



PLANNING COMMISSION STAFF REPORT

APPLICATION: Ordinance No. 2020-10 **AGENDA ITEM:** PH-3
PREPARED BY: Sheri Bermejo
Planning Division Manager **MEETING DATE:** August 12, 2020

SUBJECT: Ordinance No. 2020-10
Planning Commission Resolution No. 2020-0001

REQUEST: Amendment to the Monrovia Municipal Code, amending regulations pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units in compliance with State law.

APPLICANT: City of Monrovia

ENVIRONMENTAL DETERMINATION: Statutory Exemption (PRC §21080.17; CCR §15282(h))

BACKGROUND: Accessory Dwelling Units (ADUs) have been known by many names: granny flats, in-law units, backyard cottages, and secondary units. An ADU is essentially a smaller, independent residential dwelling unit located on the same lot as the main residential dwelling. Junior ADUs (JADUs) are even smaller living units (ranging in size from 220 to 500 square feet) that are created through the conversion of living space within an existing single family home. For many years the State legislature has identified the production of ADUs and JADUs as an important strategy to increase housing production statewide. Since the mid-1990s, the State has updated ADU laws on several occasions to further encourage the production of this affordable housing unit type.

The City of Monrovia adopted its first ADU ordinance, formerly known as the “Second Dwelling Units” in 1989 (Ordinance No 89-27). Based on changes to state law, Monrovia amended its ordinance several times over the following years. In 2017, the State made significant changes to the manner by which local governments could regulate such units, primarily with respect to parking, types and sizes, approval process and timelines, and utility fees through the passage of Assembly Bill (AB 2299) and Senate Bill (SB 1069). In response to those changes, the Planning Commission reviewed and recommended approval of Ordinance 2017-04 which was ultimately adopted by the City Council in June 2017. Ordinance 2017-04 established the City’s current ADU and JADU development standards which are located in Monrovia Municipal Code (MMC) Section 17.44.160 and Section 17.44.165.

Last year the California State Legislature passed another round of housing-related laws to address the State’s housing crisis, several of which again deal with ADU regulation. These bills included Senate Bill 13 (SB 13), Assembly Bill 68 (AB 68), Assembly Bill 587 (AB 587), Assembly Bill 670 (AB 670), and Assembly Bill 881 (AB 881) which collectively amended State ADU (Government Code section 65852.2) and JADU law (Government Code section 65852.22). The overall intent of these bills was to reduce local regulatory barriers and costs,

further streamline the approval process, and expand the potential for ADU and JADU development. These laws impose additional restrictions on the types of development standards, use restrictions, and fees that cities may apply to ADUs and JADUs, and require that cities further streamline the application approval process.

The new laws became effective on January 1, 2020, and any local agency's existing ADU and JADU ordinance that was not in compliance with these newly adopted State standards became null and void. As a result, the City of Monrovia has been processing ADU and JADU proposals in compliance with the new State laws since January 1st.

It is important to note that State law still authorizes local agencies to adopt some restrictions to regulate ADUs and JADUs, as long as the additional restrictions do not conflict with the regulations established in AB 68, SB 13, AB 587, AB 670, AB 671, and AB 881. As the Planning Commission may recall, the City Council adopted a series of planning strategies to facilitate and streamline housing production in a holistic, balanced Monrovia-centric approach last year. This program, known as Planning Housing Opportunities for Monrovia (Planning HOME) included the task of amending the City's ADU and JADU ordinance to achieve consistency with State law.

The proposed zoning ordinance amendment implements Government Code (GC) Section 65852.2 (provisions for accessory dwelling units) and GC §65852.22 (provisions for junior accessory dwelling units). Pursuant to the California Environmental Quality Act (CEQA), the adoption of an ordinance implementing those provisions to allow ADUs and JADUs is statutorily exempt. This is contained in Public Resources Code §21080.17 and California Code of Regulations §15282(h). Therefore, no further action is required under CEQA.

Ordinance No. 2020-10 (Attachment "A") proposes to replace the City's existing ADU and JADU ordinance with one that is both Monrovia-centric and compliant with the new ADU and JADU housing bills.

DISCUSSION/ANALYSIS: In summary, AB 68, SB 13, AB 587, AB 670, AB 671, and AB 881 further reduce and limit a local jurisdiction's ability to regulate ADU and JADU development by imposing development standards. The new laws require a streamlined, ministerial approval process, and expanded land use potential for ADU and JADU development within a city. The most notable changes that are implemented in Ordinance 2020-10 are described below:

- ***Ministerial process for approval:*** Monrovia's former provisions allowed ADU or JADU development "by right" subject to certain development standards. Any proposal that did not meet the specific development standards, was either located in the City's High Fire zone, or proposed a two-story unit format was subject to a discretionary approval process by the Development Review Committee (DRC).

State law now requires cities to review all ADU and JADU development applications through a ministerial process. This means discretionary review or a public hearing is prohibited. In addition, applications must be acted on within 60 days from the submittal of a complete application. Ordinance 2020-10 provides a ministerial review process for all types of ADU and JADU proposals in the City.

- ***Zones where ADUs and JADUs are permitted:*** Prior to January 1, 2020, ADU and JADU development was only allowed on single family zoned lots. This included the RF

(Residential Foothill), RL (Residential Low), and any PD (Planned Development) zone allowing single family development.

Cities are now required to allow ADUs in all zoning districts allowing single family or multifamily development on lots developed with existing or proposed single family and multifamily dwellings. JADUs may still be limited to single family zoned lots.

Ordinance 2020-10 complies with the new State laws by expanding ADU development potential to all multifamily residential zones, as well as to planned development zones and commercial zones that allow residential development. These new zones include RM (Residential Medium Density) zones, RH (Residential High Density) zones, and the NC (Neighborhood Commercial) zone.

- **Mandatory ADU Approval on Single Family and Multifamily Lots:** In addition to the required ministerial approval process, the new ADU legislation stipulates that certain types of ADU and JADU development proposals shall be approved “by-right” through a “building permit only process.”

Proposed Ordinance 2020-10 complies with the new State laws by providing a two-pronged approval process for ADU and JADU proposals. Section 17.44.005(D) of the ordinance sets forth the two approval processes:

- 1) ADUs and JADUs subject to a “Building Permit Only” process.
- 2) ADUs subject to “Planning Division Review” in addition to a building permit.

ADU and JADU proposals subject to the “Building Permit Only” process will only need to meet the State-imposed development standards for building permit issuance. All other proposals will require a formal review by the Planning Division prior to the submittal into building plan check. Project proposals subject to the “Planning Division Review” will require compliance with the additional Monrovia-centric development standards that are aimed at precluding adverse effects of two-story ADUs on neighboring properties and protecting the City’s historic resources. The following is a summary of the types of ADU proposals that fall into each of the review categories.

- **“Building Permit Only” Process:** The following types of ADU proposals are permitted “by-right” through the Monrovia Building Division plan check process:
 - ADU and JADU development on Single Family Lots: The following ADU proposals on single family lots are permitted by-right:
 - An ADU created within an existing or proposed single family dwelling having maximum size of 800 square feet.
 - An ADU created within an existing single family dwelling or existing detached accessory structure having maximum size of 800 square feet.
 - An ADU constructed as a new detached structure having a maximum size of 800 square feet, a maximum height of 16 feet, and setback a minimum of four feet from rear and side property lines.
 - A JADU and one detached 800 square feet ADU.

- ADU development on Multifamily Lots: The following ADU proposals on multifamily family lots are permitted by-right:
 - ADUs created by the conversion of non-habitable space (i.e. attached garages, closets, storage rooms, etc.). The State allows a minimum of one ADU and up to 25 percent of the existing permitted number of units within the multifamily building to be created in this manner; and
 - One detached ADU.
 - **“Planning Division Review”**: All other ADU proposals that do not qualify for the “Building Permit Only” process will require a separate ministerial review by the Planning Division to verify conformance with the additional development standards described in the following section.
 - **Development Standards for ADUs**: Prior to January 1, 2020, ADU development involving new construction was subject to all applicable zoning and development standards of the zoning district in which it was located, including setbacks, floor area ratio, height, lot coverage, and neighborhood compatibility review. State law also allowed cities to require replacement parking when a garage or carport was demolished in conjunction with an ADU proposal.

State law now prohibits cities from imposing development standards, such as minimum lot size, maximum lot coverage, maximum floor area ratio, and open space requirements that would prohibit the construction of an ADU that is at least 800 square feet, a maximum height of 16 feet, and setback four feet from side and rear property lines. Cities may only impose objective design standards and maximum building size regulations for projects that exceed the scope of the “Building Permit Only Process.”

Staff and the City Attorney’s office carefully reviewed the new legislation to develop objective development standards that are intended to protect Monrovia’s existing neighborhoods to the maximum extent feasible and permissible. Ordinance 2020-10 outlines permit requirements that are subject to all proposals in Section 17.44.005(C) and the additional development standards applicable to proposals subject to the “Planning Division Review” process. The following is a summary for the key provisions included in Ordinance 2020-10:

- **Requirements Applicable to all ADU/JADU Proposals (§17.44.005(C))**:
 - Covenant Requirements: Pursuant to State law, owner occupancy requirements are not be permitted for ADU developments. However, for JADUs, the property owner is required to occupy either the primary dwelling or the JADU. Furthermore, ADUs and JADUs may not be used as short-term rentals (rentals of less than 30 days).
 - Building Setbacks: Pursuant to State law, additional building setbacks are not required for the conversion of existing structures. Additionally, not more than four foot side and rear setbacks can be required for new construction.
 - Height: No ADU shall exceed a maximum height of 16 feet. Staff is recommending this as a maximum height limit for all ADU development given that the City is not allowed to conduct any type of discretionary

neighborhood compatibility review or set conditions that would minimize privacy or other impacts on adjacent lots.

- Minimum/Maximum Size - ADU: Ordinance 2020-10 proposes a minimum size of 220 square feet and a maximum size of 1,000 square feet for an ADU. Although State law allows up to 2,000 square feet, cities are allowed to lower the maximum size to not less than 1,000 square feet.
 - Minimum/Maximum Size - JADU: Pursuant to State law, Ordinance 2020-10 proposes a minimum size of 220 square feet and a maximum size of 500 square feet for a JADU.
 - Parking: Pursuant to State law, parking is only required for ADUs created by new construction. If an existing parking area is converted to an ADU, no replacement parking can be required. Additionally, no parking can be required if the ADU is within ½ mile walking distance of public transit, within an historic district, created through the conversion of part of the primary residence or an accessory structure, in an area where permit parking is not offered to ADU occupants, or if it is within one block of a car share program.
- ***Requirements Applicable to ADU Proposals subject to the Planning Division Review Process (§17.44.005.D.2):***
 - Historic Resources: In order to continue the preservation effort to protect Monrovia's neighborhoods and historic resources, staff is recommending the following standards for ADU proposals on properties designated as a local landmarks or contributors to a designated historic district:
 - No ADU shall be approved that will require a change to the street-facing façade. Any changes to other exterior walls shall exactly match the existing siding and roofing materials, roof pitch and overhang and window materials.
 - Ordinance 2020-10 recommends that properties with a valid Mills Act Contract be subject to the standards and conditions of that Contract. This means that the approval of a Certificate of Appropriateness by the Historic Preservation Commission will be required for any changes affecting the exterior of the structure.
 - Design: Only objective design standards may be used to review to ADU development. To that effect, Ordinance 2020-10 requires new construction to have the same design, architectural style, colors and siding, roofing and window materials of the main dwelling.

Conclusion

Proposed Ordinance No. 2020-10 is intended to implement AB 68, SB 13, AB 587, AB 670, AB 671, and AB 881 in accordance with those State laws, as well as facilitate the creation of accessory dwelling units in order to provide for additional housing opportunities in the City of Monrovia. Although the new ADU legislation drastically limits the City's ability to conduct design reviews on such proposals, Ordinance 2020-10 incorporates measures to protect Monrovia's cherished neighborhoods and historic resources to the maximum extent feasible and permissible.

RECOMMENDATION: Staff recommends that the Planning Commission recommend approval of Ordinance No. 2020-10 to the City Council. If the Planning Commission concurs with this recommendation then, following the public hearing, the following motion is appropriate:

MOTION:

Close the public hearing and adopt Planning Commission Resolution No. 2020-0001

ATTACHMENTS:

A. Ordinance 2020-10

B. Planning Commission Resolution No. 2020-0001

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING THE MONROVIA MUNICIPAL CODE TO AMEND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA does ordain as follows:

SECTION 1. Effective January 1, 2020, Senate Bill 13 (“SB 13”), Assembly Bill 68 (“AB 68”), Assembly Bill 587 (“AB 587”), Assembly Bill 670 (“AB 670”), and Assembly Bill 881 (“AB 881”) amended state regulations to further encourage the development and limit the standards cities may impose on accessory dwelling units (“ADUs”) and junior accessory dwelling units (“JADUs”). To comply with State law, the City must now update its ADU ordinance.

SECTION 2. On August 12, 2020, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. At the hearing, all interested persons were given the opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence and testimony presented in connection with this Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. 2020-01 recommending approval of Ordinance No. 2020-10 to the City Council.

SECTION 3. On _____, 2020, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. At the hearing, all interested persons were given the opportunity to be heard. The City Council received and considered the staff report, the Planning Commission’s recommendation, and all the information, evidence, and testimony presented in connection with this Ordinance.

SECTION 4. Pursuant to the California Environmental Quality Act (“CEQA) and the City’s local CEQA Guidelines, Ordinance No. 2020-10 is considered exempt from CEQA because this zoning ordinance implements the provisions of Government Code Section 65852.2 and Government Code Section 65852.22, and therefore is exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgement and analysis, concurs that City staff and the Planning Commission have correctly concluded that the project is exempt from CEQA and no further action is required under CEQA.

SECTION 5. The custodian of records for all materials that constitute the record of the proceedings upon which this decision is based is the City Clerk. Those documents are available for public review in the Office of the City Clerk located at 415 South Ivy Avenue, Monrovia, California 91016.

SECTION 6. Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.030 (Powers), subsection (D)(1)(c) of the Monrovia Municipal Code, is hereby repealed in its entirety.

SECTION 7. The Permitted Uses chart in Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.010 (Uses Permitted in Each Zone) of the Monrovia Municipal Code is hereby amended by deleting “Accessory Dwelling Unit” and “Accessory Dwelling Unit (junior)” from the use table.

SECTION 8. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.020 (Special References Use/Activity) of the Monrovia Municipal Code is hereby amended by changing the review requirement for “Accessory dwelling unit” from “DRC (Minor CUP)” to “Staff” and the Code Reference from “17.44.160” to “17.44.005”; and changing the Code Reference from “17.44.165” to “17.44.005” for “Accessory dwelling unit (Junior)”. The new text shall read as follows, with all other provisions of Section 17.08.020 to remain unchanged:

| Special References Use/Activity | Review Requirement | Code Reference |
|----------------------------------|--------------------|----------------|
| Accessory dwelling unit | Staff | 17.44.005 |
| Accessory dwelling unit (Junior) | Staff | 17.44.005 |

SECTION 9. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.030 (Use Type Explanations) of the Monrovia Municipal Code is hereby amended by changing the cross reference in the definition for “Accessory Dwelling Unit” from “17.44.160” to “17.44.005” and the cross reference in the definition for “Accessory Dwelling Unit (Junior)” from “17.44.165” to “17.44.005”.

SECTION 10. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.160 (Accessory dwelling units) of the Monrovia Municipal Code is hereby repealed in its entirety.

SECTION 11. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.165 (Junior accessory dwelling units) of the Monrovia Municipal Code is hereby repealed in its entirety.

SECTION 12. Title 17 (Zoning), Chapter 17.44 (Special Uses) of the Monrovia Municipal Code is hereby amended by adopting a new Chapter 17.44.005 entitled “Accessory Dwelling Units” which shall read as follows:

“17.44.005. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

A. *Definitions.*

ACCESSORY DWELLING UNIT or **ADU** has the meaning set forth in Government Code Section 65852.2 and means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single family or multi-family dwelling. An ADU also includes an efficiency unit and a manufactured home.

ACCESSORY DWELLING UNIT, JUNIOR or **JADU** has the meaning set forth in Government Code Section 65852.22 and means a residential dwelling unit that is no more than 500 square feet in size and is contained entirely within the habitable area of a single-family residence. A JADU shall include an efficiency kitchen, and may include separate bathroom facilities or share bathroom facilities with the single-family residence.

ATTACHED ADU means an **ADU** that shares at least one common wall with the primary dwelling.

DETACHED ADU means an **ADU** that is constructed as a separate structure from an existing or proposed single-family dwelling or multifamily dwelling.

EFFICIENCY UNIT has the meaning set forth in Section 17958.1 of the Health and Safety Code, and may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 220 square feet and shall have a bathroom facility and a partial kitchen.

MANUFACTURED HOME, has the meaning set forth in Section 18007 of the Health and Safety Code.

PRIMARY DWELLING, for purposes of this chapter, means the existing or proposed single-family or multi-family dwelling on the lot where an ADU would be located.

PUBLIC TRANSIT, for purposes of this chapter, has the meaning set forth in Government Code Section 65852.2(j).

B. Permitted zones and locations. The following types of ADU and JADU proposals shall be permitted in conformance with the requirements located herein, as well as subject to the application and development standards in Sections 17.44.005(C) and 17.44.005(D):

1. ADUs are permitted in all zoning districts allowing single family or multifamily development on lots developed with existing single family or multifamily dwellings or proposed single family dwellings, as provided herein.
2. *ADU on single family lots.* Lots developed with one existing or proposed single family dwelling, and located in a zoning district permitting single family or multifamily uses, shall be permitted to develop one ADU as follows:
 - a. Attached to an existing or proposed single family dwelling.
 - b. A new detached structure.
 - c. An addition attached to an existing or a proposed accessory structure.
 - d. Conversion of an existing detached accessory structure, including a garage, storage area, or similar structure. This type of conversion may include up to 150 square feet of newly constructed space as needed for ingress and egress.
 - e. Reconstruction of an existing detached accessory structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and with the same dimensions and setbacks as the existing structure.
3. *JADU on single family developed lots.* Residential lots developed with an existing or proposed single family dwelling located in a zoning district permitting residential uses shall be permitted one JADU and shall qualify for the “Building Permit Only” process as described in this chapter. The JADU shall meet the following standards:
 - a. The JADU shall be contained entirely within the walls of the existing or proposed single-family dwelling. By definition, a JADU is not permitted in an accessory structure.
 - b. The JADU shall have a minimum size of 220 square feet and a maximum of 500 square feet of gross floor area. The gross floor area of a shared bathroom that is within the single family dwelling shall not be included in the maximum gross floor area of a JADU.
 - c. The JADU shall have a separate and direct exterior access from the single-family dwelling.
 - d. The JADU may include separate bathroom facilities, or may share bathroom facilities with the single-family dwelling.

- e. The JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.
 - f. No additional parking shall be required for the JADU.
 - g. The property owner shall live in either the JADU or the single-family dwelling.
 - h. A property may have one attached JADU and one detached 800 square foot ADU meeting the requirements of Section 17.44.005(D)(1)(c).
4. *ADU(s) on multifamily developed lots.* Residential lots developed with an existing multifamily development located in a zoning district permitting multifamily residential or mixed uses shall be permitted to develop ADU(s) and shall qualify for the “Building Permit Only” process as described in this chapter. The ADU(s) shall meet the following standards:
- a. *Conversion of non-habitable space.* Non-habitable space within an existing multifamily building may be converted into at least one ADU, up to 25 percent of the existing permitted number of units within the building. Non-habitable space includes, but is not limited to, storage rooms, passageways, attics, basements, and attached garages.
 - 1. The maximum floor area of any ADU shall be 800 square feet.
 - 2. No additional parking shall be required.
 - 3. Each unit must comply with state building standards for dwellings.
 - b. *Detached, new construction.* In addition, one detached ADU shall be permitted and shall meet the following development standards:
 - 1. *Height.* Maximum 16 feet
 - 2. *Size.* Maximum 800 square feet
 - 3. *Setbacks.* Minimum four feet rear and side yard setback. An ADU shall not be permitted within the front yard, unless there is no other area on the property where the ADU can be located.
 - 4. *Parking.* One parking space shall be required for the detached ADU pursuant to section 17.44.005(D)(2)(g).
 - 5. A detached ADU shall not remove existing development requirements such as parking and open space.

- c. Existing livable space of multi-family dwelling units shall not be converted to ADUs or JADUs.

C. Application and permit requirements subject to all ADU and JADU development.

1. Any application for an ADU or JADU shall be signed by the owner(s) of the parcel of land where the ADU or JADU will be located and shall be filed with the Community Development Department for processing.
2. ADUs and JADUs shall comply with all applicable California Building Code Standards, including grading provisions in Appendix J, as amended by the City.
3. ADUs and JADUs shall have independent exterior access separate from the access to the primary dwelling. No passageway to the primary dwelling shall be required.
4. The installation of fire sprinklers shall be required if it is required for the primary dwelling.
5. ADUs and JADUs are an ancillary use to the primary residential use on the lot that does not alter the allowable density.
6. No conditions of approval shall be placed to correct legal nonconforming zoning conditions.
7. *Minor Exception.* The provisions for Minor Exceptions outlined in Section 17.52.110 shall not apply to ADU and JADU development. All deviations from the development standards contained in this section shall require approval of a Variance by the Planning Commission as outlined in Section 17.52.100.
8. *Covenant Required.* The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, declaring compliance with the following conditions referenced in this section. Proof of recordation of the covenant shall be provided to the City prior to the final inspection and/or the issuance of a Certificate of Occupancy.
 - a. An ADU/JADU shall not be sold or otherwise conveyed separately from the primary residence.
 - b. Owner-occupancy shall be required for a property developed with a JADU. The owner may reside in either the primary dwelling or the JADU.
 - c. The ADU/JADU shall not be utilized as a short term rental and shall not be rented for a term of less than 30 consecutive days.

D. Development standards and approval process.

1. *“Building Permit Only” process.* Notwithstanding the other requirements of this Title, ADU and JADU proposals shall qualify for the “Building Permit Only” process if the proposal meets one of the following ADU types and associated development standards:
 - a. *Within new single-family dwelling.* One ADU or JADU shall be allowed within the space of a proposed single family dwelling subject to the following:
 1. The ADU has a maximum size of 800 square feet.
 2. The JADU meets the requirements of 17.44.005(B)(3).
 - b. *Conversion of existing space.* One ADU or JADU that is converted from space within the existing habitable space of a single family dwelling or one ADU that is converted from space within an existing detached accessory structure shall be allowed subject to the following:
 1. The ADU has a maximum size of 800 square feet.
 2. An ADU that is created from the conversion of the existing space of a detached accessory structure may include an expansion of not more than 150 square feet beyond the existing physical dimensions for the purpose of accommodating ingress and egress.
 3. The side and rear setbacks are sufficient for fire and safety.
 4. The JADU meets the requirements of 17.44.005(B)(3).
 - c. *New detached structure.* One detached ADU shall be allowed on a lot containing a single family dwelling subject to the following:
 1. A detached ADU shall have a minimum side yard and rear yard setback of four feet and shall not exceed a maximum height of 16 feet.
 2. The ADU shall have a minimum size of 220 square feet and a maximum size of 800 square feet.
 3. *Parking.* One parking space shall be required pursuant to section 17.44.005(D)(2)(g).

4. A property may have one attached JADU and one detached 800 square foot ADU.
- d. *Multifamily lots.* An ADU proposed on a lot with a multifamily dwelling in the manner described in Section 17.44.005(B)(4) shall qualify for the "Building Permit Only" process.
2. *"Planning Division Review" and additional regulations and standards.* An ADU proposed on a lot with an existing or proposed single family dwelling that does not qualify for the "Building Permit Only" process described in Section 17.44.005(D)(1) shall require a Planning Division Review and shall be subject to the following regulations and standards:
 - a. *Size Restrictions:* Where there is an existing single family dwelling on a lot, an attached ADU shall not exceed fifty percent (50%) of the gross floor area of the single family dwelling. A Detached ADU shall not exceed 1,000 square feet in floor area . In no case shall an ADU be less than 220 square feet.
 - b. *Setbacks.* No additional setback shall be required for an ADU that is converted from space within an existing structure or within a structure constructed in the same location and dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet. No new ADU shall be constructed between the primary dwelling and the street, except where the requirements of this Section 17.44.005 would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.
 - c. *Height restrictions.* An ADU developed as a new detached or attached structure shall not exceed 16 feet in height.
 - d. *Floor Area.* The floor area of an ADU when combined with the floor area of the primary dwelling shall not exceed the maximum allowable floor area applicable to the zoning district in which the property is located, except where the application of the those regulations would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.
 - e. *Historic Resources.* An ADU proposed on a property designated as a historical resource listed on the National Register, the California Register of Historic Places or designated as a local landmark or a contributor within a designated historic district shall be subject to the following standards:

1. No ADU shall be approved that will require a change to the street-facing façade of an historic structure designated on either a local, state or federal register of historic resources.
 2. Any changes to the exterior of an historic resource shall exactly match the existing siding and roofing materials, roof pitch and overhang and window materials.
 3. No ADU shall be approved if it requires the demolition or disturbance of cultural or tribal resources.
 4. Properties with a valid Mills Act Contract shall be subject to the standards and conditions of that Contract.
- f. *Design.* The ADU shall have the same design, architectural style, colors and siding, roofing and window materials as the primary dwelling, and shall comply with any objective design standards adopted by the City that are applicable to the zoning district or Specific Plan area where the ADU is located.
- g. *Parking.*
1. In addition to the off-street parking space(s) required for the primary dwelling, one off-street parking space shall be provided for each ADU, except when:
 - a. The ADU is located within one-half mile walking distance of Public Transit;
 - b. The ADU is located within an architecturally and historically significant historic district;
 - c. The ADU is converted from a part of an existing single family dwelling or an accessory structure, or is part of a proposed single family dwelling;
 - d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant;
or
 - e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.
 2. When an ADU is created by converting or demolishing a detached garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of

the ADU shall not be required as long as the ADU remains in use as a legal ADU, and no additional parking shall be required.

3. Required parking spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, and may be located in the front, side, and rear setback areas, subject to the following:
 - a. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.
 - b. Vehicles must be parked on a paved surface pursuant to Chapter 17.24 of this Title.
 - c. Parking in the front yard shall be limited to the driveway. No more than 25% of a front yard shall be dedicated to vehicle parking.
 - d. Access to on-site parking spaces shall be provided via an approved driveway location only.
 - e. Parking shall not be permitted in required fire lanes.

E. Impact Fees and Utility Connections.

1. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code section 66000 et seq., except as specifically provided in California Government Code Sections 65852.2 and 65852.22. Neither ADUs nor JADUs shall be subject to traffic impact fees under Chapter 3.22, unless Section 3.22.050 is explicitly amended to impose such fees.
2. ADUs and JADUs shall have adequate water and sewer services. These services shall be provided from the water and sewer points of connection for the primary dwelling unit.
3. If the ADU is proposed to be connected to an onsite water treatment system, adequate documentation must be presented to the city that indicates that a percolation test has been completed and certified within the last five years or if the percolation test has been recertified, within the last 10 years.

SECTION 12. Submittal of Ordinance. The Community Development Director, or his designee, shall submit a copy of the Ordinance to the Department of Housing and Community Development within 60 days after adoption of this Ordinance.

SECTION 13. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 14. This Ordinance shall take effect thirty (30) days after its final passage and adoption. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which this proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of this Ordinance, the City Clerk is instructed to publish a summary of this Ordinance with the names of those City Council members voting for and against this Ordinance, and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against this Ordinance or amendment at least until the day of such publication.

INTRODUCED this _____ day of _____, 2020

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2020.

Tom Adams, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Alice D. Atkins, MMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia

PLANNING COMMISSION NO. 2020-0001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 2020-10 AMENDING THE MONROVIA MUNICIPAL CODE TO AMEND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECITALS

(i) Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), Assembly Bill 587 ("AB 587"), Assembly Bill 670 ("AB 670"), and Assembly Bill 881 ("AB 881") amended state regulations to further encourage the development and limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"), and requiring local agencies to adopt an ordinance that complies with new State standards for accessory dwelling units.

(ii) It is necessary from time to time to update the Zoning Ordinance to bring it into conformity with State law.

(iii) On August 12, 2020, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. At the hearing, all interested persons were given an opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this project.

(iv) Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2020-10 is considered exempt from the provisions of the California Environmental Quality Act because this zoning ordinance implements the provisions of Government Code Section 65852.2 and Government Code Section 65852.22, and therefore is exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h).

(v) The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the Planning Division Manager. Those documents are available for public review in the Planning Division located at 415 South Ivy Avenue, Monrovia, California 91016.

(vi) All legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct.
2. Adoption of Ordinance No. 2020-10 will not have a significant effect on the environment.
3. The project is in conformance with the environmental goals and policies adopted by the City. Specifically, Ordinance No. 2020-10 is consistent with the General Plan Housing Element Goal 2, which requires the City to provide adequate housing sites to facilitate the provision of a range of housing types to meet the community needs. It is also listed as a priority task in the City's "Planning HOME" program to facilitate the production of housing.
4. Ordinance No. 2020-10 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City in accordance with the requirements of state law.
5. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance 2020-10 to the City Council. The Ordinance is attached hereto as "Exhibit A" and incorporated herein by this reference.

The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this ____ day of _____ 2020.

Keshia Carter-Bowen, Chair
Monrovia Planning Commission

ATTEST:

APPROVED AS TO FORM:

Craig Jimenez, AICP, Secretary
Monrovia Planning Commission

Carol Lynch, Assistant City Attorney
City of Monrovia

**PLANNING COMMISSION RESOLUTION NO. 2020-0001
EXHIBIT A**

Ordinance 2020-10