



Planning Commission **STAFF REPORT**

Ken Goldstein, Chair
Gina Frierman-Hunt, Vice Chair
Matt Buckles, Commissioner
Manish Desai, Commissioner
Leslee Hinton, Commissioner John
Hutt, Commissioner
Bob Spears, Commissioner

Vincent Gonzalez, Director of
Planning and Community
Preservation

DATE: June 2, 2016

TO: Planning Commission

FROM: Vincent Gonzalez, Director of Planning & Community Preservation

**SUBJECT: Municipal Code Text Amendment 16-02 (MCTA 16-02):
Amendments to the R-3 (Multiple Family Residential) Zone
Ordinance (Chapter 17.28) of the Sierra Madre Municipal Code.**

SUMMARY

In July 2015, the City adopted a General Plan Update that included new land use policies and an Implementation Program for the adoption of the 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 three-year goals, staff received City Council direction to prioritize General Plan Implementation Measures for calendar year 2015-2020. Revisions to the R-3 (Multiple Family Residential) Zone were identified for implementation in 2016. Land Use Implementation Measure-36 (IM-36) includes direction to allow densities of approximately 13 units per acre and establish a maximum allowable floor area in the R-3 Zone. General Plan Policy L23.2 states:

Ensure that on small or narrow lots (lot area less than 10,000 square feet or street frontage of less than 50 feet), 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) is limited to 55% of lot area. On other lots, limit floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean spaces) to 5,500 square feet plus 70% of lot area in excess of 10,000 square feet.

ANALYSIS

At the regular meeting held on May 5, 2016, the Planning Commission reviewed and discussed the proposed amendments to the R-3 Zone specific to floor area, and directed staff to return with the agreed-upon changes for recommendation to the City Council. The

Changes to the Zoning Code include:

17.28.060 – Density

A. Floor Area Ratio (gross dwelling/lot area).

1. On lots with a gross lot area of less than 10,000 square feet or street frontage of less than 50 feet, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 55% of the gross lot area.

2. On lots with a gross lot area of 10,000 square feet or greater and with a street frontage of 50 feet or greater, the floor area of all above-ground building and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be 5,500 square feet plus 70 percent of gross lot area in excess of 10,000 square feet.

Attached as Exhibit A is the draft City Council Ordinance; Redline of MCTA 16-02 that includes the abovementioned changes agreed upon by the Commission (Exhibit B), and Planning Commission Resolution 16-05 (Exhibit C).

FINANCIAL REVIEW

There is no financial impact related to the proposed MCTA 16-01 to Title 17, Chapter 17.28. Staff time was incurred in the preparation of the report and draft ordinance.

CEQA

The project qualifies for an exemption from the California Environmental Quality Act review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations as it can be seen with certainty that there is no possibility the adoption of this Ordinance may have a significant effect on the environment, because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts.

PUBLIC NOTICE PROCESS

This item has been noticed through 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.

ALTERNATIVES

The Planning Commission can consider the following alternatives:

1. Recommend approval of MCTA 16-02 pursuant to Resolution 16-05.
2. Recommend approval of MCTA 16-02, with modifications.
3. Recommend denial of MCTA 16-02.

4. Continue the matter and provide direction to Staff.

RECOMMENDATION

Staff recommends Alternative No. 1; that the Planning Commission recommend to the City Council adoption of the proposed text amendments to Chapter 17.28 pursuant to Resolution 16-05.

Attachments (3)

- Exhibit A - Draft Ordinance Amending Title 17, Chapter 17.28 – R-3 Multiple Family Residential Zone; Section 17.028.060 – Density, to Adopt a Limit on Floor Area
- Exhibit B - Redline of Municipal Code Text Amendment 16-02, Title 17, Chapter 17.28 – R-3 Multiple Family Residential Zone; Section 17.028.060 – Density, to Adopt a Limit on Floor Area
- Exhibit C - Planning Commission Resolution 16-05 of the City of Sierra Madre Recommending Approval of Municipal Code Text Amendment 16-02, Amending Title 17, Chapter 17.28 – R-3 Multiple Family Residential Zone; Section 17.028.060 – Density, to Adopt a Limit on Floor Area

EXHIBIT A

Draft Ordinance Amending Title 17, Chapter
17.28 – R-3 Multiple Family Residential Zone;
Section 17.028.060 – Density, to Adopt a Limit
on Floor Area

DRAFT ORDINANCE NO. ##
AN ORDINANCE OF THE CITY OF SIERRA MADRE AMENDING
TITLE 17 – ZONING, CHAPTER 17.28 – R-3 MULTIPLE FAMILY
RESIDENTIAL ZONE, SECTION 17.028.060 – DENSITY TO
ADOPT A LIMIT ON FLOOR AREA TO CONFORM TO THE
GENERAL PLAN LAND USE ELEMENT

THE CITY COUNCIL OF THE CITY OF SIERRA MADRE DOES HEREBY
RESOLVE:

WHEREAS, the City of Sierra Madre (“City”) adopted a General Plan Update
in
2015; and

WHEREAS, the General Plan contains Policy L23.2, which limits the allowable floor area
on lots with the Land Use Map Designation - Residential Medium/High Density (RH) ; and

WHEREAS, a Final Environmental Impact Report was prepared and certified as
part of the adoption of the General Plan, and fulfills the requirements of environmental
review for the implementation of Policy L23.2; and

WHEREAS, California State Law requires that the local zoning ordinances be
consistent with the adopted General Plan;

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF SIERRA MADRE, CALIFORNIA, AS FOLLOWS:

SECTION 1. The Sierra Madre Municipal Code, Title 17 – Zoning, chapter 17.28
– R-3 Multiple Family Residential Zone, Section 17.028.060, is hereby amended as
follows. A new subsection “A” regarding Floor Area Ratio:

17.28.060 – Density.

A. Floor Area Ratio (gross dwelling/lot area).

1. On lots with a gross lot area of less than 10,000 square feet or street frontage of less than 50 feet, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 55% of the gross lot area.
2. On lots with a gross lot area of 10,000 square feet or greater and with a street frontage of 50 feet or greater, the floor area of all above-ground building and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be 5,500 square feet plus 70 percent of gross lot area in excess of 10,000 square feet.

B.A. The maximum number of dwelling unites permitted shall be as follows:

1. Two units: minimum lot area shall be nine thousand square feet for two such units.

2. Additional unit: an additional lot area of three thousand square feet shall be required for each additional dwelling unit.

C.B. Density Bonuses. The maximum number of dwelling units permitted, using the criteria established herein for density bonuses, shall be as follows:

Two units: minimum lot area shall be seven thousand five hundred square feet for two such units, when a density bonus is granted.

Additional units: an additional lot area of two thousand five hundred square feet shall be required for each additional unit, when a density bonus is granted.

1. Purpose: To encourage quality design of R-3 development in Sierra Madre by providing an incentive of increased density;
2. Basis of evaluation: Applications for development under the density bonus section shall be evaluated by the planning commission using the criteria established herein. Approval of increased density requires finding by the commission that the design of the development as proposed would not be materially detrimental to adjoining properties and would result in a substantially superior overall development than required to meet R-3 development standards.
3. Criteria: The planning commission shall use the following criteria in evaluating an application for Density Bonus:
 - a. Siting: Building siting should maximize privacy through placement of windows, balconies, landscaping, and design of outdoor spaces. Building siting should be related to nearby buildings as well as adjacent parcels. Buildings should be oriented to face the street, avoiding views from the street of parking garages and alleys. Building design and siting should minimize negative impact on views from adjacent properties. Buildings should be oriented to encourage use of outdoor areas and to be compatible with adjoining building orientation. Clustering of buildings and modulation of architectural elements are encourage to provide pleasing and useful ground level and above ground spaces.
 - b. Grading: Alterations to natural grade, except for minor grading for landscaping purposes, are discouraged.
 - c. Trees: Tree preservation and landscaping with specimen trees are encouraged.
 - d. Preservation: Preservation and renovation of existing single-family units of historical character or of quality design is encouraged. Where existing homes are preserved and incorporated into the development, the design of the development should respect the character and siting of the home to minimize impact on the neighborhood. The planning commission may consider some relaxation of setback and other zoning requirements for developments that incorporate existing units, providing that the development is not materially detrimental to adjoining properties.
 - e. Contextual design: Building forms and details should be in keeping with adjacent neighborhood character, where appropriate. Where possible, preservation of existing single-family.

- f. Building materials: Materials, colors and textures generally should be compatible with those of adjacent and other nearby buildings and the overall character of the neighborhood. Materials, while not limited to, should predominantly be masonry, stucco, or wood.
- g. Paving. Use of quality materials, such as brick and exposed aggregate concrete, and use of porous materials (grass-crete) are encouraged.

SECTION 2. *California Environmental Quality Act.* The City Council has considered all of the evidence in the record, including the staff reports, the testimony received during the public hearing on the matter held by the Planning Commission and City Council, and hereby determines that this ordinance establishing a floor area ratio and to update the design and development standards will not have a significant effect on the environment. The amendments to Chapter 17.28 of this Ordinance is therefore exempt from California Environmental Quality Act review pursuant to Title 14, Section 15061 (b)(3) of the California Code of Regulations; and

SECTION 3. *Severability; Continuation of Provisions.* If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance or the rules adopted hereby. The City Council of the City of Sierra Madre hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable. To the extent the provisions of the Sierra Madre Municipal Code as amended by this Ordinance are substantially the same as the provisions of that Code as they read immediately prior to the adoption of this Ordinance, then those provisions shall be construed as continuations of the earlier provisions and not as new enactments.

SECTION 4. *Effective Date.* This Ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

SECTION 5. *Certification.* The City Clerk shall certify to the adoption of this ordinance and shall cause the same to be published or posted in the manner prescribed by law.

PASSED AND ADOPTED this ___day of _____, 2016. AYES:

NOES:

ABSENT:

ABSTAIN:

Gene Voss, Mayor

ATTEST:

Melinda Carrillo, City Clerk

APPROVED AS TO FORM:

Teresa L. Highsmith, City Attorney

EXHIBIT B

Redline of Municipal Code Text Amendment 16-02,
Title 17, Chapter 17.28 – R-3 Multiple Family
Residential Zone; Section 17.028.060 – Density, to
Adopt a Limit on Floor Area

17.28.060 – Density.

A. Floor Area Ratio (gross dwelling/lot area).

1. On lots with a gross lot area of less than 10,000 square feet or street frontage of less than 50 feet, the floor area of all above-ground buildings and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be limited to 55% of the gross lot area.
2. On lots with a gross lot area of 10,000 square feet or greater and with a street frontage of 50 feet or greater, the floor area of all above-ground building and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be 5,500 square feet plus 70 percent of gross lot area in excess of 10,000 square feet.

B.A. The maximum number of dwelling unites permitted shall be as follows:

1. Two units: minimum lot area shall be nine thousand square feet for two such units.
2. Additional unit: an additional lot area of three thousand square feet shall be required for each additional dwelling unit.

C.B. Density Bonuses. The maximum number of dwelling units permitted, using the criteria established herein for density bonuses, shall be as follows:

Two units: minimum lot area shall be seven thousand five hundred square feet for two such units, when a density bonus is granted.

Additional units: an additional lot area of two thousand five hundred square feet shall be required for each additional unit, when a density bonus is granted.

1. Purpose: To encourage quality design of R-3 development in Sierra Madre by providing an incentive of increased density;
2. Basis of evaluation: Applications for development under the density bonus section shall be evaluated by the planning commission using the criteria established herein. Approval of increased density requires finding by the commission that the design of the development as proposed would not be materially detrimental to adjoining properties and would result in a substantially superior overall development than required to meet R-3 development standards.
3. Criteria: The planning commission shall use the following criteria in evaluating an application for Density Bonus:
 - a. Siting: Building siting should maximize privacy through placement of windows, balconies, landscaping, and design of outdoor spaces. Building siting should be related to nearby buildings as well as adjacent parcels. Buildings should be oriented to face the street, avoiding views from the street of

parking garages and alleys. Building design and siting should minimize negative impact on views from adjacent properties. Buildings should be oriented to encourage use of outdoor areas and to be compatible with adjoining building orientation. Clustering of buildings and modulation of architectural elements are encouraged to provide pleasing and useful ground level and above ground spaces.

- b. Grading: Alterations to natural grade, except for minor grading for landscaping purposes, are discouraged.
- c. Trees: Tree preservation and landscaping with specimen trees are encouraged.
- d. Preservation: Preservation and renovation of existing single-family units of historical character or of quality design is encouraged. Where existing homes are preserved and incorporated into the development, the design of the development should respect the character and siting of the home to minimize impact on the neighborhood. The planning commission may consider some relaxation of setback and other zoning requirements for developments that incorporate existing units, providing that the development is not materially detrimental to adjoining properties.
- e. Contextual design: Building forms and details should be in keeping with adjacent neighborhood character, where appropriate. Where possible, preservation of existing single-family.
- f. Building materials: Materials, colors and textures generally should be compatible with those of adjacent and other nearby buildings and the overall character of the neighborhood. Materials, while not limited to, should predominantly be masonry, stucco, or wood.
- g. Paving. Use of quality materials, such as brick and exposed aggregate concrete, and use of porous materials (grass-crete) are encouraged.

EXHIBIT C

Planning Commission Resolution 16-05 of the City of Sierra Madre Recommending Approval of Municipal Code Text Amendment 16-02, Amending Title 17, Chapter 17.28 – R-3 Multiple Family Residential Zone; Section 17.028.060 – Density, to Adopt a Limit on Floor Area

PC RESOLUTION 16-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE RECOMMENDING APPROVAL OF MUNICIPAL CODE TEXT AMENDMENT 16-02, AMENDING CHAPTER 17.28 R-3 (MULTIPLE FAMILY RESIDENTIAL) ZONE OF THE SIERRA MADRE MUNICIPAL CODE.

WHEREAS, the R-3 Multiple Family Residential Zone (Chapter 17.28 of the Municipal Code), was adopted to regulate multiple family uses and provide development standards for properties located in the Multiple Family Residential Zone of the City; and

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 R-3 Multifamily Residential zoning ordinance, to translate the new goals and policies of the updated document into specific zoning standards; and

WHEREAS, the General Plan contains Policy L23.2, which limits the allowable floor area on lots with the Land Use Map Designation - Residential Medium/High Density (RH) ; and

WHEREAS, a Final Environmental Impact Report was prepared and certified as part of the adoption of the General Plan, and fulfills the requirements of environmental review for the implementation of Policy L23.2; and

WHEREAS, California State Law requires that the local zoning ordinances be consistent with the adopted General Plan;

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, AS FOLLOWS:

SECTION 1. The Sierra Madre Municipal Code, Title 17 – Zoning, chapter 17.28 – R-3 Multiple Family Residential Zone, Section 17.028.060, is hereby amended as follows. A new subsection “A” regarding Floor Area Ratio:

17.28.060 – Density.

A. Floor Area Ratio (gross dwelling/lot area).

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2. On lots with a gross lot area of 10,000 square feet or greater and with a street frontage of 50 feet or greater, the floor area of all above-ground building and structures (including garages and other non-habitable areas, but excluding basements and other fully subterranean areas) shall be 5,500 square feet plus 70 percent of gross lot area in excess of 10,000 square feet.

B. The maximum number of dwelling units permitted shall be as follows:

1. Two units: minimum lot area shall be nine thousand square feet for two such units.
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C. Density Bonuses. The maximum number of dwelling units permitted, using the criteria established herein for density bonuses, shall be as follows:

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- f. Building materials: Materials, colors and textures generally should be compatible with those of adjacent and other nearby buildings and the overall character of the neighborhood. Materials, while not limited to, should predominantly be masonry, stucco, or wood.
- g. Paving. Use of quality materials, such as brick and exposed aggregate concrete, and use of porous materials (grass-crete) are encouraged.

WHEREAS, the proposed amendments to Chapters 17.28 of the Municipal Code have been drafted to revise the purpose and intent of the institutional zone, permitted uses, uses subject to approval of a conditional use permit, master plan requirements, development standards and criteria for modification of development standards; and

WHEREAS, the Planning Commission discussed these revisions at two meetings and wish to recommend to the City Council the subject Municipal Code text amendment as the proposed changes will help preserve the City's institutional properties while ensuring their compatibility with the surrounding residential and commercial neighborhoods;

WHEREAS, the amendments are generally consistent with the goals, policies, and objectives of the General Plan in that it would help provide for institutional uses that are consistent with the small-town character of the City;

WHEREAS, the Planning Commission has received the report and recommendations of staff;

WHEREAS, the amendment qualifies for an Exemption, pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) as it can be seen with certainty that there is no possibility that the changes would have a significant effect on the environment because it will impose greater limitations on development in the City and protect the aesthetic character of Sierra Madre, thereby serving to reduce potential significant adverse environmental impacts; and

WHEREAS, notice was duly given of the public hearing on the matter, which public hearing was held before the Planning Commission on June 2, 2016, with all testimony being received being made part of the public record;

NOW THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at said hearing, the Planning Commission now resolves as follows:

Recommend that the City Council approve the ordinance amending Chapter 17.28 attached hereto as Exhibit A.

APPROVAL RECOMMENDED, the 2nd day of June, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Ken Goldstein, Chair
Planning Commission

ATTEST:

Vincent Gonzalez, Director
Planning and Community Preservation