



City of San Marino 2021-2029 Housing Element Zone Code Amendment CEQA Exemption Technical Memorandum

prepared by

City of San Marino
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2200 Huntington Drive
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CEQA Exemption- “Common Sense”

1. Project Title

City of San Marino 2021-2029 Housing Element Zoning Code Amendment CEQA Exemption
Technical Memorandum

2. Lead Agency Name and Address

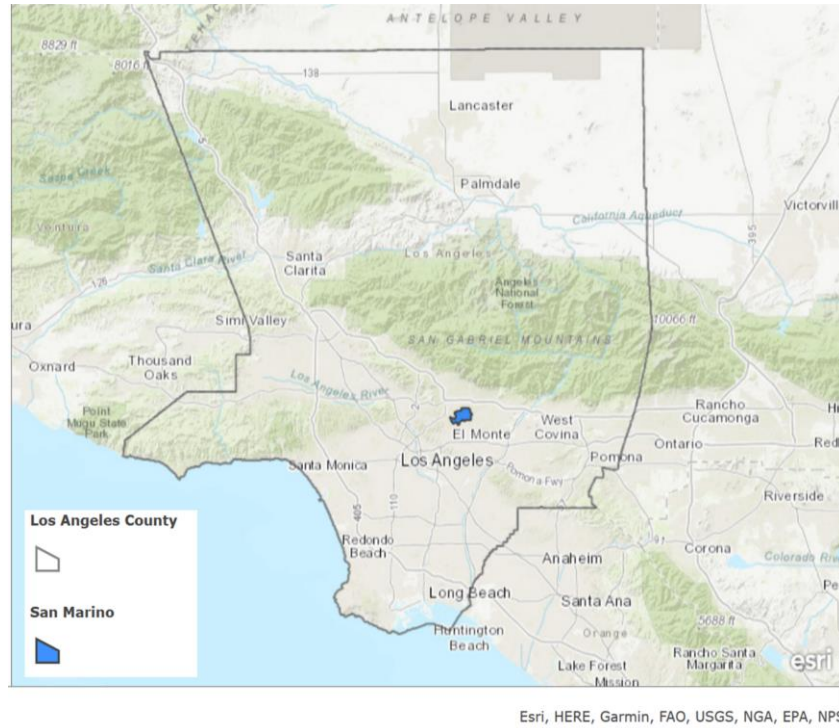
City of San Marino, Community Development Department
2200 Huntington Drive, 1st Floor San Marino, CA 91108

3. Contact Person and Phone Number

Isidro Figueroa, Director of Community Development
(626) 300-0700

4. Project Location

Citywide. As an element of the City of San Marino’s General Plan, the Housing Element Update will apply to all properties in the City for the 2021-2029 planning period. The City of San Marino is located in the center of the County of Los Angeles, south of the San Gabriel Mountains and approximately 11 miles north of the City of Los Angeles. The cities of Pasadena, South Pasadena, San Gabriel, and Alhambra surround San Marino. See Figure 1 below.



5. Project Sponsor's Name and Address

City of San Marino, Department of Community Development
2200 Huntington Drive, 1st Floor San Marino, CA 91108

6. General Plan Designation

Citywide – various

7. Zoning

Citywide – various

8. Introduction

This Technical Memorandum serves as an evaluation of the City of San Marino 2021-2029 (6th cycle) Housing Element Zone Text Amendment (proposed project) for California Environmental Quality Act (CEQA) compliance. This Technical Memorandum was prepared to present: 1) the findings resulting from the CEQA compliance review, as described below; and 2) the recommendations concerning the appropriate CEQA compliance documentation.

STATUTORY AUTHORITY AND REQUIREMENTS

Once it is determined that an activity is a project subject to CEQA, it is then determined whether the project is exempt from CEQA. State CEQA Guidelines Section 15061(b) outlines the ways in which a project may be exempt as follows: A project is exempt from CEQA if: 1) The project is

exempt by statute (see, e.g. Article 18, commencing with Section 15260). 2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2. 3) The activity is covered by the common-sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. 4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)). 5) The project is exempt pursuant to the provisions of Article 12.5 of Chapter 3. The proposed project would be exempt as a “common sense” exemption under State CEQA Guidelines Section 15061(b)(3) because implementation of the proposed project would not have the potential to cause a significant effect on the environment, as further discussed below in Section 3, Findings Concerning CEQA Exemption.

9. Description of Project

The 2021-2029 Housing Element Zoning Code Amendment includes an amendment of the City's Zoning Code and Map that serves to meet the housing objectives identified in the City's 2021-2029 Housing Element. State law requires each city to update its Housing Element every eight (8) years and submit it for certification to the California Department of Housing and Community Development (HCD). This is the 6th Housing Element update cycle since the California Legislature identified housing as a priority statewide and began regular updating to General Plan Housing Elements, including the City of San Marino.

A major component of the Housing Element update is the City's shortage of adequate sites to meet the regional housing need. The regional housing need allocation (RHNA) is an estimate of the city's housing needs at all price levels, based on the existing population plus its projected growth, over the next eight years. HCD determines the housing needs for each region in the state and provided to the representative area associations of governments who distributes the RHNA to the cities and counties. The total units estimated for the entire Southern California region were distributed by the Southern California Association of Governments (SCAG).

On March 22, 2021, SCAG issued its final 6th-cycle RHNA Allocation Plan, which determined that the City of San Marino is required to accommodate 397 total units. The City is not required to construct additional housing units or issue building permits to meet the RHNA allocation, but it must make adequate sites available with appropriate residential zoning and development potential to accommodate the RHNA over the 8-year planning period. To do this, the City is required to evaluate land use patterns, development regulations and challenges, and identify potentially developable land to demonstrate how the City plans to accommodate the City's RHNA allocation. Because San Marino currently lacks sufficient sites with appropriate zoning to accommodate its assigned RHNA, this project will update the City's Zoning Code and Map to accommodate the programs identified in the City's State mandated 2021-2029 Housing Element. Parcel-specific CEQA analysis will be conducted for the housing element rezoning project. Attempting to analyze individual rezoning on a parcel-by-parcel basis at this time would be speculative and is not within the scope of the project or evaluated in the Initial Study (State Clearing House #).

The City of San Marino prepared and adopted Initial Study/Negative Declaration for the City's State mandated 2021-2029 Housing Element that evaluated the environmental impacts for potential development of 397 dwelling units to support meeting the City's Regional Housing Needs Assessment (RHNA) allocation. The 2021-2029 Housing Element Zoning Code Amendment is proposing to rezone 118 parcels which includes 104 parcels rezoned to MUI, 12 parcels rezoned to MU2, 1 parcel rezoned to RMI (Stoneman), and 1 parcel rezoned to H&C (Southwestern Academy). The adopted

2021-2029 Housing Element IS/ND (SCH 2022010208) proposed to rezone 1,796 parcels that were a mixture of both residential and commercial. As part of the 6th cycle Housing Element update, cities are required to identify housing sites that provide the development capacity to accommodate build out of the City's RHNA allocation at all income levels. The City of San Marino's has limited opportunities to provide affordable housing due to historic land use patterns, high land and housing costs, and scarcity of vacant land. To accommodate the City's RHNA need for all income levels, future housing development would occur through a variety of methods, including development on vacant parcels, infill development in existing commercial areas, development of accessory dwelling units (ADU), and development on City-owned parcels. Housing elements are also required to consider ways to promote access to housing that is attainable for residents at all income levels, beyond focusing solely on opportunities for production of new units. The 2021-2029 Housing Element Zoning Code Amendment would implement the Housing Element programs to promote housing on a citywide level. It would also involve revisions to the Codes to allow future staff, designers, developers, architects, and the general public to clearly communicate and interpret these provisions. Objective Design Standards would include topics such as site planning, building massing, frontages, entrances, building material, architectural styles, landscape, lighting, and open space.

Based on a review of the City's adopted and certified 6th Cycle Housing Element, the following Zoning Code amendments would be implemented:

The State mandated 2021-2029 Housing Element implements Program 1.6, which requires the City to revise its City Code to allow single room occupancy (SRO) residential development in zones that allow multi-family development pursuant to the objective design and development standards adopted for SRO development (see Program 1.5 of the 2021-2029 Housing Element). Additionally, the City Code shall be revised to allow these developments by-right if at least 20% of project units are provided as affordable to low-income households.

The City's State mandated 2021-2029 Housing Element contains Program 1.7, which requires the City to create a Multi-family Residential (RMI) zone that will allow residential uses at a minimum density of 30 du/acre and a maximum density of 40 du/acre which is currently zoned Commercial (C-1). As part of this program, the City shall create objective development standards that ensure maximum densities can be achieved in the RMI zone. Multi-family projects in the RMI zone that comply with objective design standards will be approved ministerially and will not be subject to discretionary review. As part of this program, the City will commit to consult with the development community through outreach efforts at least once a year during the planning period and during public meetings as appropriate to determine whether the standards facilitate or constrain the development of housing in the City. Objective design standards for the RMI zone shall be reviewed 18 months after adoption of the Housing Element to determine whether the standards are creating a constraint on housing development in the RMI zone. If it is determined that the standards are creating a constraint, then the City shall revise the objective design standards no later than 30 months after the adoption of the Housing Element. The Stoneman site shall be rezoned to Multi-family Residential (RMI). This program will help affirmatively further fair housing by addressing issues related to patterns of familial and income segregation, cost burden, and displacement.

The City's State mandated 2021-2029 Housing Element implements Program 1.8, requires the City to create a new Mixed-Use Zoning District that will include two Mixed-Use Zones- Mixed-Use 1 (MU-1) and Mixed-Use 2 (MU-2). These zones are currently zoned Commercial (C-1) which allow housing. The MU-1 and MU-2 zones will allow 100% residential uses at the densities prescribed for each zone. The MU-1 zone will allow residential uses at a minimum density of 25 units per acre and a maximum density of 30 units per acre which is consistent with the minimum density required by State law. As part of this program, the City shall create objective development standards that ensure maximum densities can be achieved in the MU-1 zone. Multi-family projects in the MU-1

zone that comply with objective design standards will be approved ministerially and will not be subject to discretionary review. As part of this program, the City shall rezone 104 parcels along Huntington Drive, including MU Site 2 identified in the Site's Inventory, to the new MU-1 zone. The MU-2 zone will allow residential uses at a minimum density of 30 units/acre and a maximum density of 40 units/acre. As part of this program, the City shall adopt objective development standards that ensure maximum densities can be achieved in the MU-2 zone. Multi-family projects in the MU-2 zone that comply with objective design standards will be approved ministerially and will not be subject to discretionary review. As part of this program, the City will commit to consult with the development community through outreach efforts at least once a year during the planning period and during public meetings as appropriate to determine whether the standards facilitate or constrain the development of housing in the City. Objective design standards for the MU zones shall be reviewed 18 months after adoption of the Housing Element to determine whether the standards are creating a constraint on housing development in the MU zones. If it is determined that the standards are creating a constraint, then the City shall revise the objective design standards no later than 30 months after the adoption of the Housing Element. As part of this program, the City shall rezone 11 parcels along Huntington, including MU Sites 1 and 3 identified in the Sites Inventory, to the new MU-2 zone. This program will help affirmatively further fair housing by addressing issues related to patterns of familial and income segregation, and cost burden.

Pursuant to the City's State mandated 2021-2029 Housing Element, Program 1.9 requires the City to rezone the Southwestern Academy from R-1 to H&C to allow for the development of 20 employee housing units on approximately 1 acre of the site. The residential development shall not include the demolition of any buildings on-site that are considered historically significant pursuant to City's historic survey findings property list. As part of this program, the City will update the adopted development standards and objective design standards prescribed for multifamily residential development in the H&C zone to ensure a maximum density of 30 units per acre can be achieved. Multi-family projects in the H&C zone that comply with objective design standards will be approved ministerially and will not be subject to discretionary review. As part of this program, the City will commit to consult with the development community through outreach efforts at least once a year during the planning period and during public meetings as appropriate to determine whether the standards facilitate or constrain the development of housing in the City. Objective design standards for the H&C zone shall be reviewed 18 months after adoption of the Housing Element to determine whether the standards are creating a constraint on housing development in the H&C zone. If it is determined that the standards are creating a constraint, then the City shall revise the objective design standards no later than 30 months after the adoption of the Housing Element. This program will help affirmatively further fair housing by addressing issues related to patterns of familial and income segregation, and cost burden.

In accordance with the City's State mandated 2021-2029 Housing Element, Program 1.10 requires the City to adopt an implementing ordinance to address the recent changes made to the State's density bonus law. As part of this program, the City will assess additional density bonus standards that better encourage and reward projects that meet the City's demonstrated housing needs for lower-income households, which may include the following:

- Increase density range to 50 du/acre;
- Reduce parking requirements; or
- Waive Development Impact Fees

Additionally, the City's implementation of the density bonus law will provide for the City's Community Development Director to make the final determination for any density bonus request.

The City's State mandated 2021-2029 Housing Element identifies Program 1.17, which requires the City to adopt a Religious Institution Housing (RIH) zone that will allow residential uses at a minimum density of 20 units/acre and a maximum density of 30 units/acre. The RIH zone is consistent with the provisions found within Senate Bill 4, the Affordable Housing on Faith Lands Act of 2023. Additionally, as part of this program, the City shall adopt objective development standards consistent with the State mandated Affordable Housing on Faith and Higher Education Lands Act of 2023. Multi-family projects in the RIH zone that comply with objective design standards will be approved ministerially and will not be subject to discretionary review. St. Edmund's Episcopal Church, San Marino Congregational United Church of Christ, First Church of Christ Scientist, and San Marino Community Church shall be rezoned to the new RIH zone. All sites within the RIH zone shall comply with the by-right requirements of Government Code section 65583.2 (h) and (i), including:

- Permitting owner-occupied and rental multi-family uses by-right for developments in which 20 percent or more of the units are affordable to lower-income households;
- Accommodating a minimum of 16 units per site;
- Requiring a minimum density of 20 units per acre;
- Allow 100 percent residential use in the RIH zone; and
- Require at least 50 percent of the floor area to be for residential uses.

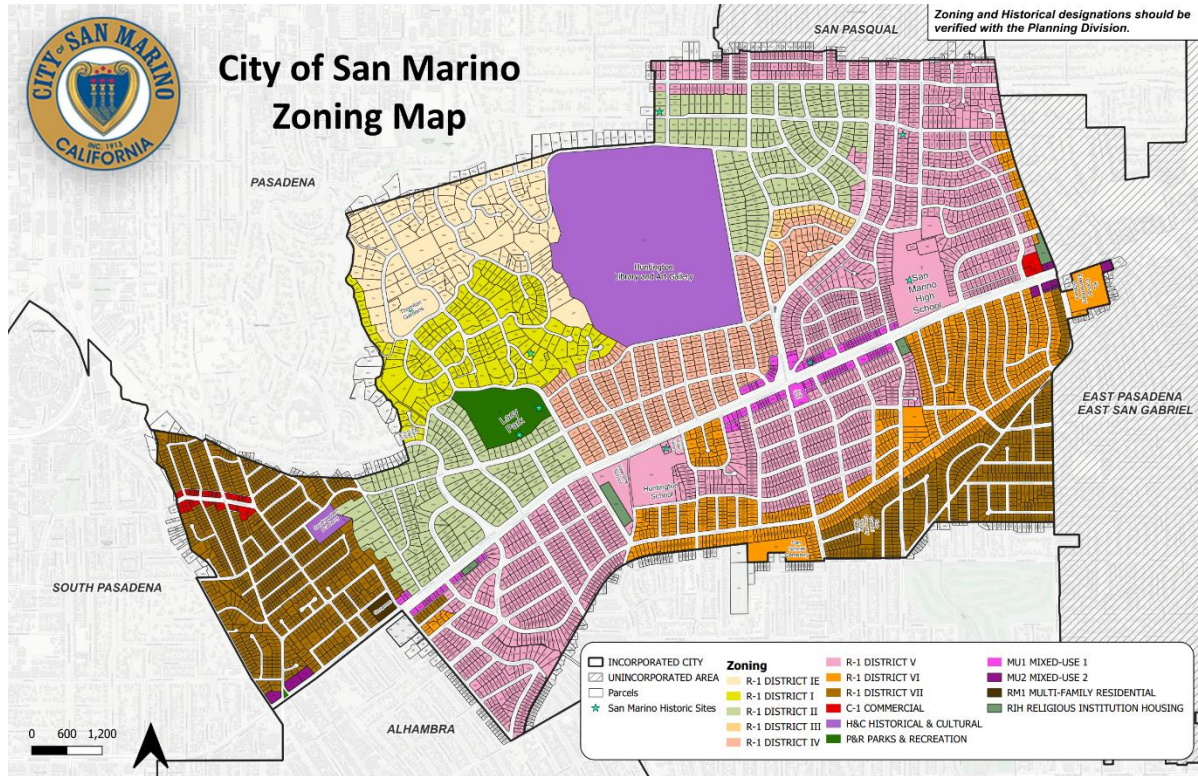
In accordance with the City's State mandated 2021-2029 Housing Element, Program 3.8 identifies the need to reduce zoning constraints on housing for persons with special needs (elderly, disabled). As such, the City shall adopt an ordinance and amend the Zoning Code to allow for non-licensed residential care facilities with seven or more bedrooms to be a use permitted by-right (without a CUP) in zones that allow multi-family housing pursuant to the same objective design requirements prescribed for multi-family residential projects. Additionally, the City shall adopt an ordinance and amend the Zoning Code to permit group homes (regardless of licensing) for seven or more persons in all zones allowing residential uses similar to other residential uses of the same type in the same zone.

Based on the City's state mandated 2021-2029 Housing Element, Program 3.10 requires the City to update the Zoning Code to address the provision of employee housing pursuant to the State Employee Housing Act, specifically Health and Safety Code Section 17021.5, which requires employee housing for six or fewer employees to be treated as a single-family structure and permitted in the same manner as other dwellings of the same type in the same zone. The City will specifically define this type of employee housing in the Zoning Code and permit it in all zoning districts that allow single-family residences.

In accordance with the City's State mandated 2021-2029 Housing Element, Program 3.11 requires the City to amend the Zoning Code to add transitional housing and supportive housing as permitted uses in zones where multi-family uses are permitted pursuant to the City's objective design standards prescribed for multi-family residential uses to satisfy the requirements of Government Code section 65651.

In accordance with the City's State mandated 2021-2029 Housing Element, Program 3.13 requires the City to adopt an ordinance and amend the Zoning Code to permit residential care facilities (regardless of licensing) for six or less persons by-right in the R-I zone.

Figure 2: Zoning Map



10. Exemption Analysis

In order to determine if the proposed project is exempt, we reviewed potential CEQA exemptions that may apply to the proposed project. The following analysis reviews if the proposed project can be considered categorically exempt.

Categorical Exemption

Pursuant to CEQA Guidelines Section 15354, "Categorical Exemption" means an exemption from CEQA for a class of projects based on a finding by the Secretary for Resources that the class of projects does not have a significant effect on the environment.

CEQA Guidelines Sections 15300.2(a) through (f) list specific exceptions for which a CE may not be used. These exceptions are as follows:

- a. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located - a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

There are no environmental resources of hazardous or critical concern that are designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies on the potential project sites (that were not previously identified and mitigated in the adopted IS/ND (SCH 2022010208), such as critical habitat for listed threatened or endangered species (United States Fish and Wildlife 2023a) or hazardous materials release sites. As such, the 2021-2029 Housing Element Zoning Code Amendment does not trigger these exemption exceptions.

- b. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

Construction activities associated with implementation of the 2021-2029 Housing Element Zoning Code Amendment could have environmental effects in the long-term. The 2021-2029 Housing Element Zoning Code Amendment is required in order to implement the aforementioned programs to reconcile the City's State mandated 2021-2029 Housing Element. The amendments are related to reconciling City policy and as such does not propose specific development projects. The 2021-2029 Housing Element Zoning Code Amendment is proposing to rezone 118 parcels which includes 104 parcels rezoned to MUI, 12 parcels rezoned to MU2, 1 parcel rezoned to RMI (Stoneman), and 1 parcel rezoned to H&C (Southwestern Academy). The adopted 2021-2029 Housing Element IS/ND (SCH 2022010208) proposed to rezone 1,796 parcels that were a mixture of both residential and commercial. Based on the aforementioned, the 2021-2029 Housing Element Zoning Code Amendment does not trigger these exemption exceptions.

Implementation of the Housing Element was analyzed in adopted IS/ND (SCH 2022010208).

- c. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The 2021-2029 Housing Element Zoning Code Amendment is required in order to reconcile with the programs outlined in the City's State mandated 2021-2029 Housing Element. Based on the requirement to update the City's Code to be consistent with the City's State mandated Housing Element, there are no unusual circumstances present or proposed. Due to the absence of unusual circumstances related to the project or on the project site, the project would not have a reasonable possibility for a significant effect on the environment due to unusual circumstances and this exception does not apply.

- d. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

According to the California Department of Transportation (2023), there are no state designated scenic highway sections within City of San Marino. The 2021-2029 Housing Element Zoning Code Amendment does not trigger these exemption exceptions.

- e. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The 2021-2029 Housing Element Zoning Code Amendment is required in order to be consistent with the City's State mandated 2021-2029 Housing Element, which is a policy document and as such does not propose specific development projects, but facilitates density needed to accommodate the State mandated 6th cycle RHNA. Since specific projects are not known at this time, the City cannot assess the specific impacts of development in qualitative terms. All housing development proposals on

rezoned sites would be subject to the policies listed in the 2001 General Plan Safety and Hazards chapter, the standard conditions of approval, and project-specific environmental review. Furthermore, proposals are subject to development standards and conditions of approval as part of the permitting process, including environmental review. The Zoning Code updates do not trigger these exemption exceptions.

- f. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

The 2021-2029 Housing Element Zoning Code is required in order to provide the development capacity to accommodate build out of the City's RHNA allocation at all income levels and is not required to construct the units. At the time future development projects are proposed, the City will review the proposal for potential impacts to historical resources as defined by the Guidelines to the Implementation of CEQA § 15064.5, which includes: A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.). However, much of the land in the city is already developed. Any future disturbance of native soils or disturbance of human remains, or artifacts would require assessment by a qualified archaeologist or a tribal cultural resources expert. All construction undergoes preliminary review for historic preservation review per Article 18 of the City Code and in some cases further design review. Since the specific location of future projects is speculative at this time the Housing Element Update project does not have a potential for impact on cultural resources.

Common Sense Applicability

Pursuant to CEQA Guidelines Section 15061(b)(3), also known as the "general rule" or "common sense" exemption, CEQA exempts activities that can be seen with certainty to have no possibility for causing a significant effect on the environment. The CEQA Guidelines state in that section that "A project is exempt from CEQA if ... [T]he activity is covered by common sense that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA."

The 2021-2029 Housing Element Zoning Code Amendment reconciles the language of the City's Zoning Ordinance with the City's State mandated 2021-2029 Housing Element policies and programs. It is a policy document and does not propose or approve any physical development. The proposed amendments to the City's Zoning Ordinance to reconcile with the City's State mandated 2021-2029 Housing Element in order to implement State law and is consistent with the adopted 2021-2029 Housing Element IS/ND (SCH 2022010208) and are not anticipated to result in any new changes to the physical environment. The proposed project would not result in changes to the physical environment, nor would it result in potential environmental impacts beyond those addressed in the adopted 2021-2029 Housing Element IS/ND (SCH 2022010208).

Based on this analysis documented in this memorandum, the proposed 2021-2029 Housing Element Zoning Code Amendment Project meets the criteria for a common sense exemption pursuant to Sections 15061(b)(3) of the CEQA Guidelines and a Statutory Exemption pursuant to Title 14, Article 18, 15620 of the California Code of Regulations. Furthermore, exceptions to the applicability of a CE, as specified in section 15300.2(a) through (f) of the CEQA Guidelines, does not apply to the project. Therefore, it is concluded that the project is exempt from CEQA pursuant to the common sense exemption CEQA Guidelines Section 15061(b)(3).

References

Bibliography

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Adopted 2021-2029 Housing Element Initial Study/Negative Declaration (SCH 2022010208)

City of San Marino 2001 General Plan

(<https://www.cityofsanmarino.org/Final%20General%20Plan.pdf>)