

Notice of Intent to Circulate Petition

Protect Sierra Madre - Stop the Housing Project has filed an Initiative to place an Ordinance on the Ballot in this year's election to be voted on by all registered voters of Sierra Madre. It would change the zoning of the Monastery parcel (Mater Dolorosa) and any subdivisions of it, from *Institutional* to *Hillside Residential Zone*. A petition with signatures of 10% of Sierra Madre registered voters will put the question on the ballot.

If the measure passes at this year's election, the Retreat Center can continue to operate as a pre-existing non-conforming use, as long as they choose. But any change in use, or development of any part of the parcel, would be subject to the requirements of our Hillside Ordinance.

Over the years, recognizing that all Sierra Madre properties adjacent to the mountains, and part of the wildland-urban interface, require special protection, our elected officials enacted many General Plan changes and ordinances to protect what makes Sierra Madre special, the Environment, the wildlife, tree canopies, the Hillside, and the Monastery parcel. In discussing the Hillside Ordinance, Planning Commission members commented that the Ordinance wasn't only about slope, but about elevation, topography, views, vegetation, wildlife, fire safety and "things that would change the look and feel of this town."

The "Monastery" parcel is one of the only properties abutting the mountains that is not protected by a zoning designation of Open Space or Hillside Residential.

In 2015, during the drought, the Sierra Madre Planning Commission and City Council added many Water Conservation measures to the pending General Plan update, including removal of a provision that might have someday allowed the reuse of the Monastery property as housing. The EIR was certified and the General Plan adopted in 2015, and in 2016 the zoning was amended to conform to the General Plan with no objection to any of these actions during the 90 day periods after enactment.

The California Constitution gives voters the power to enact initiatives, to change laws in their City in light of the theory that all power of government ultimately resides in the people. We believe the citizens of Sierra Madre know best what is right for their City and will vote to forever protect that fragile open space, with an ordinance to change the zoning on the property from *Institutional* to *Hillside Residential Zone*.

Development can happen on that land, but with the protections of all our values that our City Government has failed to enact.

Original signed on January 25, 2022 by:


Barbara Velturo


Alexander Arrieta


Gary Bacio

RECEIVED

JAN 25 2022


CITY OF SIERRA MADRE
CITY CLERK'S OFFICE

INITIATIVE MEASURE TO BE DIRECTLY SUBMITTED TO THE VOTERS

The people of the City of Sierra Madre do ordain as follows:

Section 1. Title.

This initiative measure ("Initiative") shall be known as the **"Mater Dolorosa Hillside Zoning Initiative."**

Section 2. Findings and Purpose.

A. Findings. The people of the City of Sierra Madre find and declare the following:

1. Preserving the small-town character of Sierra Madre is a matter of utmost importance, and residents of our city must not be excluded from major decisions affecting Sierra Madre.
2. A community-wide sensitivity is necessary to make decisions to ensure that the small-town character of Sierra Madre will be preserved, and the City has not consistently displayed this needed attention and care.
3. In years past, Sierra Madre has continually enacted General Plan provisions, Ordinances and Plans that serve to protect the things that make Sierra Madre unique: Its hillsides, wildlands urban interfaces, views, tree canopies, and flora and fauna, and that protect the safety of its citizens.
4. The people of Sierra Madre wish to ensure that those long-standing goals for the protection of sensitive and potentially hazardous areas in Sierra Madre are enforced to the greatest extent possible under the law.
5. Residents of Sierra Madre are no longer confident that enforcement of those policies and goals in our General Plan are a priority of our City Council, and believe that protection of sensitive, threatened and hazardous areas should be determined by the residents of the City, after a public debate and an election, and not by the individuals in City Hall.
6. The proposed redevelopment of the Mater Dolorosa Passionist Retreat Center property, located adjacent to Bailey Canyon Wilderness Park, and in a very high fire hazard zone, would undermine the intent of the City in adopting the General Plan and the Hillside Management Ordinance. The Mater Dolorosa Property is one of the only properties abutting the mountains that is not protected by a zoning designation of Open Space or Hillside residential. Permitting the construction of 42 homes would irrevocably alter the natural setting and change the feel of this portion of Sierra Madre forever, taking away the environmental setting that makes Sierra Madre special.

B. Intent and Purpose.

- a. The intent of this Initiative is to permit the continued operation of the Mater Dolorosa Passionist Retreat Center without expansion, significant physical alteration, or change in use, as a nonconforming use.

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- b. The purpose of this Initiative is to change the General Plan Land Use Designation and the zoning of the Mater Dolorosa property, APN 5761-002-008, located at 700 North Sunnyside Avenue (hereinafter “Mater Dolorosa Property”), as shown on Exhibit A, from Institutional/Institutional to Hillside/Hillside Residential Zone to ensure that any future development is protective of the City’s hillside environment, while permitting the continued operation of the Mater Dolorosa. This Initiative also applies this designation to any properties created from any subdivision of the Mater Dolorosa Property shown on Exhibit A, including any lots created after the Notice of Intent to Circulate the Initiative was submitted.

Section 3. City of Sierra Madre General Plan Amendment

The voters hereby amend the General Plan Diagram (shown in Exhibit B) of the City of Sierra Madre to:

Change the General Plan designation on the Land Use Map and in the General Plan of the Mater Dolorosa Property (labeled on Exhibit B, and as shown in Exhibit A) from Institutional-I to Hillside-H.

Section 4. Zoning Map Amendment

The voters hereby amend the Zoning Map (shown in Exhibit C) of the City of Sierra Madre, to:

Change the zoning on the Mater Dolorosa Property (labeled on Exhibit B, and as shown in Exhibit A), from Institutional- I to Hillside Residential- H (also referred to as Hillside Management).

Section 5. Existing Use of Mater Dolorosa Property and Future Property Development

It is the intent of the voters that the existing retreat center, the Mater Dolorosa Passionist Retreat Center, may continue as a pre-existing non-conforming use under the provisions of the Sierra Madre Municipal Code relating to non-conforming use.

It is the intent of the voters that any change of use of the Mater Dolorosa Property from its current use as the Mater Dolorosa Passionist Retreat Center must be consistent with the requirements of the Municipal Code governing the Hillside Residential Zone/Hillside Management Zone.

It is the intent of the voters that the City of Sierra Madre retains its authority, consistent with the limitations of the Hillside Residential Zone/Hillside Management Zone, to regulate use of property, design standards, or building construction on the Mater Dolorosa Property. However, it is the intent of the voters that no such authority shall be exercised in a manner that undermines or is inconsistent with the provisions of this Initiative, unless an amendment of this Initiative is approved by the voters.

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Section 6. Effect of Initiative on General Plan Land Use Classification and Zoning on Subject Property Only

This Initiative adopts General Plan designations and zoning designations only for the Mater Dolorosa Property, which is specifically identified in this Initiative and shown on Exhibit A. The Initiative applies to the Mater Dolorosa Property and any parcels created from the Mater Dolorosa Property, including those parcels created after the Notice of Intent to Circulate the Initiative was submitted. The Initiative does not adopt, alter, or change any other land use classifications or zoning on any other real property in the City of Sierra Madre.

Section 7. Implementation

- A. This Initiative is considered adopted and effective upon the earliest date legally possible after either the City Council adopts the Initiative as law upon its qualification or, if it is placed on the ballot, the elections official certifies the vote on the Initiative by the voters of the City of Sierra Madre. Upon the effective date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all City maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.
- B. Upon the effective date of this Initiative, the General Plan amendments of Section 3 of this Initiative are hereby inserted into the General Plan; except that if the four amendments of any mandatory element of the General Plan permitted by state law for any calendar year have already been utilized in the year in which this Initiative becomes effective, the General Plan amendments set forth in this Initiative shall be the first amendments inserted into the General Plan on January 1 of the next year. The City may reorganize, renumber, and/or reformat the General Plan provisions of Section 3 of this Initiative, provided that the full text is inserted into the General Plan without alteration.
- C. The General Plan in effect on the date of filing of the Notice of Intent to Circulate this Initiative ("Filing Date"), and the General Plan as amended by this Initiative, comprise an integrated, internally consistent, and compatible statement of policies for the City. To ensure that the City's General Plan remains an integrated, internally consistent, and compatible statement of policies for the City, any provision of the General Plan that is adopted between the Filing Date and the effective date of the General Plan amendments adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the General Plan amendments adopted by this Initiative, be amended as soon as possible and in the manner and time required by state law to ensure consistency between the provisions adopted by this Initiative and other elements of the General Plan.
- D. Upon the effective date of this Initiative, the provisions of Section 4 (Zoning Amendments) of this Initiative are hereby inserted into the Sierra Madre Municipal Code. The City may reorganize, renumber, and/or reformat the provisions of Section 4 of this

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Initiative, provided that the full text is inserted into the Municipal Code without alteration.

Section 8. Effect of Other Measures on the Same Ballot

It is the voters' intent to comprehensively regulate the zoning and development standards for the specific property that is subject to the Initiative. To ensure that this intent is not frustrated, and in the event this Initiative is not adopted by the City Council as law, this Initiative shall be presented to the voters as an alternative to, and with the express intent that it will compete with, any and all voter initiatives or City-sponsored measures placed on the same ballot as this Initiative and which, if approved, would regulate the use or development of the subject properties in any manner whatsoever (each, a "Conflicting Initiative"). In the event that this Initiative and one or more Conflicting Initiatives are adopted by the voters at the same election, then it is the voters' intent that only that measure that receives the greatest number of affirmative votes shall control in its entirety and said other measure or measures shall be rendered void and without any legal effect. In no event shall this Initiative be interpreted in a manner that would permit its operation in conjunction with the non-conflicting provisions of any Conflicting Initiative. If this Initiative is approved by the voters but superseded by law in whole or in part by any other Conflicting Initiative approved by the voters at the same election, and such Conflicting Initiative is later held invalid, this Initiative shall be self-executing and given full force of law.

Section 9. Interpretation and Severability

A. This Initiative must be interpreted so as to be consistent with all federal and state laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, part, or portion is found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Sierra Madre indicate our strong desire that: (i) the City Council use its best efforts to sustain and re-enact that portion, and (ii) the City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including adopting or reenacting any such portion in a manner consistent with this Initiative.

C. The Proponents of this Initiative, and any committee formed to support this Initiative, shall have standing to enforce and defend the provisions of this Initiative in any judicial forum, as necessary.

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D. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

Section 10. Amendment

The provisions of this Initiative can be amended or repealed only by a majority of voters of the City of Sierra Madre voting in a regularly scheduled municipal election.

Section 11. Inconsistent Provisions Repealed

Any provisions of the City of Sierra Madre Municipal Code, or any other ordinances of the City inconsistent with this Initiative, to the extent of such inconsistencies and no further, are hereby repealed. This Initiative expresses the voters' intent to eliminate any possible inconsistency between existing code provisions and the amended General Plan designations and zoning designations.

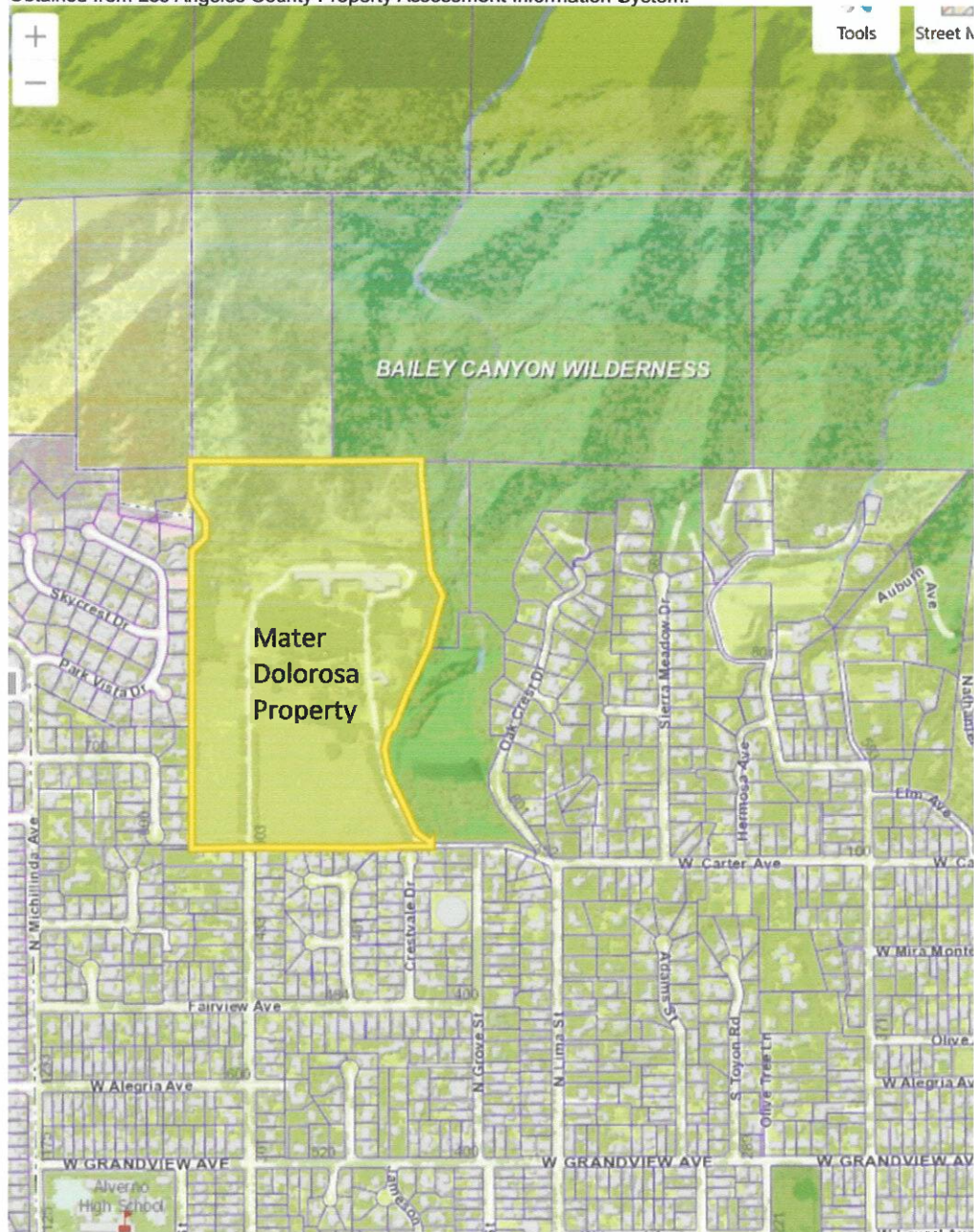
Section 12. Exhibits

The following Exhibits A-C are provided for reference for the voters and incorporated by reference herein. The maps are intended to provide context and information regarding the location and current General Plan designations and zoning designations of the Mater Dolorosa Property, as well as the designations of surrounding properties. The inclusion of the maps does not amend the General Plan or zoning designations of any property other than those specifically amended in this Initiative.

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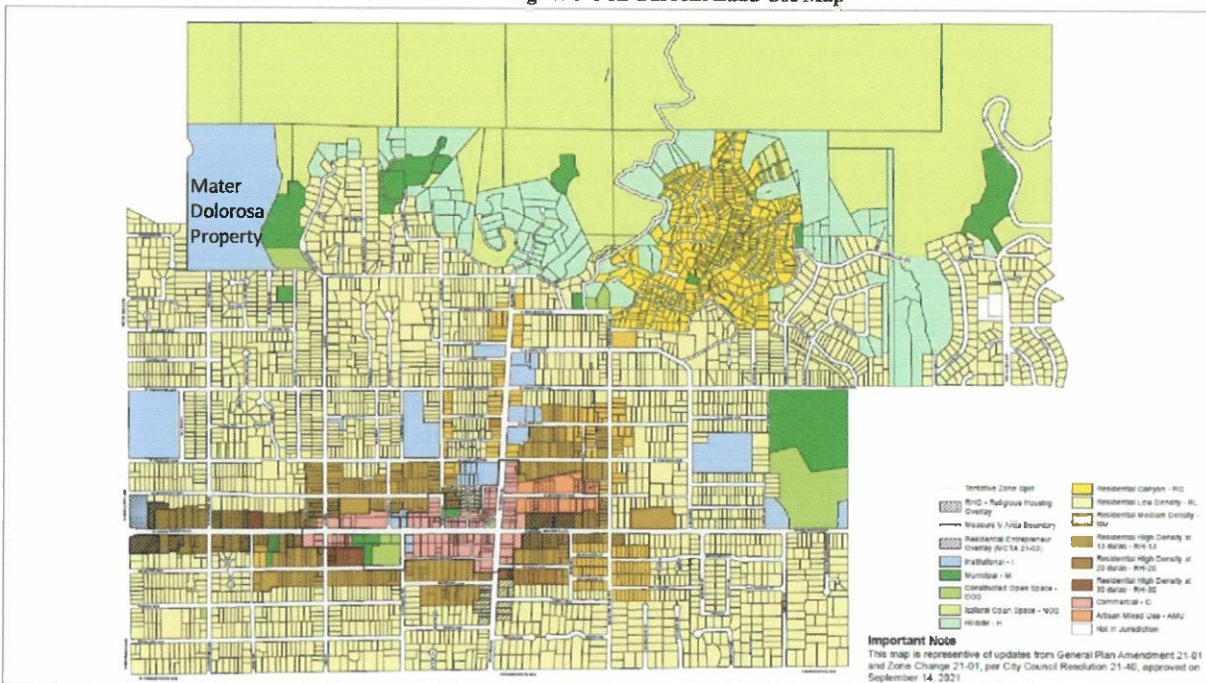
Exhibit A Identification of Mater Dolorosa Property

Obtained from Los Angeles County Property Assessment Information System.



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Exhibit B General Plan Designations on Current Land Use Map

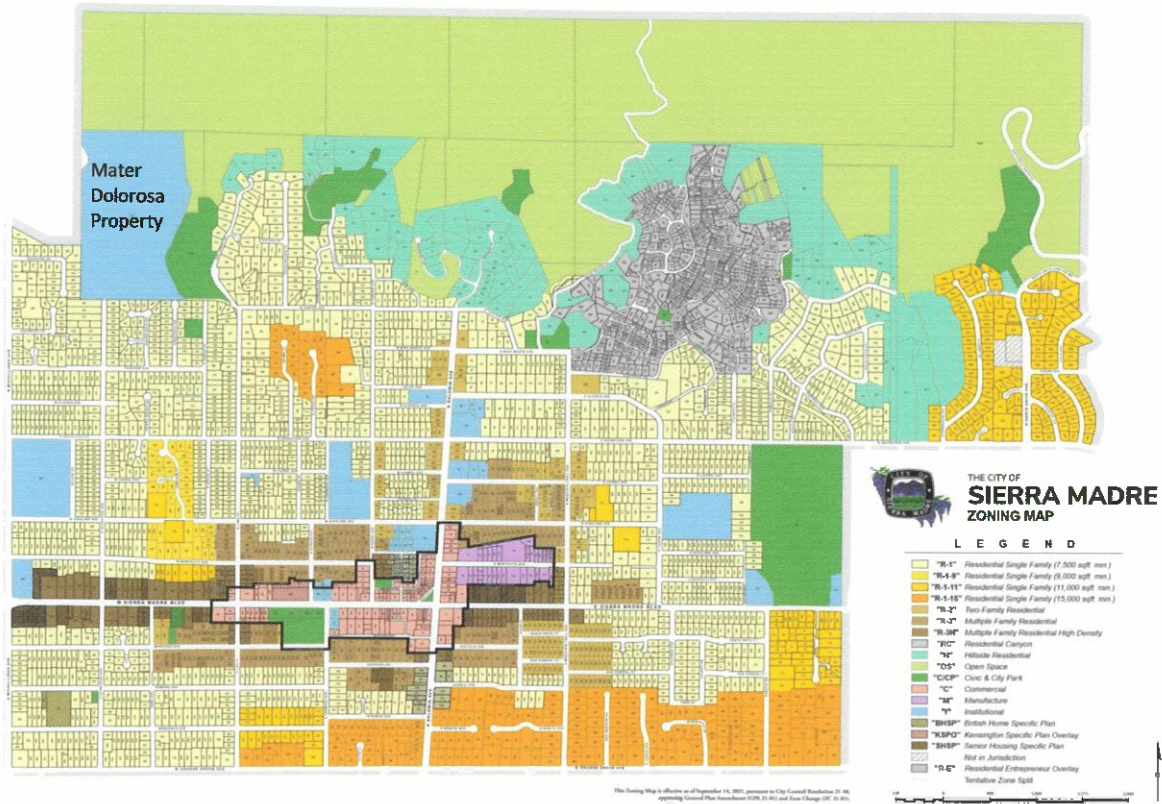


City of Sierra Madre Land Use Map
Including Housing Element Updates

Parcel Label	Current Designation	Designation Adopted by Initiative
Mater Dolorosa Property	Institutional- I	Hillside- H

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**Exhibit C
Zoning Map**



Parcel Label	Current Zoning	Zoning Adopted by Initiative
Mater Dolorosa Property	Institutional- I	Hillside Residential - H

SIGNED STATEMENT OF PROPONENT

(Elec. Code, § 9608)

I, Gary Bacio, acknowledge that it is a misdemeanor under state law (section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Signature of Proponent

Dated this 25 day of January, 2022

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING

(Elec. Code, § 9210)

I, Gary Bacio, as a proponent of the Mater Dolorosa Hillside Zoning Initiative (the "Initiative"), hereby authorize my legal counsel, Beverly Grossman Palmer of Strumwasser & Woocher LLP, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.



Signature of Proponent

Dated this 25 day of January, 2022

SIGNED STATEMENT OF PROPONENT

(Elec. Code, § 9608)

I, Barbara Vellturo, acknowledge that it is a misdemeanor under state law (section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Barbara Vellturo

Signature of Proponent

Dated this 25 day of January, 2022

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING

(Elec. Code, § 9210)

I, Barbara Vellturo, as a proponent of the Mater Dolorosa Hillside Zoning Initiative (the "Initiative"), hereby authorize my legal counsel, Beverly Grossman Palmer of Strumwasser & Woocher LLP, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.

Barbara Vellturo

Signature of Proponent

Dated this 25 day of January, 2022

SIGNED STATEMENT OF PROPONENT

(Elec. Code, § 9608)

I, Alexander Arrieta, acknowledge that it is a misdemeanor under state law (section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.



Signature of Proponent

Dated this 25 day of January, 2022

AUTHORIZATION FOR COUNSEL TO HANDLE PETITION FILING

(Elec. Code, § 9210)

I, Alexander Arrieta, as a proponent of the Mater Dolorosa Hillside Zoning Initiative (the "Initiative"), hereby authorize my legal counsel, Beverly Grossman Palmer of Strumwasser & Woocher LLP, to handle the filing of the Initiative for title and summary, filing of the Initiative petition, and any other actions and/or correspondence with your office, or any other elections officials, relating to the Initiative.



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