



PLANNING COMMISSION STAFF REPORT

APPLICATION: Ordinance 2015-03

AGENDA ITEM: PH-3

PREPARED BY: Jose Barriga
Assistant Planner

MEETING DATE: April 15, 2015

SUBJECT: Ordinance No. 2015-03
Planning Commission Resolution No. 2015-02

REQUEST: Amendment to the Monrovia Municipal Code, Title 17 (Zoning)
regarding uses permitted in the HCD (Historic Commercial Downtown)

APPLICANT: City of Monrovia

ENVIRONMENTAL DETERMINATION: Exempt pursuant to Section 15061(b)(3) of the
State CEQA Guidelines; categorically exempt
(class 5)

BACKGROUND: The balance and coordination of uses in the downtown is important for the vitality and sustained economic prosperity of Old Town. Healthy cities evolve and change over time and it is imperative that their regulatory controls be reviewed on a regular basis. Old Town Monrovia is the historic commercial center of the community and is bounded by Foothill Boulevard on the north, Olive Avenue on the south, and Primrose and Ivy Avenues to the west and east respectively. Myrtle Avenue functions as the core of Old Town with active storefronts and pedestrian activity that is designated as the HCD (Historic Commercial Downtown) Zone. The HCD Zone consists of all properties with Myrtle Avenue frontage from Foothill to Olive, except for Foothill Park Plaza and Library Park. The zoning along the side streets are designated Planned Development Area 5 (PD-5), P/QP (Public-Quasi Public) for the park, city facilities and parking lots, and RH (Residential High Density). The allowable uses in PD-5 are broader but are related to and contribute to the vitality of Myrtle Avenue and Old Town Monrovia.

ANALYSIS: The HCD (Historic Commercial Downtown) Zone designated areas continue to develop with consumer based commercial uses including strong retail and food uses. Currently, Pavilions serves as the retail north anchor, the Krikorian Theater is the central anchor, and the existing retail and restaurants will be the south anchor. Planned Development Area 5 encompasses the side streets and uses should be related to Myrtle Avenue. The side streets from Olive to Foothill allow a broader mix of well-designed pedestrian-oriented commercial uses.

Based on concerns raised at the time, a policy decision was made in 2007 to restrict the uses permitted in the HCD Zone, primarily beauty and nail salons, that is reflected in Ordinance No. 2007-14. As a result beauty salons, nail salons, barbershops, and pet grooming businesses were no longer permitted within the HCD Zone. Due to the growing inquires, the City Council has since directed Staff to revisit the Ordinance and review the use restrictions to ensure uses are balanced and meet the needs of the community. The proposed

amendments to the Ordinance will accomplish two objectives: permit beauty salons, nail salons, barbershops, and pet grooming in the HCD Zone; and clarify the Personal Services use is specific to massage establishments only.

The current definition of “service commercial” includes a wide range of businesses such services as beauty salons, nail salons, barbershops, dry cleaners and repair shops (watch, shoe, small appliances and electronics). Such uses are permitted in all commercial zones, except for the HCD Zone. Through the Ordinance, it would allow for all service commercial uses to operate along Myrtle Avenue. With the addition of beauty and nail salons to Old Town, the market will determine the location and quantity of such businesses that are feasible. The amendment would allow for appropriate uses that can contribute to the pedestrian atmosphere in the downtown area. To accomplish this, the Ordinance deletes language that excludes beauty shops, nail salons, barbershops and pet grooming from the HCD Zone.

The other component of the amendment is a clean-up item of Personal Services in the HCD Zone use table. Personal Services is defined as establishments primarily engaged in the provision of services of a personal nature, including massage establishments, tattoo parlors, and check cashing businesses. The only Personal Services use that is allowed in the HCD Zone are businesses that offer massage services as a secondary or ancillary activity and no other Personal Services are allowed. The proposed language modification clarifies that the Personal Services permitted with a minor conditional use permit are only businesses that offer massage services as a secondary or ancillary activity. This minor amendment does not create any constraints than already contained in the code.

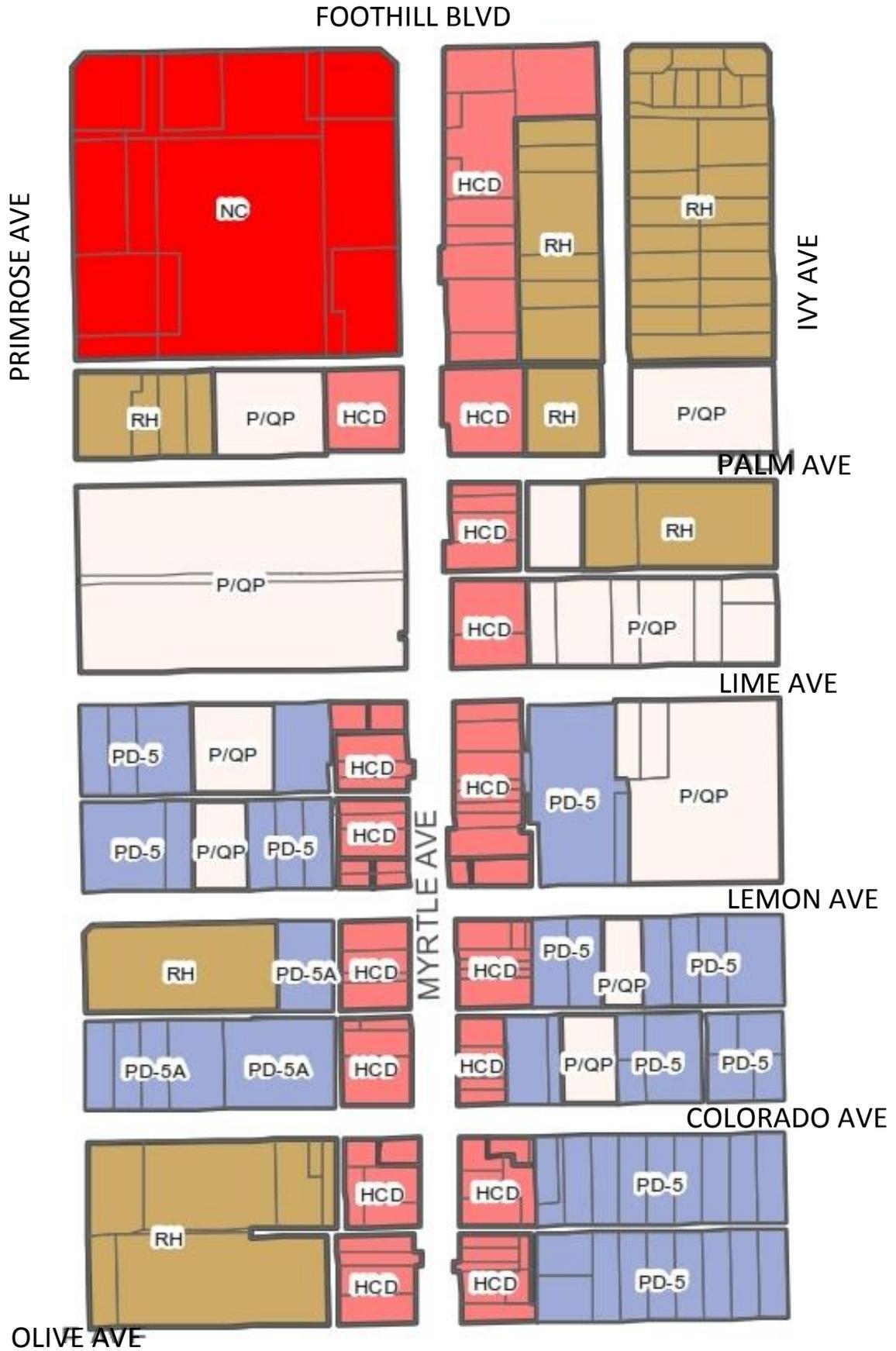
Conclusion Myrtle Avenue is high profile and the heart of the downtown area. The proposed amendments will encourage pedestrian movement and not hinder the vibrant atmosphere of Old Town. By permitting such uses it is not expected that they will proliferate on Myrtle Avenue and will maintain the pedestrian focus that contributes to the thriving downtown area. The proposed amendments are recommended to clarify, condense, or delete regulations for the HCD designation and make adjustment from the amendment to the other affected sections of the code. Staff has attached the ordinance and resolution that will further the compatibility of downtown uses. The Planning Commission acts in an advisory capacity on amendments to the zoning ordinance and provides recommendations to the City Council in the form of a resolution.

RECOMMENDATION: Staff recommends approval of the Ordinance. 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 the Resolution PCR2015-02 recommending approval to the City Council of Ordinance No. 2015-03 as presented in the Staff Report.

HCD (Historic Commercial Downtown) Zone



PLANNING COMMISSION RESOLUTION NO. 2015-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 2015-03 AMENDING TITLE 17 (ZONING) OF THE MORNNOVIA MUNICIPAL CODE REGARDING USES PERMITTED IN THE HCD (HISTORIC COMMERCIAL DOWNTOWN) ZONE.

A. RECITALS

(i) In March of 2015, the Monrovia City Council directed City Staff to prepare an amendment to the Monrovia Municipal Code pertaining to permitted uses in the HCD (Historic Commercial Downtown) Zone. City Staff has prepared Ordinance No. 2015-03 to amend Title 17 (Zoning) of the City's Municipal Code specifically to identify beauty salons, nail salons, barbershops, and pet grooming businesses as permitted uses in the HCD Zone.

(ii) On April 15, 2015, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance 2015-03. 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.

(iii) Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, City Staff has determined that adoption of Ordinance 2015-03 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City Staff has determined that the adoption of this Ordinance will not have a significant environmental effect and therefore, adoption of the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, adoption of the Ordinance is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (14 CCR § 15305). The Planning Commission has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City Staff has correctly concluded that it can be seen with certainty that there is no possibility that the adoption of the Ordinance may have a significant effect on the environment, and independently, that adoption of the Ordinance meets the qualifications of a class 5 categorical exemption.

(iv) 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.

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

B. RESOLUTION

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, Part A, of this Resolution are true and correct.
2. Adoption of Ordinance No. 2015-03 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.
4. Ordinance No. 2015-03 is consistent and compatible with existing land uses in the environs. The HCD Zone consists of consumer based commercial uses including strong retail and food uses. Beauty salons, nail salons, barbershops, and pet grooming services are similar in nature to the existing commercial uses, will contribute to the pedestrian atmosphere in the downtown area, and are consistent and compatible with those other commercial uses.
5. Ordinance No. 2016-03 is consistent with and necessary to carry out General Plan goals and policies set forth in the Land Use and other Elements of the General Plan, and to guide and direct orderly development of the City and the respective neighborhoods. Within the Land Use Element, the Historic Downtown Commercial designations main purpose is to preserve the historic role of the commercial downtown with well-designed pedestrian-oriented commercial uses. The addition of uses such as beauty salons, nail salons, barbershops, and pet grooming services are consistent with the goals and policies of the General Plan and will help promote a diversity of services in the area.
6. Ordinance No. 2015-03 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City.
7. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance No. 2015-03 to the City Council as set forth in "Exhibit A" attached hereto 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 15th day of April 2015.

Anne McIntosh, Chair
Monrovia Planning Commission

ATTEST:

APPROVED AS TO FORM:

Steve Sizemore, Secretary
Monrovia Planning Commission

Gena M. Stinnett, Assistant City Attorney
City of Monrovia

ORDINANCE NO. 2015-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) REGARDING THE USES PERMITTED IN THE HCD (HISTORIC COMMERCIAL DOWNTOWN) ZONE.

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

SECTION 1. In March of 2015, the Monrovia City Council directed City Staff to prepare an amendment to the Monrovia Municipal Code pertaining to permitted uses in the HCD (Historic Commercial Downtown) Zone. City Staff has prepared Ordinance No. 2015-03 to amend Title 17 (Zoning) of the City's Municipal Code specifically to identify beauty salons, nail salons, barbershops, and pet grooming businesses as permitted uses in the HCD Zone.

SECTION 2. On April 15, 2015, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2015-03. 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. Following the close of the public hearing, the Planning Commission adopted Resolution No. PCR2015-02 recommending approval of Ordinance No. 2015-03

SECTION 3. On _____, 2015, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2015-03. At the hearing, all interested persons were given an opportunity to be heard. The City Council received and considered the staff report and all the information, evidence, and testimony presented in connection with this project.

SECTION 4. Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, City Staff has determined that adoption of Ordinance 2015-03 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City Staff has determined that the adoption of this Ordinance will not have a significant environmental effect and therefore, adoption of the Ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, adoption of the Ordinance is categorically exempt (class 5) pursuant to Section 15305 of the State CEQA Guidelines (14 CCR § 15305). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgment and analysis, concurs that City staff has correctly concluded that it can be seen with certainty that there is no possibility that adoption of the Ordinance may have a significant effect on the environment, and independently, that adoption of the Ordinance meets the qualifications of a class 5 categorical exemption.

SECTION 5. The custodian of records for all materials that constitute the record of proceeding 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. This Ordinance is consistent with the objectives, principles, and standards included in the General Plan. Within the Land Use Element, the Historic Downtown Commercial designations main purpose is to preserve the historic role of the commercial downtown with well-designed pedestrian-oriented commercial uses.

SECTION 7. All legal prerequisites to the adoption of the Ordinance have occurred.

SECTION 8. Title 17 (Zoning), Chapter 17.14 (Historic Commercial Downtown (HCD) Zone), Section 17.14.020 (Use Restrictions for the HCD Zone) of the Monrovia Municipal Code, is hereby amended by renaming “Personal Services,” listed under Commercial Uses in the HCD Zone use table, to read:

“Personal Services (Massage Only)”

SECTION 9. Title 17 (Zoning), Chapter 17.14 (Historic Commercial Downtown (HCD) Zone), Section 17.14.020 (Use Restrictions for the HCD Zone) of the Monrovia Municipal Code, is hereby amended by deleting Footnote 3 and Footnote 4 for “Service Commercial,” listed under Commercial Uses in the HCD Zone use table.

SECTION 10. Footnote 7 of the HCD Zone use table in Title 17 (Zoning), Chapter 17.14 (Historic Commercial Downtown (HCD) Zone), Section 17.14.020 (Use Restrictions for the HCD Zone) of the Monrovia Municipal Code, is hereby amended in its entirety as follows:

“Applies only to businesses that offer massage services as a secondary or ancillary activity pursuant to §17.44.105 of the code.”

SECTION 11. Footnote 4 of the HCD Zone use table in Title 17 (Zoning), Chapter 17.14 (Historic Commercial Downtown (HCD) Zone), Section 17.14.020 (Use Restrictions for the HCD Zone) of the Monrovia Municipal Code, is hereby amended in its entirety, and the footnote indicator number “4” deleted from Service Commercial:

For buildings in the HCD Zone where a portion of the ground floor is divided with separate businesses that do not have access to Myrtle Avenue, all administrative/professional uses, and all business support services shall be permitted in those portions of the building.

SECTION 12. Footnote 3 of the HCD Zone use table in Title 17 (Zoning), Chapter 17.14 (Historic Commercial Downtown (HCD) Zone), Section 17.14.020 (Use Restrictions for the HCD Zone) of the Monrovia Municipal Code, is hereby deleted, and the corresponding footnote indicator number removed from the HCD Zone use table. The remaining footnotes shall be renumbered accordingly, and their corresponding footnote indicator numbers in the HCD Zone use table shall be renumbered.

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. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

INTRODUCED this ____ day of ____ 2015.

PASSED, APPROVED, AND ADOPTED this ____ day of ____ 2015.

Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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

Craig A. Steele, City Attorney
City of Monrovia