

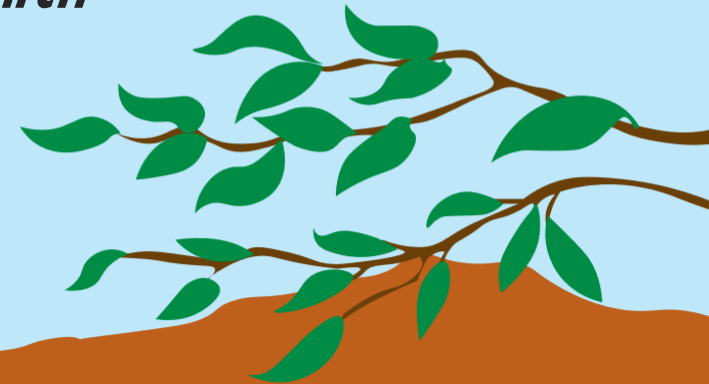


City of Monrovia

Ordinance 2024-01

Proposal to remove the Conditional Use Permit (CUP) requirement for multi-family development in the Multi-family and Neighborhood Commercial zones

February 6, 2024 • Study Session • Monrovia City Council



Agenda Overview

- Land Use 101
- Housing Accountability Act (HAA)
- Overview of HAA requirement in City's General Plan
- Overview of Zoning Amendment
- Applicability
- Public Notice Requirements

Land Use 101

■ Police Power

- Municipal Law begins with the premise that the City has the power **to protect** the **public health, safety, and welfare** of its residents.
 - Land use and zoning regulations are a derivative of the City's general police power.
- **Historically, discretionary review has been used to projects serve the public welfare.**

The Housing Accountability Act (HAA)

- Enacted in 1982 to address local opposition to growth and change.
- Purpose: “...to significantly **increase the approval and construction of new housing** for all economic segments of California’s communities by ... **curbing the capability of the local governments to deny, reduce the density of, or render infeasible** housing development projects.”
- Amended in 2017, 2018, and 2019 due to housing supply not keeping up with population and job growth.

Basic Standard under the HAA

If a housing development project complies with “objective” general plan, zoning, and subdivision standards and criteria, including design review standards, ...

the City can only **lower the density** or **deny** the project if there is a “**specific, adverse impact**” to **public health** and **safety** that cannot be mitigated in any other way...

Government Code § 65589.5(j)

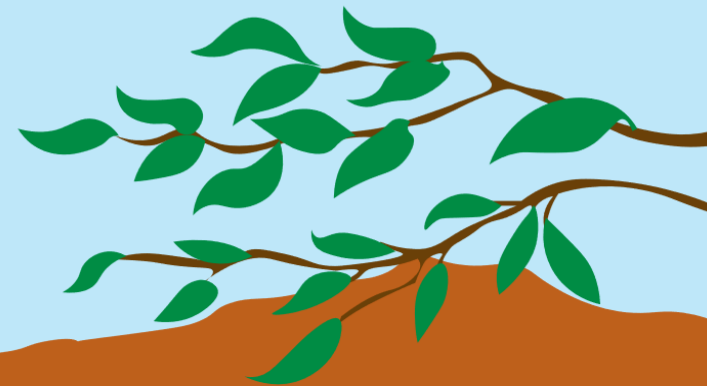
HAA Requirement is Not New

- City's 2014-2021 Housing Element identified the removal of the CUP requirement for multifamily housing in RH zones (Program 19)
 - Rolled into Planning Housing Opportunities for Monrovia (Planning HOME), adopted by City Council in 2019
- City's 2021-2029 Housing Element identified the removal of the CUP requirement for multifamily housing in RH zones (Program 1.3)
- HCD Housing Element certification letter identified the completion of the program as a "*priority action*"



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Overview of Zoning Amendment



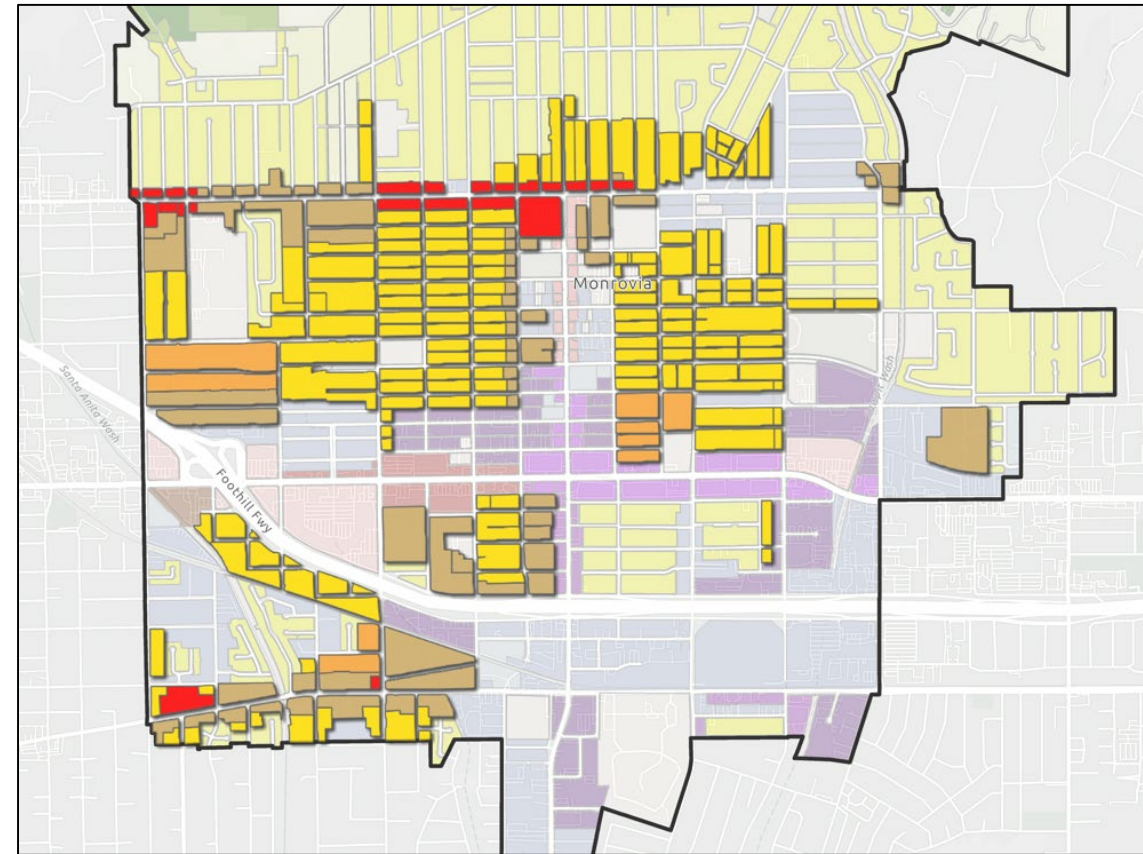
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- Ordinance changes the review process for the approval of “missing middle” housing type (Duplex, Triplex, Townhomes, Small Apartment buildings).



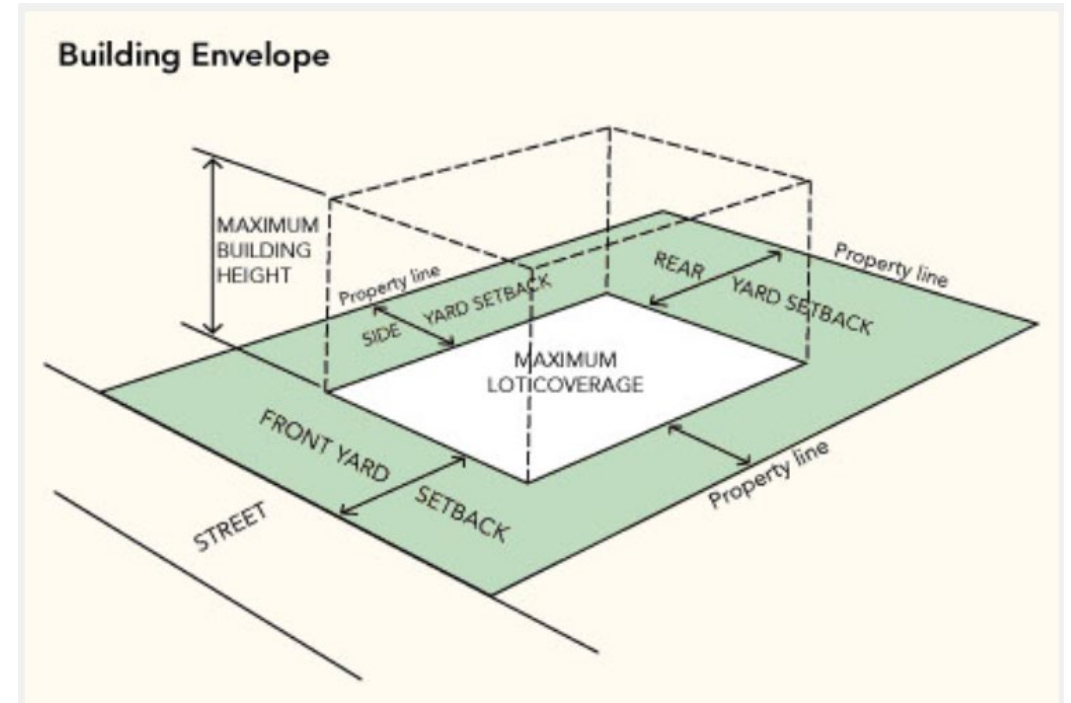
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- Proposes to remove CUP requirement for *some* multifamily housing projects in the following zones
 - RM (Residential Medium)
 - RM/RH (Residential Medium / Residential High)
 - RH (Residential High)
 - NC (Neighborhood Commercial)



Ordinance No. 2024-01

- Existing development standards will remain
- No change to:
 - density,
 - FAR,
 - setbacks,
 - recreation space,
 - height,
 - parking, etc.,
 - unit size,
- Additional design standards will be added



Status Quo!

Ordinance No. 2024-01

- Ordinance No. 2024-01 adds **Objective Design Standards** based on Neighborhood Compatibility Design principles:
 - Exterior Building Materials and Finishes
 - Site Planning/Design
 - Building Form
 - Architectural Elements/Design
 - Neighborhood Impact Review
 - Grading

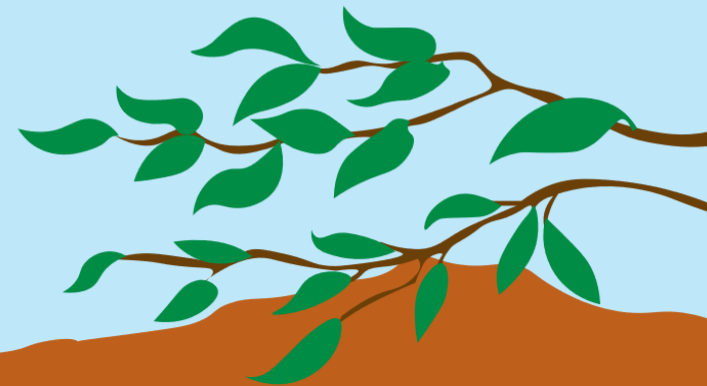


New!



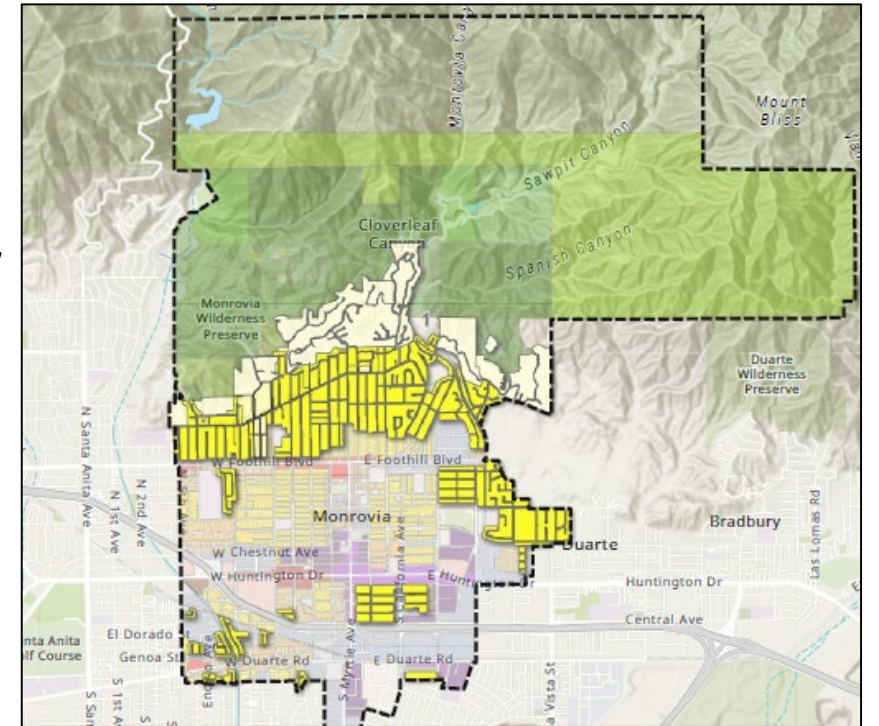
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Applicability



Ordinance Will Not...

- Change the review process in the Single Family Residential zones (RF and RE/RL)
 - Neighborhood Compatibility Review remains in effect
 - Public notification and DRC review and approval will continue.
 - Review process remains status quo!



Ordinance Will Not...

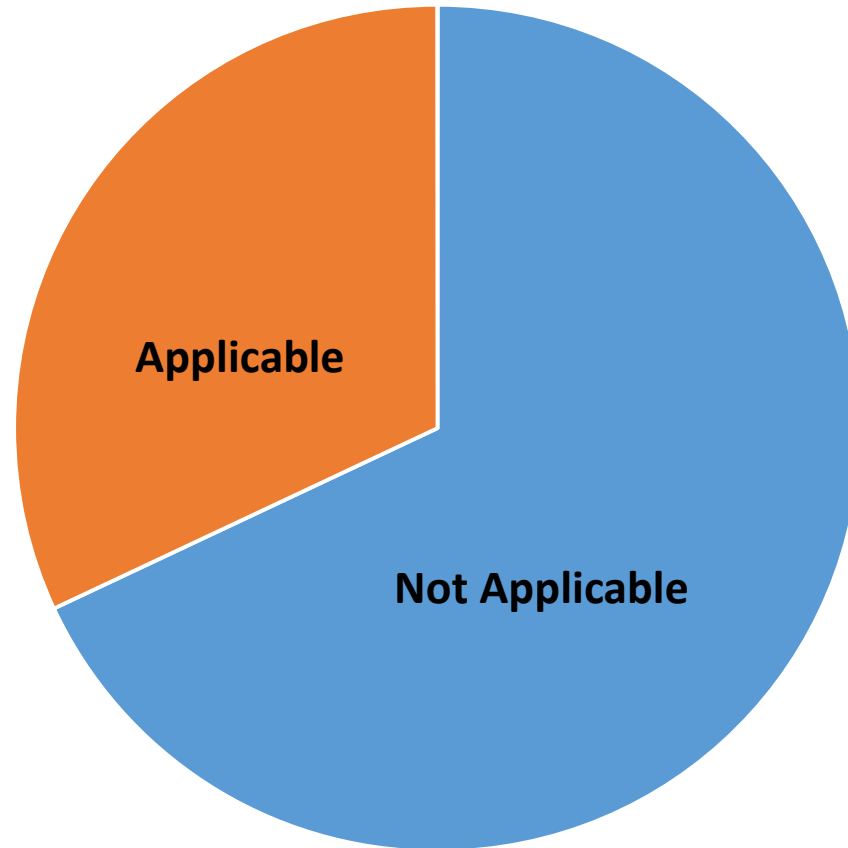
- Change review process for mid-rise projects (i.e. Station Square and/or South Myrtle Avenue corridor)
- Although CUP entitlement will no longer be required, mid-rise projects will still need PC and CC approval of:
 - Specific Plans
 - Zone Change (Text and Map)
 - Subdivision Maps
 - CEQA Clearance

Status Quo



Multifamily Projects 2014-2021

Average project type:
duplexes, second units,
and triplexes



Average project type:
PUDs, Condos, etc.

■ CUP and Other Discretionary Entitlements ■ CUP only

Not Applicable to...

- Multifamily Subdivisions (i.e. Planned Unit Developments (PUDs) and Condominiums)
- Projects will still require PC and/or CC approval of:
 - Tentative Parcel Map, or
 - Tentative Tract Map, and
 - CEQA Clearance
- Public Hearings still apply to Minor Exception and Variance requests

Status Quo



Multifamily Subdivisions - Not Applicable



425 W Duarte Road

13 Condominium Units and retention of existing unit

- April 2015
- Entitlements:
 - CUP
 - TTM
 - V
 - ME

Multifamily Subdivisions - Not Applicable



6-unit Attached Condominiums

- Approved:
July 2019
- Entitlements:
 - CUP
 - TTM
 - ME

425 W Duarte Road

Multifamily Subdivisions - Not Applicable



303 South Madison

6-unit Planned Unit Development (PUD)

- Approved:
October 2016
- Entitlements:
CUP
TTM

Multifamily Subdivisions - Not Applicable



4-unit Planned Unit Development (PUD)

- Approved:
April 2019
- Entitlements:
CUP
TTM

401 W Colorado Blvd / 521 S Alta Vista Ave

Multifamily - Applicable



3 Attached Units (Triplex)

- June 2015
- Entitlement:
 - CUP

1414 S Alta Vista Avenue

Multifamily - Applicable



Two Units

(New Two-story Second Unit behind the Main Dwelling)

- July 2019
- Entitlement:
 - CUP

920 W Colorado Blvd

Multifamily - Applicable



**Two Two-story Units
(second unit behind the
main dwelling)**

- January 2018
- Entitlement:
 - CUP

920 W Colorado Blvd

Multifamily - Applicable



Triplex (more than 2 units on a lot)

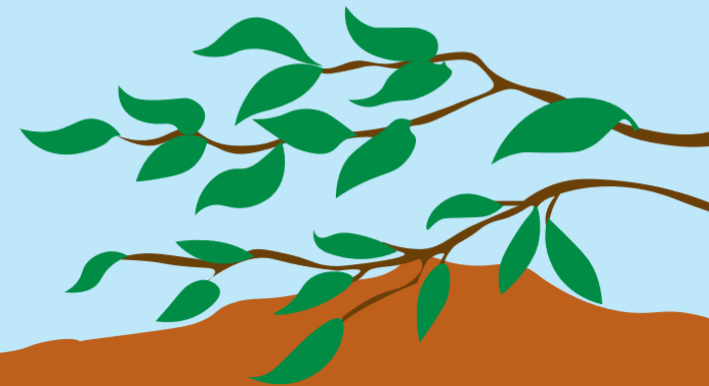
- April 2016
- Entitlement:
 - CUP

234 W Palm Avenue



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Public Notice Requirements Prior Discussion and Considerations



Consideration of Public Notice Requirement

- January 16, 2024 - City Council Discussion and Consideration of Public Notice Requirement
 - HAA purpose is to eliminate discretionary review of qualifying projects and streamline the permitting process.
 - Pre-approval noticing creates false expectations because the City does not have authority to modify or deny a project that meets objective standards.
- If noticing is required, City Attorney recommended noticing only be used to notify the public of an approved project.

Alternative Public Notice Requirement

- Posting of a Development Sign for “Public Notification Only”
 - **When:** Upon submitting a complete application for building plan check.
 - **Duration of Posting Period:** Minimum 15-days
 - **Sign Content:** Contact information for anyone requesting information.



City of Monrovia

Questions and Discussion

