

ORDINANCE NO. 2024-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 5 (BUSINESS TAXES, LICENSES AND REGULATIONS) OF THE MONROVIA MUNICIPAL CODE BY ADDING A NEW CHAPTER 5.84 TO ESTABLISH OPERATIONAL REQUIREMENTS FOR NONCONFORMING AUTOMOTIVE REPAIR BUSINESSES, AMENDING RELATED PROVISIONS OF THE MONROVIA MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA

THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals.

i. The City has many nonconforming automotive repair businesses that were lawfully put in use before the City required these businesses to obtain a conditional use permit to regulate operations, ensure neighborhood compatibility, and prevent nuisances.

ii. These nonconforming automotive repair businesses have created concerns in mostly residential neighborhoods related to employees working outside of bays, the long-term storage of vehicles outside the business and on public streets, the outdoor storage of equipment, and parking on public streets.

iii. Reasonable regulation of the continuing operations of these nonconforming automotive repair businesses will help ensure harmonious compatibility with adjacent and surrounding uses without forcing the discontinuance of the use.

iv. Regulations to reasonably control, but not prohibit, outdoor nonconforming automobile repair activity and nonconforming automotive repair facilities are necessary to ensure that such activity does not become, or continue to be, a nuisance to the public by creating hazards, attractive nuisances, noise, parking impacts, unnecessary aesthetic impacts, or National Pollutant Discharge Elimination System ("NPDES") concerns.

v. Regulations related to vehicle storage at, or connected with, nonconforming automotive repair facilities will help to ensure that vehicles will not become abandoned nuisances that will create a health or safety hazard to the community, or cause parking problems in residential neighborhoods.

vi. Regulations related to outdoor equipment storage at nonconforming automotive repair facilities will help ensure equipment, machinery, automotive parts, and chemicals

do not become nuisances, harborage for vermin and insects, NPDES violation, or a health and safety concern to the community.

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

viii. The City Council of the City of Monrovia hereby finds and determines that all of the above Recitals are true and correct and incorporates such Recitals into this Ordinance.

SECTION 2. On April 12, 2023, the Planning Commission of the City of Monrovia conducted a duly noticed public meeting on Ordinance No. 2023-02 (renumbered as Ordinance No. 2024-06). At the meeting, all interested persons were given the opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this Ordinance. Following the close of the public meeting, the Planning Commission adopted Resolution No. 2023-0001 recommending approval of Ordinance No. 2023-02 to the City Council.

SECTION 3. On August 1, 2023, the City Council of the City of Monrovia conducted a duly noticed public meeting on Ordinance No. 2023-02. At the meeting, all interested persons were given the opportunity to be heard. The City Council received and considered the staff report, the Planning Commission's recommendation, and all the information, evidence, and testimony presented in connection with this Ordinance and gave further direction to staff.

SECTION 4. On September 5, 2023, the Ordinance No. 2023-02 was set for the second reading and consideration of adoption by the City Council of the City of Monrovia. At the meeting, all interested persons were given the opportunity to be heard. The City Council took additional testimony and based on additional testimony presented in connection with this Ordinance, the consideration of the proposed ordinance was continued until a study session of the City Council on October 17, 2023. At the study session held on October 17, 2023, the City Council accepted additional testimony, took no action on the item and provided further direction to staff.

SECTION 5. On April 16, 2024, the City Council of the City of Monrovia conducted a public meeting where Ordinance No. 2024-06 (previously numbered Ordinance No. 2024-06) was on the posted agenda. At the meeting, all interested persons were given the opportunity to be heard. The City Council received and considered the staff report, the Planning Commission's recommendation, and all the information, evidence and testimony presented in connection with this Ordinance.

SECTION 6. CEQA Findings.

Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, City Staff has determined that Ordinance No. 2023-02 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, the Ordinance is

exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR §15061(b)(3)), and independently, the Ordinance is categorically exempt (Class 5) pursuant to Section 15305 of the State CEQA Guidelines (14 CCR §15305). It can be seen with certainty that there is no possibility that the adoption of this Ordinance to implement automobile repair facility operational requirements and to require permits for existing nonconforming automobile repair operations will have a significant effect on the environment because the establishment of these requirements and regulations are designed to eliminate environmental and other impacts on surrounding neighborhoods and businesses. The Planning Commission has independently reviewed the ordinance and concurs with Staff's analysis. 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 the Planning Commission and City Staff have correctly concluded that it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment, and independently, that the Ordinance meets the qualifications of the exemptions set forth above, including a Class 5 Categorical Exemption.

SECTION 7. Section 2.56.030 (Powers) of Chapter 2.56 (Development Review Committee) of Title 2 (Administration and Personnel) of the Monrovia Municipal Code is hereby amended by adding a new subsection (W) to provide powers to the Development Review Committee to consider and determine applications for operation permits for nonconforming automobile repair facilities, which shall read as follows:

“(W) Automotive repair facility operations permits. The Committee shall have the power to hear and approve, conditionally approve, amend or deny operations permits for nonconforming automobile repair facilities, as required for nonconforming automobile repair facilities pursuant to § 5.84.030 of this code.”

SECTION 8. Title 5 (Business Taxes, Licenses and Regulations) of the Monrovia Municipal Code is hereby amended by adding a new Chapter 5.84, which shall read as follows:

“Chapter 5.84 Automobile Repair Facility Operational Requirements

5.84.010 Definitions. The following words and phrases, whenever used in this chapter, shall mean as follows:

AUTOMOBILE REPAIR FACILITY. A business that conducts automobile repairs (heavy) and automobile repairs (light) as defined in § 17.08.030 of this code, or a similar business in the discretion of the Director.

DIRECTOR. The Community Development Director of the City of Monrovia.

COMMITTEE. The Development Review Committee.

ENCLOSED BUILDING. A building enclosed by a permanent roof and on all sides by solid exterior walls pierced only by windows and customary entrance and exit doors.

NONCONFORMING USE. A use of a building or land which was lawfully established, and, as of the effective date of this Ordinance, operated and maintained in compliance with Title 17, but which because of the application of this title to the building or land, no longer conforms to the use regulations of the zone in which it is located.

OVERSIZED VEHICLE. Any commercial vehicle, trailer, or recreational vehicle, which exceeds twenty feet in length, seven feet in width, or eight feet in height.

PARKING SPACE. A readily accessible space for vehicles, exclusive of driveways, ramps, columns, loading areas, office or work areas within a building, or open parking areas for the parking of one automobile.

PERMIT. An automotive repair operations permit required by this chapter for nonconforming automobile repair facilities.

PUBLIC VIEW. Any premises, or any part thereof not adequately screened pursuant to § 17.16.030, or any building or part thereof, which may be lawfully viewed by any member of the public, from a sidewalk, street, alleyway, or public property.

TEMPORARY SHADE STRUCTURE. An accessory structure, canopy, umbrella, or similar structure that lacks a permanent foundation and is assembled with non-permanent fasteners or structure.

5.84.020 Operating Requirements. Unless otherwise approved by the Committee through an automotive repair operations permit pursuant to § 5.84.030, nonconforming automobile repair facilities shall comply with all of the following:

- A. All repair activities and operations shall be conducted entirely within an enclosed building. New outdoor hoists are prohibited.
- B. All vehicles awaiting repair shall be parked outside of public view on the premises of the automobile repair facility. No vehicle shall be stored at the facility for more than 60 days. There shall be no vehicles associated with the automobile repair facility parked on a public street overnight or in front of a residential use. Vehicles dropped off when the business is closed shall be brought into conformance with this section by the end of the first business day.
- C. Wrecked and dismantled vehicles shall not be parked on a public street at any time.
- D. Working on vehicles on the public street shall be prohibited.
- E. Designated exterior parking areas shall only be used for employee and customer parking, and not for the repair or finishing work or long-term storage of vehicles.
- F. The hoods of vehicles shall remain closed at all times when those vehicles are parked outside of an automobile repair facility to await future parts or repair while work is not being performed.

- G. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of commercially reasonable repair and appearance.
- H. Private parking signs that conform to California Vehicle Code Section 22658 shall be posted in a number and locations determined by the Committee.
- I. Equipment, vehicle parts, and machinery stored outside of an enclosed building in public view shall be prohibited.

5.84.030 Permit Required for Nonconforming Uses. Existing nonconforming automobile repair facilities in compliance with Chapter 17.48 of this Code are subject to the operational standards contained in § 5.84.020, except the Committee may allow some or all of the following activities through the approval of an automotive repair operations permit:

- A. Outdoor operations. Work activities, including all equipment and tools involved in the vehicle repair operation, may be conducted outdoors on the premises of a nonconforming automobile repair facility, provided all of the following conditions are met:
 - (1) Work shall be performed entirely within a clearly marked area that is at least 50 feet from a property line abutting a residential property, and setback at least 10 feet from any property line, and shall be conducted as close to the bay doors as possible;
 - (2) The outdoor work area shall not exceed beyond 20 feet from a bay door of an actively used bay.
 - (3) The outdoor work shall not violate the noise ordinance pursuant to § 9.44.030.
 - (4) Outdoor repair activities shall only be permitted between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday.
 - (5) Automobile repair facilities that have regularly serviced and repaired oversized vehicles outdoors on their premises may continue to work on these vehicles outdoors without being subject to the area limitations set forth in this subsection if the vehicles cannot be serviced and repaired within existing buildings due to the size of the vehicles, and the outdoor servicing of vehicles is approved on the automotive repair operations permit. Oversized vehicles shall not be stored on the premises for more than 14 days or on a public street or alley.
- B. Outside storage may be permitted if adequate screening from public view pursuant to § 17.16.030 is provided.
- C. Vehicles awaiting repair may be parked in an approved location.
- D. Commercial vehicles used in conjunction with the business operations may be parked in public view in an approved location. All commercial vehicles must be operable at all times.
- E. Temporary shade structures. The use of temporary shade structures may be permitted in an approved area. These structures shall be adequately maintained in good condition and shall only be in public view during the approved hours for outdoor repair activities.
- F. Storage containers. Reusable or recyclable automobile parts that do not impact required parking may also be stored in approved containers at least five (5) feet

from the interior side or rear property line and at least five (5) feet from any structure on the property. An automobile repair facility seeking to utilize storage containers outside the enclosed structure shall submit an operational plan to the Committee for review that includes a site plan of the location and dimensions, information on items stored, including chemicals, and material of the container. Approved containers shall be maintained in a condition of reasonable repair and appearance. The Committee may permit storage containers that do not meet setback requirements, provided they are not visible from a public street.

5.84.040 Permit Application. Nonconforming automobile repair businesses that require a permit shall file an application with the Committee, accompanied by a nonrefundable filing fee as provided in § 2.56.060. The filing fee shall not be required through the end of Calendar Year 2024. The application shall be in a form prescribed by the Director, shall be accompanied by the appropriate fee as established by City Council resolution, and shall contain, at a minimum, the following:

- A. The legal name and current address and telephone number of the applicant;
- B. The business name and address;
- C. A site plan depicting dimensions and locations of structures and activities;
- D. A description of the outdoor storage containers, including location, dimensions, purpose, types of items stored including chemicals, and types of materials that are in public view;
- E. A description of the parking area for employees and customers, including location, dimensions, and number of parking spaces;
- F. A description of the area designated for vehicle storage that includes the location, dimensions, and type of surfacing that vehicles will be parked on in public view;
- G. A description of any area to be used for outdoor work that includes the location, dimensions, setbacks, proximity to residential properties, and proposed outdoor use; and
- H. Any other reasonable information regarding the business operations as deemed required by the Director.

5.84.050 Approval or Denial of Operations Permit.

- A. Automotive repair operations permit applications shall be reviewed by the Committee. The Committee may approve, conditionally approve, or deny a permit.
- B. The Committee may conditionally approve a permit if imposing such conditions will eliminate any ground requiring denial of the permit.
- C. The Committee shall deny a permit based upon any of the following grounds:
 - (1) Information contained in the permit application, or supplemental information requested from the applicant, is false in any material detail;
 - (2) The applicant has failed to provide a complete application, after having been notified of the requirement to produce additional information or documents;
 - (3) The applicant has failed to demonstrate an ability to physically accommodate and conform to the operating standards set forth in § 5.84.030; or

- (4) Implementation of the operational permit would violate provisions of the building, zoning, health, safety, fire, or other municipal codes, or any county, state or federal law which substantially affects public health, welfare or safety.
- D. The Committee shall review the application at a public meeting. The Committee shall make findings and render its decision, in writing.
- E. If the permit is denied, written notice of such denial and the reasons therefor shall be provided to the applicant.
- F. A permit applicant that receives a written notice of permit denial shall be provided with a reasonable period of time, as determined by the Committee, before the automobile repair facility must terminate its nonconforming use.

5.84.060 Permit Expiration. A permit granted pursuant to this chapter shall be valid as long as the automobile repair facility remains in operation and in compliance with the permit, unless the permit is revoked pursuant to Section 5.84.070, or the nonconforming use is superseded by a permitted use, or discontinued or abandoned as defined in Section 17.48.020(E) or (F) of this code.

5.84.070 Permit Review. A permit may be called for further review by the Committee, including modification or revocation, at any time by the Director or the City Council if a violation of the approved conditions or the Monrovia Municipal Code (MMC) is alleged, or if it is alleged that the business, or its customers, are creating a public nuisance, and such violation or public nuisance is verified as valid by the Police Department, Code Enforcement, or other City Department. The Committee may impose additional conditions that would mitigate the public nuisance.

5.84.080 Appeals. Any person aggrieved by the decision of the Committee to approve, conditionally approve, amend, or deny operations permits for nonconforming automobile repair facilities may appeal the decision to the Planning Commission. The appeal shall be filed with the City Clerk within 10 days following the date of the Committee decision.

5.84.090 Exemptions. This chapter shall not be in conflict with any conditional use permit conditions.

5.84.100 Penalty.

- A. Notwithstanding any other provision of this Code to the contrary, any person who violates any provision of this chapter, or who fails to comply with any obligation or requirement of this chapter or a condition of a permit, is guilty of a misdemeanor unless the offense is charged as an infraction by a prosecuting attorney. Notwithstanding the foregoing, the Director may instead issue an administrative citation for any such violation, pursuant to Chapter 1.17 of this Code.
- B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this chapter, or of any law or regulation referenced in this chapter, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly.”

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §
CITY OF MONROVIA)

I, ALICE D. ATKINS, MMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2024-06; It has been published pursuant to law; was duly adopted and passed at a regular meeting of the Monrovia City Council on the 7th day of May, 2024, by the following vote:

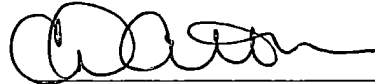
AYES: Councilmembers Belden, Spicer, Mayor Pro Tem Dr. Kelly, Mayor Shevlin

NOES: Councilmember Jiménez

ABSTAIN:

ABSENT:

ATTEST:



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