

ORDINANCE NO. 2016-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA 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

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

SECTION 1. 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 Ordinance Nos. 2014-14U, 2014-14, 2014-17U, and 2015-11U are hereby repealed as of the effective date of this Ordinance No. 2016-08.

SECTION 2. 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.

SECTION 3. On _____, 2016, the City Council 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 City Council received and considered the staff report and all the information, evidence, and testimony presented in connection with this Ordinance.

SECTION 4. 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.

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

SECTION 7. Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.020 (Purpose), subsection (B) of the Monrovia Municipal Code is hereby amended in its entirety to read:

- (B) To ensure that residential, commercial and industrial development in the city will be compatible with the architectural character and scale of developments in the immediate area;

SECTION 8. Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.030 (Powers), subsection (D) of the Monrovia Municipal Code is hereby amended in its entirety to read:

- (D) Neighborhood compatibility *design review*.
 - (1) The Committee shall review site plans and elevations and approve, approve with conditions or deny applications or make recommendations on applications that will be forwarded to the Planning Commission with respect to the design review criteria contained below.
 - (a) *Single-family residential.* Neighborhood compatibility design review shall be conducted pursuant to Section 17.12.005 of this code.
 - (b) *Duplex, multiple-family, office, commercial and industrial.*
 - 1. *Building design.*
 - a. All exterior facade and architectural features including window types, entrance areas, porches, chimneys, and the use of building modulation;
 - b. The height and building profile of the structures;
 - c. Building materials, finishes, and colors on exterior surfaces;
 - d. Roof designs and materials;
 - e. Relationship of development to the surrounding neighborhood such as appropriate architectural style, scale, and building materials and colors;

- f. Screening of electric and gas meters, mechanical equipment, trash, and outside storage areas.
2. *Site design.*
- a. Orientation of the building(s) on the site and in relation to surrounding property improvements, including entrances, parking areas, driveways, landscape areas, setbacks, trash enclosures, and common and private recreation areas (multiple-family development);
 - b. The scale and bulk of the building(s) in relationship to the neighboring properties;
 - c. Walls and fences;
 - d. Pedestrian walkways, including circulation design and paving materials;
 - e. Loading and unloading areas for adequate ingress and egress and visibility from the street;
 - f. Lighting for safety of pedestrians and vehicles while integrating design elements of the building and landscaping;
 - g. Landscape and hardscape review;
 - h. Design of mailboxes;
 - i. Art works, including sculpture, murals, fountains, and other ornamental or decorative features for scale, design, and compatibility with the project and surrounding properties.
- (c) *Second dwelling units.* Limited to the criteria specified in §17.44.160.

- (2) Where the code requires the submission of a development application to the Commission for review and approval of the building design and the location of buildings and structures upon the property, the Committee's role shall be to advise the Commission concerning said plans. The Committee shall recommend approval with or without conditions; or recommend denial.
- (3) Where a proposed development is not subject to Commission review, the Committee shall be responsible for reviewing the application pursuant to Section 17.12.005 of this code. The Committee shall approve with or without conditions; or deny the proposed development.

SECTION 9. Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.030 (Powers), subsection (F) of the Monrovia Municipal Code is hereby amended in its entirety to read:

- (F) *CEQA.* Where a project is subject to review only by the Committee, the Committee shall have the power to review and approve exemptions and negative declarations pursuant to the California Environmental Quality Act and CEQA guidelines.

SECTION 10. Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.030 (Powers), subsection (Q) of the Monrovia Municipal Code is hereby amended in its entirety to read:

- (Q) *Outdoor merchandise displays* in the HCD and PD-5 zones, subject to the provisions of Section 17.44.112.

SECTION 11. Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.030 (Powers), subsection (R) of the Monrovia Municipal Code is hereby amended in its entirety to read:

- (R) *Temporary entertainment* in the HCD and PD-5 zones, subject to the provisions of §17.44.057.

SECTION 12. Title 2 (Administration and Personnel), Chapter 2.56 (Development Review Committee), Section 2.56.030 (Powers), of the Monrovia Municipal Code is hereby amended by adding new subsections (S) and (T) thereto and renumbering the following existing subsections accordingly. The new subsections shall read as follows:

- (S) Determinations on nonconforming uses and nonconforming structures pursuant to Chapter 17.48 of this code.
- (T) Determination of lot orientation, lot depth, and/or lot width for irregularly shaped lots.

SECTION 13. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions) of the Monrovia Municipal Code, is hereby amended to read as follows:

17.040.080 TERMINOLOGY AND GENERAL DEFINITIONS.

For the purpose of this title, words, phrases, and terms shall have the meaning ascribed to them in this section. Also, see §§ 17.08.040, 17.12.005(B), 17.20.030(C), 17.24.170(B), 17.28.020, 17.40.040, 17.44.010(B), 17.44.020(B), 17.44.170(C), for additional definitions. When consistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular; the word “shall” is mandatory; the word “may” is “permissive”.

SECTION 14. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions), Subsection (B) of the Monrovia Municipal Code, is hereby amended by changing the title of the term “Area, Net” to “Lot Area, Net” and reordering that subsection alphabetically. The definition shall remain the same.

SECTION 15. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions), Subsection (B) of the Monrovia

Municipal Code, is hereby amended by deleting the definitions for “Buildable area” and “Building Area” from the list of definitions.

SECTION 16. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions), Subsection (B) of the Monrovia Municipal Code, is hereby amended by amending the definition for “Apartment, Bachelor,” which shall now be entitled “Apartment, Studio” and reordered alphabetically. Any reference to “Apartment, Bachelor” in this Title shall be changed to “Apartment, Studio”. The definition for “Apartment, Studio” shall read as follows:

APARTMENT, STUDIO. A dwelling unit in an apartment that combines sleeping, living, cooking and dining facilities into one habitable room.

SECTION 17. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions), Subsection (B) of the Monrovia Municipal Code, is hereby amended by amending the following definitions in their entirety. The text shall read as follows:

BUILDING, MAIN. A building, or buildings, within which is conducted the principal use permitted on the lot, as provided by this title.

FLOOR AREA. The horizontal area of all the floors of a building measured from the exterior surface of the outside walls including all floors below ground level.

FLOOR AREA RATIO. The ratio of floor area to net lot area expressed as a percentage. For example, two square feet of floor area for every five square feet of net lot area would result in a floor area ratio of 40%.

LOT LINE, FRONT. A lot line which abuts a public street. In the case of a corner lot, the lot line abutting the narrowest street frontage, except in those cases where the latest tract deed restrictions specify another line as the front lot line.

SECTION 18. Title 17 (Zoning) of the Monrovia Municipal Code is hereby amended by adding the following terms alphabetically, into the list of defined terms set forth therein:

YARD, FRONT. The open space between the front wall of a main building on a lot closest to the street and the front lot line.

YARD, REAR. The open space between the rear wall of a main building on a lot closest to the rear lot line and the rear lot line.

YARD, SIDE. The open space between the side wall of a main building on a lot and the side lot line.

SECTION 19. 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 deleting “Basements – RL, RE”, “Decks”, “Fences/walls”, “Instructional services”, “Recycling center (small)”, “Special homes over 27 ft. high”, “Substandard lot size”, “Transitional parking”, and “X-rated movies” from the table.

SECTION 20. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards) of the Monrovia Municipal Code is hereby amended by adding a new section 17.12.005 entitled “Neighborhood Compatibility Design Review” to read as follows:

17.12.005 Neighborhood Compatibility Design Review

(A) *Purpose and intent.* The preservation of the character of Monrovia’s neighborhoods is an important goal for the community. The purpose of this chapter 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.

- (1) The purpose and intent of the neighborhood compatibility design review is:
 - (a) To preserve the character and charm of the city and its neighborhoods by establishing processes and criteria to review new construction to assure that the resulting structures are compatible with the neighborhood within which they are located.
 - (b) To provide reasonable review of proposals to maximize compatibility with the unique character of the neighborhood in terms of mass, scale, height, and design, while generally maintaining neutrality regarding the architectural style of the proposed development.
 - (c) To minimize privacy impacts of new two-story construction upon neighboring properties while still maintaining good design.
 - (d) To provide a review process to regulate the development or redevelopment of properties within existing neighborhoods so as to maximize visually compatible relationships, and bright, open neighborhoods.
 - (e) To educate applicants regarding their obligation to take into consideration the potential impacts on their neighbors when modifying structures or proposing new structures and take reasonable steps to mitigate such impacts.
- (2) It is not the intent of this chapter to unreasonably restrict or regulate the right of an individual property owner to determine the type of structure or addition desired.
- (3) The neighborhood compatibility design review process is intended to be an integral part of the overall design process that should commence with city staff and the applicant prior to the preparation of any design concepts.
- (4) The regulations in this section are in addition to the requirements of other regulations or ordinances of the city and where in conflict the more restrictive regulations shall apply.

(B) *Definitions.*

For the purposes of this section, the following definitions shall apply.

ADDITION. The creation of any new portion of a building which results in a vertical or horizontal extension of the building that is visible from the outside of the building.

ALTERATION. The exterior modification, including but not limited to an addition, removal and/or modification of windows, doors, roof structure, siding or visible part of a foundation of any main or accessory structure that requires a building permit.

ARCHITECTURAL STYLE. The characteristic form and detail of building from a particular historical period or school of architecture (e.g. Spanish, Tudor)

REPLACEMENT-IN-KIND. Replacement of any architectural element which is identical to the original element in terms of its location, size, and shape; and is made of materials that outwardly have the same dimensions, proportions, details and textures of the original architectural element and that outwardly appear unchanged from the original architectural style. If the original design of a structure and/or element was removed or altered, or if the original design elements are not known, the replacement element(s) shall be consistent with the structure's original architectural style.

- (C) *Applicability.* On any property in a residential zone or a PD Zone designated for residential development, no person shall construct any of the following structures until such structures are found to be compatible pursuant to this section with the neighborhood within which it is located. Applicable construction shall be classified into one of the following categories. Specific review and noticing requirements are established for each category.
- (1) Existing residential dwelling proposing a single story addition that affects no more than the rear 50% of the structure.
 - (2) Existing residential dwelling proposing a single story addition or exterior alterations that affect the front 50% or more of the structure.
 - (3) New single story, single family residential dwelling.
 - (4) Two story addition to a two story dwelling.
 - (5) Two story addition to a single story dwelling.
 - (6) New two story single family residential dwelling.
 - (7) Multi-family development not subject to a conditional use permit.
- (D) *Compatibility Design Review Criteria.* The reviewing body shall review all proposals that fall within Paragraph C of this section using the following categories/criteria:
- (1) Exterior material review.
 - (a) Building materials and finishes on exterior surfaces;
 - (b) Architectural integrity of the proposed project.
 - (2) Site planning/site design.
 - (a) Orientation of the building(s) on the site and in relation to surrounding property improvements, including entrances, parking areas, and driveways;
 - (b) Garage and parking locations, driveway and driveway approach locations;
 - (c) Onsite building relationships;

- (d) Landscaping.
 - (3) Building form
 - (a) Roof designs and materials;
 - (b) The height and building profile of the structures;
 - (c) Mass, bulk, modulation, scale and articulation.
 - (4) Architectural features/design
 - (a) All exterior facade and architectural features including window types, entrance areas, porches, chimneys, and the use of building modulation.
 - (5) Neighbor impact review
 - (a) The scale and bulk of the building(s) in relationship to the neighboring properties, including the location and orientation of second stories;
 - (b) Reasonably minimizes privacy impacts;
 - (c) Solar access;
 - (d) Grade differential.
 - (6) Neighborhood compatibility review
 - (a) Relationship of development to the surrounding neighborhood such as appropriate mass, architectural features, scale, and building materials;
 - (b) Prevailing/predominant development patterns.
- (E) *Review and Notification.* In establishing the applicable neighborhood compatibility design review process and noticing, all applications shall be classified under one of the categories of construction identified in subsection (C).
- (1) Regardless of the type of development proposed, applicants are encouraged, but are not required, to meet with the immediate neighbors prior to submittal of an application. Review authority and notification shall be completed according to the following table:

Categories (meeting all zoning requirements)	Review by	Notification
1. Single story addition (rear)	Staff	None
2. Single story addition (front)	Staff	Sign
3. New SFR single story	DRC	Sign and 200' radius mailing
4. Two story addition to a two story house	DRC	Sign and 400' radius mailing
5. Two story addition to a single story house	DRC	Sign and 400' radius mailing
6. New SFR two story	DRC	Sign and 400' radius mailing
7. Multifamily residential not subject to a CUP	DRC	Sign and 400' radius mailing

- (2) In addition to any other action otherwise required by law pertaining to the processing of the application, if the construction category requires neighborhood notification, the following neighborhood notification shall be required:
 - (a) Posting of a development sign. The applicant is required to post the property in the manner set forth by the director. The property must be posted a minimum of fifteen days prior to the review by the committee. The application shall not be considered complete unless the site has been posted pursuant to this section.
 - (b) Notice of the public meeting shall be mailed at least 15 days prior to the meeting to all owners of real property with the radius specified in the table in this subsection (E) utilizing the records of the County Assessor.

- (F) *Findings.* No application subject to neighborhood compatibility design review approval shall be approved unless the approving body finds:
 - (1) That the proposed development meets the zoning development standards applicable to the property.
 - (2) That the orientation and design of the building(s) are appropriate to the size and configuration of the lot and provide a well-designed site layout.
 - (3) That the proposed development is designed to be compatible with adjacent properties by reasonably minimizing impacts related to privacy and solar access.
 - (4) That the proposed development is compatible with the character of the neighborhood in terms of scale, mass, height and design.

- (G) *Exemptions.* Notwithstanding the provisions of any other section of this chapter, neighborhood design compatibility review shall not be required for:
 - (1) Ordinary maintenance and repair as defined in Section 17.20.040 of this code.
 - (2) Replacement in kind.
 - (3) Restoration of an architectural element that is consistent with the architectural style of the structure at the time of construction or in cases where the entire architectural style of a building is being completely renovated into a new style, the element shall be consistent with the new or predominant architectural style.
 - (4) Reroofing with a material similar to the existing material
 - (5) Painting
 - (6) Construction of fences and walls
 - (7) Single story second units constructed pursuant to Section 17.44.160
 - (8) Single story accessory structures, including attached patios, in side and/or rear yards.
 - (9) Flatwork
 - (10) Interior construction that does not involve any exterior changes.
 - (11) Development subject to a Hillside Development Permit
 - (12) Multi-family residential development that is subject to a conditional use permit which shall be subject to the criteria in Section 2.56.030(D).
 - (13) Work that does not require a building permit.
 - (14) Reasonable accommodation requests pursuant to Section 17.52.327.

SECTION 21. Title 17 (Zoning) of the Monrovia Municipal Code, is hereby amended in its entirety which shall read as follows:

17.12.10 RESIDENTIAL FOOTHILL (RF) DEVELOPMENT STANDARDS.

(A) *Lot size.* The minimum lot area shall be 15,000 square feet with a mean average area in excess of one acre. Lots exceeding two acres in area shall be counted as two acres in averaging for a development. A minimum lot width and depth of 100 feet is required.

(B) *Minimum floor area and lot coverage.*

- (1) The minimum floor area of a main building shall be 1,250 square feet.
- (2) The maximum floor area of the main building shall be based on the net lot area and shall be determined using the following formula: 35% of the net lot area for the first 20,000 square feet of net lot area, plus an additional 10% of the remaining net lot area. Attached garages and other attached, enclosed accessory buildings shall be calculated as main building floor area.

(C) *Accessory buildings.*

- (1) In the RF zone, the floor area ratio for all accessory buildings shall not exceed the percentages shown in the following table.

MAXIMUM ACCESSORY BUILDING F.A.R.	
LOT SIZE	FLOOR AREA RATIO
Under one acre	10% (2,000 square foot maximum)
One acre and above	8%

- (2) In no case shall detached accessory structures exceed 80% of the main building floor area.
- (3) Attached garages and other attached, enclosed accessory buildings shall be counted toward the total accessory building floor area as well as part of the main building floor area notwithstanding the minimized visibility garage provisions in Section 17.12.040(C).

(D) *Setbacks.*

- (1) Front yard setback requirements in the RF zone shall be as follows:

LOT LINE	BOUNDED BY	BUILDING TYPE	REQUIRED SETBACK
Front	A street	Main or accessory	25'

- (a) *Average setback.* Where residences or buildings on the same side of the street as the subject property are developed with front yard setbacks greater than required in the zone, the average setback shall be required. The average setback shall be determined using structures on the same side of the street in the same block, not to exceed 400 feet on either side of the subject property. The largest and smallest setback will be excluded in determining the average.
- (b) *Encroachments.* Porches, platforms, and landing places not extending above the level of the first floor may encroach up to seven feet into the required setback. Architectural elements, such as oriel, cornices, eaves, or sills may encroach up to two feet.
- (c) *Flag lots.* The front yard setback on a flag lot shall be measured from the closest property line, parallel to and not adjacent to the street. However, if

a flag lot has a street frontage of 50 feet or greater, the front setback may be taken from the front property line if the house is built in the narrow portion of the lot. When a house on a flag lot is oriented in a direction other than towards the street, the Development Review Committee shall determine the location from where the front yard setback is measured.

(2) Side yard setback requirements in the RF zone shall be as follows:

LOT LINE	BOUNDED BY	BUILDING TYPE	REQUIRED SETBACK
Side	Other lots or an alley	Main - first story	10% of lot width, 5' minimum, 15' maximum
Side	Other lots, a street or alley	Main - second story	15'
Side	Other lots or an alley	Accessory (except garages opening to alley)	3'
Side	An alley	Garages opening to alley	25' from opposite side of alley
Side	A street	Main or accessory	10% of lot width, 10' minimum

- (a) *Encroachments.* Chimneys having a maximum parallel linear dimension of eight feet may project two feet into the required setback. Chimneys extending past the second floor may project into the side yard the same amount as on the first floor. Eaves may project two feet into the required setback.
- (b) *Second story setback.* The required second story setback shall be 15 feet. For structures over 27 feet in height, the second story must be setback an additional two feet for every additional one foot in height.
- (c) *Decks and balconies.* Decks one foot or more above the existing grade and balconies shall maintain the same setback as main buildings.
- (d) Accessory structures located less than 80 feet from the front property line must be set back the same distance from property line as a main structure.
- (e) On corner lots with garages opening on to the street, the garage must be set back a minimum of 20 feet from the side property line adjacent to the street.
- (f) Accessory structures with a plate height exceeding nine feet and/or a ridge height exceeding 14 feet and two-story accessory structures shall maintain the same setback as main buildings.

(3) Rear yard setback requirements in the RF zone shall be as follows:

LOT LINE	BOUNDED BY	BUILDING TYPE	REQUIRED SETBACK
Rear	Another lot or an alley	Main – first story	25% of lot depth, minimum 20'
Rear	Another lot or an alley	Main – second story	25% of lot depth, plus 10'

Rear	Another lot or an alley	Accessory (except garages opening to alley)	3'
Rear	An alley	Garages opening to an alley	25' from opposite side of alley

- (a) *Encroachments.* Attached unenclosed, single story patios with no freestanding walls may encroach an additional ten feet into the required main building setback.
- (b) *Decks and balconies.* Decks one foot or more above existing grade and balconies shall maintain the same setback as the main buildings
- (c) Accessory structures with a plate height exceeding nine feet and /or a ridge height exceeding 14 feet, two-story accessory structures shall maintain the same setback as the main buildings.

(4) *Pad edge setbacks.* On hillside lots with pads adjacent to slopes of three feet or more, using the formula: slope height/3 (SH/3), the following regulations also apply:

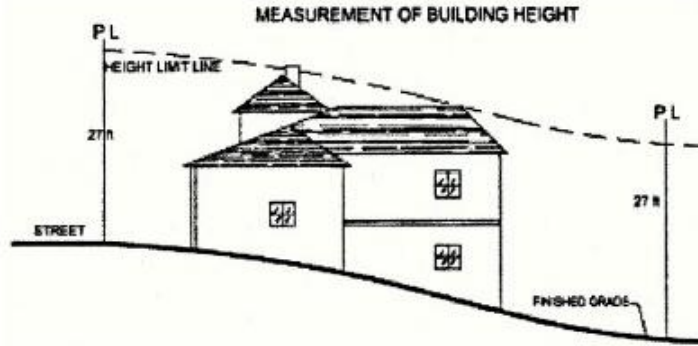
- (a) *Top of slope.* The vertical height of the slope as taken from the toe to top of slope (irrespective of the property line) shall be divided by three using the formula SH/3. The quotient of SH/3 shall be rounded to the nearest whole number and is the required setback for structures from the sides and rear pad edge. The maximum setback required shall be 15 feet for the single story portion of the structure. The second story must be set back 15 feet from the pad edge. For structures over 27 feet in height, the second story must be set back an additional 2 feet for every additional one foot in height.
- (b) *Toe of slope.* In addition to the setback requirements from property line, setback distances from the toe of slope for the side of a pad shall be five feet from the toe of the slope to any structures on the pad. No setback is required for the rear of the pad.

(E) *Height restrictions.*

(1) No building shall exceed two stories in height. The maximum building height is based on lot width as follows:

LOT WIDTH	MAXIMUM BUILDING HEIGHT
Less than 75'	27'
75' and greater	30'

(2) Building height shall be determined by the vertical distance measured at any point of the proposed roof structure to the exterior or finished grade at the proposed exterior walls of the structure. No part of a building (except chimneys) shall extend above an imaginary line drawn at the maximum building height above finished grade as illustrated in the following diagram:



- (3) *Retaining walls.* When used to extend the pad area of a lot adjacent to slope(s) a retaining wall shall not exceed a height of three feet unless the retaining wall is fully screened by a residence, garage, or other permitted structure so that the wall cannot be viewed from an adjacent parcel or from any street.

(F) *Separation between buildings.*

- (1) Facing walls of separate buildings on the same lot in the RF zone shall meet separation requirements for each story according to the following table:

	REQUIRED SEPARATION
First story	6'
Second story	20'

- (2) These building separation requirements apply equally to separate buildings that share a common roof.

(G) *Hillside Development Standards (properties not covered by a specific plan).* The following shall be required:

- (1) Conservation of natural topographic features and appearances by means of land sculpturing to blend graded slopes and benches with natural topography.
- (2) Protection of existing vegetation through careful site planning which may reduce areas of grading.
- (3) Provision of safe access for vehicular and pedestrian traffic with minimum of disturbances of the natural terrain. Utilization of street designs and improvements which serve to minimize grading impact and harmonize with the natural contours and character of the hillsides. Street standards shall be per the city's adopted Hillside Development Policies and Standards.
- (4) Every reasonable effort shall be made to preserve or minimize the impact on view corridors and scenic vistas. A visual impact analysis shall be required per the city's adopted Hillside Development Policies and Standards.
- (5) Every reasonable effort shall be made to preserve mature trees, especially oaks. Special consideration shall be given to the preservation or relocation of heritage trees.
- (6) Cantilevered construction, overhang, exposed structures or stem wall construction shall not be permitted. Cantilevered decking shall be permitted only if the line of sight analysis indicates no visual impact or appropriate mitigation measures can be adopted.
- (7) Colors of the buildings shall be selected to blend with the natural colors and hues of the surrounding hillsides.

- (8) A landscape plan shall be required indicating type and extent of proposed vegetation. In addition, landscape materials for the coverage and stabilization of graded slopes shall be approved by the Development Review Committee.
 - (9) A visual impact analysis shall be required for those dwelling units which are proposed to be developed in “sensitive” areas. “Sensitive” areas are those which are higher in elevation and visually exposed to the city-at-large and could potentially impact existing city-at-large view sheds. Proposed dwelling units designated as “sensitive” shall be set back from the top of the slope a distance determined by the line-of-sight analysis in addition to the required setbacks. The line of sight analysis is not designed to completely screen or eliminate the view of the dwelling units in sensitive areas. However, it is designed to minimize the visual impact of building lines by the use of increased setback, berming, landscaping and building design.
- (H) *Hillside Development permit required.* In addition to the requirements of this chapter, where development proposals require grading of the lot with five feet or more of cut, five feet or more of fill, or a retaining wall of six feet in height or higher, approval of a Hillside Development permit is required for the following:
- (1) Development of new single-family dwellings.
 - (2) Earth movement that creates a footprint of more than 500 square feet.
 - (3) Swimming pools and basements are excluded.

SECTION 22. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.020 (Residential Estate (RE) and Residential Low-Density (RL) Development Standards) of the Monrovia Municipal Code, is hereby amended in its entirety to read as follows:

17.12.020 RESIDENTIAL ESTATE (RE) AND RESIDENTIAL LOW-DENSITY (RL) STANDARDS.

- (A) *Lot size.*
- (1) The minimum lot area and dimensions shall be as follows:

	MINIMUM LOT AREA	MINIMUM LOT WIDTH	MINIMUM LOT DEPTH
RE	20,000 square feet	75 feet	100 feet
RL	7,500 square feet	75 feet	100 feet

- (2) *Lot averaging.* In the RL and Planned Development Areas with RL zone designations, a request for the reduction of a minimum lot area or lot width may be considered through a variance process, if the following criteria are met:
 - (a) The proposed lots shall meet the average of the block in width and area, and in no case shall the depth be less than 100 feet. To determine the average lot size (width and area), the average shall be taken on the same side of the block, no less than 400 feet on either side of the subject lot. Two-thirds of the lots, including the subject lot, must be equal to or less than the width and area of the proposed lots. In cases where the average should be taken by a radius or other means, based on the subject lot's location, and proximity to corners, the Development Review Committee shall decide on the averaging method.
 - (b) The proposed lots shall have frontage on an existing dedicated street.
 - (c) Averaging shall not be considered if the lot split will result in the demolition of a house built prior to 1940 that has architectural value.

(B) Minimum/maximum floor area.
 (1) The minimum floor area of a dwelling unit in the RE and RL zones shall be 1,250 square feet.

(C) The maximum floor area of the main building in the RE and RL zones shall be based on the net lot area and shall be determined using the following formula: 40% of the net lot area for the first 5,000 square feet of net lot area, plus an additional 35% of the net lot area for the next 5,000 square feet of net lot area, plus an additional 15% of the remaining net lot area.
 (1) Attached garages and other enclosed accessory buildings shall be calculated as main building floor area. If the garage is attached to the rear of the structure and is not visible from the street, then up to 400 square feet of the garage floor area may be added to the maximum floor area allowed for the primary structure.

(D) *Accessory buildings.*
 (1) In the RL and RE zones, the floor area ratio for all accessory buildings shall not exceed the percentages shown in the following table.

MAXIMUM ACCESSORY BUILDING F.A.R.	
LOT SIZE	FLOOR AREA RATIO
Under one acre	10% (2,000 square foot maximum)
One acre and above	8%

(2) In no case shall detached accessory structures exceed 80% of the main building floor area.
 (3) Attached garages shall be counted toward the total accessory building floor area as well as part of the main building area notwithstanding the minimized visible garage provisions in Section 17.12.040(C).

(E) *Setbacks.*
 (1) Front yard setback requirements in the RL and RE zones shall be as follows:

LOT LINE	BOUNDED BY	BUILDING TYPE	REQUIRED SETBACK
Front	A street	Main or accessory	25'

(a) *Average setback.* Where residences or buildings on the same side of the street as the subject property are developed with front yard setbacks greater than required in the zone, the average setback shall be required. The average setback shall be determined using structures on the same side of the street in the same block, not to exceed 400 feet on either side of the subject property. The largest and smallest setback will be excluded in determining the average.
 (b) *Encroachments.* Porches, platforms, and landing places not extending above the level of the first floor may encroach up to seven feet into the required setback. Architectural elements, such as oriel, cornices, eaves, or sills may encroach up to two feet.
 (c) *Flag lots.* The front yard setback on a flag lot shall be measured from the closest property line, parallel to and not adjacent to the street. However, if a flag lot has a street frontage of 50 feet or greater, the front setback may

be taken from the front property line if the house is built in the narrow portion of the lot. When a house on a flag lot is oriented in a direction other than towards the street, the Development Review Committee shall determine from where the front yard setback is measured.

(2) Side yard setback requirements in the RL and RE zones shall be as follows:

LOT LINE	BOUNDED BY	BUILDING TYPE	REQUIRED SETBACK
Side	Other lots or an alley	Main - first story	Total on both side yard setbacks is 24% of lot width, 5' minimum
Side	Other lots, a street or alley	Main - second story	12' second story setback
Side	Other lots or an alley	Accessory (except garages opening to alley)	3'
Side	An alley	Garages opening to alley	25' from opposite side of alley
Side	A street	Main or accessory	10'

- (a) *Encroachments.* Chimneys having a maximum parallel linear dimension of eight feet may project two feet into the required setback. Chimneys extending past the second floor may project into the side yard the same amount as on the first floor. Eaves may project two feet into the required setback.
- (b) *Second story setback.* The required second story setback shall be 12 feet or the required first floor setback, whichever is greater. For structures over 27 feet in height, the second story must be set back an additional two feet for every additional one foot in height.
- (c) *Decks and balconies.* Decks one foot or more above the existing grade and balconies shall maintain the same setback as main buildings.
- (d) Accessory structures located less than 80 feet from the front line must be set back the same distance from property line as a main structure.
- (e) On corner lots with garages opening onto the street, the garage must be set back a minimum of 20 feet from the side property line adjacent to the street.
- (f) Accessory structures with a plate height exceeding nine feet and/or a ridge height exceeding 14 feet and two-story accessory structures shall maintain the same setback as the main building.

(3) Rear yard setback requirements in the RL and RE zones shall be as follows:

LOT LINE	BOUNDED BY	BUILDING TYPE		REQUIRED SETBACK (in feet)
Rear	Another lot or alley	RE	Main – first story	25% of lot depth, Minimum 20'
			Main – second story	25% of lot depth, plus 10'
		RL	Main – first story	20% of lot depth, Minimum 20'
			Main – second story	20% of lot depth, Plus 10'
Rear	Another lot or alley	Accessory (except garages opening to alley)		3
Rear	An alley	Garages opening to alley		25 from opposite side of alley

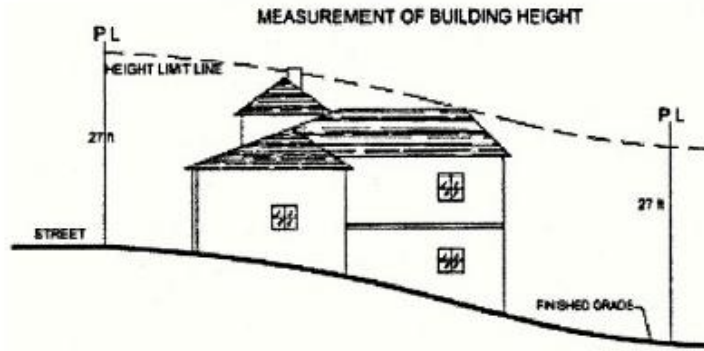
- (a) *Encroachments.* Attached unenclosed, single story patios with no freestanding walls may encroach an additional ten feet into the required main building setback.
- (b) *Decks and balconies.* Decks that are one foot or more above the existing grade and balconies shall maintain the same setback as main buildings.
- (c) Accessory structures with a plate height exceeding nine feet and/or a ridge height exceeding 14 feet and two-story accessory structures shall maintain the same setback as main buildings.

(F) *Building bulk and height restrictions.*

- (1) No buildings shall exceed two stories in height. The maximum building height is based on the lot width as follows:

LOT WIDTH	MAXIMUM BUILDING HEIGHT
Less than 75'	27'
75' and greater	30'

- (2) Building height shall be determined by the vertical distance measured at any point of the proposed roof structure to the exterior finished grade at the proposed exterior walls of the structure. No part of a building (except chimneys) shall extend above an imaginary line drawn at the maximum building height above finished grade as illustrated in the following diagram:



(G) *Separation between buildings.*

- (1) Facing walls of separate buildings on the same lot in the RL and RE zones shall meet separation requirements for each story according to the following table:

	REQUIRED SEPARATION
First story	6'
Second story	20'

- (2) These building separation requirements apply equally to separate buildings that share a common roof.

(H) *Hillside Development permit required.* In addition to the requirements of this chapter, where development proposals require grading of the lot with five feet or more of cut, five feet or more of fill, or a retaining wall of six feet in height or higher, approval of a Hillside Development permit is required for the following:

- (1) Development of new single-family dwellings.
- (2) Earth movement that creates a footprint of more than 500 square feet.
- (3) Swimming pools and basements are excluded.

SECTION 23. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.030 (Multiple-Family Residential Development Standards), subsection 17.12.030(B)(2) of the Monrovia Municipal Code is hereby amended to read as follows:

- (2) In RM zones, no building shall exceed two stories in height. The maximum building height is 27'. One-story dwellings may be attached; all two-story dwellings shall be detached. A one-story dwelling may be attached to a two-story dwelling.

SECTION 24. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.030 (Multiple-Family Residential Development Standards), subsection (C)(2) of the Monrovia Municipal Code, is hereby amended by renaming the heading labeled "BACHELOR" to "STUDIO".

SECTION 25. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.030 (Multiple-Family Residential Development Standards), subsection 17.12.030(D)(2) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (2) *Accessory floor area ratio.* The total accessory building floor area shall not exceed the percentages shown in the following table:

ZONE	FLOOR AREA RATIO (in percent)
All RM and RM/PUD	20
RM/RH	20/40
RH	40

SECTION 26. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.030 (Multiple-Family Residential Development Standards), subsection 17.12.030(E)(1)(b) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (b) *Encroachments.* Porches, platforms, and landing places not extending above the level of the first floor may encroach up to seven feet into the required setback. Architectural elements such as oriel, cornices, eaves, or sills may project up to two feet into the required setback.

SECTION 27. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.030 (Multiple-Family Residential Development Standards), subsection (E)(2) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (a) *Encroachments.* Chimneys having a maximum linear dimension of eight feet may project two feet into the required setback. Chimneys extending past the second floor may project into the side yard the same amount as on the first floor. Eaves may project two feet into the required setback.
- (b) *Second story setback.* The required second story setback shall be 8 feet in RM zones and 6 feet in the RH zone or the required first story setback, whichever is greater. Where there are two or more adjacent zones the second story setback requirements for the most restrictive zone shall apply. For every story over two, each story shall be setback an additional 5 feet in the RH zone.
- (c) *Decks and balconies.* Decks that are one foot or more above the existing grade and balconies shall maintain the same setback as main buildings.
- (d) Accessory structures located less than 80 feet from the front property line must be set back the same distance from the property line as a main structure.
- (e) On corner lots with garages opening onto the street, the garage must be set back a minimum of 20 feet from the side property line adjacent to the street.
- (f) Accessory structures with a plate height exceeding nine feet and/or a ridge height exceeding 14 feet and two-story accessory structures shall maintain the same setback as main buildings.

SECTION 28. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.030 (Multiple-Family Residential Development Standards), subsections 17.12.030(E)(3) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (a) *Encroachments.* Attached unenclosed patios with no freestanding walls shall be set back a minimum of ten feet from the property line.
- (b) *Decks and balconies.* Decks one foot or more above existing grade and balconies shall maintain the same setback as main buildings.
- (c) Accessory structures with a plate height exceeding nine feet and/or a ridge height exceeding 14 feet, and two-story accessory structures shall maintain the same setback as main buildings.

- (d) Where there are two or more adjacent zones the following rear yard setback requirements shall apply:
1. *RM Zones*. The most restrictive rear yard setback shall apply.
 2. *RH Zones*. Where the RH Zone abuts the RL Zone, the rear dwelling unit shall be limited to two stories.

SECTION 29. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.040 (Miscellaneous Residential Standards/All Residential Zones), subsection 17.12.040(A) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (A) *Basements*. Basements shall be allowed subject to review and approval by the department. Floor area of basements in dwellings and accessory structures shall not be counted toward the maximum floor area allowed.

SECTION 30. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.040 (Miscellaneous Residential Standards/All Residential Zones), subsection 17.12.040(C) of the Monrovia Municipal Code, is hereby amended in its entirety to read as follows:

- (C) *Minimized Visible Garage*. On blocks where the predominant pattern of the placement of garages is detached at the rear of the property or otherwise minimally visible from the street, the provisions for a minimized visible garage shall apply when a new garage is proposed.
- (1) *Applicability*. The predominant pattern shall be based on a review of properties located on the same side of the street in the same block, no less than 400 feet on either side of the subject property. Minimized visible garage requirements shall be required of new development when at least 50% of those properties have minimally visible garages. For purposes of determining this requirement, minimally visible garage shall mean a property where the garage is in the rear yard. In cases where the predominant pattern should be determined by other means, based on the subject property's location, topography and proximity to corners, the director shall decide on the averaging method.
 - (2) *Requirements*. When the predominant pattern requires a minimized visible garage. The following regulations shall apply:
 - (a) Attached garages shall be setback a minimum of 20' from the front facing wall of the primary structure closest to the street.
 - (b) In the front yard setback, paved driveways shall be limited to 14' in width leading to a two-car garage and 10' in width leading to a one-car garage.
 - (c) Side loading garages shall not be permitted in front of the primary structure.
 - (d) Garages attached to the rear of the primary structure, or which are otherwise not visible from the street shall be allowed to add an additional 400 square feet added to the maximum size of the primary structure. This provision only applies to properties developed with single family dwellings.
 - (3) Properties developed with more than one dwelling unit, the primary structure shall be the dwelling closest to the street.
 - (4) *Exemptions*. Properties not covered by the minimized visible garage placement requirement shall be reviewed pursuant the applicable regulations of the zoning

district where the property is located in addition to the neighborhood compatibility design review process.

SECTION 31. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.040 (Miscellaneous Residential Standards/All Residential Zones) of the Monrovia Municipal Code, is hereby amended by adding new subsection (D) thereto and renumbering the existing subsections accordingly. The new subsection (D) shall read as follows:

- (D) *Irregularly shaped lots.* For lots that are not generally rectangular in shape and if there is uncertainty on the method for determining lot orientation, lot depth and/or lot width, the committee shall have the power to determine the appropriate method. Existing development on the property and in the neighborhood shall be considered in making this determination. Once a determination is made and the resulting development is completed, a subsequent determination shall not be made to permit additional improvements that would make the previous improvements nonconforming.

SECTION 32. Title 17 (Zoning), Chapter 17.24 (Parking), Section 17.24.050 (Parking Facilities Design—Residential Uses), subsection (F) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (F) Driveways and parking spaces shall be paved with concrete or an approved alternative. Asphalt driveways and parking spaces are prohibited. Paved parking spaces shall not be permitted in the front yard or a street facing side yard.

SECTION 33. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.160 (Second Dwelling Units), subsection (B) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (B) Development Standards. Second unit developments that adhere to the following standards shall be permitted in all single-family and multiple-family residential zones, with the approval of a second unit design review application by the Development Review Committee. The development of a second unit requires the applicant to post the property in the manner set forth by the director. The property must be posted a minimum of fifteen days prior to the review by the Development Review Committee. The application shall not be considered complete unless the site has been posted pursuant to this section.

SECTION 34. Title 17 (Zoning), Chapter 17.52 (Administration), Section 17.52.110 (Minor Exceptions), subsection (A)(4) of the Monrovia Municipal Code, is hereby amended to read as follows:

- (4) Allow an addition to a residential structure in any residential zone to exceed the maximum building height for the structure to match the height of the original house if the home is architecturally or historically significant.

SECTION 35. Title 17 (Zoning), Chapter 17.52 (Administration), Section 17.52.110 (Minor Exceptions), subsection (A) of the Monrovia Municipal Code, is hereby amended by deleting subsections (A)(8); (A)(10); and (A)(11)(c) and renumbering the subsection accordingly.

SECTION 36. Title 17 (Zoning), Chapter 17.52 (Administration), is hereby amended by deleting subsection 17.52.325 (Posting of Property).

SECTION 37. 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 38. 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 _____, 2016.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2016.

Tom Adams, 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