

**CITY COUNCIL RESOLUTION 24-12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE  
CONDITIONALLY APPROVING A TENTATIVE TRACT MAP 22-01 (TTM 22-01),  
INCLUDING VESTING TENTATIVE TRACT MAP NO. 83966, FOR THE  
SUBDIVISION OF THE 17-ACRE SITE INTO 42 SINGLE-FAMILY RESIDENTIAL  
LOTS, 6 OPEN SPACE LOTS, AND ONE CITY PUBLIC PARK AT 700 NORTH  
SUNNYSIDE AVENUE**

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

**WHEREAS**, an application for a Tentative Tract Map was filed by:

**NUWI Sierra Madre, LLC  
2001 Wilshire Boulevard  
Santa Monica, CA 90403**

**WHEREAS**, the Vesting Tentative Map can be described as:

Vesting Tentative Parcel Map No. 83966, a subdivision of the 17-acre site into 42-  
single family residential lots, 6 open space lots, and one city public park project, also  
known as the Meadows at Bailey Canyon project; and

**WHEREAS**, the Tentative Parcel Map would apply to the property at 700 North  
Sunnyside Avenue, Sierra Madre, CA 91024, Assessor Parcel Numbers 5761-002-008;  
and

**WHEREAS**, on September 20, 2022, the City Council adopted the City Council  
Resolution 22-58 certified the Meadows at Bailey Canyon Specific Plan Final  
Environmental Impact Report (Final EIR) was completed in compliance with CEAQ,  
approved General Plan Land Use Map Amendment to Residential Low Density; and

**WHEREAS**, on September 27, 2022, the City Council adopted Ordinance 1461  
approved Zoning Map Amendment to Residential Single Family, The Meadows at Bailey  
Canyon Specific plan and the Development Agreement at 700 North Sunnyside Avenue;  
and

**WHEREAS**, referendum proponents succeeded in collecting enough signatures to  
qualify for a ballot measure to referend Ordinance No. 1461. As a result, the Ordinance  
NO. 1461 did not take effect until the City Council adopted Resolution No. 23-41 on May  
23, 2023, certifying the results of the special election rejecting the referendum; and

**WHEREAS**, the Applicant submitted the Tentative Tract Map application, which  
includes Vesting Tentative Tract Map No. 83966, on October 03, 2022. The City and  
Applicant agreed to pause processing the application until after the special election on  
the referendum. The application was resumed on September 23, 2023; and

**WHEREAS**, the proposed land subdivision is consistent with the general plan and  
Meadows at Bailey Canyon Specific Plan and

**WHEREAS**, on February 1<sup>st</sup>, 2024, the Planning Commission adopted Planning  
Commission Resolution 24-01 recommending the City Council conditionally approve the  
Tentative Tract Map (TTM 22-01), for the subdivision of the 17-acre site into 42-single  
family residential lots, 6 open space lots and one city public park located at 700 North  
Sunnyside Avenue; and

**WHEREAS**, the City Council has received the report and recommendations of  
staff; and

**WHEREAS**, following public notice, a public hearing was held before the City  
Council on February 27, 2024, with all testimony being received being made part of the  
public record; and

**WHEREAS**, at the said public hearing, the City Council received written and oral evidence, all of which evidence is deemed to be part of the record of this proceeding;

**WHEREAS**, the proposed project qualifies for a Class 3 for a Categorical Exemption, pursuant to Section 15182(c) Residential Projects Implementing Specific Plans of the California Environmental Quality Act (CEQA) where a public agency has prepared an EIR on a specific plan after January 1, 1980, a residential project undertaken pursuant to and in conformity to that specific plan is exempt from CEQA if the project meets the requirements of this section, pursuant to Section 15315 of the California Environmental Quality Act (CEQA);

**NOW THEREFORE**, in consideration of the evidence received at the hearing, and for the reasons discussed by the City Council at said hearing, the City Council now finds as follows:

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

**SECTION 2.1. Findings for approval of a tentative parcel map.** Pursuant to Sierra Madre Municipal Code Section 16.12.080, any action taken by the City Council shall be supported by the findings required in Sections 66427.1, 66473.5, 66474, and 66474.6 of the California Government Code and Section 21100 of the California Public Resources Code.

**SECTION 2.2.** Government Code Section 66473.5 relates proposed subdivision shall be consistent with a general plan or a specific plan only if the local agency has officially adopted such a plan and the proposed subdivision or land use is compatible with the objectives, policies, general land uses, and programs specified in such a plan.

**SECTION 2.3.** Pursuant to California Government Code Section 66474.6, the proposed subdivision causes no violation of existing requirements prescribed by a California regional water quality control board pursuant to Division 7 (commencing with Section 13000) of the Water Code, thus disapproval of the proposal may not be found on this basis.

**SECTION 2.4.** Pursuant to Sierra Madre Municipal Code and California Government Code Section 66474, the tentative tract map or parcel map shall be denied if any of the following findings are made by the City Council:

**A. That the proposed map is not consistent with applicable general and specific plans;**

This finding cannot be made because the proposed map is consistent with the City's General Plan and the Meadows at Bailey Canyon Specific Plan adopted in 2022.

Goal 2: Preserve and enhance the diversity in the character of residential neighborhoods ensuring that new development is compatible in its design and scale with older established development in the surrounding neighborhood without attempting to replicate or mass produce a style of development.

Goal 4: Ensure that development is done to maximize water conservation practices to reduce and minimize the impact on the City's local water supply and the ability to serve its water customers.

Goal 5: Institute conservation measures so that the demand for water matches the City's local supply.

Goal 8: Preserve existing and provide additional constructed and natural open space.

Goal 9: Preserve the hillside areas in order to protect the environment and mountain views, obtain a balance between developed areas and the hillside wilderness, and establish the role of the hillside as an entry point into wildland areas.

Objective L1: Continuing the existing pattern of residential housing development.

Objective L4: Mitigating the impacts of new development on the City's open space, trees, infrastructure, water, transit services, the character of existing development, and other public needs.

Objective L6: Development that is done in harmony with its neighborhood and preserves and protects the privacy, mountain, and basin views of neighboring properties.

Objective L17: Protecting views to and from hillside areas in order to maintain the image and identity of the City as a village of the foothills.

Objective L44: The preservation of natural open space areas as crucial to the distinctive character of Sierra Madre, and as a key feature of sustainability and public safety.

**B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;**

This finding cannot be made because the improvement of the proposed subdivision is consistent with City's General Plan and the Meadows at Bailey Canyon Specific Plan adopted in 2022.

Goal 3: Ensure that development is done in harmony with its neighborhood, and preserves and protects privacy and mountain views of neighboring properties.

Goal 1.0: Maintain and enhance the quality of existing housing and ensure that new residential development is consistent with Sierra Madre's small-town character.

Goal 5.0: Promote environmental sustainability through support of existing and new development which minimizes reliance on natural resources.

Objective L7: Development that is compatible in its design and scale with the neighborhood.

**C. That the site is not physically suitable for the type of development;**

This finding cannot be made because the site is physically suitable for residential development (Subdivision Map Act §§ 66474(c) and 66474(d)).

The residential development is on an approximately 17-acre project site that was historically an unused portion of the adjacent Mater Dolorosa Retreat Center. The project site is surrounded by urban land uses to the north, residential land uses to the west, and south. To the east of the project site is a large flood control facility. As a result of the surrounding residential and institutional land uses to the north, west, and south, the project site is served by existing utilities and infrastructure. Access to the project site is readily available via existing public streets to the south and east. The project site does not contain any habitat for sensitive plant or animal species, as noted in Chapter 4.4 of the certified Final Environmental Impact Report ("FEIR") prepared in connection with the adoption of the SP in compliance with the California Environmental Quality Act, nor is the project located within any sensitive ecological area or designated habitat conservation area. Furthermore, a geotechnical analysis included in Chapter 4.7 of the FEIR notes soils within the project site are suitable for removal and recompaction to support residential development. No unusual soil conditions were discovered upon the completion of a preliminary geotechnical investigation, as described in the FEIR. Proposed grading for the proposed subdivision includes a maximum slope ratio of 2:1 and the project will result in approximately 1,300 cubic yards of import. The project site is not subject to known geologic hazards, such as fault zones. A final geotechnical investigation will be prepared prior to the issuance of building permits for the project, which will demonstrate compliance with the California Building Code and all applicable geologic hazards regulations.

**D. That the site is not physically suitable for the proposed density of development;**

This finding cannot be made because the project site is physically suitable for the proposed density of subdivision development.

The proposed density of the approximately 17-acre project site is the unused portion of the adjacent Mater Dolorosa Retreat Center is surrounded by urban land uses to the north, and residential low-density development to the west and south. To the east of the project site is a large flood control facility. The proposed residential low density

is consistent and continues with the adjacent single-family residential urban fabric in structures, streets, sidewalks, and open spaces.

**E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat;**

The design of the subdivision does not cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat. All potential significant impacts arising from the development of the residential subdivision, including those related to biological resources, historical resources, noise, transportation, utilities, and tribal cultural resources will be mitigated below a level of significance, as stated in the FEIR. No significant and unavoidable impacts will occur as a result of the proposed subdivision project. Implementation of the mitigation monitoring and reporting program ("MMRP"), which was made a condition of SP approval and implementation, and will be carried forward to apply for approval of the proposed subdivision project, will ensure that any potential environmental impacts will be reduced to the maximum extent feasible.

Furthermore, the project site is characterized by disturbed, fallow land that has been subject to regular maintenance and is surrounded by urban land uses to the north, west, and south. The site does not contain suitable habitat for any special status plants or species, as explained in detail in Chapter 4.4 of the certified FEIR. The project site is not located within a designated habitat conservation area, nor does the project result in impacts to designated environmentally sensitive lands.

Accordingly, the design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or injure fish or wildlife or their habitat.

**F. That the design of the subdivision or the type of improvements is likely to cause serious public health problems;**

This finding cannot be made because the design of the subdivision or type of improvements will not be detrimental to public health, safety, and welfare.

The project would subdivide an approximately 17-acre undeveloped site into 49 total lots; 42 residential lots, one public park lot, and six open space lots, consistent with the requirements and standards found within the Meadows at Bailey Canyon Specific Plan. The project site is primarily characterized by disturbed, fallow land that was previously a part of the Mater Dolorosa Passionist Retreat Center and is surrounded by urban land uses to the north, west, and south. The conditions of approval proposed to be adopted in connection with the proposed subdivision require the proposed project to comply with all applicable provisions of the California Building Code, California Energy Code, California Water Code, California Fire Code, California Plumbing Code, California Electrical Code, California Mechanical Code, and California Green Building Standards Code. Furthermore, the project is also conditioned to comply with all water quality standards and obtain coverage under a statewide General Construction Activities Stormwater Permit in accordance with the requirements of the City's NPDES municipal stormwater permit. Prior to construction, the project is required to prepare a Storm Water Pollution Prevention Plan ("SWPPP") and a Stormwater Quality Management Plan ("SWQMP"), which will include construction best management practices, on-site biofiltration and hydromodification features, and ongoing permanent BMP maintenance. Any short-term erosion and sedimentation impacts associated with the project would be addressed through conformance with applicable regulations of the City stormwater permit and NPDES standards.

Compliance with these regulations during and after project construction will be enforced through building inspections by the City's building inspectors. Compliance with the standards and regulations included in these conditions will ensure the project does not result in adverse impacts on the health, safety, and general welfare of the community.

Moreover, as in the FEIR, all potentially significant impacts, including those related to biological resources, historical resources, noise, transportation, utilities, geology, hydrology, and tribal cultural resources will be mitigated below a level of significance. No significant and unavoidable impacts occur as a result of the proposed project. Implementation of the mitigation monitoring and reporting program ("MMRP"), which

was adopted and made a condition of SP approval and will be carried forward and made a condition of approval of the proposed subdivision will ensure that any potential environmental impacts will be reduced to the maximum extent feasible.

**G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The governing body may approve a map if it finds that alternative easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

This finding cannot be made because the subdivision does not conflict with the easement for access through or use of property within the proposed subdivision.

Prior to the approval of the SP, the project site was private property owned by the Mater Dolorosa Passionist Retreat Center. Thus, no public access easements exist on the project site. Seventeen (17) existing utility easements will be modified or quitclaimed, as shown on Sheet 2 of the vesting tentative tract map. All quitclaims are related to the relocation of existing utility infrastructure into proposed public streets. All existing utility easements have been accommodated by the project design and will be relocated, as shown on the vesting tentative tract map. Alongside the construction of new utilities and infrastructure, the City will be granted easements related to access, ingress and egress, storm drain, water lines, and sewer lines. Electric lines will be maintained in their current locations, with existing easements granted to Southern California Edison unaffected. Easements will also be granted to the Los Angeles County Flood Control District for maintenance of the storm drain system.

Accordingly, in addition to the fact that there are no existing public access easements on the project site, as a result of these newly granted and/or relocated easements, the design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

**SECTION 3. Environmental.** The proposed project qualifies for a Categorical Exemption (Class 3), pursuant to Section 15182(c) Residential Projects Implementing Specific Plans of the California Environmental Quality Act (CEQA) where a public agency has prepared an EIR on a specific plan after January 1, 1980, a residential project undertaken pursuant to and in conformity to that specific plan is exempt from CEQA if the project meets the requirements of this section. The residential projects including land subdivisions and residential planned unit developments that are undertaken consistent with the Specific Plan are exempt from CEQA, regardless of their location. However, the exemption requires review to ensure that the project would not create any new impacts or increase the severity of impacts previously disclosed in the original environmental document, as described in Guidelines §15162.

**SECTION 4. Housing Accountability Act.** Pursuant to California Government Code Section 65589.5, subdivision (j), and whereas findings for approval of a Tentative Tract Map is consistent with this section of the California Government Code, the City Council hereby finds that the proposed subdivision project will not have a significant, quantifiable, direct, and unavoidable impact upon the public health or safety. Thusly, grounds for disapproval of the project may not be made upon this basis nor shall the project be conditioned to require development at a lower density.

**SECTION 5. Severability.** If any sections, subsections, subdivisions, paragraph, sentence, clause, or phrase of this Ordinance or any part hereof or exhibit hereto is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof or exhibit thereto. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid.

**SECTION 6. Certification.** The City Clerk shall attest to the passage and adoption of this Resolution by the City Council and shall cause the same to be listed in the records of the City.

**PURSUANT TO THE ABOVE, IT IS RESOLVED** that the City Council conditionally approves TENTATIVE TRACT MAP 22-01, including VESTING TRACT MAP NO. 83966, subject to the attached conditions as provided in Attachment D herein.

The time in which to seek judicial review of this decision shall be governed by Code of Civil Procedure Section 1094.6. The City Clerk shall certify to the adoption of this resolution, transmit copies of the same to the applicant and his counsel, if any, together with a proof of mailing in the form required by law, and shall enter a certified copy of this resolution in the book of resolution of the City.

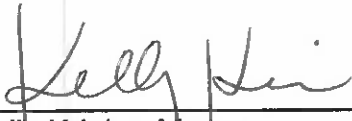
**PASSED, APPROVED, AND ADOPTED** on the 27<sup>th</sup> day of February 2024, by the following vote:

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


NOES: None

ABSTAIN: None

ABSENT: None

  
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Kelly Kriebs, Mayor  
City of Sierra Madre

ATTEST:

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

I, LAURA AGUILAR, CITY CLERK OF THE CITY OF SIERRA MADRE, hereby certify that the foregoing Resolution Number 24-12 was adopted by the City Council of the City of Sierra Madre at the regular meeting held on the 27<sup>th</sup> day of February, 2024.