



## **PLANNING COMMISSION STAFF REPORT**

**APPLICATION:** Ordinance No. 2016-08

**AGENDA ITEM:** PH-4

**PREPARED BY:** Craig Jimenez  
CD Director

**MEETING DATE:** July 13, 2016

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**SUBJECT:** Ordinance No. 2016-08  
Planning Commission Resolution No. 2016-03

**REQUEST:** Amendment to the Monrovia Municipal Code, Title 2 (Administration and Personnel) and Title 17 (Zoning) to implement regulations related to the Monrovia Neighborhood Study. The Ordinance establishes a new “compatibility design review” process for single family dwellings, modifies existing development standards (house size thresholds, setback requirements, building height restrictions), adopts new public noticing requirements for single family construction, and regulations related to garages.

**APPLICANT:** City of Monrovia

**ENVIRONMENTAL DETERMINATION:** Exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines

**BACKGROUND:** The City of Monrovia’s architectural heritage is an important part of the character of the community and is an integral component of what makes the City unique. However, to keep Monrovia financially strong and to keep businesses vibrant, it is important to encourage growth and development as well. Preserving the old, while embracing the new, requires a careful balancing act.

### ***Monrovia Neighborhood Study***

Based on concerns of many residents of the community, the Monrovia City Council adopted two moratoria. The purpose of the moratoria was to “take a breath” and give the community an opportunity to discuss and provide input on the status and future of Monrovia’s neighborhoods. Since the adoption of the moratoria, the City has been focused on a comprehensive review of regulations, policies and procedures that guide development in residential neighborhoods. The Neighborhood Study is the most comprehensive review of Monrovia’s residential development regulations in over 40 years and is comprised of three phases:

**Phase 1** – Data collection through community outreach

**Phase 2** – Analysis of feedback, identifying issues and potential alternatives

**Phase 3** – Develop, adopt, and implement regulations through the public hearing process

### ***Phase 1 – Community Outreach***

The initial work in Phase 1 focused on gathering information, providing education and listening to community concerns. Throughout the first half of 2015, the City held a series of meetings and workshops to solicit input about neighborhood compatibility. A successful online survey was conducted (with 474 responses) and there was also a social media outreach component. Additionally, Staff met individually with each Planning Commissioner and Historic Preservation Commissioner who provided valuable insight. The result was a substantial amount of feedback which provided essential information in identifying issues, potential policy changes and alternatives.

From a very broad perspective, the goal of Phase 1 was to answer the question: “what’s the problem?” Early on, two basic themes emerged: historic preservation and neighborhood compatibility. Historic preservation plays an important role in defining and protecting the character of the neighborhoods. Compatibility of new construction has an impact on the historic character of Monrovia’s neighborhoods. Compatibility and preservation relate to each other but require distinct approaches.

Generally speaking, neighborhood compatibility strategies focus on tools to maximize integration of new development within the context and character of existing development patterns. These tools typically are related to zoning regulations, such as density, setbacks and maximum building size requirements. Design guidelines are also a tool many communities use to address compatibility issues. Concerns related to the size of additions and the development of new larger residential dwellings built in established neighborhoods are more of a compatibility issue than a preservation issue.

Historic Preservation focuses on identifying, protecting and maintaining existing historic properties. This can be done through the designation of historic landmarks, design review processes, establishment of historic districts and/or other regulations that protect structures that are deemed to have historic value. Given that the Historic Preservation Ordinance was adopted over 20 years ago, it is definitely appropriate to revisit the goals, objectives, and policies that guide the preservation program. This process is moving forward concurrently. The review of the City’s preservation regulations are the purview of the Historic Preservation Commission.

### ***Phase 2***

On July 21, 2015, the City Council held a special study session to review and discuss the status of the Monrovia Neighborhood Study. Staff provided an overview of the community feedback, policy considerations and the anticipated process. The study session was an important step by providing an opportunity for the City Council to comment and give direction to Staff at the onset of the policy development phase.

On August 4, 2015, a follow up presentation was made to the City Council to confirm the direction. A Policy Direction Statement was adopted which authorized staff to move forward. This direction was forwarded to the respective Commissions for further discussion. Staff then took this feedback and began further research, developing and analyzing potential regulations.

By this point in the process, it became apparent that the implementation (Phase 3) would need to be broken down into several tracks. Four separate tracks were identified and would focus on addressing specific issues and types of regulation:

- Track 1 – Development standards in single family zones, neighborhood compatibility design criteria and the lifting of the construction moratorium.
- Track 2 – Development standards in multifamily zones and targeted topics, such as parking regulations.
- Track 3 – Neighborhood Compatibility Design Review Guidelines
- Track 4 – Historic Preservation regulations and lifting of the demolition moratorium.

### ***Phase 3***

The Neighborhood Study is now in the third phase. With the input received from the community, Commissions and the City Council, staff developed a comprehensive set of proposed changes to the City's Zoning regulations pertaining to the maximum allowable house size, building setbacks from property lines, and compatibility design review for single family homes in all residential zones. In the first part of 2016, another round of community meetings were held to present the conceptual policies and get additional feedback to ensure that the concerns raised at the beginning of the process were addressed.

During this period, the Historic Preservation Commission, Planning Commission and City Council also reviewed the conceptual policies at public meetings. Further study and information was requested, specifically on the compatibility design review process with additional presentations made to the Planning Commission and City Council on the final piece of Track 1 in May and June, respectively and staff was given direction to move forward on the process which is the public hearing phase. This report provides an overview of the proposed regulations comprising of Track 1 of the Neighborhood Study which will be implemented by the proposed ordinance.

**DISCUSSION/ANALYSIS:** One of the guiding principles of the Neighborhood Study process was to provide an approach that balanced the potentially conflicting goals of ensuring compatible development and respecting individual property rights.

The proposed regulations focus on addressing the primary concerns raised during the outreach phase of the Study. While each component addresses a specific aspect of potential development impacts, the ability to address compatibility as a whole is limited to the specific area. As proposed, the regulations provide a layered approach. The three tiers build upon the next to maximize the compatibility with existing development.

- First, changes in the setback regulations reduce the overall building envelope.
- Next, a revised method for determining the maximum house size that is directly proportional with the size of the lot.
- Finally, the Neighborhood Compatibility Design Review process allows for the review of individual proposals within the context of their surroundings: the neighborhood.

### ***Proposed Amendments***

Although several of the proposed regulatory changes apply to all residential zones, this track of the Neighborhood Study focused on the impacts and regulations pertaining to Monrovia's three single family zones:

- RF – Residential Foothill
- RE – Residential Estate
- RL – Residential Low Density

Track 2 will take a closer look at regulations pertaining to multifamily residential zones: RM (Residential Medium Density), RM/RH (Residential Medium/Residential High), and RH (Residential High Density). This section of the report provides a summary of the amendments contained in Ordinance No. 2016-08.

**Bulk/setback standards**

- Allow a larger encroachment into the front yard setback for porches from 5’ to 7’ to encourage front porches.
- Increase first and second story rear yard setbacks based on lot depth. This proposed standard addresses the wide range of lot configurations in Monrovia and makes them proportional to the depth of the lot. Deeper lots have greater setbacks. This is consistent with existing development patterns.
- Increase the rear yard setback requirements for multifamily zones that are directly adjacent to single family zones: RL to RM (Residential Medium); and RL to RH (Residential High Density).

The proposed changes to the setback requirements are outlined in the following table:

	RF	RE/RL	RM - RH
<b>Front setback</b>	Porch encroachment 7'	Porch encroachment 7'	Porch encroachment 7'
<b>Rear setback</b>	25% of lot depth (minimum 20')	25% of lot depth (RE) 20% of lot depth (RL) (minimum 20')	No change unless <u>zone interface</u> .  RL to RM – RL setback applies
	2 <sup>nd</sup> floor requires an additional 10' from required 1 <sup>st</sup> floor setback.		RL to RH – lot closest to rear two story only
<b>Side setback</b>	No change	No change	No change

**House size**

- RF – Reduce maximum house size
  - Replace the current 30% site coverage (60% floor area ratio) to determine the maximum house size with a graduated Floor Area Ratio (FAR). The maximum main building size would be determined using the following formula: 35% of the first 20,000 square feet (SF) of lot area, plus 10% of the remaining lot area over 20,000.
  - Reduce minimum house size from 2,000 SF to 1,250 SF
  - Include attached garage in maximum house size; currently it is calculated separately.
- RE/RL – Reduce maximum house size
  - Replace maximum house size table with graduated Floor Area Ratio (FAR). The maximum main building size would be determined using the following formula: 40% of the first 5,000 SF of lot area, plus 35% for the next 5,000SF, plus 15% for the remaining square footage over 10,000.
  - Include attached garage in maximum house size
  - Reduce minimum house size RE from 2,000 to 1,250 SF

This results in an average reduction of 50% in the maximum house size for properties in the RF Zone and a reduction of 23% to 35% for the majority of lots in the RE and RL Zone.

### ***Building Height***

- No changes in the RF, RE, and RL Zones
- Impose a maximum ridge height of 27' in RM Zones. Currently, there is no maximum building height limit, although there is a two story limit in these Zones.
- Reduce the maximum ridge height for detached accessory structures from 16' to 14'.

### ***Garages***

Another issue that was raised was the placement of garages. The ordinance contains provisions to address this by requiring Minimized Visibility Garages (MVG) if warranted by the predominant block pattern. For neighborhoods where the majority of garages are in the rear of the property or otherwise not visible from the street (greater than 50% of structures, 400' either side of the subject property), the following requirements would apply:

- Garage shall be setback 20' behind front of the house.
- Maximum driveway width in front yard setback is 14'.
- Side loading garages are not permitted in front of the house.
- Attached garages in the rear yard that are not visible from the street would be given a 400 SF bonus to the maximum primary structure size (deducted from accessory allowance).

For neighborhoods where this is not a factor, the standard zoning requirements will apply.

### ***Neighborhood Compatibility Design Review***

As stated above, the proposed amendments provide a layered approach to compatibility, however, the crux of the regulations are in implementing a new Neighborhood Compatibility Design Review process. Currently, the design review for single family dwellings (new and additions) is limited to review of the siding and roofing material and roof overhang which does not allow staff to require modifications other than on those design components.

As proposed, the new Neighborhood Compatibility Design Review process is outlined in a new section in the Zoning Ordinance, Section 17.12.005. The purpose is to "integrate new development into the context and character of existing neighborhoods to achieve compatibility. The tools implemented to address compatibility are intended to provide an approach that balances the desires of the property owner to develop his or her property with the concerns of surrounding residents to maintain the character of their neighborhood." It further states that it is not the intent "to unreasonably restrict or regulate the right of an individual property owner to determine the type of structure or addition desired." Again, these two provisions from the proposed ordinance point to the idea of balance.

These provisions substantially expand the City's purview over single family residential construction. It also incentivizes projects that have less chance of being incompatible with the neighborhood by shorter process. For example, a resident who wants to build a single story addition to the rear of their house would have their project reviewed by Staff without any noticing requirements. As opposed to a new two story house that would be reviewed at a public meeting and require mailed noticing and posting of a development sign.

This new section defines the process, criteria, public noticing requirements, and review authority. It also provides that certain proposals are not subject to the additional review as to not overly burden homeowners wanting to do small scale projects. These include activities like restoration and maintenance, small accessory structures and flatwork.

The full provisions of the Neighborhood Compatibility Design Review regulations are contained in Section 20 of the attached Ordinance.

### ***Miscellaneous Amendments***

The ordinance also contains amendments that relate to, clarify and/or clean-up existing provisions. They include:

- Addition of new definitions including: “Front Yard”, “Rear Yard”, and “Side Yard”.
- Clarification of the definitions of: “Main Building”, “Floor Area”, “Floor Area Ratio”, and “Front Lot Line”.
- Replace the term “Bachelor Apartment” with “Studio Apartment”.
- Review of new basements will be conducted by staff instead of the DRC.
- Removal of obsolete definitions where those terms are not used in the Zoning Ordinance.
- Clarify DRC’s authority to make determinations on nonconforming structures and uses.
- Allow DRC to make determinations regarding lot orientation, lot depth and lot width for irregularly shaped lots.
- Clarify that alternative material to concrete may be considered for residential driveways (e.g. permeable pavers). However, asphalt will continue to be a prohibited material.

Lastly, the adoption of this ordinance also ends the construction moratorium on the effective date of these regulations.

### ***Process***

Amendments to the Zoning Ordinance are adopted by ordinance which requires a minimum of two public hearings: one held by the Planning Commission and one held by the City Council. In this case, the Planning Commission acts as an advisory body to the City Council and will make a recommendation on the proposed Ordinance No. 2016-08 through the adoption of a Planning Commission Resolution. The anticipated timeline is as follows:

- July 13, 2016 – Planning Commission public hearing
- August 2, 2016 – City Council public hearing, “first reading”
- September 6, 2016 – City Council meeting, adoption and “second reading”
- October 6, 2016 – Effective date and the end of the construction moratorium

### ***Conclusion***

Over the past year and a half, there has been a considerable amount of dialog with the community about what the future Monrovia will look like. Though many of the opinions have been strong and passionate, the tone and the rhetoric have continued to be respectful. While there have been concerns raised that the proposed floor area ratios may not be low enough, the reduction of the maximum allowable house size is only one layer of the proposed approach to address the concerns of mansionization and compatibility.

The proposed regulations also reduce the building envelope and add a new design review authority focusing on compatibility with existing neighborhoods. It is important to note that the recommended move to expand design review authority over single family dwellings is a big step for Monrovia and will give staff a substantially greater ability to maximize compatibility of new development within existing neighborhoods. This addresses the one-size-fits-all challenges of traditional zoning.

At the onset of the process, the City Council discussed the need to maintain balance and consider unintended consequences that may result due to proposed regulatory changes. With that direction, staff took great care in the consideration and development of the proposed ordinance to achieve that goal.

One of the aspects that make Monrovia's neighborhoods unique and special is that, for the most part, they are eclectic—eclectic in style, mass and size. In analyzing appropriate zoning controls, an important consideration was the potential negative impact that could result from overly restrictive base regulations. More restrictive regulations reduce the flexibility in design options which tends to result in less variation and impacts good design.

Additionally, there have also been fiscal concerns raised. Although difficult to quantify the impact of the regulations, because the natural attrition of structures in Monrovia is very slow, limitations imposed by zoning will likely be countered by the increase in value due to preservation of neighborhood character. Conversely, overregulation or codes that are too restrictive could be a disincentive for investment.

Change and development are a natural part of a community's evolution; how the evolution is managed is the key. The ultimate goal will be to define a balanced approach to retaining and enhancing the unique character of Monrovia's neighborhoods as they continue to change with renovations, additions and new housing construction. Staff believes that the proposed regulations strike a balance between the issues addressed, unintended consequences, and uniqueness of the neighborhoods and variation of existing development patterns throughout Monrovia.

**RECOMMENDATION:** Staff recommends approval of Ordinance No. 2016-08. 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. PCR 2016-03.**

## PLANNING COMMISSION RESOLUTION NO. 2016-03

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 2016-08 AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE TO ESTABLISH A NEIGHBORHOOD COMPATIBILITY DESIGN REVIEW PROCESS AND TO AMEND RESIDENTIAL DEVELOPMENT STANDARDS, PUBLIC NOTICING AND APPROVAL REQUIREMENTS

#### A. RECITALS

(i) The Monrovia City Council adopted Ordinance Nos. 2014-14U and 2014-14 on November 18, 2014, and December 2, 2014, respectively which prohibited the issuance of building permits for specified construction affecting residential dwellings and accessory structures (Moratorium). The purpose of the Moratorium was to allow the City to study, review and adopt permanent zoning regulations regarding said construction to address concerns of the community. The Moratorium was extended by the adoption of Ordinance 2014-17U on December 16, 2014. The City Council adopted Ordinance No. 2015-11U on November 3, 2015 approving the final extension of the moratorium through November 17, 2016. Ordinance Nos. 2014-14U, 2014-14, 2014-17U, and 2015-11U will be repealed as of the effective date of the proposed Ordinance No. 2016-08.

(ii) On July 13, 2016, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2016-08. 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 Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. PCR2016-03 recommending approval of Ordinance No. 2016-08.

#### (iii) Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2016-08 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 found that there is no possible significant effect directly related to Ordinance 2016-08 ("project"), because this ordinance will reduce the potential environmental impacts arising from development in residential areas. Therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)). 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 the proposed amendments to the Municipal Code and the effects derivative from that adoption may have a significant effect on the environment, because this ordinance will reduce the potential environmental impacts arising from development in residential areas.

(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. 2016-08 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. 2016-08 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.
5. Ordinance No. 2016-08 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City.
6. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance No. 2016-08 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 13<sup>th</sup> day of January 2016.

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Robert McClellan, Chair  
Monrovia Planning Commission

ATTEST:

APPROVED AS TO FORM:

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Craig Jimenez, Secretary  
Monrovia Planning Commission

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Carol Lynch, Assistant City Attorney  
City of Monrovia