

**ORDINANCE NO. 1470**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, AMENDING CHAPTERS 17.08 (DEFINITIONS), 17.82 (HISTORIC PRESERVATION), 17.85 (HOME OCCUPATIONS), AND 17.88 (TEMPORARY USE PERMITS) OF TITLE 17 (ZONING) OF THE SIERRA MADRE MUNICIPAL CODE**

**RECITALS**

**WHEREAS**, the purpose of Temporary Use Permits is to afford certain temporary uses of private property which would otherwise be prohibited within the underlying zone, while protecting the public health, safety and welfare of the community; and

**WHEREAS**, operational concerns have been brought to the attention of the City indicating that certain temporary uses are being used to convert certain residential uses into commercial uses; and

**WHEREAS**, the City desires to amend Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) of the Sierra Madre Municipal Code in order to address such concerns;

**WHEREAS**, the City Council on March 12, 2024, and March 26, 2024, held discussions on the uses permissible in the One-Family Residential (R-1) Zone focusing on Temporary Use Permits and Home Occupations; and

**WHEREAS**, the Planning Commission on March 21, 2024, held a discussion on the uses permissible in the One-Family Residential (R-1) Zone focusing on Temporary Use Permits and formed a two-member subcommittee ("Temporary Use Permits Subcommittee") of the Planning Commission; and

**WHEREAS**, the Temporary Use Permits Subcommittee between March 21, 2024, and April 18, 2024, met twice, remotely, to prepare a draft municipal code text amendment for consideration by the Planning Commission; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on April 18, 2024, and adopted Resolution No. 24-07 dissolving the Temporary Use Permits Subcommittee and recommending approval of a municipal code text amendment (Temporary Use Permits; MCTA 24-01) by ordinance to the City Council; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on April 18, 2024, and adopted Resolution No. 24-08 recommending approval of a municipal code text amendment (Home Occupations; MCTA 24-02) by ordinance to the City Council; and

**WHEREAS**, the Planning Commission held a properly noticed public hearing on April 18, 2024, and adopted Resolution No. 24-09 recommending approval of a municipal code text amendment (Historic Preservation; MCTA 24-03) by ordinance to the City Council; and

**WHEREAS**, the City Council held a properly noticed public hearing on May 28, 2024, and conducted the first reading of Ordinance no. 1470 by title only; and

**WHEREAS**, at said meeting the City Council, in first reading, adopted with modifications Ordinance no. 1470; and

**WHEREAS**, the City Council held a properly noticed public hearing on June 11, 2024, and conducted the second reading of Ordinance no. 1470, by title only, including modifications as recommended by the City Council during its first reading of said ordinance; and

**WHEREAS**, a limitation on the frequency of temporary use permits which may be granted for any one property located outside the Measure V area boundary should not limit the ability of any private property owner from, within the same calendar year, hosting an event for personal reasons, as would be required the granting of a temporary use

permit for a commercial or non-commercial use, when said private property owner has hosted his or her private property for a fundraising event by a nonprofit organization that directly benefits the Sierra Madre community; and

**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 reference.

**SECTION 2. Amendment.** Section 17.08.020 (Words, terms, phrases defined) of Chapter 17.08 (Definitions) of Title 17 (Zoning) is amended to read as follows:

"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 dwelling units" also known as a "second unit," means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel that the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

"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 same 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.

"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.

"Commercial use" means the use or advertisement for use of property in the following manner:

- A. For any fare, fee, rate, charge or other consideration; or
- B. Directly or indirectly in connection with any business; or
- C. Any other undertaking intended for profit or gain.

"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.

"Converted or conversion" means the repurposing of all or a portion of an existing structure as an accessory dwelling unit entirely within the existing structure building envelope and in accordance with all required residential building and construction standards set forth in the applicable California Building Codes.

"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 manufactured home or a modular home as a type of dwelling unit.

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.

"Efficiency kitchen" means a cooking facility and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

"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 parole 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 daycare home" is a licensed facility that regularly provides care, protection, and supervision for fourteen or fewer children, for periods of less than 24 hours per day, while the parents or guardians are away. A family daycare home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling within a covered multifamily dwelling in which the underlying zoning allows for residential use. A family daycare home is where the licensee resides, and includes a dwelling or dwelling unit that is rented, leased, or owned. Family daycare homes are comprised of a small family daycare home, under Health and Safety Code section 1597.44, and a large family daycare home, under Health and Safety Code section 1597.465.

"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.

"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.

"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.

"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.

"Junior accessory dwelling unit" means a unit that is contained entirely within the walls of a proposed or existing single-family residence which provides living facilities for one or more persons. Junior accessory dwelling units are limited to one per residential lot zoned for single-family residences with a single-family residence built, or proposed to be built, on the lot.

"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.

"Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

"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 prolonged 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 two-thirds of East Montecito Avenue between Baldwin Avenue and Mountain Trail Avenue.

"Map" means the zoning map of the city.

"Manufactured home" means the same as "modular home."

"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 Manufactured Housing 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.

"Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

"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.

"Preschool child care center" is a licensed facility that serves children ages two to four.

"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.

"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 fifty 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.

"Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

"Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

"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. The responsibilities of the commission's secretary will be performed by city staff when the secretary position is vacant.

"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.

"Short-term rental" refers to a rental whereby a residence or a portion of a residence is rented to a tenant for a period of than thirty days or less.

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 by the target population as defined in Government Code Section 65582(i), and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live, and when possible, work in the community.

"Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

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, as defined in Government Code section 65582(h), 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.

**SECTION 3. Amendment.** Section 17.82.060 (Benefits and conditions of designation) of Chapter 17.82 (Historic Preservation) of Title 17 (Zoning) is amended to read as follows:

**17.82.060 – Benefits and conditions of designation.**

- A. Conditions for Benefits.
1. Benefits shall only be available for structures listed on the city's register of historic landmarks and subject to this chapter at time for which application for financial benefits is made.
  2. Historic landmarks must be maintained in reasonable condition in accordance with the Secretary of Interior's Standards for Rehabilitation.
  3. In order to qualify for benefits, owners of historic landmarks must submit plans for rehabilitation or restoration to the commission for review to ensure that the work is undertaken in accordance with the Secretary of the Interior's

Standards for Rehabilitation. Ordinary repair and maintenance is exempted, per Section 17.82.130 of this chapter.

- B. The property owner of a historic landmark in compliance with the above conditions may receive benefits including the following and any others established as policy of the city council:
  - 1. Waiver of city building permit and plan check fees as established by resolution of the city council;
  - 2. Use of the State Historical Building Code (SHBC) as the governing building code. The SHBC provides alternative building regulations to facilitate rehabilitation, preservation, restoration or relocation;
- C. In addition to the benefits afforded to the property owner of a historic landmark provided in subsection (B) of this section, the property owner of a historic landmark in compliance with the above conditions may receive one of the following benefits:
  - 1. Mills Act contracts approved by the city council; or
  - 2. Change of use, subject to a conditional use permit granted by the planning commission pursuant to Section 17.60, to facilitate adaptive reuse of historic landmarks in accordance with section 17.82.065.

**SECTION 4. Amendment.** Section 17.85.030 (Permit required) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is amended to read as follows:

**17.85.030 – Permits and city business license required.**

- A. No home occupation may be established and conducted without first obtaining a home occupation permit pursuant to the provisions of this chapter, and an annual business license pursuant to the provisions of Title 5 of the Sierra Madre Municipal Code.
- B. If an annual business license issued in connection with a home occupation is not active (i.e. expiration from failure to renew on time, termination, suspension, revocation), the associated home occupation permit shall be null and void.
- C. A home occupation that occasionally conducts activity related to, but more intense than, the activity for which it was permitted may do so if authorized by temporary use permit pursuant to Chapter 17.88 of this code. The timing of such an application shall be submitted in compliance with section 17.88.030(F).

**SECTION 5. Amendment.** Section 17.85.040 (Home occupations-Permitted) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is amended to read as follows:

**17.85.040 Home occupations—Ministerial.**

Applications for home occupations may qualify for ministerial review if the application satisfies the following elements:

- A. That the home occupation will not generate any pedestrian or vehicular traffic nor impact street parking or public parking facilities.
- B. That in no way will the appearance of any structure or the conduct of the business be such that any portion of the premises may be reasonably recognized as serving a nonresidential use, either by color, form, or materials of construction.
- C. That no visible signage, or other forms of exterior identification, which identifies the home occupation will be installed or otherwise placed on any part of the property where the home occupation is located.
- D. That the home occupation will not create any condition pursuant to Chapter 8.16 (Site Nuisances) of this code.
- E. That no more than one (1) annual business license issued in connection with a home occupation permit per dwelling unit will be active at any one time.
- F. That all aspects of the home occupation will be conducted entirely within an enclosed structure. Articles, tools, materials, merchandise, products, activities and other related items or actions produced or used in conjunction with the home occupation shall not be stored, displayed or conducted outdoors.

- G. Except when a home occupation is for a short-term rental for the sole purpose of transient occupancy for periods of no more than thirty (30) consecutive days and where guest count does not exceed two (2) persons per bedroom, that not more than the greater of (i) twenty-five percent of the total floor area of all structures on the property directly associated with the dwelling unit where the home occupation will occur, excluding the garage, or (ii) four hundred square feet will be occupied for the "home occupation." Any construction, structural alterations or addition(s) to the main or accessory building shall be designed to be completely useable for a residential purpose.

**SECTION 6. Amendment.** Section 17.85.050 (Home occupations-Discretionary) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is amended to read as follows:

**17.85.050 Home occupations—Discretionary.**

If an application for a home occupation does not satisfy all of the elements of Section 17.85.040, it may qualify for discretionary review if the applicant can demonstrate that the home occupation conforms to the purpose and intent of the Section 17.85.010 provisions, and the following criteria:

- A. That the home occupation will not generate any pedestrian or vehicular traffic above that which is normal, or reasonable, for the district where the home occupation is located nor unreasonably overload street parking or public parking facilities nor create a nuisance.
- B. That in no way shall the appearance of any structure or the conduct of the business be such that any portion of the premises may be reasonably recognized as serving a nonresidential use, either by color, form, or materials of construction.
- C. That no visible signage, or other forms of exterior identification, which identifies the home occupation will be installed or otherwise placed on any part of the property where the home occupation is located.
- D. That the home occupation will not create any condition pursuant to Chapter 8.16 (Site Nuisances) of this code.
- E. For home occupation activity outside an enclosed structure, that the home occupation will not be visually detrimental to the residential character of the neighborhood.
- F. Except when a home occupation is for a short-term rental for the sole purpose of transient occupancy for periods of no more than thirty (30) consecutive days and where guest count does not exceed three (3) persons per bedroom, that not more than fifty percent of the total floor area of all structures on the property directly associated with the dwelling unit where the home occupation will occur, excluding the garage, will be occupied for the "home occupation." Any construction, structural alterations or addition(s) to the main or accessory building shall be designed to be completely useable for a residential purpose.

**SECTION 7. Amendment.** Section 17.85.060 (Permit procedures) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is hereby amended to read as follows:

**17.85.060 Prohibited uses.**

A home occupation shall not be permitted for any of the following uses, unless otherwise pre-empted by state law:

- A. Any uses described under Chapter 5.52 (Sale and Display of Narcotic Paraphernalia) of this code;
- B. Any uses described under Chapter 5.56 (Massage Therapy, Massage Business or Establishment) of this code;
- C. Any uses described under Chapter 5.58 (Licensing of Tobacco Retailers) of this code;
- D. Any uses prohibited under Chapter 17.10 (Uses Related to Marijuana) of this code;
- E. Any uses prohibited under section 17.36.025 (Adult businesses) of this code; or
- F. Any uses not consistent with the standards of this Chapter.

**SECTION 8. Amendment.** Section 17.85.070 (Revocation of permit) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is amended to read as follows:

**17.85.070 Burden of proof.**

Before any home occupation permit is granted, the application shall show, to the reasonable satisfaction of the reviewing authority, the existence of the following facts:

- A. That the home occupation is a reasonable use of land given the purposes of the general plan, the land use designation and the zone in which the home occupation is located;
- B. That the home occupation will not impede the reasonable use of land or the orderly development of land in the immediate vicinity;
- C. That the home occupation will not endanger the public health, safety or general welfare;
- D. That the home occupation is consistent with all applicable standards of this code;
- E. For home occupation activity outside of an enclosed structure, that the home occupation is not visually detrimental to the residential character of the neighborhood;
- F. For a home occupation with on-site employment of an individual other than the resident family, that the site where the home occupation activity will be conducted provides adequate improved parking area for the employee.

**SECTION 9. Addition.** Section 17.85.080 (Permit procedures) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is hereby added to read as follows:

**17.85.080 Permit procedures.**

Upon the receipt of an application for a home occupation permit showing, to the reasonable satisfaction of the reviewing authority the existence of facts as required under section 17.85.070, the director shall determine if the proposed home occupation is "ministerial" pursuant to the provisions of Section 17.85.040 or is "discretionary" pursuant to the provisions of Section 17.85.050.

- A. If the proposed home occupation qualifies as "ministerial," the director shall approve the home occupation and notify the director of finance.
- B. If the proposed home occupation qualifies as "discretionary," the following provisions shall apply:
  1. The director may refer any application for home occupation qualifying as "discretionary" to the planning commission if the director determines at the director's sole discretion that the proposed home occupation has the potential to result in significant impacts detrimental to the residential character of the neighborhood in which it is proposed to be conducted.
  2. The applicant shall submit a completed application form and a complete written description of the proposed home occupation which shall include but not be limited to, anticipated hours of operation, anticipated storage of materials and supplies, anticipated amount of pedestrian and/or vehicular traffic which the home occupation will generate, and a graphic representation of the location of the proposed home occupation activity within the subject residence and/or accessory structure(s).
  3. The applicant shall provide with the submittal of a home occupation permit application a mailing list of all property owners within a three-hundred-foot radius of the property where the home occupation is proposed. Said mailing list shall include at least two sets of self-adhesive mailing labels. The director shall notify by mail all property owners within a three-hundred-foot radius of the pending home occupation application. Said notification shall describe the proposed home occupation and shall provide a comment period of not less than fourteen calendar days.
  4. Upon the consideration of any comments received, the reviewing authority may approve, or conditionally approve, the home occupation if the proposed home occupation is determined not to be detrimental, or otherwise be inconsistent with the residential character of the neighborhood in which it is proposed to be conducted.



5. The director shall notify the director of finance that a home occupation has received a discretionary approval.
6. If the reviewing authority determines that the proposed home occupation activity will be detrimental, or otherwise be inconsistent with the residential character of the neighborhood, the home occupation shall be denied.

**SECTION 10. Addition.** Section 17.85.090 (Conditions of approval) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is hereby added to read as follows:

**17.85.090 Conditions of approval**

- A. **Home Occupation Permits.** Unless modified through discretionary review pursuant to subsection (B) of this section, the applicant of a ministerial or discretionary home occupation and/or the operator of a home occupation shall, upon approval of a ministerial or discretionary home occupation permit, ensure that the activity conducted by the home occupation complies at all time with all of the following conditions:
1. Upon a determination of approval for any home occupation permit, the applicant shall within ten (10) business days from approval execute and deliver to the director an affidavit of acceptance of conditions on a form to be provided by the Planning & Community Preservation Department.
  2. The use shall not generate any pedestrian or vehicular traffic nor impact street parking or public parking facilities;
  3. In no way shall the appearance of any structure or the conduct of the business be such that any portion of the premises may be reasonably recognized as serving a nonresidential use, either by color, form, or materials of construction;
  4. No visible signage, or other forms of exterior identification, which identifies the home occupation shall be installed or otherwise placed on any part of the property where the home occupation is located;
  5. The home occupation shall not create any condition pursuant to Chapter 8.16 (Site Nuisances) of this code;
  6. No more than one home occupation permit and associated annual business license shall be issued for the dwelling unit.
  7. All aspects of the home occupation shall be conducted entirely within an enclosed structure. Articles, tools, materials, merchandise, products, activities and other related items or actions produced or used in conjunction with the home occupation shall not be stored, displayed or conducted outdoors;
  8. Not more than the greater of (i) twenty-five percent (25%) of the total floor area of all structures on the property directly associated with the dwelling unit where the home occupation will occur, excluding the garage, or (ii) four hundred (400) square feet shall be occupied for the home occupation except for a short-term rental for the sole purpose of transient occupancy for periods of no more than thirty (30) consecutive days in which case the guest count shall not exceed two (2) persons per bedroom;
- B. **Discretionary home occupations.** Upon the approval of a discretionary home occupation permit, the reviewing authority may add any condition or modify any of the conditions above in subsection (A) of this section as may be deemed reasonable and necessary to preserve the public health, safety and general welfare.

**SECTION 11. Addition.** Section 17.85.100 (Revocation or modification of permit) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is hereby added to read as follows:

**17.85.100 Revocation or modification of permit.**

- A. Upon the determination by the director that the home occupation may be a detriment to the character of the neighborhood in which it is located, or is not

operating in conformance with the provisions of this chapter and/or the conditions of approval on which the home occupation permit was granted, the director shall place the matter before the planning commission for consideration of revocation or modification.

- B. The planning commission may revoke the home occupation permit and determine that the subject use is an impermissible home occupation and an illegal use of residential property if the following findings exist:
  - 1. The home occupation, by virtue of its location, extent of use or other specific criteria or evidence conflicts with the purpose and intent of this chapter, and has become a detriment or otherwise inconsistent with the residential character of the neighborhood in which it is located;
  - 2. The home occupation is in violation of the provisions of this chapter and/or conditions of approval, as applicable;
  - 3. The activities deemed to be detrimental and inconsistent with the residential character cannot be corrected by curative conditions.
- C. The determination of the planning commission may be appealed to the city council pursuant to the provisions of the Sierra Madre Municipal Code.

**SECTION 12. Addition.** Section 17.85.110 (Appeals) of Chapter 17.85 (Home Occupations) of Title 17 (Zoning) is hereby added to read as follows:

**17.85.110 Appeals.**

- A. **Appeals of director determination.** Any decision by the director pursuant to the provisions of this chapter may be appealed to the planning commission within fourteen calendar days from the date of the determination. Such appeal shall be made in writing and be accompanied by an appeal fee designated in the city of Sierra Madre fee schedule. Upon the receipt of an appeal, the director shall notify all concerned parties and schedule the appeal for the first available planning commission meeting. The determination of the planning commission shall be final unless appealed to the city council pursuant to the provisions of the Sierra Madre Municipal Code.
- B. **Referral to planning commission.** If the director referred the application for home occupation to the planning commission pursuant to subsection B of section 17.85.080, then the decision of the planning commission may be appealed to the city council in accordance with Chapter 17.66 of this code.

**SECTION 13. Amendment.** Section 17.88.010 (Purpose) of Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) is amended to read as follows:

**17.88.010 Purpose.**

The purpose of this chapter is to set forth certain temporary uses of private property which are consistent with the various provisions of this title, set forth operational standards and requirements for temporary uses, and provide for the protection of the public health, safety and welfare. Commercial uses in any zone which has a primary designation of residential is discouraged.

**SECTION 14. Amendment.** Section 17.88.020 (Allowable uses of permits) of Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) is amended to read as follows:

**17.88.020 Allowable uses of permits.**

- A. **Temporary Use Permits Authorized.** No person may use private property in a manner that is inconsistent with the permanently entitled authorized use of the private property, even if the use is of limited duration, unless a temporary use permit is issued therefore or the First Amendment would prohibit the city from requiring compliance with this chapter. The city may issue a temporary use permit in any zone in the city, to authorize any temporary use of property, including, but not limited to, those uses set forth in subsection C of this section. A temporary use

permit may authorize a temporary use, even if the use itself could not be authorized in the zone on a permanent basis.

- B. **Uses Must Be "Temporary".** A temporary use permit may be authorized only for uses that will be conducted on a "temporary" basis. For these purposes, "temporary" means:
1. **Non-commercial area.** For property located outside the central core area, as defined under section 17.35.050 of this code:
    - a. **Duration.** The use will occur at the property for a period not to exceed twenty-four hours, inclusive of setup and takedown operations; and
    - b. **Frequency.** The use will occur at the property no more than two times per calendar year.
  2. **Commercial area.** For property located within the central core area, as defined under section 17.35.050 of this code:
    - a. **Duration.** The use will occur at the property as often as daily during the period specified in the permit, and will not span more than forty-five days, inclusive of setup and takedown operations; and
    - b. **Frequency.** The use will occur no more than four times per calendar year.
- C. **Specific Regulations.** The following additional specific regulations apply to the following types of temporary uses, and supersede any inconsistent more general regulations set forth in this chapter:
1. **Carnivals.** Carnivals, circuses and similar events may be permitted for a period of up to ten days within any twelve-month period, and no such activity shall be conducted for longer than five consecutive days at one time. Certification of the safety of rides shall be made by a professional engineer, registered in the state of California, which certification shall be provided to the building official prior to the commencement of the use of the equipment. The applicant shall also provide a site safety plan (site layout of the carnival) and include a parking plan for its employees and those persons associated with the carnival.
  2. **Special Events.** If a special events permit was issued pursuant to Chapter 12.34, and the use of the subject property is merely incidental to use of public property authorized pursuant to the special events permit, then the director shall approve the temporary use of the property, and shall impose conditions consistent with the purposes of the conditions imposed by the special events permit. If, however, the use of the private property is not merely incidental to the special events permit, then compliance with the other provisions of this chapter is required as if there were no special events permit issued for the use. The applicant shall provide a site safety plan (site layout of the special event) and include a parking plan for those persons associated with the special event.
  3. **Seasonal Retail Sales.** Otherwise vacant portions of privately owned property may be used for seasonal-related retail sales. Examples of such uses, without limitation, include pumpkin patches and Christmas tree lots.
  4. **Sales Promotions.** Applications for the temporary display, exhibit and sale of goods, merchandise and equipment, and temporary display facilities, canopies and ancillary items relating thereto, to be utilized in conjunction with special promotional events, may be approved by the director pursuant to the provisions of this chapter. The length of any one promotional event shall not exceed seven consecutive days. A maximum of three such promotional events may occur at the same location or property within any twelve-month period.
  5. **Temporary Signs.** Temporary signs shall comply with the requirements of Chapter 17.72, "Signs".
- D. **Exemptions.**
1. **House Parties.** Private gatherings of up to forty-nine (49) people, inclusive of all persons onsite, not for commercial use.
  2. **Publicly Owned Property.** Events that are to be conducted on publicly owned property pursuant to Chapter 12.34 of this code.

3. **Filming Permits.** Activities associated with an approved city film permit issued pursuant to chapter 5.36 of this code.
4. **Construction Yards—On-site.** On-site contractors' construction yards in conjunction with an approved construction project on the same site. The construction yard shall be removed immediately upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
5. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
6. **Institutional Uses.** Temporary use permits for properties with a general plan land use designation or zoning designation of "institutional" shall be regulated by the applicable master plan or conditional use permit under Chapter 17.38 of this code. If the master plan or conditional use permit does not regulate temporary use permits, then the property will be regulated under this chapter.

**SECTION 15. Amendment.** Section 17.88.030 (Temporary use permit application) of Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) is amended to read as follows:

**17.88.030 Temporary use permit application.**

A temporary use permit may not be issued unless an application is submitted to the director that meets the following requirements:

- A. **Forms.** Applications for temporary use permits shall be made on forms provided by the director. Temporary use permit applications shall include appropriate submittal materials as deemed necessary by the director.
- B. **Filing Fee.** Each application shall be accompanied by a filing fee in an amount as set forth by resolution of the city council, except that no such fee shall be required from any of the following:
  1. An applicant who states in its application that it is exempt from the payment of business license taxes, pursuant to the provisions of Title 5 of this code and requests waiver of the fees on these grounds,
  2. Any use which is for an event conducted for the purpose of engaging in constitutionally protected expression,
  3. Any temporary use that is incidental to the use permitted pursuant to a special events permit issued pursuant to Chapter 12.34, except that if the costs of the temporary use permit fee would be higher than the special events permit fee but for this exemption, then the temporary use permit fee shall be the difference between the two.
- C. **Cash Deposits.** Cash security deposits may be required by the director to insure that all city property (e.g., sidewalks, streets, and parks) surrounding the temporary use is well maintained and properly cleared and cleaned at the conclusion of the temporary activity. The deposit may be used to offset costs which may be incurred by the city in the event that city property must be cleared or cleaned by city personnel. Any unused portion of the deposit shall be returned to the applicant.
- D. **Permits Required.** Each applicant shall apply for, and obtain, any necessary building, electrical and/or mechanical permits for the requested temporary use. Upon request, the applicant shall submit safety certification and/or permits for any equipment to be used as a component of the temporary use;
- E. **Other Permits.** Each applicant shall comply with all other requirements of the Municipal Code, including the requirements of Chapter 5.04 ("Business Licenses Generally"), Chapter 5.08 (Business License Fees), Chapter 12.12 (Obstruction of Streets, Sidewalks and Public Places), and Chapter 12.16 (Excavations).
- F. **Timing of Application.** Except as otherwise provided in subsection E of this section, each application shall be submitted not less than forty-five (45) days nor more than twelve months prior to the date(s) of the proposed temporary use.
- G. **Constitutional Protections.** If an application for a permit to conduct an event for the purpose of engaging in constitutionally protected expression is received less than forty-five days before the proposed event date, it shall be accepted for

processing, if the director finds that the circumstance that gave rise to the permit application did not reasonably allow the participants to file an application within the time prescribed by this section. The director shall decide whether an application meets such test for late submittal within two business days after receipt of the complete application. If an application for a permit to conduct an event which is not for the purpose of engaging in constitutionally protected expression is received less than forty-five days before the proposed event date, the director may accept it for processing, if, in his/her reasonable discretion, he/she determines that good cause exists for such late submittal.

- H. **Event Monitor.** A temporary use permit for a commercial use must include, as a condition of approval, a requirement to have an event monitor on-site for the duration of any event taking place outside the central core area, as defined under section 17.35.050 of this code, and anticipating or realizing fifty or more people in attendance. The cost of the event monitor will be paid by the city and reimbursed by the applicant. The event monitor will serve as the liaison between the applicant, the city, residents, and businesses on the day of the event and will confirm that the applicant is abiding by the terms of the temporary use permit, this code, and state law.

**SECTION 16. Amendment.** Section 17.88.040 (Action on application) of Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) is amended to read as follows:

**17.88.040 Action on application.**

- A. **Director as Decision Maker.** Except as otherwise provided in this chapter, the director is the decision maker on every application for a temporary use permit and shall approve, conditionally approve or deny each application pursuant to the provisions of this chapter.
- B. **Constitutionally Protected Expression.** The director shall take action on an application to conduct an event which is for the purpose of engaging in constitutionally protected expression within two business days after receipt of the complete application. If an aggrieved party wishes to file an appeal from such a determination, or relating to the conditions of approval, the applicant has the choice of whether the appeal shall be heard by the city manager, or whether the appeal shall proceed directly to the city council.
1. If the city manager is to hear the appeal, the city manager shall hold a hearing no later than two business days after the filing of the appeal, and will render a decision no later than one business day after hearing the appeal.
  2. If the applicant opted to appeal directly to the city council, or the applicant appeals the city manager's decision issued pursuant to subsection 1 immediately above, the appeal shall be processed in the same manner as an appeal from a decision by the planning commission under Chapter 17.66.
- C. **Notice of Right to Appeal.** Notice of the issuance of a temporary use permit for a commercial use must be provided to every residential address within a three-hundred-foot radius of the property. If an application is denied, the director shall inform the applicant in writing of the grounds for denial, and the right of the applicant to appeal, pursuant to the provisions of this chapter. All notices must be provided within ten days of the director's decision.
- D. **Director Referral to Planning Commission.** Except with respect to applications to conduct events which are for the purpose of engaging in constitutionally protected expression, the director may elect to refrain from acting on an application, and may instead refer the application to the planning commission for timely action, subject to all requirements of this chapter.
- E. **Late Applications.** With respect to an untimely application, if the director decides that an application does not meet the criteria for late acceptance for processing he/she shall so inform the applicant within two business days of receipt of the application, and shall also inform the applicant of the right to appeal such determination, pursuant to the provisions of this chapter.

**SECTION 17. Amendment.** Section 17.88.050 (Temporary use permit findings) of Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) is amended to read as follows:

**17.88.050 Temporary use permit findings.**

A. **Standard Applications.** For applications for uses that do not have the purpose of engaging in constitutionally protected expression, temporary use permits may be approved pursuant to the provisions of this chapter only upon the making of the following findings:

1. **Non-Commercial Use**

- a. That the temporary use permit is compatible with the applicable provisions of this code;
- b. The temporary use is a reasonable use of land given the purposes of the general plan, the land use designation and the zone in which the temporary use would be located;
- c. That the temporary use will not impede the reasonable use of land or the orderly development of land in the immediate vicinity;
- d. That the temporary use will not endanger the public health, safety or welfare; and
- e. The applicant has not violated a condition of a prior temporary use permit within a twenty-four-month period.

2. **Commercial Use**

- a. That the temporary use will not unreasonably overload street parking or public parking facilities nor create a nuisance;
- b. That the temporary use permit is compatible with the applicable provisions of this code;
- c. The temporary use is a reasonable use of land given the purposes of the general plan, the land use designation and the zone in which the temporary use would be located;
- d. That the temporary use will not impede the reasonable use of land or the orderly development of land in the immediate vicinity;
- e. That the temporary use will not endanger the public health, safety or welfare;
- f. The applicant has not violated a condition of a prior temporary use permit within a twenty-four-month period;
- g. The temporary use will comply with all portions of the code, including Chapter 9.32 ("Noise").

B. **First Amendment Applications.** For applications for a use that is to engage in constitutionally protected expression, temporary use permits shall be approved pursuant to the provisions of this chapter if the following findings are made:

1. The temporary use will comply with all portions of the code, including Chapter 9.32 ("Noise").
2. The use will not constitute a public nuisance.
3. The temporary use will not endanger the public health, safety or welfare.

**SECTION 18. 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 City Council, and hereby determines that the text amendments will not have a significant effect on the environment. In accordance with the requirements of the California Environmental Quality Act (CEQA), the proposed amendments to Chapter 17.08 (Definitions), Chapter 17.82 (Historic Preservation), Chapter 17.85 (Home Occupations), and Chapter 17.88 (Temporary Use Permits) of Title 17 (Zoning) of the Sierra Madre Municipal Code are Categorically Exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines which provides that CEQA only applies to projects that have the potential for causing a significant effect on the environment. Here, it can be seen with certainty that there is no possibility that the proposed amendments to the Sierra Madre Municipal Code may have a significant effect on the environment. The amendments do not relate to any one physical project and will not result in any physical change to the environment. Therefore, it can be seen with certainty that there is no possibility that the municipal code text amendments may have a

significant adverse effect on the environment, and thus the adoption of this Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the CEQA Guidelines.

**SECTION 19. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

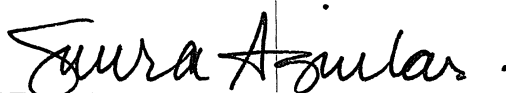
**SECTION 20. Publication.** The City Clerk shall cause this Ordinance to be published or posted in accordance with California Government Code Section 36933, shall certify to the adoption of this Ordinance and her certification, together with proof of the publication, to be entered in the book of Ordinances of the City Council.

**SECTION 21. Effective Date.** This Ordinance shall take effect thirty days after its adoption pursuant to California Government Code Section 36937.

**PASSED, APPROVED AND ADOPTED** this 9th day of July, 2024.

  
\_\_\_\_\_  
Kelly Kriebs, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura Aguilar, City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    )    SS:  
CITY OF SIERRA MADRE        )

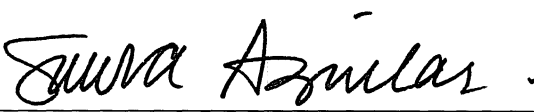
I HEREBY CERTIFY that the foregoing Ordinance was introduced by first reading on the 25th day of June, 2024, and duly adopted by the City Council of the City of Sierra Madre, California, at a regular meeting held on the 9th day of July, 2024, by the following vote:

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

NOES:           None

ABSTAIN:       None

ABSENT:        None

  
\_\_\_\_\_  
Laura Aguilar, City Clerk