, mass, scale and bulk. Nor is compatibility interpreted to mean repetition of building style or detailing. Compatibility is based on consideration of a constellation of associated characteristics including building type, the property site plan, building mass and scale, and architectural material and expression. Compatibility comes from an identification of character-defining features of an area, and an applicant's thoughtful response to them within the design.

F. Applicability in Relation to Other Standards. This section is not meant to be a perfunctory review of projects which comply with other development standards. Rather it is meant to impose significant, separate, and additional burdens on proposed projects with the understanding that in many cases satisfying such burdens may call for significantly reduced development intensity than is allowed otherwise under this title. By way of illustration and not limitation, (i) so as not to unreasonably interfere with views and privacy, a project proposed on a narrow or irregularly shaped parcel may accommodate significantly less second story floor area than would otherwise be allowed; (ii) so as not to unreasonably interfere with views and privacy, a proposed project with significant second story floor area may need to be set back farther from lot lines than otherwise allowed; (iii) to ensure compatibility

with and not to visually overpower or dominate the neighborhood, the floor area of a proposed project in a neighborhood predominated by smaller homes may need to be much lower than allowed by objective criteria; (iv) to ensure compatibility with landforms, a project proposed on a parcel with steep slopes or irregular topography may have much more limited siting options than setback standards would allow and may need reduced height and/or floor area; and (v) to exhibit exceptional design through noteworthy architecture, the floor area of a proposed project may need to be much lower than allowed by objective criteria in order to allow space for articulation, variation in massing, covered porches, and other enhancing architectural features.

G. Additional Application Materials. As standard two-dimensional building elevations and other similar graphic materials typically do a poor job of depicting projects in context, it is recommended that applicants provide materials in addition to those otherwise required in order to demonstrate that their proposed projects satisfy the foregoing burdens. Such materials may include, but are not limited to, three-dimensional perspective renderings from multiple angles; photo simulations showing the sited project in relation to neighboring structures and landforms; comparisons of proposed building size, height, setbacks, etc. to surrounding structures; story poles; material and color boards; information on energy and water saving systems; and colored landscape plans showing protected and specimen trees and illustrating drought-tolerant landscaping, permeable paving and other water-saving features.

(Ord. 1115 § 17, 1995)

(Ord. No. 1375, § 6, 2-9-16; Ord. No. 1389, Exh. A, § 28, 7-11-17)

**Editor's note—** Ord. No. 1389, Exh. A, § 28, adopted July 11, 2017, changed the title of § 17.60.041 from "Additional burden of proof for permits for certain noted projects" to read as herein set out.

17.60.050 - Conditional use permits—Exemption.

A. Application of Division—Permitted Use. Notwithstanding the provisions of this chapter, if any use is designated as a permitted principal use in any zone, the conditional use permit requirement shall not apply to that use in that zone.

B. Nonconformity. None of the uses enumerated in Section 17.60.030, for which a conditional use permit is required, shall be deemed nonconforming if:

1. The same complied with the zoning regulations in effect on June 14, 1977;

2. The same would otherwise have acquired a nonconforming status solely by reason of the application of Section 17.60.030; and

3. There is no alteration or enlargement of the use, nor the commencement of any new use on the lot where located; and

4. The existing valid horse-keeping license has been reviewed under the provisions of Sections 17.60.060 through 17.60.050 prior to December 1, 1978, and a conditional use permit approved for the use.

C. Effect of Grant of Conditional Use Permit. Where a conditional use permit is granted for one or more uses on a lot, no other use, building or structure shall be located or maintained upon such lot, unless allowed pursuant to the provisions of the conditions of approval imposed upon the issuance of such permit.

(Ord. 1084 § 1 (part), 1992: Ord. 960 § 3, 1978; prior code § 9812)

17.60.055 - Minor conditional use permit.

Uses, activities and development standards listed in sections of this title as permitted subject to the granting of a minor conditional use permit may be approved by the director of development services, without a public hearing, pursuant to the following provisions:

A. Application and Fees. An application for a minor conditional use permit shall be filed by the owner of the property (or authorized agent) for which the permit is requested on forms furnished by the development services department. The applicant shall submit the appropriate fee in conjunction with the submittal of an application, the amount of which is determined by resolution of the city council.

B. Posted Notice. A notice that a minor conditional use permit is to be considered shall be mailed to all property owners within a three hundred-foot radius of the property where the minor conditional use permit is proposed. The notification shall describe the proposed minor conditional use permit and shall provide a comment period of not less than fourteen calendar days. Additionally, signage shall be posted in accordance with Section 17.60.100B.; however, references therein to the planning commission's decision on a conditional use permit shall be interpreted as the director's decision on the minor conditional use permit.

C. Determination. Upon consideration of any comments received, the director of development services may approve, conditionally approve, or deny the proposed minor conditional use permit pursuant to the following findings:

1. That the proposed request will not be detrimental, or otherwise be inconsistent with the character of its neighborhood;

2. That the site of the proposed request is adequate in size, shape, topography and location to accommodate the request;

3. That the proposed request is neither detrimental to the public health, safety and general welfare, nor will unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent property owners;

4. That there is a demonstrated need for the use requested;

5. That the proposed request will be arranged, designed, constructed, operated and/or maintained so as to be compatible with the intended character of the surrounding area and shall not change the essential character of the surrounding area from that intended in the general plan.

D. Conditions of Approval. When approving or conditionally approving a minor conditional use permit, the director of development services shall designate conditions deemed necessary to protect the public health, safety and general welfare.

E. Notification of Determination. Within three days upon the determination by the director of development services to approve, conditionally approve or deny the requested minor conditional use permit, notification of the determination shall be mailed to all property owners within a three hundred foot radius of the property where the minor conditional use permit has been requested. In addition, notification of the director's determination shall also be provided to the applicant, council and planning commission.

F. Appeal. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

(Ord. No. 1375, § 7, 2-9-16)

17.60.056 - Discretionary demolition permit.

A. Purpose. The purpose of the discretionary demolition permit procedure is to insure that potential historic resources are properly evaluated before they are altered or demolished.

B. For purposes of this section, "demolition" is defined as the destruction and removal, in part or in whole, of the foundation, exterior walls, roof structure, exterior framing, exterior siding and/or finish cladding material, porches, chimney and architectural details.

C. No structure which was constructed seventy-five years or more prior to the date of the application for review shall be demolished without a discretionary demolition permit.

D. Procedure: Any application for a discretionary demolition permit shall be accompanied by (i) a written historic assessment or survey prepared by a qualified architectural historian selected from the list of qualified consultants on file with the planning and community preservation department which concludes that the property proposed to be demolished is not classified under the California Historic Resource Codes 1 to 5 - eligible for local listing or designation, or a contributor to an existing or potential district and (ii) an application for replacement development project consistent with the standards and requirements of the applicable zoning district, and (iii) an affidavit of posting of a sign at least three feet by four feet in size, located in a conspicuous place on the property abutting a public street or alley, identifying the property as the subject of an application for a demolition permit. Both the discretionary demolition permit and the application for the replacement development project shall be reviewed concurrently and no discretionary demolition permit shall be approved unless and until the replacement development project is approved. The reviewing body for a demolition permit shall be the same body or individual that would review and approve the accompanying replacement development project.

E. A discretionary demolition permit may be approved if the reviewing body makes one of the following determinations:

1. The structure proposed to be demolished is neither designated on the local list of historic resources nor eligible for designation as an individual resource or contributor to a district or potential district, and the replacement development project is approved; or

2. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.

F. Exceptions. The following applications do not require a discretionary demolition permit:

1. Demolition of any interior walls of any structure for the purpose of remodel, repair or maintenance, subject to any required permits;

2. Removal and replacement, subject to any required permits, of exterior windows, doors, roof covering, foundation, exterior siding and/or finish cladding material, porches, chimney, architectural details and other structural or decorative elements deemed by the director to be minor alterations, where the materials used for maintenance and replacement do not materially alter the appearance, size or character of the existing structure;

3. Any proposed demolition of a structure constructed less than seventy-five years from the date of the applications, which is subject to the provisions of Section 15.04.115;

4. Any proposed demolition of a historic landmark which is subject to the provisions of Section 17.82.090;

5. The director may rely on definitions and permitting processes in the municipal code to consider circumstances which do not meet the exact criteria defined in exceptions 1—5 above, to determine that a specific case meets the intent of one or more of the exceptions.

6. The director may refer any applications that do not require a discretionary demolition permit to the planning commission if the director determines at the director's sole discretion that the proposed development has the potential to result in significant impacts to the structure. In the event the director refers an application to the planning commission, the planning commission shall follow the requirements for a discretionary demolition permit as set forth in this chapter.

G. An applicant who does not qualify for a discretionary demolition permit under subsection E or H of this section may seek a certificate of economic hardship pursuant to Section 17.82.100.

H. Burden of Proof on Applicant. Before any demolition permit is granted, the application shall show, to the reasonable satisfaction of the body considering such matter, the existence of the following facts:

1. That the structure proposed for demolition:

   a. Has no local, state or national historic significance as determined by the historic resources survey pursuant to subsection D above; or

   b. Is deemed to be eligible for local listing or designation under the California Historic Resource Codes 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted, and/or a historical resources evaluation report with identified mitigation measures has been prepared that will allow the project to proceed, with a certificate of appropriateness including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing the original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document or the historical resources evaluation report; or

   c. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.

2. That the proposed demolition activities will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;

3. That there is a demonstrated need for the demolition activity requested;

4. That the result of the demolition activity is consistent with the objectives of the general plan; and

5. That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested.

I. Appeal.

1. Any person may appeal a decision of the planning director to the planning commission pursuant to Section 17.60.115.

2. Any person may appeal a decision of the planning commission to the city council pursuant to Sections 17.60.120 and 17.60.130.

(Ord. No. 1363, § 2, 3-24-15; Ord. No. 1386, Exh. A, § 1, 2-28-17)

17.60.058 - Projects with multiple applications.

If multiple concurrent applications that call for different reviewing authorities are made for the same project, the applications shall be noticed and processed together and reviewed by the highest required authority. For example, if a project requires a design review permit and a minor conditional use permit, both such applications shall be noticed and processed together, and reviewed together in a public hearing by the planning commission. Before the project could move forward, the planning commission would need to make the required findings for the design review permit set forth in Section 17.60.041(D) and those for the minor conditional use permit set forth in Section 17.60.055(C). The action of the planning commission could then be appealed to the city council pursuant to Section 17.60.120 (note that Sections 17.60.055(F) and 17.60.115 would not apply to an appeal of the minor conditional use permit as the matter would have already been reviewed by the planning commission).

(Ord. No. 1389, Exh. A, § 29, 7-11-17)

17.60.060 - Applications for variance or conditional use permits—Withdrawal thereof.

Applications for a zone variance, conditional use permit, shall be filed by the owner of the property affected thereby, or his agent, with the director, on forms furnished by the director, which shall set forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the variance or conditional use permit, in accordance with the provisions of this part.

The applicant shall furnish to the director an accurate list of the names and addresses of all property owners to whom notice must be given as hereinafter provided. The director may provide the radius map and mailing list for a fee to be set by the city council.

(Ord. 1084 § 1 (part), 1992: prior code § 9820)

17.60.070 - Filing fees—Withdrawal.

Each such original application, modification application or appeal, shall be accompanied by a filing and processing fee in an amount as set by the council. Any applicant may withdraw his/her application by filing a written request to do so at any time prior to final action thereon; provided, that there shall be no refund of fees.

(Ord. 1084 § 1 (part), 1992: prior code § 9821)

17.60.080 - Hearings.

Every application for a zone variance or conditional use permit shall be set for a public hearing before the commission by the director. Hearings may be continued from time to time by the commission or council, as it may deem necessary.

(Ord. 1084 § 1 (part), 1992: prior code § 9822)

17.60.090 - Conditions.

The granting of any zone variance or conditional use permit may be conditioned. The purpose of any such conditions shall be to insure that the activity thus permitted will be conducted in a manner consistent with the public peace, safety, general welfare, and the provisions of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9823)

17.60.100 - Public notices.

Notice of the time and place of public hearings before the planning commission and city council on zone variance and conditional use permit applications shall be made as follows:

A. Mailed Public Notice. Public notices shall be given by United States mail, postage prepaid, addressed to the owners of property located within a radius of three hundred feet from the external boundaries of the property to which the application relates, addressed to the owners as shown on the latest equalized assessment roll of the county, or from other records which contain more recent and accurate addresses.

B. Posting of Property. A notice of public hearing sign, meeting the criteria set forth below, shall be posted a minimum of fourteen days prior to the scheduled public hearing, and the sign shall remain in place until the expiration of the appeal period following a decision by the planning commission. If an appeal to the city council is filed, a new public hearing sign complying with this section shall be posted. Failure to post the sign on the property by the applicant shall result in the automatic continuance of the project to the next available planning commission or city council meeting. The sign shall be posted in the following manner:

1. The sign shall be located in a conspicuous place on the property abutting a public or private street or alley not more than ten feet inside the property line.

2. The sign shall be twelve feet square in sign area, generally measuring three feet by four feet.

3. The sign shall not exceed six feet in height from the ground level; provided that if the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may be permitted with the approval of the director of development services to ensure visibility of the sign from the public right-of-way.

4. The sign shall not be illuminated.

5. The size, style, number, and color of the sign's lettering shall be the specifications approved by the director of development services, and the director may approve deviations to these requirements in order to meet the intent of these noticing provisions.

6. Support elements for the sign shall be made of four-inch by four-inch wood posts, or similar; provided however, that a sign may be posted in a window, on a fence, or on a building wall when there is an existing structure on site that is set back less than ten feet from the street.

7. A building permit shall not be required for the posting of a sign installed in compliance with this subsection.

8. The applicant shall submit proof of posting to the director of development services or his or her designee in the form of a signed affidavit and a photograph of the sign.

9. Any costs associated with complying with this subsection shall be borne by the applicant.

C. Contents of Notice. Such notices shall describe the subject property, identify the project case number, and contain a brief description of the proposed project and the date, time and place of the public hearing.

(Ord. 1177 § 4 (part), 2000: Ord. 1084 § 1 (part), 1992: prior code § 9824)

(Ord. No. 1305, § 1, 2-9-10)

17.60.110 - Commission action.

Within a reasonable time after the public hearing upon a variance or conditional use permit application, the commission, by resolution, shall approve, conditionally approve or deny the same. Said resolution shall contain a brief statement of facts upon which its action is based. Within seven days following the adoption of such a resolution, the commission's secretary shall forward a copy thereof to the city clerk, to the applicant and to any other person requesting the same.

(Ord. 1084 § 1 (part), 1992: prior code § 9825)

17.60.115 - Appeals of director determination.

Upon receiving a notice of an appeal of the determination of the director of development services by any aggrieved party, the following provisions shall apply:

A. Appeal Fee. An appeal fee shall be required as set forth in the fee schedule adopted by city council resolution.

B. Consideration of the Appeal. The director of development services shall schedule the matter to be considered by the planning commission at the first available planning commission meeting. Public notice of the consideration of the appeal by the planning commission shall be distributed pursuant to the public notice requirements of the action being appealed.

C. Determination of the Appeal. Upon receipt of the appeal, the planning commission shall consider all evidences and information upon which the director made the determination, including all relevant public testimonies, and adopt one of the following actions:

1. Affirm the determination of the director of development services and deny the appeal;

2. Uphold the appeal, thereby reversing the determination of the director of development services; or

3. Modify the determination of the director of development services as deemed appropriate.

D. Appeals of decisions of the planning commission shall be made pursuant to the provisions of Section 17.60.130 and Chapter 17.66 of this title.

(Ord. 1234 § 6, 2005; Ord. 1177 § 4 (part), 2000: Ord. 1115 § 16, 1995)

17.60.120 - Appeal.

A. The resolution of the planning commission granting or denying a zone variance or conditional use permit shall become final on the tenth business day following its adoption unless:

1. Within such time an appeal, in writing, is filed with the city council, by the applicant or any other interested person in the manner set forth in Chapter 17.66 of this title;

2. Within such time a call for review is made in the manner set forth in Chapter 17.66 of this title.

B. The decision of the commission shall be final and conclusive in the absence of a timely filed appeal. The timely filing of an appeal shall stay the effective date of the commission's resolution pending action by the city council.

C. Appeals of the planning commission decision shall require the filing of a fee as set forth in Chapter 17.66 of this title.

(Ord. 1234 § 7, 2005: Ord. 1139 § 2(B), 1997; Ord. 1084 § 1 (part), 1992; Ord. 1004 § 1, 1983: Ord. 998 § 1, 1983: prior code § 9826)

17.60.130 - City council action.

Upon receiving a notice of appeal, or call for review of a decision of the planning commission, the city council shall either:

A. Affirm the action of the planning commission;

B. Refer the matter back to the planning commission with or without instructions for further proceedings;

C. Alter the action of the planning commission in the manner it shall determine is necessary to comply with this code and other applicable law; or

D. Notice of the city council's decision shall be made by the city clerk within the time set forth in Chapter 17.66 of this title.

(Ord. 1234 § 8, 2005: Ord. 1084 § 1 (part), 1992; Ord. 1004 § 2, 1983: prior code § 9827)

17.60.150 - Failure to give notice.

Inadvertent failure to give notice in the manner prescribed herein shall have no effect upon any proceeding before the commission or the council.

(Ord. 1139 § 2(C), 1997; Ord. 1084 § 1 (part), 1992; Ord. 917 § 3 (part), 1974: prior code § 9829)

17.60.160 - Revocation of variances and conditional use permits.

A. Upon recommendation by the director, the body which initially granted a zone variance or conditional use permit shall conduct a noticed public hearing to determine whether such variance or conditional

use permit should be revoked. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

1. That the variance or permit was obtained by fraud;
2. That the use for which such approval was granted has ceased to exist by reason of a voluntary abandonment;
3. That the permit or variance granted is being or has been exercised contrary to any conditions of approval imposed upon such permit or variance, or in violation of any law; or
4. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a public nuisance.

B. If the revocation hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Section 17.60.120 of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9830)

17.60.170 - Expiration.

Any zone variance or conditional use permit shall be null and void if the use granted thereby is not commenced within the time specified in the resolution approving such zone variance or conditional use permit, or, if no time is so specified, if commencement does not occur within one year from the date said zone variance or permit is granted. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed pursuant to this section, once, for a period of not to exceed one year. Provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such variance or permit, the time for exercising such rights shall be automatically extended pending a final determination of such litigation.

(Ord. 1084 § 1 (part), 1992: prior code § 9831)

17.60.175 - Penalties.

In the event that construction which is inconsistent with a conditional use permit or variance is performed, the first three applications for an amendment to the previously approved conditional use permit or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of twice the rate of the current city rate for obtaining a conditional use permit or variance. Subsequent applications for making application for a conditional use permit or variance for all amendment to the previously approved conditional use permit or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of five times the rate of the current city rate for obtaining a conditional use permit or variance.

A. Procedures Prior to Imposition of Penalty Fees. No penalty shall be imposed pursuant to this subsection until city staff determines that unauthorized construction has occurred and the applicant or property owner or a representative of the applicant or property owner has been given an opportunity to discuss that determination with the director of development services.

B. Refund of Penalty and Fees. The penalty and application fees shall be refunded if the planning commission finds that the construction was, in fact, consistent with the originally approved conditional use permit or variance.

C. Appeal to the City Council. If the planning commission finds that the construction was inconsistent with the conditional use permit or variance, the applicant may appeal that determination to the city council in the manner and within the time set forth in Chapter 17.66 of this title. The penalty, application and appeals fees shall be refunded if the city council determines that the construction was, in fact, consistent with the originally approved conditional use permit or variance.

D. Judicial Review. If the city council determines that the construction was inconsistent with the conditional use permit or variance, that determination shall constitute a final administrative action of the city and the applicant may seek judicial review of that decision in the manner provided by law.

E. Removal of Unauthorized Construction. Payment of the penalty shall not preclude the city from disapproving an amendment and requiring the applicant to bring the construction into conformity with the previously approved conditional use permit or variance.

F. Violation—Misdemeanor. The penalties for violating any of the provisions of this chapter, and/or any condition of any entitlement or permit granted under this chapter, are as set forth in Section 1.12.010 of this code.

(Ord. 1234 § 10, 2005; Ord. 1130 § 1, 1996)

17.60.180 - Modification.

Any condition imposed upon the granting of a zone variance or conditional use permit, including a zoning approval granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be modified or eliminated, or new conditions may be added; provided, that the body which granted the zone variance or conditional use permit which is the subject of the modification proceeding shall first conduct a public hearing thereon, noticed in the same manner as was required for its initial granting. No such modification shall be granted unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or that such action is necessary to permit reasonable operation under the zone variance or conditional use permit, as granted. If the modification hearing is conducted by the commission, its decision shall be subject to review on appeal in the time and manner set forth in Chapter 17.66 of this title.

(Ord. 1234 § 11, 2005: Ord. 1084 § 1 (part), 1992: prior code § 9832)

Chapter 17.08 - DEFINITIONS

**Sections:**

17.08.010 - Definitions—Generally.

For the purpose of this title, the words, phrases and terms set forth in this chapter shall be deemed to have the meaning ascribed to them in this chapter.

(Prior code § 9120)

17.08.020 - Words, terms, phrases defined.

"Abut, adjoining or contiguous" means, in reference to real property, two or more lots sharing a common lot line; with reference to two or more objects, the same shall mean in immediate contact with each other.

"Access" means the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a lot, from a public or private street or alley.

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to, that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four feet in length, such accessory building shall be considered as part of the main building.

"Accessory use" means a use which is directly related, but clearly subordinate, to a ~~permitted~~ principal use. All accessory uses shall be established and maintained on the same lot as the principal use which they serve, except as expressly otherwise provided herein.

"Adjacent" means two or more objects which are located in close proximity to each other.

"Adult residential facility" is a state licensed residential home for adults eighteen through fifty-nine years of age with mental health care needs who have physical and/or developmental disabilities and require or prefer assistance with care and supervision. An adult residential facility is a subset of a community care facility.

"Adult residential facility for persons with special health care needs" is a state licensed residential home that provides twenty-four-hour services for up to five adults with developmental disabilities who have special health care and intensive support needs and who would otherwise need to reside in an institution. An adult residential facility with special health care needs is a subset of a residential health care facilities (chronically ill).

"Affordable unit" has the meaning indicated in Section 17.34.020.

"Alley" means a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

"Apartment" means the same as "dwelling unit."

"Apartment house" means a ~~building containing three or more~~multi-family dwelling ~~units~~.

"Assessed value" means the then assessed value of the land, building or structure, as is shown on the current assessment role in effect as of the time of the making of the determination of such assessed value.

"Assessor" means the tax assessor of the county of Los Angeles.

"Assisted living facility" means the same as "residential care facility for the elderly."

~~"Automobile repair and service garage" means a facility which provides for the repair and maintenance of motor vehicles; provided, that such facility shall not be deemed to include painting of motor vehicles, nor body and fender repair.~~

~~"Automobile wrecking" means the dismantling or wrecking of one or more used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.~~

"Barber shop" means a place of business for a barber, whose occupation is to cut any type of hair, give shaves and trim beards.

"Basement" is any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

"Beauty shop" means establishments where hairdressing, and services incidental to hairdressing are done, including the sale of beauty supplies and cosmetics.

"Bed and breakfast inn" has the meaning indicated in Section 17.82.030.

"Bedroom" R-2 zone. For the purpose of calculating parking requirements in the R-2 zone, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one family or recreation room, one dining room, and bathrooms.

"Bedroom" R-3 and R-P zones. For the purpose of calculating parking requirements, the following rooms which regularly make up a standard dwelling unit shall not be considered a bedroom: one kitchen, one living room, one dining room, and bathrooms. Single-family residences located in the R-3 and R-P zones shall be subject to the bedroom definition in the R-1 zone.

"Block" means all properties fronting upon one side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, water way, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

"Boarding house" means a residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreement or lease, either written or oral, whether or not an owner, agent, or rental manager is in residence. Such use is prohibited in all zones excluding licensed group living facilities or similar uses.

"Building" means any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons or property of any kind.

Building, Accessory. "Accessory building" means a separate, detached building, housing a permitted accessory use, located on the same lot as the main building or principal use.

Building Height. See "Height."

Building, Main. "Main building" means a building in which is conducted one or more principal uses permitted on the lot upon which it is situated.

"Building site" means: (1) the ground area of one lot or (2) the ground area of two or more lots when used in combination for a building or group of buildings, together with all open spaces, as required by this chapter.

"Business day" means a day on which city offices are open for regular business.

"Canopy" means any structure, temporary or permanent, constructed of canvas or other cloth or material on a framework sheltering an area, or forming a sheltered walk to the entrance of a building.

"Carport" means a permanently roofed structure with not more than two enclosed sides, used or intended to be used for automobile shelter and storage.

~~"Cellar" means the same as "basement."~~

"Centerline" means the centerline, as determined by the city engineer, of any street, highway or alley.

"Child care center" means a facility with an organized daytime program for the supervision and care of children who are not related to the person operating such facility and where the operator is not required to live on the property.

"Children's day care center" (emotionally disturbed) means a state licensed institution of no more than six beds intended solely for the admission and treatment of minors with mental illness or behavior or emotional disorders. A children's day care center is a subset of a community care facility.

"City" means the city of Sierra Madre.

"City manager" means the city manager of the city.

"Clerk" means the city clerk of the city.

Club, Private. "Private club" means any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized primarily to render a service customarily carried on as a commercial enterprise.

"Code" means the Sierra Madre Municipal Code.

"Commission" means the planning commission of the city.

"Communications equipment buildings" mean buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

"Community care facilities" are licensed by the community care licensing division of the state department of social services or similar state programs that provide non-medical residential care to children or adults who are physically disabled and/or mentally impaired who are in need of personal services, supervision, and/or assistance essential for self-protection or sustaining the activities of daily living. Community care facilities are comprised of adult residential facility, children's day center (emotionally disturbed), group home, and residential school (developmentally disabled).

~~"Condominium" means the same as "dwelling, multiple."~~

"Continuing care retirement community" is a state licensed "residential care facility for the elderly" that offers a long-term continuing care contract that provides for housing, residential services, and nursing care, usually in one location, and usually for resident's lifetime. Continuing care retirement community is a subset of a residential care facility for the elderly.

"Council" means the city council of the city.

~~"Court" means an area which is open and unoccupied by any building or structure, bounded on three or more sides by the exterior walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.~~

~~"Dairy" means any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.~~

~~"Detached living quarters" mean the same as "Guest house."~~

"Director" means director of planning for the city.

~~"Drive-in restaurant" means a restaurant use which:~~

~~1. Has facilities to allow patrons to consume prepared food at an area outside of an enclosed building; and/or~~

~~2. Has facilities which would allow the service of prepared foods directly to a patron while that patron is in a motor vehicle, whether or not for consumption on the premises.~~

"Disabled" as defined in state or federal law.

"Drug and alcohol recovery and rehabilitation facilities" are unlicensed homes, residences, facilities, or premises which provide housing and supportive services for persons recovering from drug and alcohol abuse in a group setting, but do not provide professional medical, psychiatric, psychological, or nursing care for the purpose of curing persons of drug or alcohol addiction. A residential drug and alcohol rehabilitation facility is a type of "sober living home."

"Drug and alcohol treatment facilities" are licensed by the state department of drug and alcohol programs or similar state programs serving six or fewer persons that provide twenty-four-hour residential

non-medical services to adults who are recovering from problems related to alcohol and/or drugs and need treatment or detoxification services. Individuals in recovery from drug and alcohol addiction are defined as disabled under the Federal Fair Housing Act.

~~Dump, Inert Solids. "Inert solids dump" means an area devoted to the disposal of nonwater soluble, nondecomposable inert solids such as natural earth, rock, sand and gravel; paving fragments; concrete brick; plaster and plaster products; steel mill slag; glass; asbestos fiber and products therefrom.~~

~~Dump, Rubbish and Refuse. "Rubbish and refuse dump" means an area devoted to the disposal of inert solid and/or decomposable organic refuse and scrap metal.~~

"Duplex" means the same as "Dwelling, two-family."

Dwelling, Multi-family. "Multi-family dwelling" or "multiple family dwelling" means a building designed or used for occupancy, as living quarters, by three or more separate families or persons and containing one dwelling unit per separate family or person.

Dwelling, Single-family. "Single-family dwelling" means a detached building designed or used for occupancy, as living quarters, by one person or one family. "Single-family dwelling" shall also include a modular home manufactured and certified under the National Mobilehome Construction and Safety Standards Act of 1974 on a permanent foundation system approved by the city engineer.

~~Dwelling, Three-family. "Three-family dwelling" means a building designed or used for occupancy, as living quarters, by three separate families or persons and containing three dwelling units.~~

Dwelling, Two-family. "Two-family dwelling" means a building designed or used for occupancy, as living quarters, by two separate families or persons and containing two dwelling units.

"Dwelling unit" means one or more rooms in a building designed and intended to be used as living quarters by one person or one family.

"Educational institution" means any public, private or parochial; elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning.

"Emergency shelter" means any building used by a nonprofit organization to provide emergency housing and meals on a temporary basis (six months or less) to stranded, evicted, transient, or otherwise dislocated and homeless persons until a satisfactory solution to their immediate problem is found.

"Engineer" means the city engineer of the city.

"Explosives" mean any explosive substance, as defined in Section 12000 of the Health and Safety Code of the state of California.

"Facilities for preparole adjustment/rehabilitation" mean any building where a program is conducted to prepare prisoners for return to the community in which they live and assist them in developing emotionally stable and economically productive lives.

"Family" means a "housekeeping unit".

"Family day care home" is a licensed facility offering an organized daytime program for the supervision and care of children in the licensees own home. Family day care homes are comprised of family day care home-small, and family day care home-large.

"Family day care home, large" means a licensed facility offering an organized daytime program for the supervision and care of nine and up to fourteen children in the licensees own home.

"Family day care home, small" means a licensed facility offering an organized daytime program for the supervision and care of up to eight or fewer children in the licensees own home.

~~"Fence" means a fence made of material other than concrete block or masonry.~~

"First story" means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below preexisting natural grade, as defined herein, for more than fifty percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

"Floor area" means the sum of the horizontal areas of floors of buildings measured from the exterior face of exterior walls.

Floor Area Net. "Net floor area" means the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

"Fraternity" means the same as "Club, Private."

Frontage, Street. "Street frontage" means the length of a lot line of a lot which abuts a street.

"Garage" means any building, with three enclosed sides, provided with a closeable access door or doors, which is used or intended to be used for automobile shelter or storage.

Gender. When consistent with context, words in the masculine gender include the feminine and neuter genders.

Grade. Whenever the term "grade" is used alone, it shall refer to the most restrictive condition.

"Grade, finished" means the final grade of the site which conforms to the approved plan.

"Grade, natural" means prior to deposit of earth material placed by artificial means and/or prior to the mechanical removal of earth material.

"Grade, preexisting" means an established grade that exists on a site for which a legal grading or building permit was in effect for ten years prior to a request for a building, demolition or grading permit.

"Gradient" means the rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

"Group home" means a state licensed facility that provides twenty-four-hour non-medical care and supervision in a structured environment to troubled youths who exhibit social, psychological, and behavioral problems and is a subset of a community care facility.

"Guest house" means living quarters located within an accessory building, designed and utilized for the sole use of persons employed on the lot, or for temporary use by guests of the occupants of the dwelling located upon such lot. Guest houses shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit.

"Group living facilities" means any home, residence, facility, or premises which provides temporary, interim, or permanent housing for persons with mental, physical and/or developmental disabilities (as defined in state or federal law) in a group setting.

"Height" of building is the vertical distance above a reference datum measured to the highest point of the roof structure. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The lowest elevation of adjoining finished grade within a five-foot horizontal distance of the exterior wall of the building;
2. The lowest elevation of adjoining preexisting natural grade within a five-foot horizontal distance of the exterior wall of the building.

The height of a stepped or terraced building is the maximum height of any segment of the building.

"Highway" means the same as "Street."

"Home occupations" mean any ongoing or repetitive business or professional use, activity or utilization of residentially zoned and improved property, by the inhabitants of said property, which is incidental and accessory to the primary residential use and does not generate an adverse impact to the surrounding neighborhood, pursuant to the provisions of Chapter 17.85 of this title.

"Hospital, general" means an institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short-term care in acute medical, surgical and obstetrical services.

"Hotel" means any building or portion of any building with access provided through a common entrance, lobby or hallway, to one or more guest rooms, which ~~have no cooking facilities and which~~ are designed and intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

"Household pets" mean, and are limited to, the following pets, maintained principally within a dwelling unit:

1. Domesticated cats;
2. Domesticated dogs;
3. Fish, without limit on number; and
4. Any bird which is:
    a. Customarily kept in residence with man; and
    b. Kept, at all times, within a dwelling unit; specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese or ducks.

"Housekeeping unit" means a single, integrated home-style of living together and sharing of space in a nonexclusive, noncompartmentalized lifestyle with one kitchen, one set of utilities, and one mailing address and with one front door for all persons residing at that location.

"Kennel" means a place where four or more adult dogs and/or cats are kept, whether by the owner of such dogs and cats or by other persons, providing facilities and care, whether or not for compensation. An "adult" dog or cat, for the purpose of these regulations, is one that has reached the age of four months.

"Kitchen" means any room or space within a building designed and intended to be used for the cooking or the preparation of food.

"Landscaping" means the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches; "landscaped area" means an area upon which landscaping is required by these regulations to be continuously maintained.

"Livestock" means a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

"Long-term care facility (mental disorders)" means a state licensed facility of seven-patient capacity or more intended primarily for the admission of chronic mentally ill or mentally disordered or other incompetent persons who are provided medical care, nursing services and intensive supervision.

A long-term care facility (mental disorders) is a subset of residential health care facilities (chronically ill).

"Lot" or "parcel of land" means:

1. A parcel of real property which is shown as a single lot in a lawfully recorded subdivision, approved pursuant to the provisions of the Subdivision Map Act; or
2. A parcel of real property, the dimensions and boundaries of which are defined as a single lot by a lawfully recorded record of survey map; or
3. A parcel of real property shown on a parcel map as a single lot, lawfully recorded pursuant to the provisions of the Subdivision Map Act; or
4. Any parcel of real property otherwise lawfully created and dimensioned prior to October 1, 1955; or
5. Two or more lots which are combined by an appropriate recorded written instrument, or two or more lots which are combined by a common usage, shall be deemed, for all purposes, a single lot.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel; provided, however, that the following shall be excluded from the computation thereof:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site; or
2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot Area, Interior. "Interior lot area" means the total lot area minus: (1) the sum of the ground floor area of all buildings located thereon, and (2) any area used for perimeter landscaping.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five degrees.

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front lot line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line, the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, Interior. "Interior lot" means a lot, other than a corner or reversed corner, or through lot.

Lot, Key. "Key lot" means a lot which has a side lot line which is a common lot line with the rear lot line of a reversed corner lot.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line; and
2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and
3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. "Side lot line" means any lot line which is not a front or rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

Lot, Through. "Through lot" means a lot having frontage on two approximately parallel streets.

"Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

Average width shall be the average of the length of line drawn parallel to the "lot width line" extending toward the front and rear lot lines at ten-foot intervals, but excluding from such determination any prolongated portions of the lot used exclusively for access to a public street or for a driveway.

In computing lot width or average width, the following shall be excluded:

1. Any portion of said width which serves as an access easement to any other lot or building site; and

2. Any portion of said width which serves as an improved surface flood control project under the jurisdiction of any public agency.

"Main commercial street" means Sierra Madre Boulevard, Baldwin Avenue.

"Map" means the zoning map of the city.

"Manufacturing" means the creation of a product from raw materials.

"May" is permissive.

"Medical and/or dental clinic" means any facility providing health service, or medical, surgical or dental care of the sick or injured, but shall not include inpatient or overnight accommodations. "Medical clinic" includes health center, health clinic, doctors' and dentists' offices.

"Mobilehome" means a mobilehome defined as such in the Mobilehome Park Law (Health and Safety Code, Section 18000 et seq.).

"Mobilehome park" means any lot where mobilehomes and/or sites are rented or leased or offered for rent or lease.

"Mobilehome site" means that portion of a mobilehome park designated for use or occupancy of one mobilehome and including all appurtenant facilities thereon.

"Modular home" means factory constructed, single-family one-story detached dwellings, certified under the National Mobilehome Construction and Safety Standards Act of 1974, with approved sticker attached, and placed on full, approved foundation systems and permanently anchored thereto.

"Motel" means one or more buildings containing rooms, ~~without kitchen facilities,~~ each having a separate entrance leading directly from the outside of the buildings or from an inner court, which rooms are designed for rental for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists or transients by signs or other advertising media~~; one unit, for use by a resident manager, may have kitchen facilities~~. "Motel" includes auto courts, motor lodges and tourist courts.

~~Nonconforming Building, Structure or Use.~~

"Nonconforming building or structure" means a building or structure, or portion thereof, which was lawfully altered or constructed in accordance with the then existing zoning regulations of the city, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

"Nonconforming use" means the utilization of any lot, building, buildings or structures, or any combination thereof, which use, when established, conformed to the then existing zoning regulations, but which did not comply with subsequently adopted zoning regulations, or which does not conform to these regulations.

Notice. Whenever written notice is required to be given by personal service thereof upon the person or persons to be notified, or by United States mail, postage prepaid, addressed to such person or persons at his last known address; such notice shall be conclusively deemed to have been given as of the time of personal service, or as of the time the same is deposited in the course of postal transmission.

"Nursery (developmentally disabled)" means a state-licensed facility intended primarily for the admission of nonambulatory intellectually disabled patients, who are provided nursing services primarily in crib accommodations serving six or fewer persons. Nursery (developmentally disabled) is a subset of residential health care facilities (chronically ill).

"Nursery school" means the same as "child care center."

~~"Oath" includes affirmation.~~

"Open space" means an area other than a required yard area, driveway or off-street parking facility, which has no building or structure located therein, except for those used exclusively for recreational

purposes. To meet the requirement of open space such area, referred to as usable open space, shall meet the following:

If the same is located upon the ground, or upon the roof of a subterranean garage, such contiguous area shall not be less than five hundred square feet in area; and

If the roof of such subterranean garage is utilized for such open space all such roof areas may be utilized for such open space provided that the same is not in excess of two feet above the grade of the lot immediately adjacent thereto; and

That where such open space is located on any roof area, other than a subterranean garage, not to exceed twenty-five percent of such roof area may be utilized to meet the open space requirement.

~~"Operator" means a company, business or individual who provides residential services, i.e., the placement of individuals in a residence, setting of house rules and governing behavior or the residents as residents. Operator does not include a property owner or property manager that exclusively handles real estate contracting, property management or leasing of the property and that does not otherwise meet the definition of operator.~~

Parking Space, Off-Street. "Off-street parking space" means a readily accessible area on a lot, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

"Perimeter landscaping" means any landscaping required by the provisions of this code which is adjacent to, and runs substantially parallel with, any property line of the lot for which such landscaping is required.

"Person" means any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, public agency, public utility, or any group or combination acting as a unit; "person" shall not include the city.

"Plural." When consistent with the context, words in plural include the singular.

~~"Principal use" means a use specifically allowed of right in any one or more of the zones set forth in this title.~~

"Primary use" or "principal use" means the main purpose for which a lot is developed and occupied, including the activities that are conducted on the lot a majority of the hours during which activities occur.

"Preschool child care center" is a licensed facility that serves children ages two to four.

"Prime storefront area" means that portion of a building located on the first floor, from the property line facing a main commercial street back to a depth of 50 feet.

"Processing" means, when used in reference to a commercial or industrial use, one or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

~~"Quarry" means any place on a lot where dirt, soil and gravel, rock or other similar material is removed by excavation or otherwise; "quarry" shall not include the excavation and removal of materials from a lot preparatory to construction of a building for which a building permit has been issued and remains in full force and effect; provided, that such excavation is confined to that necessary for such building construction.~~

"Recorder" means the county recorder of the county of Los Angeles.

"Regulations" means the provisions of this title.

"Residential care for the chronically ill" is a facility that provides care and supervision to adults who have terminal illness and is a subset of residential health care facilities (chronically ill).

"Residential care facility for the elderly" means a licensed housing arrangement chosen voluntarily by persons sixty years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons

under sixty years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316 of the Health and Safety Code. Residential care facilities for the elderly are comprised of assisted living facilities, and continuing care retirement communities. Facilities serving six or fewer persons are allowed in residential zones.

~~"Residential/commercial mixed-use" means developments which integrate residential and commercial uses within a single project. Mixed-use developments include projects where housing is developed above commercial ("vertical" mixed-use), as well as projects where residential and commercial uses are developed side-by-side ("horizontal" mixed-use).~~

"Residential health care facilities (chronically ill)" are licensed by the state department health services and state department of mental health serving six or fewer persons. These include congregate living health facilities, which provide in-patient care who may be terminally ill, ventilator dependent, or catastrophically and severely disabled, and intermediate care facilities for persons who need intermittent nursing care. Residential health care facilities (chronically ill) are comprised of adult residential facilities for persons with special health care needs, long-term care facility (mental disorders), nursery (developmentally disabled), and residential care for the chronically ill.

"Residential school (developmentally disabled)" means a state-licensed facility intended primarily for the admission, care, and treatment of educable and trainable developmentally disabled patients. The facility shall provide an educational program on the premises as one of its services. Residential school is a subset of a community care facility.

"School aged child care facility" is a state licensed facility that serves children ages five to seventeen.

"Secretary" means the secretary of the commission.

"Service station" is a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries and automotive accessories; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as a part of such service station usage.

"Shall" is mandatory.

Singular. When consistent with the context, words in the singular number shall include the plural.

~~"Solid fill" means any combustible materials, insoluble in water, such as soil, rock, sand or gravel that can be used for grading land or filling depressions.~~

~~"Solid fill project" means any operation which involves the importation and deposit of one thousand or more cubic yards of solid fill material, on a lot, for the purpose of reclaiming such lot or portion thereof.~~

"Sorority" means the same as "club, private."

~~Stable, Private. "Private stable" means a detached accessory building in which horses owned by the occupants of the premises are kept, and in which no horses are kept for hire or sale.~~

~~"Stand" means a structure for the display and sale of products with no space for customers within the structure itself.~~

"State" means the state of California.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above pre-existing or natural grade as defined herein for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined herein at any point, such useable or unusable underfloor space shall be considered as a story.

"Street" means a public or private way permanently reserved as a primary means of vehicular access to adjoining property; "street" shall not include an "alley."

Street Frontage. See "Frontage, street."

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joints, girders or rafters, or changes in roof or exterior lines.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

Except: Fences or walls less than three feet in height located in any required yard area, provided the same are not adjacent to any property line and do not interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off. All fences and walls (regardless of height) adjacent to property lines and those which interfere with, divert, block or channel surface water run-off shall not be excepted.

"Supportive housing" means housing with no limit on length of stay that is occupied to the target population as defined in the Health and Safety Code 53260(d), which provides services for six or fewer persons and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her heath status, and maximizing his or her ability to live, and when possible, work in the community.

Tenses. When consistent with the context, words used in the present tense include the past and future tenses and words in the future tense include the present tense.

"Tent" means any structure, temporary or permanent, constructed of canvas or other cloth or material attached to, and encloses, a framework that is intended to provide shelter to an area.

Trailer, Automobile. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

Trailer Park, Trailer Court and Public Camp. Any or all of them shall mean any area or tract of land used or designed to accommodate one or more automobile trailers or one or more camp parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Transfer station" means an area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

"Target population" is defined as adults with low incomes having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health problems; and persons eligible for services under the Lanterman Development Disabilities Act, which provides services to persons with developmental disabilities that originate before the person turned eighteen.

"Transitional housing" means rental housing provided to facilitate the movement of homeless individuals or families to conventional housing. Transitional housing may take the form of single-family or multi-family units, and may include supportive services operated under program requirements to allow individuals or families to gain necessary life skills in support of independent living. This type of housing may be occupied by a program recipient for a minimum of six months up to a maximum of two years, at which time it may be recirculated to another eligible program recipient.

"Triplex" means the same as "dwelling, three-family."

"Use" means the utilization of a lot, building, structure or any combination thereof.

~~"Wall" means a concrete block or masonry wall.~~

"Writing" includes any form of message recorder in English and capable of visual comprehension.

"Yard" means an open space, other than a court bounded on three or more sides by the exterior walls of a building, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter. Wherever in this chapter required yards are prescribed, the same shall be established from the boundary line of such lot or parcel; provided, that the following shall be excluded, and the boundary line shall be deemed to be the interior line of:

1. Any portion of said lot or parcel which serves as an access easement to any other lot or building site;

2. Any portion of said lot or parcel which serves as an improved surface flood control project under the jurisdiction of any public agency.

Yard, Front. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curbed front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in a manner prescribed in this definition.

Yard, Rear. "Rear yard" means a yard extending across the full width of a lot, immediately adjacent to the rear lot line thereof. The depth of a required rear yard shall be the specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

Yard, Rear Line of Required Front. "Rear line of required front yard" means a line parallel to the front lot line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

Yard, Required Setback. For purposes of the restriction of any structure exceeding forty-two inches in height, the term "setback" includes any required yard, front, side or back.

Yard, Side. "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the beginning of the required rear yard line, and at right angles to the nearest point of a side lot line towards the nearest part of a main building.

"Zoning map" or "map" means the official zoning map of the city.

(Ord. 1234 §§ 1, 2, 2005; Ord. 1214 § 2 (Exh. 1 (part)), 2004; Ord. 1185 § 2 (part), 2000; Ord. 1184 § 2, 2000; Ord. 1161 § 2A, 1998; Ord. 1136 § 1, 1997; Ord. 115 § 5, 1995; Ord. 1084 § 1 (part), 1992; Ord. 1035 § 1, 1987; Ord. 1024 § 1, 1986; Ord. 996 § 1, 1982; prior code § 9121)

(Ord. No. 1282, § 1, 10-28-08; Ord. No. 1352, §§ 1—3, 2-11-14; Ord. No. 1354, § 2, 6-10-14; Ord. No. 1379, § 1, 9-27-16; Ord. No. 1385, § 1, 2-14-17; Ord. No. 1389, Exh. A, § 1, 7-11-17)

Chapter 17.36 - C COMMERCIAL ZONE[5]

**Sections:**

Footnotes:

--- (**5**) ---

**Editor's note—** Ord. No. 1296, § 1, adopted July 28, 2009, amended chapter 17.36 in its entirety to read as herein set out. Former chapter 17.36, §§ 17.36.010—17.36.210, pertained to similar subject matter and derived from Prior code §§ 9450—9455; Ord. 973, § 2(part), 1980; Ord. 984, § 6, 1981; Ord. 1041, § 1(part), 1988; Ord. 1051, § 4(part), 1989; Ord. 1084 § 1 (part), 1992; Ord. 1113 § 3, 1994; Ord. 1116 § 3, 1994; Ord. 1133, § 4, 1996; Ord. 1135 § 4, 1996; and Ord. 1214, § 2(Exh. 1(part), 2004.

17.36.010 - Criteria for commercial zoning.

The following criteria are established to assist citizens, staff, planning commission and city council in the administration and application of the ~~downtown commercial~~C zone.

A. General or Other Adopted Plans. Compliance with the general plan or other plans or programs adopted by the city shall be demonstrated. Development on properties exceeding one acre in size shall require the adoption of a comprehensive plan.

B. Location. ~~Downtown b~~Business areas shall be concentrated in the existing downtown portion of Sierra Madre.

C. Need. A demonstrated public need shall be established within the general area.

D. Design. The design or redesign of any structure shall comply with the standards established herein or in any adopted plan or program of the city.

E. Utilities, Streets, Sidewalks, Etc. The existing utilities systems (water, sewer, drainage, electrical, gas, lighting and communication facilities) and street and sidewalks are adequate, or new facilities will be constructed to serve the downtown adequately.

F. Economic Development. Commercial businesses and uses located in the ~~commercial (~~C~~)~~ zone ~~must demonstrate~~ that generate revenue ~~will be generated to~~for the city ~~and/or redevelopment agency~~are encouraged.

(Ord. 1296, § 1, 7-28-09; Ord. No. 1331, § 1, 8-14-12)

17.36.015 - Definitions.

For the purpose of this chapter, the words, phrases and terms shall be deemed to have the following meanings:

"Commercial Zone Use List" means a list of uses allowed in the C zone that fall within the use categories set forth in the table in Section 17.36.020.

"SRO" or "single room occupancy" means a small, one room dwelling unit intended to be occupied by one resident. An SRO may have shared or private kitchen and bathroom facilities, but must provide sufficient private accommodations to allow independent living and otherwise qualify as a dwelling unit under this code and state law. SROs are typically rented on a monthly basis without rental deposit, and can provide an entry point into the housing market for extremely low-income individuals, formerly homeless and disabled persons.

17.36.020 - Permitted uses and uses permitted by conditional use permit.

~~The~~A. Unless otherwise restricted or prohibited by this code, the following ~~uses~~use categories shall be permitted in the ~~Commercial Zone where the symbol~~ "C zone if noted in the "P" ~~appears~~column, and shall be permitted upon approval of a conditional use permit if noted in the "CUP" ~~symbol appears,~~ pursuant to Section 17.60. All such uses shall be within an enclosed building unless specifically stated otherwise. ~~All other uses are prohibited, provided, however, that the director of development services may determine that any use not listed is similar to a listed use and to be treated in a similar manner. In the event that there is ambiguity as to the appropriate classification of a particular use, the planning commission shall consider the matter and shall recommend to the city council the appropriate clarification of such ambiguity, pursuant to Section 17.12.030. A list of all approved similar use determinations shall be kept on file in the development services department.~~ The required permit for some uses varies based upon the amount of floor area occupied by such use, and numbers in the table below represent square feet of floor area of such use. If a use occupies exactly the threshold amount of floor area, the lower permit shall be required (for example, a retail store with exactly 7,500 square feet of floor area would be permitted). Some use categories are further subdivided into subcategories of "general" or "limited", with the latter indicating a greater need for discretionary review due to its potential for nuisance, intensity, overconcentration, blighting, and/or deteriorating effect upon surrounding areas.

| ~~A~~ | ~~**Retail Sales**~~ | |
|---|---|---|
| | ~~Alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses~~ | ~~CUP~~ |
| | ~~Antique stores~~ | ~~P~~ |
| | ~~Apparel shops and accessories~~ | ~~P~~ |
| | ~~Appliance stores (household)~~ | ~~P~~ |
| | ~~Art galleries~~ | ~~P~~ |
| | ~~Art supply stores~~ | ~~P~~ |
| | ~~Bakery shops~~ | ~~P~~ |
| | ~~Bicycle shops~~ | ~~P~~ |
| | ~~Bookstores~~ | ~~P~~ |
| | ~~Confectionary or candy stores; candy making only when incidental to retail sales from premises~~ | ~~P~~ |
| | ~~Convenience stores (no liquor sales)~~ | ~~P~~ |
| | ~~Delicatessens~~ | ~~P~~ |
| | ~~Department stores (a store having separate sections for a wide variety of goods)~~ | ~~CUP~~ |
| | ~~Electronic stores (home and office, including repairs)~~ | ~~P~~ |
| | ~~Florist shops~~ | ~~P~~ |

| | | |
|---|---|---|
| | ~~Flower sales, outdoor~~ | ~~P~~ |
| | ~~Furniture stores (no on-site manufacturing)~~ | ~~P~~ |
| | ~~Gift, novelty, card and souvenir shops~~ | ~~P~~ |
| | ~~Glass shops (including edging, beveling, silvering and staining~~ | ~~CUP~~ |
| | ~~Grocery stores~~ | ~~CUP~~ |
| | ~~Gun shops~~ | ~~CUP~~ |
| | ~~Hobby stores~~ | ~~P~~ |
| | ~~Home improvement and construction products store~~ | ~~CUP~~ |
| | ~~Ice cream stores~~ | ~~P~~ |
| | ~~Jewelry stores~~ | ~~P~~ |
| | ~~Meat markets~~ | ~~P~~ |
| | ~~Music stores~~ | ~~P~~ |
| | ~~Newsstand~~ | ~~P~~ |
| | ~~Notions or sundries store~~ | ~~P~~ |
| | ~~Pet sales (excludes dangerous animals and fish, venomous reptiles and the like)~~ | ~~CUP~~ |
| | ~~Pet supply store, excluding sale of pets other than tropical fish or goldfish~~ | ~~P~~ |
| | ~~Pottery sales~~ | ~~P~~ |
| | ~~Secondhand sales~~ | ~~P~~ |
| | ~~Shoe stores~~ | ~~P~~ |
| | ~~Sporting good stores~~ | ~~P~~ |
| | ~~Stamp and coin stores~~ | ~~P~~ |
| | ~~Stationary stores, including mail services~~ | ~~P~~ |
| | ~~Supermarkets~~ | ~~CUP~~ |
| | ~~Tobacco shops~~ | ~~CUP~~ |

| | | |
|---|---|---|
| | ~~Toy stores~~ | ~~P~~ |
| | | |
| ~~B~~ | ~~**Office Uses**~~ | |
| | ~~Office uses of the business, administrative, service, consulting or professional type~~ | ~~P~~ |
| | | |
| ~~c~~ | ~~**Service Establishments**~~ | |
| | ~~Barber and beauty shops~~ | ~~P~~ |
| | ~~Bars and cocktail lounges~~ | ~~CUP~~ |
| | ~~Catering services~~ | ~~CUP~~ |
| | ~~Clothing and costume rental establishments~~ | ~~P~~ |
| | ~~Day/health spas~~ | ~~P~~ |
| | ~~Dry cleaning, press or laundry~~ | ~~CUP~~ |
| | ~~Health clubs or centers, exercise gymnasiums, fitness studios~~ | ~~CUP~~ |
| | ~~Lodging - hotels, motels~~ | ~~CUP~~ |
| | ~~Locksmith shops~~ | ~~P~~ |
| | ~~Machinery equipment and rental services~~ | ~~CUP~~ |
| | ~~Mail order houses, internet sales, ecommerce~~ | ~~P~~ |
| | ~~Massage therapy~~ | ~~P~~ |
| | ~~Medical office, clinics, outpatient~~ | ~~CUP~~ |
| | ~~Medical laboratories, research~~ | ~~CUP~~ |
| | ~~Nail salon~~ | ~~P~~ |
| | ~~Print shops~~ | ~~CUP~~ |
| | ~~Pet grooming~~ | ~~P~~ |
| | ~~Pharmacy, drug stores~~ | ~~P~~ |

| | | |
|---|---|---|
| | ~~Photography studios~~ | ~~P~~ |
| | ~~Photocopying/duplicating services~~ | ~~P~~ |
| | ~~Picture framing stores~~ | ~~P~~ |
| | ~~Restaurants~~ | ~~CUP~~ |
| | ~~Restaurants and cafes having on-sale license for beer, wine, or other alcoholic liquors in conjunction therewith~~ | ~~CUP~~ |
| | ~~Shoeshine stands (in association with shoe stores and must be located within enclosed building~~ | ~~P~~ |
| | ~~Shoe repair shops~~ | ~~P~~ |
| | ~~Tailor shops~~ | ~~P~~ |
| | ~~Transfer, moving and storage of furniture, household and business records goods~~ | ~~CUP~~ |
| | ~~Travel agencies~~ | ~~P~~ |
| | ~~Veterinary clinics, small animal including incidental boarding~~ | ~~CUP~~ |
| | | |
| ~~D~~ | ~~**Financial Institutions**~~ | |
| | ~~Banks~~ | ~~P~~ |
| | ~~Savings and loan associations~~ | ~~P~~ |
| | ~~Finance companies~~ | ~~P~~ |
| | | |
| ~~E~~ | ~~**Educational Facilities**~~ | |
| | ~~Barber and beauty colleges~~ | ~~CUP~~ |
| | ~~Business schools~~ | ~~CUP~~ |
| | ~~Dancing, art, music, and similar training schools~~ | ~~CUP~~ |
| | ~~Professional/vocational schools~~ | ~~CUP~~ |
| | | |

| | | |
|---|---|---|
| F | **Outdoor Displays and Sales Uses** | |
| | Plant nurseries and related package sales or storage, located within private property | CUP |
| | | |
| G | **Recreational and Entertainment Facilities** | |
| | Circuses, carnivals, fairs | CUP |
| | Billiard parlors | CUP |
| | Bowling alleys | CUP |
| | Parks, playgrounds, and other commercial recreation facilities open to the public which are privately owned and operated | CUP |
| | Private clubs, fraternities, sororities and lodges | CUP |
| | Theaters (excluding open air) | CUP |
| | | |
| H | **Automobile and Transportation-Related Establishments** | |
| | Car wash, automated and manual | CUP |
| | Painting, detailing service | CUP |
| | Parking (surface lot, structure) | CUP |
| | Rental or storage facilities | CUP |
| | Repair and/or body shops (shall be within enclosed building only) | CUP |
| | Service stations (fueling stations) | CUP |
| | Utility trailer and truck rental | CUP |
| | | |
| I | **Residential Uses** | |
| | Residential uses, including transitional and supportive housing, other than on the ground level, which are consistent with the standards of Chapter 17.28 of this code and any alterations to those standards as may be approved pursuant to a permit issued under this chapter, and except as otherwise provided for parcels subject to Chapter 17.35. | CUP |

| | | |
|---|---|---|
| J | **Adult Businesses** | |
| | Consistent with the standards contained in Section 17.36.025. | P |
| | | |
| K | Uses set forth in Section 17.60.030(A) | CUP |

| | | | |
|---|---|---|---|
| **Retail Sales** | P | MCUP | CUP |
| Retail sales, general | ≤2,500 | 2,500-5,000 | 57,5000+ |
| Retail sales, limited | | | All |
| | | | |
| **Office Uses**[1] | P | MCUP | CUP |
| Offices uses, general | ≤5,000 | 5,000+ | 7,500+ |
| | | | |
| **Service Establishments**[2] | P | MCUP | CUP |
| Service establishments, general | ≤2,500 | 2,500-5,000 | 7,500+5000+ |
| Service establishments, limited | | | All |
| | | | |
| **Financial Institutions** | P | MCUP | CUP |
| Financial institutions, general | ≤5,000 | 5,000+ | 7,500+ |
| | | | |
| **Educational Facilities** | P | MCUP | CUP |
| Educational facilities, general, | ≤5,000 | 5,000+ | 7,500+ |
| | | | |

[1] See also Section 17.36.030(B) for additional rules regarding office uses.

[2] See also Section 17.36.050(B) for additional rules regarding lodging establishments.

| | | | |
|---|---|---|---|
| **Recreational and Entertainment Facilities** | P | ~~MCUP~~ | CUP |
| Recreational and entertainment facilities, general | | ~~≤5,000~~ | ~~5~~7,~~50~~00+ |
| | | | |
| **Automobile and Transportation-Related Establishments** | P | ~~MCUP~~ | CUP |
| Automobile and transportation-related establishments, general | | | All |
| | | | |
| **Residential Uses[3]** | P | ~~MCUP~~ | CUP |
| Residential uses | all | | |
| | | | |
| **Adult Businesses[4]** | P | ~~MCUP~~ | CUP |
| Adult businesses | all | | |

B. All use categories not listed above and all specific uses not listed in the Commercial Zone Use List are prohibited in the C zone. The director is authorized to exercise his or her authority under section 17.12.160, to fit an unidentified use within a specific use or use category. The director's administrative interpretation must make the following findings:

1. The proposed use meets the intent of, and is consistent with, the goals, objectives and policies of the adopted General Plan;
2. The proposed use meets the stated purpose and general intent of the zoning district in which the use is proposed to be located;
3. The proposed use will not adversely impact the public health, safety, or general welfare of the city's residents; and
4. The proposed use shares characteristics common with, and is not of a greater intensity or density, than those listed in the zoning district in which it is to be located.

Notwithstanding anything else to the contrary, sales of alcohol and tobacco, whether for consumption on or offsite and whether alone or in conjunction with other uses (such as a retail store, restaurant or a newly added use) shall require a conditional use permit.

(Ord. 1296, § 1, 7-28-09; Ord. No. 1335, § 2, 6-11-13; Ord. No. 1352, § 8, 2-11-14)

17.36.025 - Adult businesses.

[3] See also Sections 17.36.030(A) & 17.36.050 for additional rules regarding residential uses.

[4] See also Section 17.36.025 for additional rules regarding adult businesses.

The following standards apply to adult businesses in the C zone:

A. An "adult business" is defined as any business which is, at any time or times, conducted exclusively for the patronage of adults from the premises of which minors are specifically excluded by law or the owner or person in possession of the premises. This definition shall exclude any use pre-empted by state law or licensed by the state.

B. "Sexually oriented" shall mean any use, display, sale, product, book, treatment, manipulation, projection, machine or other device, the principal, advertised, and emphasized purpose, use or manifestation of which is gratification, education, entertainment, observation, reading, or other stimulus, excitation, or study of explicit human heterosexual, homosexual, or other sexual activity or simulation or depiction thereof.

C. "Sexually oriented adult business" shall not be permitted on any recorded lot within six hundred feet of a church nor within six hundred feet of a public or private school for the academic education of children nor within three hundred feet of residentially zoned property.

D. In the event any prohibition set forth in subsection (C) of this section is held by any court of jurisdiction to be invalid or inapplicable, then such use or uses shall ipso facto, immediately, and automatically be classified as a conditional use requiring a conditional use permit pursuant to the provisions of the zoning code of this city and an Environmental Impact Report pursuant to the California Environmental Quality Act.

(Ord. 1296, § 1, 7-28-09)

17.36.027 - Other uses and construction activities.

In addition to those specified in this chapter, a number of other uses and construction activities are allowed in the C zone pursuant to, and in accordance with, other provisions of this title. Such uses and construction activities may be permitted of right or require discretionary review and approval in accordance with such other provisions. A subset of such uses and construction activities and their corresponding code references are listed below for reference purposes only.

A. Demolitions - Section 15.04.115 and Section 17.60.056;

B. Certain conditionally permitted uses - Section 17.60.030;

C. Signs - Chapter 17.72;

D. Home occupations within residential uses - Chapter 17.85.

E. Temporary uses - Chapter 17.88; and

F. Wireless communication facilities - Chapter 17.93

17.36.030 - New construction; additions, and building alterations.

A. ~~Any new construction, addition of floor area to an existing building, or enlargement of an existing building in the commercial zone shall require approval of a conditional use permit, pursuant to the provisions under Section~~ The following activities shall only be permitted with a design review permit, obtained in accordance with Chapter 17.60~~.~~;

1. Additions of floor area in excess of 1,000 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise; and

2. Single-family home projects that result in aggregate floor area of all structures exceeding 3,000 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise (additionally, such projects shall require Finding D.8. of Section 17.60.041 be made).

B. ~~Exterior facade alterations and interior alterations to an existing building which does not involve the expansion of floor area or an increase or intensification of activity, as determined by the development services director, do not require a conditional use permit under 17.60. However,~~ The following activities

shall only be permitted with an administrative design review permit, obtained in accordance with Chapter 17.60:

1. Construction in excess of either one story or 20 feet in height;

2. Additions of floor area in excess of 500 square feet, whether from new construction, addition to or enlargement of an existing building, or otherwise;

3. Significant exterior facade alterations fronting a main commercial street which, as determined by the director, have the potential to alter materially the character of an existing main building; and

C. The following activities do not require a design review permit or administrative design review permit under Chapter 17.60; provided however, that the appropriate building permits, if required, must be obtained~~.~~:

1. Interior alterations to an existing building;

2. Additions of floor area of 500 square feet or less, whether from new construction, addition to or enlargement of an existing building, or otherwise; and

3. Minor exterior facade alterations fronting a main commercial street which, as determined by the director, do not have the potential to alter materially the character of an existing main building, and all exterior facade alterations not fronting a main commercial street.

(Ord. 1296, § 1, 7-28-09)

17.36.035 - Drive-through business prohibited.

Henceforth, the city shall not allow new drive-through business establishments, that is, business establishments which provide service to customers in a motor vehicle.

(Ord. 1296, § 1, 7-28-09)

17.36.040 – Downtown design criteria.

The following design criteria shall be applied to all development within the C zone. Downtown Design Standards:

A. Architectural Style and Character. All future construction, exterior remodeling, development and redevelopment shall be of such architectural design as to enhance the site and surrounding environment and be consistent with the desired overall community values stated in the General Plan. Approval of each design as to its compliance or compatibility with these standards must be obtained from the development services director prior to the granting of any building permit.

B. Materials. The following building materials or those determined by the development services director to be similar to them shall be utilized in all construction in the commercial zone:

1. Roof materials intended to be viewed, including but not limited to clay tile or slate;

2. Brick, tile, textured concrete, tinted concrete or exposed aggregate patios and walkways;

3. Decorative masonry materials such as bricks, stone or slump stone;

4. Heavy rough textured wood beams, headers, trim and siding~~;~~

5. Textured stucco.

C. Colors. Earth tone or natural colors shall be utilized throughout with the use of bright, nonpastel colors for the purpose of accent; however, such accent colors shall not be used to such a degree as to become the dominant color of any structure.

D. Landscaping. All site landscaping shall be so designed with both form and function in mind and not just as a decorative element. Desirable aspects of landscape design that are:

1. Plant material selection for seasonal color;
2. Low maintenance plant materials;
3. Use of ground cover plant materials rather than nonplant substitutes;
4. Use of native trees when appropriate.

E. Signs. All signs shall be designed as an integral part of the overall architectural design theme of the building through the use of similar materials and colors, as well as proportionate size and location.

F. General. The following apply to all development in the C zone:

1. Architectural treatment shall be applied to all building elevations;
2. The design of a proposed project shall be related to the surrounding existing development with greater emphasis placed upon compatibility with adjacent development related to:
   a. Bulk or mass, height,
   b. Colors,
   c. Building materials,
   d. Roof lines,
   e. Access,
   f. Views,
   g. Landscaping.

(Ord. 1296, § 1, 7-28-09)

17.36.050 - Standards of development—Generally.

The development standards set forth in the following sections of this chapter shall apply to all construction within the C zone.

(Ord. 1296, § 1, 7-28-09)

17.36.060 - Size area.

Every lot created after the effective date of this chapter shall have a minimum lot area of three thousand seven hundred fifty square feet.

(Ord. 1296, § 1, 7-28-09)

17.36.070 - Yards and building setbacks.

A. Front Yard. There shall be a front yard having a minimum depth of five feet extending across the full width of the lot.

B. Side Yard. Side yards adjacent to a street or alley shall be not less than ten feet in width.

C. Rear Yard. There shall be a rear yard of not less than fifteen feet in width; however, a maximum of ten feet of said rear yard may be used for off-street parking.

D. Yards Adjacent to Residential-1 Zones. If either the side or rear yards are adjacent to any residential zone or use, a minimum of ten feet of the required yards shall be landscaped with specimen plants and trees (minimum fifteen-gallon stock) to create a solid plant screen as represented on a landscaping plan approved by the development services director.

(Ord. 1296, § 1, 7-28-09)

17.36.080 - Building and site coverage.

Coverage of any parcel by roofed structures shall not exceed eighty percent, exclusive of all existing or required streets, sidewalks and alleys.

(Ord. 1296, § 1, 7-28-09)

17.36.090 - Height and story limit.

No building structure shall exceed a height of thirty feet and no building structure shall exceed two stories in the C zone.

(Ord. 1296, § 1, 7-28-09)

17.36.100 – Off-street parking.

All off-street parking shall be provided in accordance with Chapter 17.68 of this code.

(Ord. 1296, § 1, 7-28-09)

17.36.110 - Landscaping.

The provisions of Chapter 17.68 shall apply in addition to the following:

A. All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, approved outdoor seating and sales areas, and paved or covered recreational facilities shall be landscaped and irrigated. Such landscaping and irrigation system shall be permanently maintained. Existing trees to be removed shall be replaced with a substitute specimen trees. (minimum thirty-inch box container size) elsewhere on the site.

B. All planted areas shall be surrounded by a curb of concrete or comparable material at least six inches above the higher of the final grade or the pavement of the parking lot, except when such planted areas lie adjacent to a paved sidewalk, masonry wall or a building.

C. Landscaping shall consist of trees, shrubs and ground covers with careful consideration given to eventual size, form, susceptibility to disease and pests, durability, water consumption and adaptability to soil and climate conditions.

D. A landscape plan drawn at a scale of not less than one inch to thirty feet shall be submitted and shall include:

    1. Square footage of each landscaped area;

    2. Total square footage of all landscaped areas;

    3. Percentage of the site devoted to landscaping;

    4. Type of plant materials, i.e., the botanical and common names;

    5. Location of all plant materials;

    6. Container size and number of all plant materials;

    7. Type, size and location of a permanent irrigation system.

(Ord. 1296, § 1, 7-28-09)

17.36.120 - Plant screens; walls.

A. A plant screen shall be erected in place of a wall, provided it is:

1. Sufficient to visually screen the parking area;
2. Comprised of specimen stock;
3. Within a planter area of at least four feet in depth;
4. Provided with a permanent irrigation system;
5. Compliant with all other provisions of this section for landscaping, including being an integral part of an approved landscaping plan.

B. A decorative masonry wall of at least thirty inches high may be substituted for a plant screen provided it is constructed and maintained along the perimeter of all off-street parking areas except at points of ingress and egress. Such wall shall be constructed of masonry units not greater than six inches in height.

C. A landscaped area of at least thirty inches in height may be substituted for a wall or plant screen if the planning commission approves its design, location, scale and landscape treatment pursuant to a permit issued under this chapter.

D. A decorative concrete, masonry or block wall of at least six feet in height shall be constructed and maintained on the boundary of any use which abuts or which lays across a public alley from a residential zone, except in front setbacks, in which such walls shall be forty-two inches or less in height.

(Ord. 1296, § 1, 7-28-09)

17.36.130 - Refuse storage.

All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view by a permanent wall at least five and one-half feet high in conformance with the architectural design of the related buildings, including a solid gate of durable opaque material approved by the development services director. All bins and containers shall be stored within the enclosure with lids closed at all times when not being loaded.

(Ord. 1296, § 1, 7-28-09)

17.36.140 - Outdoor storage prohibited.

All storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building.

(Ord. 1296, § 1, 7-28-09)

17.36.150 - Loading facilities.

All loading or unloading areas containing a loading dock or similar facility shall be located at such a depth within a completely enclosed building as to reasonably contain and restrict noise. Further, no loading or unloading area shall be visible from a public street, or located within a front yard or side yard adjacent to a public street.

(Ord. 1296, § 1, 7-28-09)

17.36.160 - Lighting.

All lighting of building, landscaping, parking lot or similar facilities shall be shielded and directed away from adjoining properties.

(Ord. 1296, § 1, 7-28-09)

17.36.170 - Mechanical equipment.

All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from view from street level.

(Ord. 1296, § 1, 7-28-09)

17.36.180 - Underground utilities.

All utilities connections for new construction shall be underground, but utility connections to structures which lawfully preexisted the adoption of this chapter may be maintained.

(Ord. 1296, § 1, 7-28-09)

17.36.190 - Development or construction site standards.

The following standards apply to development or construction in the commercial zone:

A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced or screened as determined by the building inspector;

B. Sites shall be maintained during construction as not to become an attractive or public nuisance due to storage of material, parking or activities of construction workers;

C. Any portable toilets shall be set back ten feet from all property lines;

D. Rubbish and refuse service with the city's franchised hauler shall be required at the time a building permit is issued. Service may be weekly pickup service if accessible by a public street or as otherwise authorized by the director of development services;

E. Contractors shall submit to the city a complete list of subcontractors for all services and trades and each contractor or subcontractor shall obtain a city business license prior to any work or request for inspection. Work commenced prior to issuance of necessary permits and business licenses shall be subject to double permit fees pursuant to Chapter 15.04 of this code;

F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit pursuant to Chapter 12.12 of this code;

G. Any paved public right-of-way affected by construction shall be cleaned each evening by the contractor. Cleanup shall include, but not be limited to, streets, roadways, gutters, sidewalks and parkways;

H. Violations of this section may result in the issuance of a stop work order by the building inspector in the manner specified in Chapter 15.05 of this code.

(Ord. 1296, § 1, 7-28-09)

Chapter 17.60 - VARIANCES AND DISCRETIONARY PERMITS[10]

**Sections:**

Footnotes:

--- (**10**) ---

**Editor's note—** Ord. No. 1389, Exh. A, § 22, adopted July 11, 2017, changed the title of Ch. 17.60 from "Variances and Conditional Use Permits" to read as herein set out.

17.60.010 - Variances.

When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this chapter occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner hereinafter set forth in this chapter.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property.

(Prior code § 9800)

17.60.020 - Variances—Burden of proof.

Before any zone variance is granted, the applicant shall show, to the reasonable satisfaction of the body hearing such matter, that there are special circumstances applicable to the property involved, such as size, shape, topography, location or surroundings, which do not generally apply to other adjacent properties included in the same zone as the subject property, which make the granting of the zone variance necessary in order to facilitate a reasonable use of the property involved.

(Prior code § 9801)

17.60.025 - Minor variances.

The director of development services may grant a minor variance from regulations, as specified in Chapter 17.20 or Chapter 17.30 of this code, as applicable.

A. Application. Applications for a minor variance shall be initiated by submitting the following materials to the development services department:

1. A completed application form signed by the property owner or authorized agent, accompanied by the required fees and plans;

2. Signatures from all owners of property abutting the project site and directly across the street from the project site or written evidence indicating approval of the request, and the posting of a sign on the property for ten days; or

3. A list, drawn from the last equalized property tax assessment roll showing the names and addresses of the owner or record of each lot abutting the property and each property on the block within one hundred fifty feet of the property, and the posting of a sign on the property for ten days.

B. Notice.

1. If the applicant is unable to obtain the written approval of the property owners abutting and directly across the street from the property, notice shall be given to immediately adjacent property owners and property owners on the block within one hundred fifty feet of the subject property to notify them that an application is being filed for a minor variance.

2. Comments shall be accepted by the director for a ten-day period following the application submittal.

3. The director may use any comments received to assist in making findings and conditions relating to the application.

C. Burden of Proof and Conditions of Approval. The director must find, or conditions must be imposed, to insure that:

1. The project does not adversely impact the public health, safety, and welfare;

2. The design of the home is improved with the granting of the minor variance.

D. An action by the director may be appealed to the planning commission and subsequently to the city council pursuant to Chapter 17.66 of this title.

(Ord. 1234 § 5, 2005; Ord. 1115 § 18, 1995)

(Ord. No. 1313, § 4, 3-22-11)

17.60.028 - Modification of required yards.

The director of development services, may grant a modification of a required yard as follows:

A. Reduction of open areas by permitting portions of a building to extend into a required yard by not more than ten percent;

B. A modification of a required yard, as set forth in this section, may be granted pursuant to the approval of a minor conditional use permit pursuant to the provisions of Section 17.60.055 of this chapter;

C. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115 of this chapter, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

17.60.030 - Conditional use permits—When required.

The purpose of any conditional use permit shall be to insure that the use for which the same is required will be rendered compatible with other existing and permitted uses located in the general area of the same. The following uses, each of which possesses characteristics of such unique and special form as to render impractical their operation without specific approval, shall be permitted in the zones as hereinafter set forth, provided that a conditional use permit is first obtained pursuant to the provisions of this part, unless such use is designated as a permitted use in a particular zone.

A. Conditional Uses—All zones except the OS and R-C Zones.

Airports, landing fields, heliports, and helistops;

Borrow pits to a depth of over three feet;

Cemeteries;

Churches, temples and other places of worship, provided they shall be excluded from the C (commercial) zone, except as provided in Section 17.56.120 of this title;

Clubs, provided they shall be excluded from the R-1 and R-2 zones (see Section 17.36.020(F) of this title);

Columbariums, crematories and mausoleums;

Crops, field, tree, bush, berry, and row, including nursery stock, the growing of (see Section 17.20.020(H) of this title);

~~Dumps;~~

Educational institutions;

Equestrian establishments;

~~Establishments or enterprises involving large assemblages of people or automobiles as follows:~~

~~Amusement parks;~~

~~Circuses, carnivals, or fairgrounds;~~

~~Labor camps;~~

Open air theatres;

Race tracks and rodeos;

Recreational centers privately operated;

Trailer (mobilehome) parks;

Fraternity;

Golf courses, privately owned;

Livestock, care and maintenance for commercial or noncommercial purposes;

Mortuaries;

~~Natural mineral resources, the development of, together with the necessary buildings, apparatus or appurtenances incidental thereto; provided, that no review or permit shall be required for the exploration of oil, rock, sand, gravel, or clay if any other section of this code makes separate provisions with respect thereto;~~

Nonprofit organizations provided they shall be excluded from the C (commercial) zone except as provided in Section 17.56.120;

Parking lots, commercial;

~~Public utilities or utilities operated by mutual agencies consisting of water wells, electrical substations, gas metering stations, telephone exchanges, power boosters or conversion plants with the necessary buildings, apparatus, or appurtenances incident thereto when located in other than C or M zones;~~

Public utility facilities and utilities~~, operated by mutual companies except any public facility for which a building permit is not required pursuant to the city's building regulations, and any such facility which is permitted by a city-granted franchise;~~ to the extent the City is authorized to regulate the use of land under Federal and State law.

~~Refuse, disposal of;~~

Sewage disposal plants;

Sorority;

Swimming pools, hot tubs, spas and similar recreational facilities ~~which are located within twenty-five feet and/or are visible to or from~~ as a ~~public or private street or alley~~ primary use;

Veterinarians, kennels and small animal hospitals.

B. Conditional Uses—R-1, R-2, R-3 and R-C Zones.

Maintenance of keeping of horses or mules, as enumerated in Chapter 6.08, "Animals Generally";

Family day care home, large;

Any use permitted pursuant to Section 5116 of the Welfare and Institutional Code of the state of California (certain licensed residential care facilities for the elderly).

C. Conditional uses—R-2 development in the R-2 zone;

D. ~~Conditional uses—H zone. Development, structures, grading, or subdivisions;~~

~~E.~~ Conditional uses—R-P (R-3 with residential entrepreneurial overlay) zone and C (commercial) zone only in the portions of the C zone where residential uses are allowed;

Child care center/nursery school;

Community care facilities, seven beds or more;

Drug and alcohol recovery and rehabilitation facilities;

Drug and alcohol treatment facilities;

Facilities for preparole adjustment/rehabilitation;

Residential care facility for the elderly with seven beds or more;

Residential health care facilities (chronically ill) with seven beds or more.

~~F.~~E. Wireless communications facilities, as provided in Chapter 17.93 of this title.

(Ord. 1247 § 7, 2006; Ord. 1214 § 2 (Exh. 1 (part)), 2004; Ord. 1177 § 4 (part), 2000; Ord. 1135 § 5, 1996; Ord. 1133 § 5, 1996; Ord. 1116 § 4, 1994; Ord. 1113 § 4, 1994; Ord. 1084 § 1 (part), 1992; Ord. 1079U § 3, 1991; Ord. 1062 § 2, 1990; Ord. 1037 § 6, 1988; Ord. 1033 § 3, 1987; Ord. 1006 § 2, 1983; Ord. 996 § 7, 1982; Ord. 975 § 2, 1980; Ord. 960 § 2, 1978; prior code § 9810)

(Ord. No. 1296, § 3, 7-28-09; Ord. No. 1313, § 4, 3-22-11; Ord. No. 1385, § 2, 2-14-17; Ord. No. 1389, Exh. A, §§ 23—26, 7-11-17)

17.60.040 - Burden of proof.

Before any conditional use permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

A. That the site for the proposed use is adequate in size, shape, topography, and location;

B. That the site has sufficient access to streets which are adequate, in width and pavement type, to carry the quantity and quality of traffic generated by the proposed use;

C. That the proposed use is neither detrimental to the public health, safety and general welfare, nor will unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;

D. That there is a demonstrated need for the use requested;

E. That the proposed use is consistent with the general plan, zoning and other applicable codes;

F. That the use at the location requested would benefit the public interest and convenience.

(Ord. 1084 § 1 (part), 1992: prior code § 9811)

(Ord. No. 1375, § 5, 2-9-16; Ord. No. 1389, Exh. A, § 27, 7-11-17)

**Editor's note—** Ord. No. 1389, Exh. A, § 27, adopted July 11, 2017, changed the title of § 17.60.040 from "Conditional use permits—Burden of proof" to read as herein set out.

17.60.041 - Design review permit.

A. Purpose. The purpose of an administrative design review permit and a design review permit is to ensure that an applicable project incorporates good design principles and is compatible with its neighborhood and natural surroundings.

B. Reviewing Authority. Except as otherwise provided by this chapter, the reviewing authority for an administrative design review permit application shall be the director and the reviewing authority for a design review permit application shall be the planning commission. The reviewing authority shall approve, conditionally approve, or deny an application for an administrative design review permit or a design review permit in writing.

C. Review Procedure. An administrative design review permit shall be noticed, processed and may be appealed in compliance with the requirements for a minor conditional use permit; provided however, that the director may refer any application for an administrative design review permit to the planning commission at the director's sole discretion. A design review permit shall be noticed, processed and may be appealed in compliance with the requirements established for a conditional use permit.

D. Findings. Before an administrative design review permit or a design review permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

1. The proposed project is consistent with the general plan, zoning code and any applicable design standards.

2. The proposed project will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties.

3. The height, bulk, scale, mass and siting of the proposed project is compatible with the existing neighborhood, landforms and surroundings.

4. The proposed project reflects the scale of the neighborhood in which it is proposed and it does not visually overpower or dominate the neighborhood and is not ill-proportioned so as to produce either architecture or design that detracts from the foothill village setting.

5. The proposed project neither unreasonably interferes with public views or the views and privacy of neighbors, produces unreasonable noise levels, nor causes material adverse impacts.

6. The proposed project exhibits a coherent project-wide design, and each structure or portion thereof (especially additions) on the site is compatible with other portions of the project, regardless of whether the same are publicly visible.

7. For proposed projects seeking relief from development standards, where allowed, to accommodate characteristics of an identifiable architectural style (such as additional height pursuant to Section 17.20.027(A)), the proposed project adheres to the norms of such identifiable architectural style and that such style is consistently carried through on all elevations of the building, regardless of whether the same are publicly visible.

8. For proposed projects that require discretionary review due to exceeding size thresholds (pursuant to Sections 17.20.027(C), 17.30.045(B), 17.28.070(A)1 or similar), that the proposed is a superior project that would enhance its neighborhood and exhibit exceptional design through a combination of most, if not all, of:

a. Innovative, thoughtful and/or noteworthy architecture that is responsive to the specific site, rather than standard, generic, or "cookie-cutter" plans;

b. Where applicable, adaptive reuse or other preservation and restoration of historic structures;

c. Preservation of the natural landscape to the extent possible by such means as minimizing grade changes and retaining protected and specimen trees;

d. Siting of structures in keeping with landforms and so as to maximize open space, public views, and neighbor views and privacy;

e. High quality architectural details and building materials compatible with the overall project design; and

f. Sustainable building and landscaping practices, especially water-saving features.

E. Compatibility. As used in this section, compatibility is not interpreted to mean simple repetition of existing form, mass, scale and bulk. Nor is compatibility interpreted to mean repetition of building style or detailing. Compatibility is based on consideration of a constellation of associated characteristics including building type, the property site plan, building mass and scale, and architectural material and expression. Compatibility comes from an identification of character-defining features of an area, and an applicant's thoughtful response to them within the design.

F. Applicability in Relation to Other Standards. This section is not meant to be a perfunctory review of projects which comply with other development standards. Rather it is meant to impose significant, separate, and additional burdens on proposed projects with the understanding that in many cases satisfying such burdens may call for significantly reduced development intensity than is allowed otherwise under this title. By way of illustration and not limitation, (i) so as not to unreasonably interfere with views and privacy, a project proposed on a narrow or irregularly shaped parcel may accommodate significantly less second story floor area than would otherwise be allowed; (ii) so as not to unreasonably interfere with views and privacy, a proposed project with significant second story floor area may need to be set back farther from lot lines than otherwise allowed; (iii) to ensure compatibility with and not to visually overpower or dominate the neighborhood, the floor area of a proposed project in a neighborhood predominated by smaller homes may need to be much lower than allowed by objective criteria; (iv) to ensure compatibility with landforms, a project proposed on a parcel with steep slopes or irregular topography may have much more limited siting options than setback standards would allow and may need reduced height and/or floor area; and (v) to exhibit exceptional design through noteworthy architecture, the floor area of a proposed project may need to be much lower than allowed by objective criteria in order to allow space for articulation, variation in massing, covered porches, and other enhancing architectural features.

G. Additional Application Materials. As standard two-dimensional building elevations and other similar graphic materials typically do a poor job of depicting projects in context, it is recommended that applicants provide materials in addition to those otherwise required in order to demonstrate that their proposed projects satisfy the foregoing burdens. Such materials may include, but are not limited to, three-dimensional perspective renderings from multiple angles; photo simulations showing the sited project in relation to neighboring structures and landforms; comparisons of proposed building size, height, setbacks, etc. to surrounding structures; story poles; material and color boards; information on energy and water saving systems; and colored landscape plans showing protected and specimen trees and illustrating drought-tolerant landscaping, permeable paving and other water-saving features.

(Ord. 1115 § 17, 1995)

(Ord. No. 1375, § 6, 2-9-16; Ord. No. 1389, Exh. A, § 28, 7-11-17)

**Editor's note—** Ord. No. 1389, Exh. A, § 28, adopted July 11, 2017, changed the title of § 17.60.041 from "Additional burden of proof for permits for certain noted projects" to read as herein set out.

17.60.050 - Conditional use permits—Exemption.

A. Application of Division—Permitted Use. Notwithstanding the provisions of this chapter, if any use is designated as a permitted principal use in any zone, the conditional use permit requirement shall not apply to that use in that zone.

B. Nonconformity. None of the uses enumerated in Section 17.60.030, for which a conditional use permit is required, shall be deemed nonconforming if:

1. The same complied with the zoning regulations in effect on June 14, 1977;

2. The same would otherwise have acquired a nonconforming status solely by reason of the application of Section 17.60.030; and

3. There is no alteration or enlargement of the use, nor the commencement of any new use on the lot where located; and

4. The existing valid horse-keeping license has been reviewed under the provisions of Sections 17.60.060 through 17.60.050 prior to December 1, 1978, and a conditional use permit approved for the use.

C. Effect of Grant of Conditional Use Permit. Where a conditional use permit is granted for one or more uses on a lot, no other use, building or structure shall be located or maintained upon such lot, unless allowed pursuant to the provisions of the conditions of approval imposed upon the issuance of such permit.

(Ord. 1084 § 1 (part), 1992: Ord. 960 § 3, 1978; prior code § 9812)

17.60.055 - Minor conditional use permit.

Uses, activities and development standards listed in sections of this title as permitted subject to the granting of a minor conditional use permit may be approved by the director of development services, without a public hearing, pursuant to the following provisions:

A. Application and Fees. An application for a minor conditional use permit shall be filed by the owner of the property (or authorized agent) for which the permit is requested on forms furnished by the development services department. The applicant shall submit the appropriate fee in conjunction with the submittal of an application, the amount of which is determined by resolution of the city council.

B. Posted Notice. A notice that a minor conditional use permit is to be considered shall be mailed to all property owners within a three hundred-foot radius of the property where the minor conditional use permit is proposed. The notification shall describe the proposed minor conditional use permit and shall provide a comment period of not less than fourteen calendar days. Additionally, signage shall be posted in accordance with Section 17.60.100B.; however, references therein to the planning commission's decision on a conditional use permit shall be interpreted as the director's decision on the minor conditional use permit.

C. Determination. Upon consideration of any comments received, the director of development services may approve, conditionally approve, or deny the proposed minor conditional use permit pursuant to the following findings:

1. That the proposed request will not be detrimental, or otherwise be inconsistent with the ~~residential~~ character of ~~the~~its neighborhood;

2. That the site of the proposed request is adequate in size, shape ~~and~~, topography and location to accommodate the request;

3. That the proposed request is neither detrimental to the public health, safety and general welfare, nor will ~~not~~ unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent property owners;

4. That there is a demonstrated need for the use requested;

5. That the proposed request will be arranged, designed, constructed, operated and/or maintained so as to be compatible with the intended character of the surrounding area and shall not change the essential character of the surrounding area from that intended in the general plan.

D. Conditions of Approval. When approving or conditionally approving a minor conditional use permit, the director of development services shall designate conditions deemed necessary to protect the public health, safety and general welfare.

E. Notification of Determination. Within three days upon the determination by the director of development services to approve, conditionally approve or deny the requested minor conditional use permit, notification of the determination shall be mailed to all property owners within a three hundred foot radius of the property where the minor conditional use permit has been requested. In addition, notification of the director's determination shall also be provided to the applicant, council and planning commission.

F. Appeal. The determination of the director of development services may be appealed to the planning commission, pursuant to the provisions of Section 17.60.115, within fourteen days of the director's determination.

(Ord. 1177 § 4 (part), 2000)

(Ord. No. 1375, § 7, 2-9-16)

17.60.056 - Discretionary demolition permit.

A. Purpose. The purpose of the discretionary demolition permit procedure is to insure that potential historic resources are properly evaluated before they are altered or demolished.

B. For purposes of this section, "demolition" is defined as the destruction and removal, in part or in whole, of the foundation, exterior walls, roof structure, exterior framing, exterior siding and/or finish cladding material, porches, chimney and architectural details.

C. No structure which was constructed seventy-five years or more prior to the date of the application for review shall be demolished without a discretionary demolition permit.

D. Procedure: Any application for a discretionary demolition permit shall be accompanied by (i) a written historic assessment or survey prepared by a qualified architectural historian selected from the list of qualified consultants on file with the planning and community preservation department which concludes that the property proposed to be demolished is not classified under the California Historic Resource Codes 1 to 5 - eligible for local listing or designation, or a contributor to an existing or potential district and (ii) an application for replacement development project consistent with the standards and requirements of the applicable zoning district, and (iii) an affidavit of posting of a sign at least three feet by four feet in size, located in a conspicuous place on the property abutting a public street or alley, identifying the property as the subject of an application for a demolition permit. Both the discretionary demolition permit and the application for the replacement development project shall be reviewed concurrently and no discretionary demolition permit shall be approved unless and until the replacement development project is approved. The reviewing body for a demolition permit shall be the same body or individual that would review and approve the accompanying replacement development project.

E. A discretionary demolition permit may be approved if the reviewing body makes one of the following determinations:

1. The structure proposed to be demolished is neither designated on the local list of historic resources nor eligible for designation as an individual resource or contributor to a district or potential district, and the replacement development project is approved; or

2. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.

F. Exceptions. The following applications do not require a discretionary demolition permit:

1. Demolition of any interior walls of any structure for the purpose of remodel, repair or maintenance, subject to any required permits;

2. Removal and replacement, subject to any required permits, of exterior windows, doors, roof covering, foundation, exterior siding and/or finish cladding material, porches, chimney, architectural details and other structural or decorative elements deemed by the director to be minor alterations, where the materials used for maintenance and replacement do not materially alter the appearance, size or character of the existing structure;

3. Any proposed demolition of a structure constructed less than seventy-five years from the date of the applications, which is subject to the provisions of Section 15.04.115;

4. Any proposed demolition of a historic landmark which is subject to the provisions of Section 17.82.090;

5. The director may rely on definitions and permitting processes in the municipal code to consider circumstances which do not meet the exact criteria defined in exceptions 1—5 above, to determine that a specific case meets the intent of one or more of the exceptions.

6. The director may refer any applications that do not require a discretionary demolition permit to the planning commission if the director determines at the director's sole discretion that the proposed development has the potential to result in significant impacts to the structure. In the event the director refers an application to the planning commission, the planning commission shall follow the requirements for a discretionary demolition permit as set forth in this chapter.

G. An applicant who does not qualify for a discretionary demolition permit under subsection E or H of this section may seek a certificate of economic hardship pursuant to Section 17.82.100.

H. Burden of Proof on Applicant. Before any demolition permit is granted, the application shall show, to the reasonable satisfaction of the body considering such matter, the existence of the following facts:

1. That the structure proposed for demolition:

   a. Has no local, state or national historic significance as determined by the historic resources survey pursuant to subsection D above; or

   b. Is deemed to be eligible for local listing or designation under the California Historic Resource Codes 1 to 5, or a contributor to an existing or potential district, and all environmental review has been conducted, and/or a historical resources evaluation report with identified mitigation measures has been prepared that will allow the project to proceed, with a certificate of appropriateness including, but not limited to construction of a replacement structure in substantially similar architectural style and façade, maintenance of a plaque, photographs and/or publication describing the original structure and its local, state or national historic value, or other mitigation measures described in the environmental review document or the historical resources evaluation report; or

   c. The city engineer or building official or his or her designee has provided a written determination that demolition is necessary to immediately abate an imminent hazard to public safety.

2. That the proposed demolition activities will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties;

3. That there is a demonstrated need for the demolition activity requested;

4. That the result of the demolition activity is consistent with the objectives of the general plan; and

5. That the public interest, convenience, and necessity require that the demolition activity be undertaken at the location requested.

I. Appeal.

1. Any person may appeal a decision of the planning director to the planning commission pursuant to Section 17.60.115.

2. Any person may appeal a decision of the planning commission to the city council pursuant to Sections 17.60.120 and 17.60.130.

(Ord. No. 1363, § 2, 3-24-15; Ord. No. 1386, Exh. A, § 1, 2-28-17)

17.60.058 - Projects with multiple applications.

If multiple concurrent applications that call for different reviewing authorities are made for the same project, the applications shall be noticed and processed together and reviewed by the highest required authority. For example, if a project requires a design review permit and a minor conditional use permit, both such applications shall be noticed and processed together, and reviewed together in a public hearing by the planning commission. Before the project could move forward, the planning commission would need to make the required findings for the design review permit set forth in Section 17.60.041(D) and those for the minor conditional use permit set forth in Section 17.60.055(C). The action of the planning commission could then be appealed to the city council pursuant to Section 17.60.120 (note that Sections 17.60.055(F) and 17.60.115 would not apply to an appeal of the minor conditional use permit as the matter would have already been reviewed by the planning commission).

(Ord. No. 1389, Exh. A, § 29, 7-11-17)

17.60.060 - Applications for variance or conditional use permits—Withdrawal thereof.

Applications for a zone variance, conditional use permit, shall be filed by the owner of the property affected thereby, or his agent, with the director, on forms furnished by the director, which shall set forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the variance or conditional use permit, in accordance with the provisions of this part.

The applicant shall furnish to the director an accurate list of the names and addresses of all property owners to whom notice must be given as hereinafter provided. The director may provide the radius map and mailing list for a fee to be set by the city council.

(Ord. 1084 § 1 (part), 1992: prior code § 9820)

17.60.070 - Filing fees—Withdrawal.

Each such original application, modification application or appeal, shall be accompanied by a filing and processing fee in an amount as set by the council. Any applicant may withdraw his/her application by filing a written request to do so at any time prior to final action thereon; provided, that there shall be no refund of fees.

(Ord. 1084 § 1 (part), 1992: prior code § 9821)

17.60.080 - Hearings.

Every application for a zone variance or conditional use permit shall be set for a public hearing before the commission by the director. Hearings may be continued from time to time by the commission or council, as it may deem necessary.

(Ord. 1084 § 1 (part), 1992: prior code § 9822)

17.60.090 - Conditions.

The granting of any zone variance or conditional use permit may be conditioned. The purpose of any such conditions shall be to insure that the activity thus permitted will be conducted in a manner consistent with the public peace, safety, general welfare, and the provisions of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9823)

17.60.100 - Public notices.

Notice of the time and place of public hearings before the planning commission and city council on zone variance and conditional use permit applications shall be made as follows:

A. Mailed Public Notice. Public notices shall be given by United States mail, postage prepaid, addressed to the owners of property located within a radius of three hundred feet from the external boundaries of the property to which the application relates, addressed to the owners as shown on the latest equalized assessment roll of the county, or from other records which contain more recent and accurate addresses.

B. Posting of Property. A notice of public hearing sign, meeting the criteria set forth below, shall be posted a minimum of fourteen days prior to the scheduled public hearing, and the sign shall remain in place until the expiration of the appeal period following a decision by the planning commission. If an appeal to the city council is filed, a new public hearing sign complying with this section shall be posted. Failure to post the sign on the property by the applicant shall result in the automatic continuance of the project to the next available planning commission or city council meeting. The sign shall be posted in the following manner:

1. The sign shall be located in a conspicuous place on the property abutting a public or private street or alley not more than ten feet inside the property line.
2. The sign shall be twelve feet square in sign area, generally measuring three feet by four feet.
3. The sign shall not exceed six feet in height from the ground level; provided that if the property is surrounded by fences, walls, or hedges at or near the street property line, additional height may be permitted with the approval of the director of development services to ensure visibility of the sign from the public right-of-way.
4. The sign shall not be illuminated.
5. The size, style, number, and color of the sign's lettering shall be the specifications approved by the director of development services, and the director may approve deviations to these requirements in order to meet the intent of these noticing provisions.
6. Support elements for the sign shall be made of four-inch by four-inch wood posts, or similar; provided however, that a sign may be posted in a window, on a fence, or on a building wall when there is an existing structure on site that is set back less than ten feet from the street.
7. A building permit shall not be required for the posting of a sign installed in compliance with this subsection.
8. The applicant shall submit proof of posting to the director of development services or his or her designee in the form of a signed affidavit and a photograph of the sign.
9. Any costs associated with complying with this subsection shall be borne by the applicant.

C. Contents of Notice. Such notices shall describe the subject property, identify the project case number, and contain a brief description of the proposed project and the date, time and place of the public hearing.

(Ord. 1177 § 4 (part), 2000: Ord. 1084 § 1 (part), 1992: prior code § 9824)

(Ord. No. 1305, § 1, 2-9-10)

17.60.110 - Commission action.

Within a reasonable time after the public hearing upon a variance or conditional use permit application, the commission, by resolution, shall approve, conditionally approve or deny the same. Said resolution shall contain a brief statement of facts upon which its action is based. Within seven days following the adoption

of such a resolution, the commission's secretary shall forward a copy thereof to the city clerk, to the applicant and to any other person requesting the same.

(Ord. 1084 § 1 (part), 1992: prior code § 9825)

17.60.115 - Appeals of director determination.

Upon receiving a notice of an appeal of the determination of the director of development services by any aggrieved party, the following provisions shall apply:

A. Appeal Fee. An appeal fee shall be required as set forth in the fee schedule adopted by city council resolution.

B. Consideration of the Appeal. The director of development services shall schedule the matter to be considered by the planning commission at the first available planning commission meeting. Public notice of the consideration of the appeal by the planning commission shall be distributed pursuant to the public notice requirements of the action being appealed.

C. Determination of the Appeal. Upon receipt of the appeal, the planning commission shall consider all evidences and information upon which the director made the determination, including all relevant public testimonies, and adopt one of the following actions:

1. Affirm the determination of the director of development services and deny the appeal;

2. Uphold the appeal, thereby reversing the determination of the director of development services; or

3. Modify the determination of the director of development services as deemed appropriate.

D. Appeals of decisions of the planning commission shall be made pursuant to the provisions of Section 17.60.130 and Chapter 17.66 of this title.

(Ord. 1234 § 6, 2005; Ord. 1177 § 4 (part), 2000: Ord. 1115 § 16, 1995)

17.60.120 - Appeal.

A. The resolution of the planning commission granting or denying a zone variance or conditional use permit shall become final on the tenth business day following its adoption unless:

1. Within such time an appeal, in writing, is filed with the city council, by the applicant or any other interested person in the manner set forth in Chapter 17.66 of this title;

2. Within such time a call for review is made in the manner set forth in Chapter 17.66 of this title.

B. The decision of the commission shall be final and conclusive in the absence of a timely filed appeal. The timely filing of an appeal shall stay the effective date of the commission's resolution pending action by the city council.

C. Appeals of the planning commission decision shall require the filing of a fee as set forth in Chapter 17.66 of this title.

(Ord. 1234 § 7, 2005: Ord. 1139 § 2(B), 1997; Ord. 1084 § 1 (part), 1992; Ord. 1004 § 1, 1983: Ord. 998 § 1, 1983: prior code § 9826)

17.60.130 - City council action.

Upon receiving a notice of appeal, or call for review of a decision of the planning commission, the city council shall either:

A. Affirm the action of the planning commission;

B. Refer the matter back to the planning commission with or without instructions for further proceedings;

C. Alter the action of the planning commission in the manner it shall determine is necessary to comply with this code and other applicable law; or

D. Notice of the city council's decision shall be made by the city clerk within the time set forth in Chapter 17.66 of this title.

(Ord. 1234 § 8, 2005: Ord. 1084 § 1 (part), 1992; Ord. 1004 § 2, 1983: prior code § 9827)

17.60.150 - Failure to give notice.

Inadvertent failure to give notice in the manner prescribed herein shall have no effect upon any proceeding before the commission or the council.

(Ord. 1139 § 2(C), 1997; Ord. 1084 § 1 (part), 1992; Ord. 917 § 3 (part), 1974: prior code § 9829)

17.60.160 - Revocation of variances and conditional use permits.

A. Upon recommendation by the director, the body which initially granted a zone variance or conditional use permit shall conduct a noticed public hearing to determine whether such variance or conditional use permit should be revoked. If the granting body finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

1. That the variance or permit was obtained by fraud;

2. That the use for which such approval was granted has ceased to exist by reason of a voluntary abandonment;

3. That the permit or variance granted is being or has been exercised contrary to any conditions of approval imposed upon such permit or variance, or in violation of any law; or

4. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or so as to constitute a public nuisance.

B. If the revocation hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in Section 17.60.120 of this chapter.

(Ord. 1084 § 1 (part), 1992: prior code § 9830)

17.60.170 - Expiration.

Any zone variance or conditional use permit shall be null and void if the use granted thereby is not commenced within the time specified in the resolution approving such zone variance or conditional use permit, or, if no time is so specified, if commencement does not occur within one year from the date said zone variance or permit is granted. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed pursuant to this section, once, for a period of not to exceed one year. Provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such variance or permit, the time for exercising such rights shall be automatically extended pending a final determination of such litigation.

(Ord. 1084 § 1 (part), 1992: prior code § 9831)

17.60.175 - Penalties.

In the event that construction which is inconsistent with a conditional use permit or variance is performed, the first three applications for an amendment to the previously approved conditional use permit

or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of twice the rate of the current city rate for obtaining a conditional use permit or variance. Subsequent applications for making application for a conditional use permit or variance for all amendment to the previously approved conditional use permit or variance to bring the conditional use permit or variance into conformity with the construction shall be accompanied by an additional penalty fee equal to that of five times the rate of the current city rate for obtaining a conditional use permit or variance.

A. Procedures Prior to Imposition of Penalty Fees. No penalty shall be imposed pursuant to this subsection until city staff determines that unauthorized construction has occurred and the applicant or property owner or a representative of the applicant or property owner has been given an opportunity to discuss that determination with the director of development services.

B. Refund of Penalty and Fees. The penalty and application fees shall be refunded if the planning commission finds that the construction was, in fact, consistent with the originally approved conditional use permit or variance.

C. Appeal to the City Council. If the planning commission finds that the construction was inconsistent with the conditional use permit or variance, the applicant may appeal that determination to the city council in the manner and within the time set forth in Chapter 17.66 of this title. The penalty, application and appeals fees shall be refunded if the city council determines that the construction was, in fact, consistent with the originally approved conditional use permit or variance.

D. Judicial Review. If the city council determines that the construction was inconsistent with the conditional use permit or variance, that determination shall constitute a final administrative action of the city and the applicant may seek judicial review of that decision in the manner provided by law.

E. Removal of Unauthorized Construction. Payment of the penalty shall not preclude the city from disapproving an amendment and requiring the applicant to bring the construction into conformity with the previously approved conditional use permit or variance.

F. Violation—Misdemeanor. The penalties for violating any of the provisions of this chapter, and/or any condition of any entitlement or permit granted under this chapter, are as set forth in Section 1.12.010 of this code.

(Ord. 1234 § 10, 2005; Ord. 1130 § 1, 1996)

17.60.180 - Modification.

Any condition imposed upon the granting of a zone variance or conditional use permit, including a zoning approval granted prior to the adoption of these regulations, may be modified or eliminated, or new conditions may be modified or eliminated, or new conditions may be added; provided, that the body which granted the zone variance or conditional use permit which is the subject of the modification proceeding shall first conduct a public hearing thereon, noticed in the same manner as was required for its initial granting. No such modification shall be granted unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or that such action is necessary to permit reasonable operation under the zone variance or conditional use permit, as granted. If the modification hearing is conducted by the commission, its decision shall be subject to review on appeal in the time and manner set forth in Chapter 17.66 of this title.

(Ord. 1234 § 11, 2005: Ord. 1084 § 1 (part), 1992: prior code § 9832)

**ATTACHMENT 2**

## CITY COUNCIL RESOLUTION 20-62

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE ADOPTING THE COMMERCIAL ZONE USES LIST TO BE MAINTAINED BY THE DIRECTOR OF PLANNING AND COMMUNITY PRESERVATION**

**WHEREAS**, the City desires to update the Sierra Madre Municipal Code by replacing Chapter 17.36 ("Commercial") in its entirety. The amendments include updating the list of permitted and conditionally permitted uses in the commercial zone, updating the corresponding development standards and other related zoning provisions; and

**WHEREAS**, a component of the Commercial Zone amendments includes omission of Section 17.36.020 – "Permitted uses and uses permitted by conditional use permit," and replaced with "Commercial Use Categories;" and

**WHEREAS**, a stand-alone document, a comprehensive "Commercial Zone Uses" list with reference to Commercial Use Categories should be established by the City Council and maintained by the Director; 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, CALIFORNIA DOES RESOLVE 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 Commercial Zone Uses list organized by Use Categories, attached to this resolution as Exhibit A and incorporated herein by reference.

**SECTION 3. General Plan Consistency.** The list of Commercial Zone Uses is consistent with the Goals and Objectives of the General Plan; in that it would ensure a diversity of commercial uses intended to meet the needs of local residents, and to accommodate commercial uses intended to attract visitors.

**SECTION 4. CEQA.** The City Council hereby finds that adoption of the amendment qualifies for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061 subdivision (b)(3) as it can be seen with certainty that there is no possibility that the adoption of the Commercial Uses List may have a significant effect on the environment, because the document is solely intended to be used for classification purposes for new and existing businesses.

**PASSED, APPROVED AND ADOPTED**, this _____ day of _____, 2020.

_____
John Capoccia, Mayor

**ATTEST:**

_____
Sue Spears, City Clerk

**APPROVED AS TO FORM:**

_____
Teresa L. Highsmith, 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:**

# EXHIBIT A

**Sierra Madre**
**Commercial Zone Uses**
**Organized by Use Category**

**Retail sales, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Antique stores
Apparel shops and accessories
Appliance stores (household)
Art galleries
Art supply stores
Bakery shops
Bicycle shops (including sales of electric bikes & scooters)
Bookstores
Coffee and Tea shops
Computer and electronic stores (home and office, including repairs)
Confectionary or candy stores; candy making only when incidental to retail sales from premises
Convenience stores
Delicatessens
Department stores (a store having separate sections for a wide variety of goods)
Florist shops (including flower and plant sales)
Furniture stores (no on-site manufacturing)
Gift, novelty, card and souvenir shops
Glass shops (sales only)
Grocery stores
Hobby stores
Ice cream stores
Jewelry stores
Meat markets
Music stores
Newsstand
Notions or sundries store
Pet supply store, excluding sale of pets other than tropical fish or goldfish
Pottery sales
Secondhand sales
Shoe stores
Sporting goods stores
Stamp and coin stores
Stationary stores, including mail services
Supermarkets
Toy stores

**Retail sales, limited**
(CUP)

Alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses
Glass repair shops (including edging, beveling, silvering and staining)
Gun and firearm sales, whether alone or in conjunction with other uses
Home improvement and construction products store and plant nurseries
Pet sales (excludes dangerous animals and fish, venomous reptiles and the like)
Tobacco and e-cigarette sales, whether for consumption on or offsite and whether alone or in conjunction with other uses (note that this includes any product intended to be smoked or vaped, other than marijuana)

**Offices, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Administrative,
Consulting,
Mail order houses, internet sales, ecommerce
Professional services

**Service establishments, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Barber and beauty shops
Car share services (such as zipcar), including parking therefor
Clothing and costume rental establishments
Cosmetic services, non-medical (including nail salon and tanning salon)
Day/health spas (including massage therapy)
Health clubs or centers, exercise gymnasiums, fitness studios (including martial arts, pilates, and yoga)
Locksmith shops
Mailbox and business services stores
Medical office, clinics, outpatient
Pharmacy, drug stores
Pet grooming
Photography studios
Photocopying/duplicating services & print shops
Picture framing stores
Restaurants
Shoeshine stands (in association with shoe stores and must be located within enclosed building)
Shoe repair shops
Tailor shops
Travel agencies
Veterinary clinics

**Service establishments, limited**
(CUP)

Catering services
Dry cleaning, press or laundry
Laundromats
Lodging – bed and breakfast inns, hotels, and motels, (those with in-suite kitchen facilities subject to density limits of Section 17.36.050(B))
Machinery equipment and rental services
Medical laboratories, research
Veterinary clinics, small animal including incidental boarding

**Financial institutions, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Banks
Savings and loan associations
Finance companies

**Educational facilities, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Barber and beauty colleges
Business schools
Dancing, art, music, and similar training schools
Professional/vocational schools

**Recreational and entertainment facilities, general**
(MCUP if up to 5,000 SF; CUP if larger than 5000 SF)

Circuses, carnivals, fairs
Billiard parlors
Bowling alleys
Clubs, fraternities, sororities and lodges
Parks, playgrounds, and other commercial recreation facilities open to the public which are privately owned and operated
Theaters, dance and music venues (excluding open air)

**Automobile and transportation-related establishments, general**
(CUP)

Car and motorcycle dealerships
Car rentals (other than car share services)
Sales of internal combustion engine-powered vehicles
Painting, detailing service
Parking facilities (surface lot, structure) as a primary use
Rental or storage facilities
Repair and/or body shops (shall be within enclosed building only)
Service stations (fueling stations)
Utility trailer and truck rental

**Residential**
(permitted if located outside the prime storefront area, prohibited within the prime storefront area)

Duplexes or two family dwelling units
Multi-family dwelling units
Second units as defined in Chapter 17.22
Single family dwelling units
SROs

**ATTACHMENT 3**

## PLANNING COMMISSION RESOLUTION 20-11

**A RESOLUTION OF THE PLANNING COMMISSIOIN OF THE CITY OF SIERRA MADRE RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF A COMMERCIAL USES LIST AND AN ORDINANCE AMENDING CHAPTER 17.08 ("DEFINITIONS"), CHAPTER 17.36 ("COMMERCIAL ZONE") IN ITS ENTIRETY, CHAPTER 17.40 ("MANUFACTURING ZONE"), AND CHAPTER 17.60 ("VARIANCES AND DISCRETIONARY PERMITS") OF TITLE 17 ("ZONING") 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 replacing Chapter 17.36 ("C-Commercial Zone") in its entirety. 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 17.40 ("Manufacturing Zone"), 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, June 4, 2020, and August 6, 2020, conducted duly noticed public meetings at which time it heard and considered public testimony received and made part of the public record; and

**WHEREAS**, the Planning Commission has received the report and recommendations of staff; 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.

**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 this reference.

**SECTION 2**. **Amendment.** The Planning Commission recommends the City Council adopt the proposed ordinance amendments, attached to the staff report as Exhibit A and

incorporated herein by reference, amending Chapters 17.08 ("Definitions"), Section 17.20.015 ("Definitions"), 17.40 ("Manufacturing Zone"), 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.

**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.

**PASSED, APPROVED AND ADOPTED ON** this 3rd day of September 2020, by the following vote:

AYES: Chair Denison, Commissioners Catalano, Dallas, Hutt, Spears

NOES:

ABSENT: Commissioner Pevsner

ABSTAIN:

Tom Denison
Chair, Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation

**ATTACHMENT 4**

## PLANNING COMMISSION RESOLUTION 20-12

**A RESOLUTION OF THE PLANNING COMMISSIOIN OF THE CITY OF SIERRA MADRE RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF THE COMMERCIAL ZONE USES LIST TO BE MAINTAINED BY THE DIRECTOR OF PLANNING AND COMMUNITY PRESERVATION**

**WHEREAS**, the City desires to update the Sierra Madre Municipal Code by replacing Chapter 17.36 ("Commercial") in its entirety. The amendments include updating the list of permitted and conditionally permitted uses in the commercial zone, updating the corresponding development standards and other related zoning provisions; and

**WHEREAS**, a component of the Commercial Zone amendments includes omission of Section 17.36.020 – "Permitted uses and uses permitted by conditional use permit," and replaced with "Commercial Use Categories;" and

**WHEREAS**, a stand-alone document, a comprehensive "Commercial Zone Uses" list with reference to Commercial Use Categories should be established by the City Council and maintained by the Director; and

**WHEREAS**, the Planning Commission has received the report and recommendations of staff; 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.

**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 this reference.

**SECTION 2**. **Amendment.** The Planning Commission recommends the City Council adopt the proposed Commercial Zone Uses list organized by Use Categories, attached to this resolution as Exhibit A and incorporated herein by reference.

**SECTION 3. General Plan Consistency.** The list of Commercial Zone Uses is consistent with the Goals and Objectives of the General Plan; in that it would ensure a diversity of commercial uses intended to meet the needs of local residents, and to accommodate commercial uses intended to attract visitors.

**SECTION 4. CEQA.** The Planning Commission hereby finds that adoption of the amendment qualifies for an exemption from California Environmental Quality Act review pursuant to Title 14, Section 15061 subdivision (b)(3) as it can be seen with certainty that there is no possibility that the adoption of the Commercial Uses List may have a significant

effect on the environment, because the document is solely intended to be used for classification purposes for new and existing businesses.

**PASSED, APPROVED AND ADOPTED ON** this 3rd day of September 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tom Denison
Chair, Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning & Community Preservation

# EXHIBIT A

**Sierra Madre**
**Commercial Zone Uses**
**Organized by Use Category**

**Retail sales, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Antique stores
Apparel shops and accessories
Appliance stores (household)
Art galleries
Art supply stores
Bakery shops
Bicycle shops (including sales of electric bikes & scooters)
Bookstores
Coffee and Tea shops
Computer and electronic stores (home and office, including repairs)
Confectionary or candy stores; candy making only when incidental to retail sales from premises
Convenience stores
Delicatessens
Department stores (a store having separate sections for a wide variety of goods)
Florist shops (including flower and plant sales)
Furniture stores (no on-site manufacturing)
Gift, novelty, card and souvenir shops
Glass shops (sales only)
Grocery stores
Hobby stores
Ice cream stores
Jewelry stores
Meat markets
Music stores
Newsstand
Notions or sundries store
Pet supply store, excluding sale of pets other than tropical fish or goldfish
Pottery sales
Secondhand sales
Shoe stores
Sporting goods stores
Stamp and coin stores
Stationary stores, including mail services
Supermarkets
Toy stores

**Retail sales, limited**
(CUP)

Alcoholic beverage sales, whether for consumption on or offsite and whether alone or in conjunction with other uses
Glass repair shops (including edging, beveling, silvering and staining)
Gun and firearm sales, whether alone or in conjunction with other uses
Home improvement and construction products store and plant nurseries
Pet sales (excludes dangerous animals and fish, venomous reptiles and the like)
Tobacco and e-cigarette sales, whether for consumption on or offsite and whether alone or in conjunction with other uses (note that this includes any product intended to be smoked or vaped, other than marijuana)

**Offices, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Administrative,
Consulting,
Mail order houses, internet sales, ecommerce
Professional services

**Service establishments, general**
(permitted if up to 2,500 SF; MCUP if 2,500-5,000 SF; CUP if larger than 5000 SF)

Barber and beauty shops
Car share services (such as zipcar), including parking therefor
Clothing and costume rental establishments
Cosmetic services, non-medical (including nail salon and tanning salon)
Day/health spas (including massage therapy)
Health clubs or centers, exercise gymnasiums, fitness studios (including martial arts, pilates, and yoga)
Locksmith shops
Mailbox and business services stores
Medical office, clinics, outpatient
Pharmacy, drug stores
Pet grooming
Photography studios
Photocopying/duplicating services & print shops
Picture framing stores
Restaurants
Shoeshine stands (in association with shoe stores and must be located within enclosed building)
Shoe repair shops
Tailor shops
Travel agencies
Veterinary clinics

**Service establishments, limited**
(CUP)

Catering services
Dry cleaning, press or laundry
Laundromats
Lodging – bed and breakfast inns, hotels, and motels, (those with in-suite kitchen facilities subject to density limits of Section 17.36.050(B))
Machinery equipment and rental services
Medical laboratories, research
Veterinary clinics, small animal including incidental boarding

**Financial institutions, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Banks
Savings and loan associations
Finance companies

**Educational facilities, general**
(permitted if up to 5,000 SF; MCUP if larger than 5000 SF)

Barber and beauty colleges
Business schools
Dancing, art, music, and similar training schools
Professional/vocational schools

**Recreational and entertainment facilities, general**
(MCUP if up to 5,000 SF; CUP if larger than 5000 SF)

Circuses, carnivals, fairs
Billiard parlors
Bowling alleys
Clubs, fraternities, sororities and lodges
Parks, playgrounds, and other commercial recreation facilities open to the public which are privately owned and operated
Theaters, dance and music venues (excluding open air)

**Automobile and transportation-related establishments, general**
(CUP)

Car and motorcycle dealerships
Car rentals (other than car share services)
Sales of internal combustion engine-powered vehicles
Painting, detailing service
Parking facilities (surface lot, structure) as a primary use
Rental or storage facilities
Repair and/or body shops (shall be within enclosed building only)
Service stations (fueling stations)
Utility trailer and truck rental

**Residential**
(permitted if located outside the prime storefront area, prohibited within the prime storefront area)

Duplexes or two family dwelling units
Multi-family dwelling units
Second units as defined in Chapter 17.22
Single family dwelling units
SROs

CITY OF
SIERRA
MADRE

# STAFF REPORT

## PLANNING & COMMUNITY PRESERVATION

**DATE:** July 16, 2026

**TO:** Honorable Chair and the Planning Commission

**FROM:** Clare Lin, Director of Planning & Community Preservation
By: Joshua Wolf, Senior Planner

**SUBJECT:** **The Sierra Madre Commercial Zoning Ordinance**

### RECOMMENDATION

It is recommended that the Planning Commission receive and file this report and provide staff with direction.

### SUMMARY

The Sierra Madre Commercial Zoning Ordinance (Chapter 17.36 of Title 17 (Zoning) of the Sierra Madre Municipal Code) was last substantially amended by Ordinance No. 1431, adopted in November of 2020. The codified ordinance differs from the Municipal Code Text Amendment (MCTA 20-03) recommended by the Planning Commission. This report provides a brief overview on how the ordinance came to be as adopted. The Planning Commission may direct staff to prepare a Municipal Code Text Amendment for consideration.

### DISCUSSION & ANALYSIS

On May 21, 2026, the Planning Commission reviewed a zoning variance for a reduced front yard setback to allow an outdoor patio dining area located on a main commercial street in a commercial zone (VAR 26-01). The zoning variance was granted, allowing the outdoor patio dining area to have no front yard setback. Upon granting the zoning variance, the Planning Commission requested that staff conduct research to investigate why there was a minimum front yard setback requirement on main commercial streets.

*Background*

Standards of development within the Commercial Zoning Ordinance (Sierra Madre Municipal Code Title 17, Chapter 17.36, Section 17.36.050 et. seq.) currently require that front yards have a depth not less than 5 feet (Section 17.36.070(A)). This standard has been in place since at least 2009 with the adoption of Ordinance No. 1296, which amended Chapter 17.36 in its entirety. In July 2015, the City adopted a General Plan Update that included new land use policies and an Implementation Program for the adoption of those policies. On September 22, 2015, as part of the Strategic Plan three-year goals, staff received City Council direction to prioritize General Plan Implementation Measures for calendar years 2015-2020. Revisions to the Commercial Zoning Ordinance were identified for implementation during this period by a subcommittee. The Planning Commission reviewed the draft recommendations from the subcommittee at their meetings on March 15, 2018, April 19, 2018, and May 17, 2018, reviewing redline amendments and introducing additional changes to the Commercial Zoning Ordinance and other applicable sections of the Sierra Madre Municipal Code, including Chapters 17.08 (Definitions), 17.40 (Manufacturing Zone), and 17.60 (Variances and Discretionary Permits). The revisions to these Chapters were necessary for consistent cross-references in the Commercial Zoning Ordinance and other related zoning provisions.

On September 3, 2020, the Planning Commission adopted Resolution 20-11, recommending approval of MCTA 20-03 to the City Council to amend Chapters 17.08 (Definitions), 17.36 (Commercial Zone), 17.40 (Manufacturing Zone), and 17.60 (Variances and Discretionary Permits) of Title 17 (Zoning) of the Sierra Madre Municipal Code. The amendments were drafted over a period of one year by a subcommittee, comprising two members of the City Council and two members of the Planning Commission, with the following policy direction:

- Level the playing field - do not favor one land use over another; let the "free market" determine land use (let restaurants compete with office uses);
- Do not impose distance requirements between businesses or limitations by location, number, or type of use (with the exception of business types that are recommended as prohibited);
- Do not include the Montecito District in the Commercial Code updates (except as necessary to clean up provisions or references as recommended); and
- Include a recommendation to reduce parking regulations as part of the recommendation of the Commercial Code.

On October 13, 2020, the City Council introduced the first reading of Ordinance No. 1431 as recommended by the Planning Commission. Through deliberation, the City Council felt that numerous land use requirements were onerous and provided direction to strike design standards so that they could be considered separately following the consideration of changes to the Design Review Permit process. Because the drafted design standards heavily relied on other standards in the proposed amendments, code changes to downtown design criteria through the end of the Commercial Zoning Ordinance were struck.

Consideration of Ordinance No. 1431 continued on October 27, 2020. During this hearing, the ordinance in consideration omitted the amendments to Sierra Madre Municipal Code Section 17.36.040 (Design Criteria) through to the end of the Commercial Zoning Ordinance. Satisfied with this change, the City Council approved the first reading of Ordinance No. 1431. On November 10, 2020, the City Council approved the second reading of Ordinance No. 1431. As a result, the standard of development requiring a minimum front yard setback of five feet, among other standards, remains effective. Since the adoption of Ordinance No. 1431 and until the application for VAR 26-01 was submitted, no development within the City's commercial zone prompted any requirement for discretionary approval.

*Design and Development Standards*

The Sierra Madre Objective Design Standards (ODS), adopted with Ordinance No. 1495 on June 23, 2026, include design and development standards applicable to multi-family and mixed-use developments that may include commercial use as a component. Ordinance No. 1495 also amended Section 17.36.050 (Commercial Standards of Development), requiring that the ODS prevail when in conflict with any standard required by the commercial code for mixed-use development. No standard within the ODS applies to strictly commercial or non-residential development. However, mixed-use development utilizing the shop front standard (Appendix A.1) are not subject to a minimum front yard setback depth and are subject to a maximum front yard depth of 1.5 feet except when using an open space type frontage. Standards within the ODS related to patios or outdoor (al fresco) dining areas are primarily components of outdoor spaces as extensions of living area, not as extensions of commercial area. The most relevant standard for outdoor dining requires separation from the public right-of-way by a permanent wall or movable barrier between two and three and a half feet high.

*Conclusion*

Standards of development within the Commercial Zoning Ordinance remain as existing from Ordinance No. 1296, adopted in 2009, as a result of the City Council's intervention of Ordinance No. 1431. A matrix comparing the commercial code as recommended by the Planning Commission and as ultimately adopted by the City Council is included with this report as Attachment A. It is recommended the Planning Commission receive and file this report and provide staff with direction on whether to amend the Sierra Madre Commercial Zoning Ordinance. For additional background on the changes made on Ordinance No. 1431, staff recommends that the video recordings of the meetings be reviewed.

- City Council Regular Meeting of October 13, 2020
- City Council Regular Meeting of October 27, 2020

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: PRC 21080(b)(1)- ministerial acts

Approved by:

_____

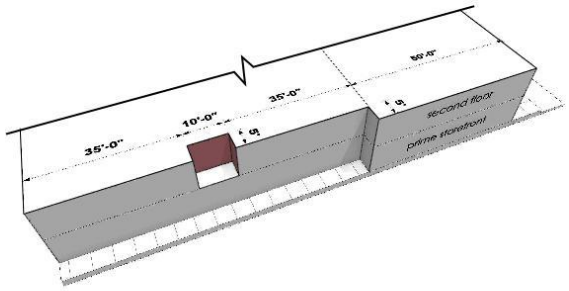
Clare Lin
Planning and Community Preservation Director

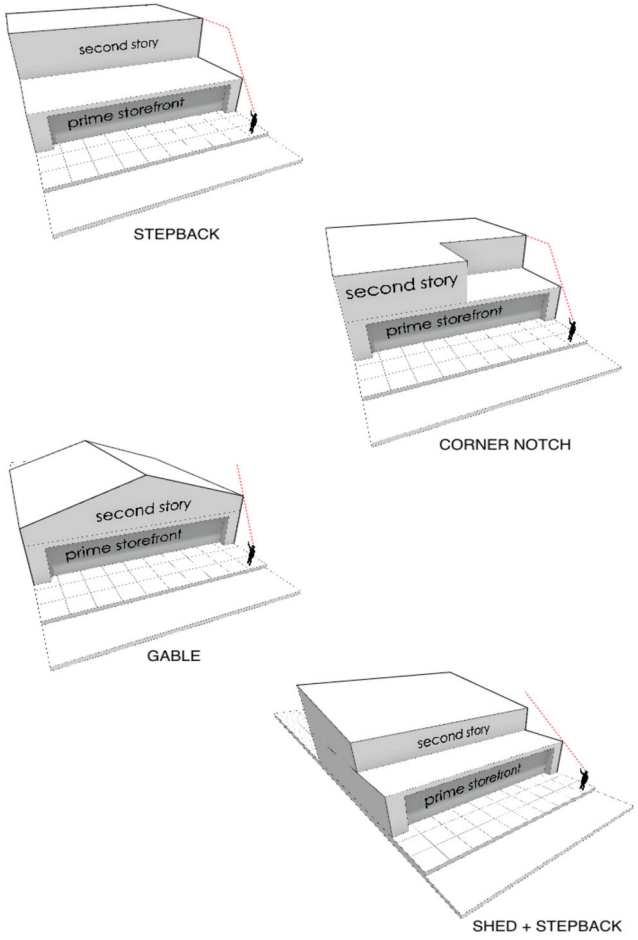
**Attachments**

Attachment A: Commercial Zoning Ordinance: Comparison of Amendments

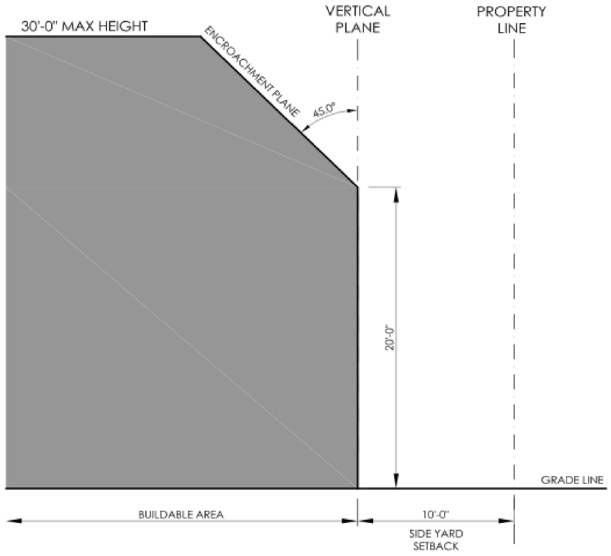
| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| 17.36.040 | Design criteria.<br>The following design criteria shall be applied to all development within the C zone: | Downtown design criteria.<br>The following design criteria shall be applied to all development within the C zone. Downtown Design Standards: |
| 17.36.040(A) | Architectural Style and Character. All construction, exterior remodeling, development and redevelopment shall be of such architectural design as to enhance the site and surrounding environment and be consistent with the desired overall community values as stated in the General Plan. | Architectural Style and Character. All future construction, exterior remodeling, development and redevelopment shall be of such architectural design as to enhance the site and surrounding environment and be consistent with the desired overall community values stated in the General Plan. Approval of each design as to its compliance or compatibility with these standards must be obtained from the development services director prior to the granting of any building permit. |
| 17.36.040(B) | Materials and colors. Materials, colors and textures generally shall be compatible with those of adjacent and other nearby buildings and the overall character of the downtown area. The use of traditional building materials such as tile, textured concrete, color-tinted concrete, decorative masonry (brick, river rock), wood siding, and stucco is encouraged. Natural colors are encouraged. Use of decorative and permeable paving materials is encouraged. | Materials. The following building materials or those determined by the development services director to be similar to them shall be utilized in all construction in the commercial zone:<br>1. Roof materials intended to be viewed, including but not limited to clay tile or slate;<br>2. Brick, tile, textured concrete, tinted concrete or exposed aggregate patios and walkways;<br>3. Decorative masonry materials such as bricks, stone or slump stone;<br>4. Heavy rough textured wood beams, headers, trim and siding;<br>5. Textured stucco. |
| 17.36.040(C) | Pedestrian friendly. Project design should accommodate and encourage pedestrian activity rather than be car-centric, including:<br>1. The ground floor elevation of commercial spaces facing the sidewalk should be visibly and physically penetrable by placing windows and doorways at the street elevation;<br>2. The use of awnings, overhangs, porticoes, trellises, and other design elements which provide protection to pedestrians is encouraged;<br>3. The use of architectural design elements and details to provide interest along the sidewalk is encouraged;<br>4. Front elevations shall be designed to mimic small individual storefronts even if one business intends to occupy the | Colors. Earth tone or natural colors shall be utilized throughout with the use of bright, nonpastel colors for the purpose of accent; however, such accent colors shall not be used to such a degree as to become the dominant color of any structure. |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | entire space. This may be accomplished using vertical design elements to break up the façade;<br>5. The development of outdoor spaces for dining and public gathering spaces is encouraged; and<br>6. Parking in the front yard is discouraged, especially along a main commercial street. | |
| 17.36.040(D) | Landscaping. All site landscaping shall be so designed with both form and function in mind and not just as a decorative element. Desirable aspects of landscape design that are:<br>1. Plant material selection for seasonal color;<br>2. Low maintenance and drought-tolerant plant materials;<br>3. Use of ground cover plant materials rather than nonplant substitutes;<br>4. Permeable paving and water harvesting features; and<br>5. Use of native plants when appropriate. | Landscaping. All site landscaping shall be so designed with both form and function in mind and not just as a decorative element. Desirable aspects of landscape design that are:<br>1. Plant material selection for seasonal color;<br>2. Low maintenance plant materials;<br>3. Use of ground cover plant materials rather than nonplant substitutes;<br>4. Use of native trees when appropriate. |
| 17.36.040(E) | Signs. All signs shall be designed as an integral part of the overall architectural design theme of the building through the use of similar materials and colors, as well as proportionate size and location. Signage shall also comply with Chapter 17.72. | Signs. All signs shall be designed as an integral part of the overall architectural design theme of the building through the use of similar materials and colors, as well as proportionate size and location. |
| 17.36.040(F) | Articulation. Outside of the prime storefront area and the second floor above it, (i) articulation of exterior walls is encouraged; and (ii) in no event shall a linear wall of a second story extend longer than thirty-five feet without an offset of a minimum of five feet for a minimum linear distance of ten feet (see illustration below).<br>**Illustration of Minimum Second Story Articulation** | General. The following apply to all development in the C zone:<br>1. Architectural treatment shall be applied to all building elevations;<br>2. The design of a proposed project shall be related to the surrounding existing development with greater emphasis placed upon compatibility with adjacent development related to:<br>a. Bulk or mass, height,<br>b. Colors,<br>c. Building materials,<br>d. Roof lines,<br>e. Access,<br>f. Views,<br>g. Landscaping. |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| |  | |
| 17.36.040(G) | Views. Preservation of public and private views is encouraged, especially mountain views that could potentially be blocked by structures on the north side of Sierra Madre Boulevard. Building design techniques that may be employed to preserve view include setting back the front facade of the second story, having a second story that spans less that the full width of the lot, varying building heights, or other building articulation (see illustrations below).<br>**Example Illustrations of View Preservation Techniques** | |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| |  | |
| 17.36.040(H) | General. The following apply to all development in the C zone:<br>1. Architectural treatment shall be applied to all building elevations;<br>2. The design of a proposed project shall be related to the surrounding existing development with greater emphasis placed upon compatibility with adjacent development related to:<br>a. Bulk or mass and height,<br>b. Colors, | *[note: reference Code Section 17.36.040(F) for comparison]* |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | c. Building materials,<br>d. Roof lines,<br>e. Access,<br>f. Views,<br>g. Landscaping. | |
| 17.36.040(I) | From time to time, the planning commission may promulgate and maintain site design and massing guidelines for use by applicants and the city to guide appropriate development in the C zone. | |
| 17.36.050 | Residential/Commercial Mixed-Use.<br>A. All residential uses allowed in the R-3 Zone in accordance with Chapter 17.28 and SROs are permitted outside of the prime storefront area. Residential uses are prohibited in the prime storefront area except for entries, hallways, stairwells and/or other necessary accessways thereto.<br>B. Mixed-use projects shall be designed to provide compatibility between residential and non-residential uses, and to minimize the effects of noise, odors, glare, vehicular traffic, privacy intrusion, and other potentially significant impacts on project residents. | Standards of development—Generally.<br>The development standards set forth in the following sections of this chapter shall apply to all construction within the C zone. |
| 17.36.070(A) | Front Yard. No front yard shall be required adjacent to a main commercial street. Elsewhere, non-residential uses shall have a minimum front yard depth of five feet, and residential uses shall have a minimum front yard depth of fifteen feet. Although not required, varied building set backs to allow for outdoor dining and sales uses, landscaping, and/or decorative paving are encouraged on long street frontages. | Front Yard. There shall be a front yard having a minimum depth of five feet extending across the full width of the lot. |
| 17.36.070(B) | Side Yard. No side yard shall be required adjacent to prime storefront areas or the second floor above them. Elsewhere, side yards shall be not less than ten five feet in width. | Side Yard. Side yards adjacent to a street or alley shall be not less than ten feet in width. |
| 17.36.070(D) | Yards Adjacent to R-1 Zones. Yards abutting an R-1 zoned property shall have a minimum depth of ten feet, and an encroachment limit shall be established which is determined at the point where the wall height is twenty feet, and using a forty-five-degree angle inwards toward the property to create additional setback (see illustration below). | Yards Adjacent to Residential-1 Zones. If either the side or rear yards are adjacent to any residential zone or use, a minimum of ten feet of the required yards shall be landscaped with specimen plants and trees (minimum fifteen-gallon stock) to create a solid plant screen as represented on a landscaping plan approved by the development services director. |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | **Illustration of Angle Plane Encroachment Limit**<br>  <br> | |
| 17.36.080(E) | Encroachments into setback areas:<br>1. Garages and other one-story accessory structures may be constructed within five feet of a side or rear property line where the difference between adjoining grades does not exceed one foot and is not adjoining an R-1 zoned property.<br>2. Walls and fences in accordance with Section 17.48.130.<br>3. Balconies and Exterior Stairways. No more than one-half of the balconies and exterior stairways shall be permitted to project more than fifty percent of the minimum setback requirement into any required setback areas. The minimum setback from any property line abutting R-1 zoned property shall be ten feet.<br>4. Swimming pools, hot tubs, spas and similar recreational facilities may be located no closer than five feet from the rear or side property lines, or twenty-five feet from the front property line.<br>5. Other encroachments into setback areas may be allowed with approval of a design review permit in accordance with Chapter 17.60 upon the additional finding by the planning commission that requiring strict compliance would run | |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | contrary to the purposes of this chapter and allowing such encroachment would substantially advance the purposes of this chapter. | |
| 17.36.080 | Building and site coverage; floor area.<br>A. Coverage of any parcel by impermeable surfaces (such as traditional structures, driveways, paving, and sidewalks) shall not exceed sixty-five percent of gross lot area. Permeable patios, porous paving areas, hard surfaces equipped with rain catchment and infiltration/retention features, vegetated roof areas and other porous surfaces shall not be considered covered areas for the purpose of this standard.<br>B. The floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully-subterranean spaces) shall be limited to one hundred percent of gross lot area. | Building and site coverage.<br>Coverage of any parcel by roofed structures shall not exceed eighty percent, exclusive of all existing or required streets, sidewalks and alleys. |
| 17.36.100 | Parking.<br>A. Off-street parking shall be provided in accordance with Chapter 17.68.<br>B. Parking should generally be located behind or under buildings, rather than in the front yard. Above-ground parking areas should be screened and otherwise incorporate attractive and appropriate landscaping. In addition to street access, businesses should provide pedestrian-friendly access from parking areas. Where possible, projects are encouraged to improve pedestrian access from public parking areas to commercial uses, particularly access from the parking lot on Mariposa Avenue to the commercial uses on the south side of Sierra Madre Boulevard, and to encourage the use of available public parking. | Off-street parking.<br>All off-street parking shall be provided in accordance with Chapter 17.68 of this code. |
| 17.36.110 | Landscaping. | Landscaping.<br>The provisions of Chapter 17.68 shall apply in addition to the following: |
| 17.36.110(A) | All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, approved outdoor seating and sales areas, and paved or covered recreational facilities | All open areas with the exception of vehicular accessways and parking areas, pedestrian walkways, approved outdoor seating and sales areas, and paved or covered recreational facilities |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | shall be landscaped and permanently maintained in an attractive manner. Existing trees to be removed shall be replaced with a substitute specimen trees. | shall be landscaped and irrigated. Such landscaping and irrigation system shall be permanently maintained. Existing trees to be removed shall be replaced with a substitute specimen trees. (minimum thirty-inch box container size) elsewhere on the site. |
| 17.36.110(B) | Landscaping should incorporate drought-tolerant plants and water-harvesting features, and must adhere to the city's adopted water efficient landscape standards pursuant to Chapter 15.60. | All planted areas shall be surrounded by a curb of concrete or comparable material at least six inches above the higher of the final grade or the pavement of the parking lot, except when such planted areas lie adjacent to a paved sidewalk, masonry wall or a building. |
| 17.36.110(C) | Landscaping shall consist of trees, shrubs and ground covers with careful consideration given to eventual size, form, susceptibility to disease and pests, durability, water consumption and adaptability to soil and climate conditions. Street trees shall be provided to city standards and in accordance with the master plan for street trees, or with current practices established by the director of public works. | Landscaping shall consist of trees, shrubs and ground covers with careful consideration given to eventual size, form, susceptibility to disease and pests, durability, water consumption and adaptability to soil and climate conditions. |
| 17.36.110(D) | For all projects that are required to comply with water efficient landscape standards, a conceptual landscape plan prepared by a licensed landscape architect shall be submitted to the planning department together with the project's first application and shall be drawn to a scale of not less than one inch equals twenty feet. Said plan shall include the following information:<br>1. Square footage of each landscaped area;<br>2. Total square footage of all landscaped areas;<br>3. Percentage of the site devoted to landscaping;<br>4. Type of plant materials, i.e., the botanical and common names;<br>5. Location of all plant materials;<br>6. Container size and number of all plant materials; and<br>7. Tree inventory and tree protection report prepared by a licensed arborist shall be submitted. No protected tree shall be removed or substantially trimmed, except as authorized by Chapter 12.20. Specimen trees shall be replaced within the submitted landscaping plan with a minimum of twenty-four-inch box trees. | A landscape plan drawn at a scale of not less than one inch to thirty feet shall be submitted and shall include:<br>1. Square footage of each landscaped area;<br>2. Total square footage of all landscaped areas;<br>3. Percentage of the site devoted to landscaping;<br>4. Type of plant materials, i.e., the botanical and common names;<br>5. Location of all plant materials;<br>6. Container size and number of all plant materials;<br>7. Type, size and location of a permanent irrigation system. |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | The project approval may include additional landscape requirements. Final plans, including irrigation and required usage calculations will be reviewed during construction plan check. | |
| 17.36.120 | Screening.<br>Parking areas, refuse storage, mechanical equipment and the like shall be screened by some combination of walls, plantings or earthworks. All trash bins and containers shall be stored within an enclosure with lids closed at all times when not being loaded. | Plant screens; walls.<br>A. A plant screen shall be erected in place of a wall, provided it is:<br>1. Sufficient to visually screen the parking area;<br>2. Comprised of specimen stock;<br>3. Within a planter area of at least four feet in depth;<br>4. Provided with a permanent irrigation system;<br>5. Compliant with all other provisions of this section for landscaping, including being an integral part of an approved landscaping plan.<br>B. A decorative masonry wall of at least thirty inches high may be substituted for a plant screen provided it is constructed and maintained along the perimeter of all off-street parking areas except at points of ingress and egress. Such wall shall be constructed of masonry units not greater than six inches in height.<br>C. A landscaped area of at least thirty inches in height may be substituted for a wall or plant screen if the planning commission approves its design, location, scale and landscape treatment pursuant to a permit issued under this chapter.<br>D. A decorative concrete, masonry or block wall of at least six feet in height shall be constructed and maintained on the boundary of any use which abuts or which lays across a public alley from a residential zone, except in front setbacks, in which such walls shall be forty-two inches or less in height. |
| 17.36.130 | Hours of Operation.<br>No business established after July 31, 2020 shall be open for business to customers or clients (i) between 10:00 pm and midnight Sunday through Thursday, without first obtaining a minor conditional use permit; or (ii) between midnight and 5:00 am on any day without first obtaining a conditional use permit, | Refuse storage.<br>All outdoor trash, garbage and refuse storage areas shall be screened on all sides from public view by a permanent wall at least five and one-half feet high in conformance with the architectural design of the related buildings, including a solid gate of durable opaque material approved by the development |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | in either case in accordance with Chapter 17.60. When approving any discretionary permit required by this chapter, the reviewing authority may further condition the hours of operation of a business in order to make the findings required by such permit. | services director. All bins and containers shall be stored within the enclosure with lids closed at all times when not being loaded. |
| 17.36.140 | Outdoor storage and sales.<br>All storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building. Outdoor display of goods and merchandise for sale shall require a minor conditional use permit in accordance with Chapter 17.60. | Outdoor storage prohibited.<br>All storage of wares, merchandise, crates, bottles or similar items shall be within a completely enclosed building. |
| 17.36.160 | Lighting.<br>All lighting of building, landscaping, parking lot or similar facilities shall be shielded and directed away from adjoining properties, and shall otherwise comply with the with the city's "Dark Sky" program and the relevant provisions of the General Plan. | Lighting.<br>All lighting of building, landscaping, parking lot or similar facilities shall be shielded and directed away from adjoining properties. |
| 17.36.170 | Property Maintenance.<br>All properties within the C zone shall be maintained in good condition, free from nuisances, and within all performance standards set forth in this code, including without limitation, those contained in Title 8 – Health and Safety and Title 9 - Public Peace, Morals and Welfare. Any and all handling of hazardous materials shall be done in compliance with applicable local, state, and federal laws and regulations. Prior to approving any discretionary permit required by this chapter, the reviewing authority may request reasonable evidence from an applicant that a proposed project or use is likely to so comply, and failure to provide such evidence, or a preponderance of evidence to the contrary provided by other shall be shall be grounds for denial of any such permit. | Mechanical Equipment.<br>All ground mechanical equipment shall be completely screened behind a permanent structure and all roof top mechanical equipment shall be completely screened from view from street level. |
| 17.36.180 | Underground utilities.<br>All utility connections for new construction shall be underground, but utility connections to structures which lawfully preexisted the adoption of this chapter may be maintained. | Underground utilities.<br>All utilities connections for new construction shall be underground, but utility connections to structures which lawfully preexisted the adoption of this chapter may be maintained. |
| 17.36.190 | Development or construction site standards. | Development or construction site standards. |

| Code Section | MCTA 20-03<br>Planning Commission's Recommended Amendments | Ordinance No. 1431<br>Adopted by City Council |
|---|---|---|
| | The following standards apply to development or construction in the C zone:<br>A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced or screened as determined by the building inspector;<br>B. Sites shall be maintained during construction as not to become an attractive or public nuisance due to storage of material, parking or activities of construction workers;<br>C. Any portable toilets shall be set back ten feet from all property lines;<br>D. Rubbish and refuse service with the city's franchised hauler shall be required at the time a building permit is issued. Service may be weekly pickup service if accessible by a public street or as otherwise authorized by the director of development services;<br>E. Contractors shall submit to the city a complete list of subcontractors for all services and trades and each contractor or subcontractor shall obtain a city business license prior to any work or request for inspection. Work commenced prior to issuance of necessary permits and business licenses shall be subject to double permit fees pursuant to Chapter 15.04 of this code;<br>F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit pursuant to Chapter 12.12 of this code;<br>G. Any paved public right-of-way affected by construction shall be cleaned each evening by the contractor. Cleanup shall include, but not be limited to, streets, roadways, gutters, sidewalks and parkways;<br>H. Violations of this section may result in the issuance of a stop work order by the building inspector in the manner specified in Chapter 15.05 of this code. | The following standards apply to development or construction in the commercial zone:<br>A. Construction sites shall be maintained free and clear of attractive nuisances and debris and/or fenced or screened as determined by the building inspector;<br>B. Sites shall be maintained during construction as not to become an attractive or public nuisance due to storage of material, parking or activities of construction workers;<br>C. Any portable toilets shall be set back ten feet from all property lines;<br>D. Rubbish and refuse service with the city's franchised hauler shall be required at the time a building permit is issued. Service may be weekly pickup service if accessible by a public street or as otherwise authorized by the director of development services;<br>E. Contractors shall submit to the city a complete list of subcontractors for all services and trades and each contractor or subcontractor shall obtain a city business license prior to any work or request for inspection. Work commenced prior to issuance of necessary permits and business licenses shall be subject to double permit fees pursuant to Chapter 15.04 of this code;<br>F. Use of the public right-of-way for storage, work, staging, or off-loading requires a permit pursuant to Chapter 12.12 of this code;<br>G. Any paved public right-of-way affected by construction shall be cleaned each evening by the contractor. Cleanup shall include, but not be limited to, streets, roadways, gutters, sidewalks and parkways;<br>H. Violations of this section may result in the issuance of a stop work order by the building inspector in the manner specified in Chapter 15.05 of this code. |

Note: No differences were found in omitted Code Sections.

CITY OF
SIERRA
MADRE

# STAFF REPORT

## CITY CLERK'S OFFICE

**DATE:** September 8, 2026

**TO:** Honorable Mayor and City Council

**FROM:** Laura Aguilar, City Clerk

**SUBJECT:** **Report, Discussion, and Direction on City Donation and Gift Policy**

**RECOMMENDATION**

It is recommended that the City Council adopt the proposed City Donation and Gift Policy establishing standardized guidelines, approval thresholds, internal controls, and administrative procedures for accepting, appropriating, and managing donations made to the City of Sierra Madre.

**SUMMARY**

The City of Sierra Madre regularly receives generous offers of monetary and in-kind contributions from residents, civic groups, and local businesses. To ensure consistent stewardship, transparency, and internal accounting controls, staff has prepared a formal City Donation and Gift Policy. The proposed policy establishes clear approval thresholds, authorizing the City Manager to accept and appropriate donations valued at $10,000 or less, while reserving larger donations, real property, and high-impact contributions for City Council approval. Adoption of this policy streamlines administrative processing for routine contributions while maintaining City Council oversight.

**DISCUSSION & ANALYSIS**

The proposed Donation and Gift Policy formalizes a transparent process while maintaining fiscal controls and City Council oversight through a tiered approval framework. The City Manager is granted administrative authority to accept monetary and in-kind donations valued at $10,000 or less, as well as the authority to execute the corresponding revenue and expenditure budget appropriations necessary to carry out the donor's intended purpose. Contributions exceeding $10,000 must be presented to the City Council for formal acceptance and appropriation prior to use. To ensure accountability and prevent the circumvention of City Council review, the policy includes anti-structuring provisions that aggregate multiple related donations from the same donor for a single project. In addition, donations involving real property, naming rights, substantial ongoing municipal costs, or policy conditions are strictly reserved for City Council consideration regardless of monetary value.

Before accepting any contribution, receiving departments are required to perform due diligence to confirm that the donation aligns with City goals and serves a legitimate public interest. The City retains full discretion to decline any gift that creates operational burdens or does not benefit the community. When donations are accepted, the policy enforces internal cash-handling protocols, requiring dual-staff verification for counting cash donations, immediate receipting, and prompt transmittal to the Finance Department to ensure restricted gifts are tracked on the general ledger in accordance with generally accepted accounting principles.

Finally, the policy clearly defines the boundaries of donor acknowledgment and legal compliance. Standard written acknowledgments are limited to describing the accepted gift without offering formal tax appraisals or advice, and routine recognition is explicitly distinguished from commercial advertising, sponsorships, or City endorsements. The policy also establishes that these procedures govern contributions made directly to the City as a public entity, ensuring ongoing compliance with the California Political Reform Act, Fair Political Practices Commission (FPPC) gift limits, the Sierra Madre Municipal Code and California Government Code Section 37354.

**STRATEGIC PLAN RELATIONSHIP**

Strategic Objective: Build an organization that is innovative, financially stable, and consistently delivers a high level of service.

- Goal 2. Build on Fiscal Stability

**ENVIRONMENTAL ANALYSIS**

Not a CEQA Project under: 14 CCR 15378(b)(5)- organizational or administrative activities

**FISCAL IMPACT**

There is no fiscal impact as a result of the recommended action. Donations received by the City will follow the procedures outlined in the policy.

Approved by:



_____

Michael Bruckner
City Manager

**Attachments**

Donation and Gift Policy.pdf

**CITY OF SIERRA MADRE**
**CITY COUNCIL POLICY**

**POLICY NUMBER:** _____
**ADOPTED:** _____
**AMENDED:** _____

**CITY MANAGER APPROVAL:** _____

# DONATION AND GIFT POLICY

## I. PURPOSE:

To establish a consistent process for the acceptance, appropriation, documentation, and administration of donations made to the City of Sierra Madre, while ensuring that donations serve a public purpose, are consistent with City interests, and do not create inappropriate obligations, conflicts, or expectations.

## II. POLICY STATEMENT:

The City welcomes monetary and in-kind donations that enhance City services, programs, facilities, events, or other public purposes. The City retains sole discretion to accept or decline any donation.

The City Manager is authorized to administratively accept donations with a value of $10,000 or less per donation and to appropriate the donated funds in the fiscal year they are received. The City Manager is also authorized to administratively accept an equivalent amount of in-kind donation when an appropriation is necessary, to the purpose for which the donation was accepted. No separate City Council action is required for such donations.

Donations with a value greater than $10,000 require City Council acceptance and, when applicable, appropriation before the City may use the donation.

Related donations from the same donor for the same project, program, event, or purpose shall be aggregated when determining the applicable approval threshold. Donations shall not be divided or structured for the purpose of avoiding City Council approval.

Notwithstanding the monetary threshold above, the City Manager may refer any donation to the City Council when the donation presents significant policy, legal, financial, operational, reputational, or community considerations. Donations involving real property, naming rights, substantial future City costs or obligations, or material conditions affecting City policy or use of property require City Council approval regardless of stated value.

## III. DEFINITIONS:

**Donation:** A voluntary contribution to the City, without expectation of monetary compensation or a direct commercial benefit in return. A donation may be monetary or in-kind and may be designated or undesignated.

**Designated Donation:** A donation for which the donor identifies a specific City program, project, facility, event, department, or other public purpose.

**Undesignated Donation:** A donation provided without a restriction on its use. The City may use an undesignated donation for any lawful public purpose.

**In-Kind Donation:** A donation of goods, equipment, materials, services, or other property rather than money. For purposes of determining approval authority, value means the reasonable fair market value of the donation at the time of acceptance.

**Donor:** An individual, business, nonprofit organization, foundation, association, or other entity offering a donation to the City.

## IV. PROCEDURES:

### A. Evaluation of Donations

- Before acceptance, the receiving department shall evaluate the donation and provide sufficient information to the City Manager to determine whether acceptance is in the City's best interests. The review should be proportionate to the nature and value of the donation and should consider, as applicable:
  - Whether the donation supports a lawful public purpose and is consistent with City goals, policies, plans, programs, and operations.
  - Any donor restrictions, conditions, recognition requests, or other terms associated with the donation.
  - Any immediate or future City cost, including installation, maintenance, staffing, insurance, storage, repair, replacement, disposal, or matching-fund obligations.
  - The condition, usefulness, safety, compatibility, and expected life of an in-kind donation.
  - Whether acceptance could create an actual or apparent conflict of interest, endorsement, procurement advantage, or other inappropriate expectation.
  - Any legal, accounting, tax, records-retention, security, information-technology, or risk-management issues associated with the donation.
- The City may require a written donation agreement when appropriate to document restrictions, conditions, ownership, installation, maintenance, recognition, disposition, or other material terms.

### B. Acceptance and Appropriation Authority

- Donations valued at $10,000 or less may be accepted by the City Manager. The City Manager is authorized to increase the applicable estimated revenue and expenditure appropriations by an amount not to exceed the value of the accepted donation when necessary to carry out the donor-approved public purpose.
- Donations valued at more than $10,000 shall be presented to the City Council for acceptance and appropriation.
- Acceptance authority under this policy includes designated and undesignated monetary donations and in-kind donations, except for matters specifically reserved to the City Council under this policy or applicable law.
- The City Manager may decline any donation or refer it to the City Council regardless of value.

DRAFT

## C. Processing and Accounting

- Receiving department is responsible to provide the donor with a receipt for the donations.
- If cash donation is received, two staff of the receiving department are required to be present to count the cash donation.
- Monetary donations, along with a copy of the receipt, shall be forwarded promptly to the Finance Department for deposit into the appropriate City fund or account. Designated donations shall be separately identified or otherwise tracked so the restriction can be honored.
- The receiving department is responsible to track the receipts and uses of the donations.
- The Finance Department shall promptly deposit, record and account for donations in accordance with generally accepted accounting principles, City budget practices, and applicable law.
- In-kind donations shall be recorded, capitalized, inventoried, or otherwise accounted for when required by City policy. The donor is responsible for establishing the value of a donation for the donor's own tax purposes; the City will not provide tax advice or an appraisal of donated property.
- The receiving department shall ensure that an accepted designated donation is used for its approved purpose. If the City later determines that the designated purpose cannot reasonably be carried out, staff shall consult with the donor when appropriate and with the City Attorney as necessary before redirecting, returning, or otherwise disposing of the donation.

## D. Donor Acknowledgment and Recognition

- The receiving department shall provide reasonable written acknowledgment of accepted donations. Acknowledgment may identify the donor and describe the donation but shall not state or imply the value of donated property for tax purposes unless the City is legally required to do so.
- Recognition of a donor does not constitute City endorsement of the donor, its products, services, positions, or activities.
- Naming rights, permanent signage, advertising, sponsorship benefits, or other material recognition beyond routine acknowledgment are not granted under this policy and require separate authorization as applicable.

## E. Gifts Offered to Individual Employees or Officials

- This policy governs donations to the City and does not authorize gifts to individual City employees or officials. Gifts offered to an individual because of the person's City position are subject to applicable ethics, conflict-of-interest, gift, and disclosure laws and City policies. An item intended for the City rather than an individual shall be processed under this policy.

## F. Declined Donations and Disposition

- The City may decline any donation when acceptance is not in the City's best interests. The City is not required to provide a reason for declining a donation.
- A declined in-kind donation shall remain the responsibility of the donor unless otherwise agreed in writing. Once accepted, donated property becomes City property and may ultimately be transferred, sold, recycled, discarded, or otherwise disposed of in accordance with applicable City policies and law, unless a written acceptance agreement provides otherwise.

DRAFT

## V. APPLICABILITY:

This policy applies to all City departments and to donations offered directly to the City, a City department, or a City program, project, facility, or event. It does not supersede a more specific City policy, grant agreement, sponsorship agreement, procurement requirement, or other law governing a particular transaction.

A contribution that requires the City to purchase goods or services from the donor, provide advertising or substantial commercial benefits, enter into a procurement or service contract, or otherwise provide consideration beyond customary donor acknowledgment is not a donation for purposes of this policy and shall be handled under the applicable contracting, procurement, sponsorship, or other City requirements.

## VI. RESPONSIBILITY:

**City Manager:** The City Manager may accept or decline donations up to the authority established by this policy, approve related appropriations, and refer donations to the City Council when required or appropriate.
**Finance Department:** The Finance Department is responsible for receiving, depositing, recording, appropriating and accounting for, and tracking monetary donations on the general ledger.
**Department Directors:** Department Directors are responsible for reviewing donation offers, identifying any operational or financial impacts, ensuring designated donations are used as intended, providing donors with receipts, acknowledging donors, tracking receipts and uses of donations, and promptly forwarding donations to the Finance Department for depositing into the City's bank account and recording onto the general ledger.
**City Attorney:** The City Attorney shall be consulted when a donation involves significant legal issues, unusual conditions, real property, naming rights, contractual obligations, or conflicts of interest.

## VII. ATTACHMENTS / REFERENCES:

- Donation Acceptance Form, if adopted by the City.
- City budget and reserve policy, and contracting and purchasing policy.
- City capital asset capitalization policy, and records retention policy, as applicable.
- California Political Reform Act and applicable Fair Political Practices Commission regulations governing gifts to public officials and employees.
- Government Code § 37354
- Government Code § 7050
- Sierra Madre Municipal Code § 2.08.070(M)

*Where this policy conflicts with an applicable memorandum of understanding, employment agreement, Personnel Rules, law, regulation, or binding legal requirement, the controlling authority governs. The City may revise procedures used to administer this policy as operational, legal, or technological conditions change.*

DRAFT

CITY OF
SIERRA
MADRE

# STAFF REPORT

## PUBLIC WORKS SERVICES

| | |
|---|---|
| **DATE:** | September 8, 2026 |
| **TO:** | Honorable Mayor and City Council |
| **FROM:** | Brian Dickinson, Director of Public Works<br>By: Eric Lozick, Management Analyst |
| **SUBJECT:** | **Report, Discussion, and Direction on Bailey Canyon Wilderness Park Alternative Parking Lot Access** |

**RECOMMENDATION**

It is recommended that the City Council review the vehicle access alternatives for Bailey Canyon Wilderness Park and provide direction to staff by selecting one of the following:

1. Retain the existing vehicle entrance from West Carter Avenue at North Grove Avenue.
2. Identify Option 1, a new two-way vehicle entrance from West Carter Avenue west of the Los Angeles County Flood Control District (LACFCD) channel, as the preferred unfunded capital improvement concept for future capital planning.
3. Identify Option 2, an approximately 34-foot-wide two-way bridge from Oak Crest Drive over the LACFCD channel to the existing parking lot, as the preferred unfunded capital improvement concept for future capital planning.

Selection of Option 1 or Option 2 would establish the City Council's preferred concept only. It would not authorize design, construction, or expenditure of funds. Any future feasibility work would require a separately approved scope and identified funding source.

**SUMMARY**

The City has received resident complaints regarding park-related traffic and overflow curb parking on North Grove Avenue. Residents report that when vehicles are parked along both sides of the street, the remaining roadway width functions as a single shared travel lane, requiring vehicles traveling in opposite directions to yield and pass one at a time. This condition has raised concerns regarding neighborhood circulation and pedestrian safety.

In response to City Council direction to return with a discussion item, staff identified two conceptual access alternatives for City Council consideration, in addition to retaining the existing entrance. Option 1 would establish a two-way entrance from West Carter Avenue, west of the LACFCD channel, to the existing parking lot. Option 2 would establish an approximately 34-foot-wide two-way bridge from Oak Crest Drive over the channel to the parking lot. The concepts are separate alternatives; staff is not proposing construction of both entrances.

Neither alternative would increase parking capacity. A new entrance could change the route used to reach the existing parking lot, but the extent to which either concept would reduce traffic or overflow parking on North Grove Avenue has not been determined. Both concepts are unfunded and require further traffic, site, engineering, environmental, regulatory, and cost analysis before any construction recommendation.

**DISCUSSION & ANALYSIS**

The existing parking lot entrance is located on West Carter Avenue and is aligned with North Grove Avenue. No traffic-count, parking-occupancy, roadway-clear-width, or pedestrian-safety study has been completed for this area. The frequency of the reported single-lane condition and the degree of relief that either new entrance could provide have therefore not been quantified. The purpose of this item is to obtain City Council direction regarding which concept, if any, should be carried forward as an unfunded capital improvement.

*Retain Existing Entrance*

Under this alternative, park vehicle access would remain at the existing location on West Carter Avenue, aligned with North Grove Avenue. This alternative would avoid the design, construction, tree-removal, and agency-approval requirements associated with a new entrance. It would not change the current vehicle access pattern or increase parking capacity.

*Option 1: West Carter Avenue Entrance*

Option 1 would establish a new two-way driveway from West Carter Avenue, west of the LACFCD channel, to the existing parking lot. The entrance would provide two travel lanes for simultaneous inbound and outbound traffic and would include a new ornamental metal vehicle gate. Final width, alignment, grades, sight distance, drainage, accessibility, emergency-access, and turning geometry would need to be established through traffic and civil design. The proposed driveway is near the intersection area of West Carter Avenue, North Lima Street, and Oak Crest Drive. A traffic analysis would be needed to evaluate sight distance, turning movements, queues, pedestrian conflicts, and driveway spacing at this location.

*Option 2: Oak Crest Drive Bridge*

Option 2 would establish a continuous two-way connection from Oak Crest Drive over the LACFCD channel to the existing parking lot. The current concept is approximately 34 feet wide and is intended to accommodate two vehicle travel lanes and accessible pedestrian facilities along both sides. Structural and hydraulic design would be based on surveyed channel geometry and would need to preserve the required flood-control capacity. This option would require review and approval by the Los Angeles County Flood Control District, coordinated through Los Angeles County Public Works. Authorization from the U.S. Army Corps of Engineers may also be required, subject to confirmation of federal jurisdiction and the final design. Survey, hydraulic, structural, geotechnical, drainage, and accessibility analyses would be required before design.

*Traffic, Site, Engineering, and Regulatory Considerations*

Before either new entrance could advance, a traffic and circulation study would be needed to document existing traffic and parking conditions, the available travel width when curb parking occurs, emergency access, pedestrian conditions, and operations near West Carter Avenue, North Lima Street, and Oak Crest Drive. The study should also evaluate whether either concept is likely to reduce park-bound traffic on North Grove Avenue or transfer traffic and curb-parking demand to adjacent streets. Preliminary review indicates that either new-entry alternative may require removal of approximately two to three Deodar cedars. The number, location, condition, and disposition of affected trees would need to be confirmed through survey and arborist review. Additionaly engineering work will also need to be performed for either option selected.

*West Carter Avenue Widening Coordination*

The West Carter Avenue widening project includes relocation of the storm drain near the Option 1 location and replacement of the gate and frontage fencing at the existing park entrance. Those existing-frontage improvements are components of the widening project, not the alternative-access project. If Option 1 is selected for future development, its driveway alignment and new ornamental gate would be coordinated with the widening plans.

**STRATEGIC PLAN RELATIONSHIP**

This item supports coordinated infrastructure planning by allowing the City Council to determine whether an access alternative should proceed to feasibility review before consideration for inclusion in a future Capital Improvement Program.

**ENVIRONMENTAL ANALYSIS**

CEQA Project, exempt under: 14 CCR 15061(b)(3)- common sense exemption, because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment

**FISCAL IMPACT**

The alternative access project is currently an unfunded capital improvement. No funding source or project-specific General Ledger account has been identified. The action before the City Council is limited to selecting a direction and does not appropriate funds for traffic analysis, engineering, design, permitting, or construction. Any future consultant services or other project expenditures would require an identified funding source and separate City Council authorization, as applicable. The preliminary cost ranges are provided for conceptual planning and do not establish a project budget.

Approved by:



_____

Michael Bruckner
City Manager