



## 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: October 1, 2015

TO: Planning Commission

FROM: Leticia Cardoso, Planning Manager

SUBJECT: **Municipal Code Text Amendment (MCTA 15-03): Amending Chapter 17.22 - Second Units Ordinance**

### **Executive Summary**

The Planning Commission will consider proposed text amendments to Chapter 17.22 of the Municipal Code to remove the minimum allowable floor area of second units, and reduce the maximum height of single-story detached second units. The amendment also adds a side yard setback requirement for the secondary frontage of reverse corner lots, removes the requirement that new second units are only allowed on those residential lots that conform with all existing residential zoning standards, adds the requirement of a conditional use permit for the construction of a new second story unit, and adds a health and safety inspection requirement for the conversion of existing structures to second units.

The purpose of the proposed revisions is 1) to further an objective of the City's 2014-2021 Housing Element to encourage and facilitate the production of second units in order to meet the City's Regional Housing Needs Assessment (RHNA) allocation, and 2) to protect the health and welfare of the City's residents.

Staff recommends that the Planning Commission recommend to the City Council adoption of the proposed text amendments to Chapter 17.22 (second units). Attached is Resolution 15-13 for consideration.

## **BACKGROUND / DISCUSSION**

A second unit is a self-contained living unit with cooking, eating, sleeping, and full sanitation facilities, either attached to or detached from the primary residential unit on a single-family residential lot. A second unit has its own separate entrance/exit from the primary residence and offers several benefits. First, these units typically rent for less than apartments of comparable size, and can offer affordable rental options for seniors and single persons. Second, the primary homeowner receives supplementary income by renting out their second unit, which can help many modest income and elderly homeowners afford to remain in their homes. Second units can offer an important opportunity to help Sierra Madre address its regional housing needs while maintaining the community's small town character. It is important to note that second units are not legal unless a Second Unit Permit has been issued by the City.

A second unit differs from a guest house in that a guest house cannot have a separate and independent kitchen, and it cannot be rented as a separate dwelling unit. Another term often used for a guest house is "granny flat".

State law Assembly Bill 1866 (January 2003) requires that applications for second units be considered ministerially without discretionary review. However, State law allows local cities to establish ordinances to protect the health and welfare of residents, such as establishing setbacks, location, size, and parking requirements. Requiring a conditional use permit for an owner who desires to construct a second story as a second unit configuration is permissible because the property owner could avoid the discretionary conditional use permit by choosing to configure a second unit as one story. This is consistent with the requirement for a conditional use permit for construction of a second story within the R-1 district for other structures and is not discriminatory or prohibitive regarding the production of second units. Accordingly, this proposed regulation is not prohibitive and meets the intent to allow second units as an alternative form of housing, often at below-market rates, for family members, elderly, in-home health care providers, persons with disabilities and others.

The City's Second Unit Ordinance was originally adopted in 2004 and was amended in 2014 to revise several requirements of the original ordinance that were identified as restricting the ability of homeowners to qualify for approval of a second unit permit, including the affordable rent and income requirements, limitation on unit size (maximum 600 square feet), and the limitation that the unit be one-story.

At the meetings on June 18 and September 3, 2015, the Planning Commission reviewed the existing ordinance and agreed that further changes are still needed to address some remaining impediments to the production of second units, and to protect the health and welfare of the residents. The Commission directed staff to bring a redlined ordinance for their consideration and recommendation to the City Council.

### Proposed Text Amendments to Chapter 17.22

Below is a table which summarizes the proposed changes. A red line version of Chapter 17.22 is attached.

	<b>Current</b>	<b>Proposed Change</b>
Minimum Allowable Floor Area	200 Square Feet	No minimum required
Height	<ul style="list-style-type: none"><li>• 15 Feet (Maximum) for detached one story unit.</li><li>• Two story unit allowed by right.</li></ul>	<ul style="list-style-type: none"><li>• 12 Feet (Maximum) for detached one story unit.</li><li>• Construction of new two story unit requires approval of conditional use permit for consistency with new R-1 requirements regarding second stories</li></ul>
Side Yard Setback along Secondary Frontage of Reverse Corner Lots	Same as that required for a primary residence or 5 feet minimum allowed with approval of minor conditional use permit.	<ul style="list-style-type: none"><li>• New Unit: 25 feet</li><li>• Existing Structures Converted to Unit: same as that of the existing primary residence or reduced to no less than 5 feet with approval of minor conditional use permit.</li></ul>
Conformance with All Other Residential Zone Requirements	Requires conformance of existing structures with all other requirements of the underlying single-family residential zone.	Removes this requirement.
Conversion of Existing Structures to Second Unit	No health and safety requirements prior to issuance of second unit permit.	Adds a health and safety inspection requirement prior to issuance of a second unit permit.

Based on staff's experience with assisting residents who have recently inquired about the second unit ordinance, staff believes that these proposed changes will help encourage the production of second units while protecting the health and welfare of the residents in the city.

### **ENVIRONMENTAL**

An Initial Study was prepared for the 2008-2014 Housing Element in accordance with the City's guidelines implementing the California Environmental Quality Act (CEQA). This Initial Study was undertaken for the purpose of deciding whether the measures identified in the Housing Element to fulfill the City's RHNA allocation may have a significant effect on the environment. On the basis of the Initial Study, City staff concluded that they will not have a significant effect on the environment, and a Negative Declaration was adopted by City Council on June 11, 2013. The project also qualifies for a Statutory Exemption pursuant to Section 15061(b)(3), in that the City can say with certainty that there is no possibility that the activity in question may have a significant effect on the environment because adding the regulatory requirement of a conditional use permit in order to build a second story unit is not likely to result in additional construction beyond that already permissible.



### **PUBLIC NOTICE PROCESS**

This item has been noticed through the regular agenda notification process. Notice of the hearing was published consistent with the requirements of Government Code Section 65090. Copies of this report are available at the City Hall public counter, on the City of Sierra Madre website, and the Sierra Madre Public Library.

### **ALTERNATIVES**

The Planning Commission has the following alternatives:

1. Recommend to the City Council adoption of the proposed text amendments to Chapter 17.22 (second units), pursuant to Resolution 15-13.
2. Recommend to the City Council adoption of the proposed text amendments to Chapter 17.22 (second units), with revisions.
3. Recommend to the City Council denial of the proposed text amendments to Chapter 17.22 (second units).

### **RECOMMENDATION**

Staff recommends Alternative No. 1, that the Planning Commission recommend to the City Council adoption of the proposed text amendments to Chapter 17.22 (second units), pursuant to Resolution 15-13.

Attachments:

Chapter 17.22 Second Units (redline changes)  
Resolution 15-13

## **Chapter 17.22 - SECOND UNITS**

### **Sections:**

- 17.22.005 - Findings and determinations.
- 17.22.010 - Purpose.
- 17.22.020 - Definition.
- 17.22.030 - Permitted areas.
- 17.22.040 - Standards of development—Generally.
- 17.22.050 - Allowable floor area.
- 17.22.060 - Height.
- 17.22.070 - Parking.
- 17.22.080 - All other standards.
- 17.22.090 - Owner occupancy required.
- 17.22.100 - Utilities.
- 17.22.110 - Ownership.
- 17.22.120 — Conversion of Existing Structures into Second UnitsAffordability.
- 17.22.130 - Recordation.
- 17.22.140 - Permit process.
- 17.22.150 - Permit termination.
- 17.22.160 - Permit revocation.
- 17.22.170 - Severability.

**17.22.005 - Findings and determinations.**

The City Council finds and determines:

A. Assembly Bill 1866, signed into law on September 29, 2002 by the Governor of the state of California and effective January 1, 2003, affecting, among other provisions of state law, California Government Code Sections 65852.2 and 65583.1, requires that as of July 1, 2003, all applications for second units be considered ministerially without discretionary review or hearing.

B. Various provisions of state law relating to the housing goals, objectives and needs, including regional housing needs, and requirements pertaining to the provision of affordable housing as applicable to the city, are affected by the requirements of Assembly Bill 1866 and the effect thereof on second housing units on residentially zoned property in the city.

C. The city finds that second dwelling units are a valuable form of housing. Second units provide housing within existing neighborhoods for family members, elderly, in-home health care providers, persons with disabilities and others, at below market rates.<sup>37</sup> Homeowners who create second units benefit from added income and an increased sense of security.

D. The limitations set forth herein are necessary to protect the health and welfare of residents, and do not jeopardize the city's obligation to comply with Government Code Sections 65852.2 and 65583.1.

**17.22.010 - Purpose.**

The purpose of this chapter is to implement Assembly Bill No. 1866, Chapter 1062 of Stats. 2002. It is also the purpose of this chapter to allow for an increase in the supply of affordable housing in the city in conformance with the goals and policies of the housing element of the Sierra Madre general plan. It is the intent of the city to encourage secondary dwelling units and impose standards to enable homeowners to create second units that will not aggravate or create neighborhood problems.<sup>38</sup> In doing so, and to ensure that no avoidable adverse impacts on the public health, safety, and general welfare result from the creation of a second unit, this chapter provides standards for the approval of such second units that limit the circumstances under which second units may be permitted consistent with the findings and determinations set forth in Section 17.22.00540 and the purposes of this chapter.

**17.22.020 - Definition.**

For the purpose of this chapter, a "second unit" is a second dwelling unit located on the same lot as the primary single family dwelling unit, which second dwelling unit is either attached to, or detached from, the primary single family dwelling unit, and which provides complete, independent living facilities for no more than two persons. A second unit shall include permanent living facilities including permanent but separate provisions for living, sleeping, eating, cooking, and sanitation and shall contain a full bath, a kitchen and not more than one bedroom.

#### 17.22.030 - Permitted areas.

One second unit shall be permitted only on residentially zoned lots that conform to the residential zoning standards in existence at the later of (i) the time of issuance of the ministerial permit for the second unit as provided in this chapter, or (ii) the time of issuance of a building permit for the second unit following the granting of the second unit permit, with the following limitations : (i) no second unit shall be permitted on a lot having an existing guest house; (ii) no lot with a second unit shall be permitted to have a guest house; (iii) no existing guest house may be converted to a second unit except with full compliance with this chapter; and (iv) neither the primary residential dwelling unit nor the second unit shall be a mobile home, trailer, or vehicle.

#### 17.22.040 - Standards of development—Generally.

All "second units" shall comply with the standards of development set forth in the following sections.

#### 17.22.050 - Allowable floor area.

All second units, whether attached or detached, shall have a minimum floor area of 220 square feet and maximum floor area of eight hundred square feet, and ~~the total floor area of all buildings on the lot, including the second unit, shall not exceed the~~ have a maximum floor area otherwise allowed in accordance with this title as defined in Sections ~~17.20.125, 17.24.120, and 17.28.120.~~ An attached second unit shall not exceed thirty percent of the floor area of the principal single family dwelling to which the second unit is attached.

#### 17.22.060 - Height.

The maximum height of a single-story detached second unit shall be ~~twelve~~ fifteen feet as measured in accordance with the underlying residential zone ~~Section 17.20.040.~~ Second units that are located above a garage, located on the second story, or are comprised of two stories are permitted in accordance with the height provisions of the underlying residential zone ~~Section 17.20.040.~~ Construction of a new second story unit.

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attached or detached to the primary structure, requires approval of a conditional use permit, pursuant to Section 17.20.025.

**17.22.070 - Parking.**

One on-site parking space shall be designated for the second unit in addition to the required on-site parking for the primary dwelling unit. Tandem parking shall not satisfy this requirement, and the parking space cannot obstruct access to other on-site parking.

**17.22.080 – Access and Facilities.**

All new second units shall have a separate entrance and contain a separate kitchen and bathroom facility.

**17.22.080 - All other standards.**

Except as specifically provided in this chapter, all second units shall comply with all other provisions of this code applicable to the residential zone in which it is located, except as follows:-

- a) -Where privacy, view, and environmental considerations are not compromised, reduced setbacks no closer than 5 (five) feet from the side and rear property lines may be granted through a minor conditional use permit process (Code Section 17.60.055).
- a)b) New second units located on a reversed corner lot shall provide a minimum setback along the secondary frontage equal to the front yard setback of the underlying zone.
- b)c) The minimum required side yard setback of an existing accessory structure being converted to a second unit on a reversed corner lot shall be the same as that of the primary structure along the secondary frontage. Approval of a minor conditional use permit is required in cases where the side yard setback of the accessory structure is less than that of the primary structure, but no less than 5 (five) feet.

**17.22.090 - Owner occupancy required.**

The owner of the lot on which the second unit is located shall maintain either the primary single family dwelling unit or the second unit as his/her/their principal domicile as long as the second unit exists on the lot.

**17.22.100 - Utilities.**



Second units shall not have separate utility connections, but shall receive all utilities via the pre-existing principal unit, with the exception of telephone, cable television, and computer modem lines or other communication facilities.

**17.22.110 - Ownership.**

The second unit may not be owned separately, or sold or hypothecated separately, from the primary dwelling unit, but may be rented or leased for a period not to exceed one year terms.

**17.22.120 – Conversion of Existing Accessory Structures Into Second Units**

A. Prior to the approval of a second unit permit for the conversion of an existing structure, satisfactory completion of a safety inspection by the City's Building Official and Fire Department is required. An applicant must be committed to upgrade the second unit to health and safety codes in order to be granted approval of a second unit permit, including without limitations the following items:

- a. Independent entrance to second unit.
- b. Direct access to exterior of building from bedroom (door or window).
- c. Adequate light and ventilation in each habitable room.
- a-d. Minimum 7-foot-high ceiling in all rooms, kitchens, halls and baths.
  - (i) Minimum 7 feet in all rooms, kitchens, halls and baths
- b-e. Properly installed electrical wiring including separate access to electrical shut off.
  - (ii) Separate access to electrical shut-off
- c-f. Structural Integrity:
  - (i) Foundation not cracked, damaged, or shifting.
  - (ii) Framing not sagging or deteriorated.
- d-g. Comfort heating:
  - (i) Gas forced air unit or wall heater.
  - (ii) Separate access to gas shut-off, if applicable.
- h. Working Plumbing:
  - (i) Kitchen and bathroom facilities with hot water.
  - (ii) Water heater strapped and properly vented.
  - (iii) Connection to approved sewage system.
- e-i. Fire Safety:
  - (i) Hallways serving sleeping rooms must have smoke and carbon monoxide detectors.
  - (ii) Each sleeping room must have a smoke detector.

B. Once an inspection by the City's Building Official and Fire Department occurs, the applicant is required to correct those items that are identified as violating current health and safety codes for the structure's current use~~needing repair~~ even in the event that the applicant decides to withdraw the second unit permit application.

**-17.22.130 - Recordation.**

As a prerequisite to obtaining a building permit, the applicant for a second unit permit shall cause to be recorded a covenant or deed restriction (in a form approved by the city attorney) specifying that the second unit will at all times comply with the provisions of this chapter and applicable state law. The recorded covenant shall run with the land, shall set forth the requirements of this chapter, and shall contain provisions implementing the requirements of this chapter, including but not limited to authorizing the city to make periodic inspections to ascertain compliance with the requirements of this chapter and the terms of the recorded covenant, and authorizing the city to abate any violation of this chapter at the cost of the then owner, including that the city may record a lien to recover the cost of such abatement proceedings including all reasonable administrative costs in connection therewith.

**17.22.140 - Permit process.**

All proposed second dwelling units are subject to review for compliance with the terms of this chapter by the director of Planning and Community Preservation~~development services~~. A second unit application must be submitted to the city along with the appropriate fee as established by the city council by resolution in accordance with applicable law, and a list, in a form required by the city for property owner notifications, of property owners within a three hundred foot radius of the property on which the second unit is proposed. Property owners within a three hundred-foot radius of the property for which a new second dwelling application is made shall be notified in writing of the second dwelling unit application at least twenty days prior to the date of the director's action on the second unit permit application. The director shall complete the review of the application for a second unit permit within thirty days of receipt of a complete submission. Review of, and the denial of or granting of, an application for a second unit permit by the city is a ministerial action. The director shall not approve an application for a second unit permit or issue a second unit permit unless the proposed second unit complies with the requirements of this chapter. The decision of the director shall be final and conclusive. An applicant who obtains a second unit permit shall be required to obtain a building permit for the second unit. This chapter is not intended to amend the California Environmental Quality Act requirement relating to historic resources.

**17.22.150 - Permit termination.**

A second unit permit validly issued pursuant to this chapter shall terminate when any one or more of the following occur: (1) the permit is not used within one hundred eighty days from the date of permit issuance; (2) the permit has been abandoned or discontinued for one hundred eighty consecutive days; (3) the second unit owner files a declaration with the director of Planning and Community Preservation~~development services~~ that the permit has been abandoned or discontinued and the second unit has been removed from the property; (4) the permit has expired by its terms; or (5) the permit has been revoked as provided in Section 17.22.160.

**17.22.160 - Permit revocation.**

In the event (i) a second unit permit was obtained by fraud or misrepresentation, or (ii) a permitted second unit dwelling is used, operated, or maintained in violation of this chapter or applicable state or federal law, or (iii) the second unit is has been used or is being used in a manner so as to constitute a public nuisance, the director of Planning and Community Preservation~~development services~~, on not less than ten days written notice to the second unit owner, may hold a permit revocation hearing which shall be heard by a hearing officer in accordance with applicable law. The director and the second unit owner shall each be permitted to present evidence with respect to the proposed permit revocation. The hearing officer shall issue a written decision within ten days of the conclusion of the hearing. The decision of the hearing officer shall be final. Upon revocation the second unit shall be removed; provided, however, if at the time of revocation there are tenants occupying the second unit pursuant to a valid and binding rental or lease agreement that is consistent with the provisions of this chapter, such tenants shall be permitted to continue to occupy the second unit until the expiration or earlier termination of the rental or lease agreement, and upon such expiration or earlier termination the second unit shall be removed. Nothing herein shall preclude or prevent the city from undertaking any other enforcement action with respect to the second unit which the city is otherwise authorized under this code or applicable state or federal law, including but not limited to the abatement of public nuisances.

**17.22.170 - Severability.**

If any part of this chapter is declared to be invalid or unenforceable, the city council declares that such invalidity shall be severable, and that it would have adopted every other provision hereof without regard to such invalidity.



## **PC RESOLUTION 15-13**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SIERRA MADRE RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ORDINANCE NO. \_\_\_\_\_ TO AMEND CHAPTER 17.22 (SECOND UNITS) OF THE SIERRA MADRE MUNICIPAL CODE.**

**WHEREAS**, the City Council adopted the 2014-2021 Housing Element on January 28, 2014; and

**WHEREAS**, a housing program objective of the 2014-2021 Housing Element is to amend the City's current second unit ordinance (Chapter 17.22 of the Municipal Code) in 2013 to better facilitate the provision of second units for seniors, caregivers, and other lower and extremely low income households; and

**WHEREAS**, second units offer a benefit to homeowners by receiving a supplementary income by renting out their second units, which can help many modest income and elderly homeowners afford to remain in their homes; and

**WHEREAS**, second units can offer an important opportunity to help Sierra Madre address its regional housing needs while maintaining the community's small town character; and

**WHEREAS**, it was identified that some of the current provisions were considered constraints which prevented homeowners from applying for a second unit. Such constraints include the requirement that the subject property conform with all other requirements of the underlying zone, onerous secondary frontage setback requirements when converting existing structures to second units on reverse corner lots, limitation on minimum unit size, and lack of health and safety inspection requirements for the conversion of existing structures to second units; and

**WHEREAS**, the City is also concerned that new two-story second unit structures may be inconsistent with the surrounding residential neighborhoods and the overall small village character of Sierra Madre and with the recent amendments made to the City's R-1 Ordinance requiring a conditional use permit for construction of any second story structure; accordingly, an amendment to the Second Unit Ordinance to add a requirement for a conditional use permit in an effort to ensure that second story units are consistent with the City's new zoning requirements and community preservation goals while encouraging their production is necessary; 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 neighborhoods characterized by single-family dwellings while meeting the objectives of the 2014-2021 Housing Element; and

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

**WHEREAS**, an Initial Study was prepared for the 2008-2014 Housing Element in accordance with the City's guidelines implementing the California Environmental Quality Act (CEQA). This Initial Study was undertaken for the purpose of deciding whether the measures identified in the Housing Element to fulfill the City's RHNA allocation may have a significant effect on the environment. On the basis of the Initial Study, the Planning Commission and City Council concluded that they will not have a significant effect on the environment, and a Negative Declaration was adopted by City Council on June 11, 2013; and

**WHEREAS**, the amendments also qualify for a Statutory Exemption pursuant to Section 15061(b)(3), in that the City can say with certainty that there is no possibility that the activity in question may have a significant effect on the environment because adding the regulatory requirement of a conditional use permit in order to build a second story unit is not likely to result in additional construction beyond that already permissible; and

**WHEREAS**, notice was duly given of the public hearing on October 1, 2015, with all testimony being received being made part of the public record;

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

The Planning Commission recommends that the City Council approve the Ordinance amending Chapter 17.22, which is attached hereto as Exhibit A.

APPROVAL RECOMMENDED, this 1<sup>st</sup> day of October, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Ken Goldstein  
Chair, Planning Commission

ATTEST:

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Vincent Gonzalez  
Planning & Community Preservation Director



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
SIERRA MADRE AMENDING MUNICIPAL CODE CHAPTER  
17.22 SECOND UNITS.**

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

**WHEREAS**, on January 28, 2014, the City Council adopted the 2014-2021 Housing Element;

**WHEREAS**, a housing program objective of the 2014-2021 Housing Element is to amend the City's current second unit ordinance (Chapter 17.22 of the Municipal Code) to better facilitate the provision of second units for seniors, caregivers, and other low and extremely low income households;

**WHEREAS**, second units offer a benefit to homeowners by receiving a supplementary income by renting out their second units, which can help many modest income and elderly homeowners afford to remain in their homes;

**WHEREAS**, second units can offer an important opportunity to help Sierra Madre address its regional housing needs while maintaining the community's small town character;

**WHEREAS**, an amendment to Chapter 17.22 of the Municipal Code was adopted by the City Council on November 26, 2013 to remove constraints to the production of second units in the city;

**WHEREAS**, it was identified that some of the provisions in the amended ordinance were still preventing homeowners from applying for a second unit permit. Such constraints included the requirement that the subject property conform with all other requirements of the underlying zone, onerous secondary frontage setback requirements when converting existing structures to second units on reverse corner lots, limitation on minimum unit size, and lack of health and safety inspection requirements for the conversion of existing structures to second units;

**WHEREAS**, the City is also concerned that new two-story second unit structures may be inconsistent with the surrounding residential neighborhoods and the overall small village character of Sierra Madre, and thereby wishes to amend the Second Unit Ordinance to add a requirement for a conditional use permit in an effort to ensure that second story units are consistent with the City's community preservation goals while encouraging their production; and



**WHEREAS**, an Initial Study was prepared for the 2008-2014 Housing Element in accordance with the City's guidelines implementing the California Environmental Quality Act (CEQA). This Initial Study was undertaken for the purpose of deciding whether the measures identified in the Housing Element to fulfill the City's RHNA allocation may have a significant effect on the environment. On the basis of the Initial Study, the Planning Commission and City Council concluded that they will not have a significant effect on the environment, and a Negative Declaration was adopted by City Council on June 11, 2013; and

**WHEREAS**, the amendments also qualify for a Statutory Exemption pursuant to Section 15061(b)(3), in that the City can say with certainty that there is no possibility that the activity in question may have a significant effect on the environment because adding the regulatory requirement of a conditional use permit in order to build a second story unit is not likely to result in additional construction beyond that already permissible; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on October 1, 2015, and thereafter recommended that the City Council approve this Ordinance; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Sierra Madre as follows:

**SECTION 1:** *Municipal Code Amendment.* Chapter 17.22, entitled "Second Units", is hereby amended in its entirety with a new Chapter 17.22 as provided herein as Exhibit "A".

**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 the Initial Study prepared for the 2008-2014 Housing Element in accordance with the City's guidelines implementing the California Environmental Quality Act (CEQA) was undertaken for the purpose of deciding whether the housing program objectives identified in the Housing Element to fulfill the City's RHNA allocation may have a significant effect on the environment. The amendments also qualify for a Statutory Exemption pursuant to Section 15061(b)(3), in that the City can say with certainty that there is no possibility that the activity in question may have a significant effect on the environment because adding the regulatory requirement of a conditional use permit in order to build a second story unit is not likely to result in additional construction beyond that already permissible. Therefore, the City Council concludes that the amendments to Chapter 17.22 will not have a significant effect on the environment.

**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 \_\_\_\_\_, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
John Capoccia, Mayor

ATTEST:

\_\_\_\_\_  
Nancy Shollenberger, City Clerk