



PLANNING COMMISSION STAFF REPORT

APPLICATION: Ordinance No. 2017-04 **AGENDA ITEM:** PH-2
PREPARED BY: Sheri Bermejo **MEETING DATE:** June 14, 2017
Planning Division Manager

SUBJECT: Ordinance No. 2017-04
Planning Commission Resolution No. 2017-01

REQUEST: Amendment to the Monrovia Municipal Code, amending Title 2 (Administration and Personnel) and Title 17 (Zoning) to establish development standards for Accessory Dwelling Units and Junior Accessory Dwelling Units in single-family residential zones

APPLICANT: City of Monrovia

ENVIRONMENTAL DETERMINATION: Statutorily exempt pursuant to Public Resources Code Section 21080.17 and exempt pursuant to Section 15061(b)(3) of the State CEQA Guidelines

BACKGROUND: In September 2016, Governor Brown signed two legislative acts that consisted of new law governing accessory dwelling units (ADUs), Assembly Bill 2299 (AB 2299) and Senate Bill 1069 (SB 1069), both of which went into effect on January 1, 2017. The new statute amended various sections of Government Code Section 65852.2 which regulates accessory dwelling units (formerly called second dwelling units or granny flats). The intent of the new law is to reduce the regulatory, physical and financial barriers to constructing ADUs. In addition to AB 2299 and SB 1069, Assembly Bill 2406 (AB 2406) was enacted to authorize local governments to permit junior accessory dwelling units (JADUs) to encourage the construction of smaller units, which often result in more affordable housing options, for seniors, young adults, and others who are affected by the housing shortage in California.

The City of Monrovia currently has a second unit ordinance which is set forth in Monrovia Municipal Code (MMC) Section 17.44.160. The ordinance was first adopted in 1994 pursuant to Government Code Section 65852.2, and was later amended by the City Council in 2003 pursuant to Assembly Bill 1866. The current provisions allow second unit developments that adhere to basic development controls (setbacks, size limitations, parking etc.) in all single-family and multifamily residential zones with the approval of a design review application by the Development Review Committee (DRC).

AB 2299 and SB 1069 made significant changes to local agencies' authority to regulate such units. The most notable provisions include amended provisions for types of units and sizes, reduced parking, approval process and timelines, and utility requirements. Furthermore, any local agency's existing accessory dwelling unit ordinance that is not in compliance with all of the newly adopted State standards became null and void.

It is important to note that the State law still authorizes local agencies to adopt additional restrictions to regulate ADUs, as long as the additional restrictions do not conflict with the regulations established in State law. Ordinance No. 2017-04 proposes to replace the City's existing second unit ordinance with new development standards for ADUs in single-family residential zones, and incorporates provisions to reduce impacts to single-family neighborhoods to the extent permissible under AB 2299 and SB 1069. Ordinance No. 2017-04 also adds new provisions to the City's Zoning Code to provide for JADUs. The specific ADU and JADU development standards are contained in Attachment A. The complete Ordinance No. 2017-04 is attached as Attachment B.

DISCUSSION/ANALYSIS: The following is a summary of SB 1069, SB 2299, and AB 2406.

Summary of SB 1069

This bill makes several changes to address barriers to the development of accessory dwelling units (ADUs), including parking requirements, utility fees, and existing single-family space repurposed as an ADU.

Parking: SB 1069 reduced maximum parking requirements for all ADUs. Only one parking space per unit can be required and the parking space shall be allowed to be provided as uncovered tandem parking on an existing driveway. Furthermore, no additional parking can be required if the ADU meets any of the following criteria:

- It is located within a ½ mile from a public transit stop.
- It is located within an historic district.
- It is located within an existing primary residence or an existing accessory structure.
- It is located an area where on-street parking permits are required, but are not offered to the occupant of the ADU.
- It is located within one block of a car share service.

Fees: SB 1069 provides that ADUs shall not be considered new residential uses for the purpose of calculating utility connection fees or capacity charges, including water and sewer service. The bill prohibits a local agency from requiring an ADU applicant to install a new or separate utility connection or impose a related connection fee or capacity charge for ADUs that are contained within an existing residence or accessory structure. **For newly constructed** attached and detached ADUs, this fee or charge must be proportionate to the burden of the unit on the water or sewer system and may not exceed the reasonable cost of providing the service.

Fire Requirements: SB 1069 provides that fire sprinklers shall not be required in an accessory unit if they are not required in the primary residence.

ADUs constructed within Existing Living Area or Accessory Floor Area: Local governments must allow, without any restrictions, an ADU that is:

- Located in a single-family zone,
- Contained within an existing residence or accessory structure;
- Has independent exterior access from the existing residence; and
- Has side and rear setbacks that are sufficient for fire safety.

No Total Prohibition: Local governments are not allowed to adopt an ordinance that prohibits the construction of ADUs.

Summary of AB 2299

This bill requires a local government to approve ADUs through a ministerial process if the unit complies with certain parking requirements, the maximum allowable size for an attached unit, and setback requirements, as follows:

- The unit is not intended for sale separate from the primary residence and may be rented.
- The lot is zoned for single-family or multifamily use and contains an existing, single-family dwelling.
- The unit is either attached to an existing dwelling or located within the living area of the existing dwelling or detached and on the same lot.
- The increased floor area of an attached ADU does not exceed 50% of the existing living area, with a maximum floor area of 1,200 square feet. (Cities are permitted to establish a maximum unit size that is smaller than 1,200 square feet if the unit is not proposed within existing floor area.)
- The total area of floor space for a detached accessory dwelling unit does not exceed 1,200 square feet.
- No passageway can be required.
- No setback can be required for an existing garage that is converted into an ADU.
- The ADU must comply with local building code requirements.
- The ADU must be approved by the Building Official if a private sewage disposal system is being used.

Summary of AB 2406

This bill creates more flexibility for housing options by authorizing local governments to permit junior accessory dwelling units (JADUs) through an ordinance. The bill defines JADUs to be a unit that cannot exceed 500 square feet and must be completely contained within the space of an existing residential structure. In addition, the bill requires specified components for a local JADU ordinance. The ordinance authorized by AB 2406 must include the following parameters:

- Limit to one JADU per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- The single-family residence in which the JADU is created or JADU must be occupied by the owner of the residence.
- The owner must record a deed restriction stating that the JADU cannot be sold separately from the single-family residence and restricting the JADU to the size limitations and other requirements of the JADU ordinance.
- The JADU must be located entirely within the existing structure of the single-family residence and the JADU must have its own separate entrance.

- The JADU must include an efficiency kitchen which includes a sink, cooking appliance, counter surface, and storage cabinets that meet minimum building code standards. No gas or 220V circuits are allowed.
- The JADU may share a bath with the primary residence or have its own bath.
- Prohibited Components: This bill prohibits a local JADU ordinance from requiring:
 - Additional parking as a condition to grant a permit.
 - Applying additional water, sewer and power connection fees.

Proposed Accessory Dwelling Unit Regulations for the City of Monrovia

In order to properly review the City’s existing ordinance and newly amended State law, staff consulted with housing consultant Karen Warner, of Karen Warner Associates, Inc. Ms. Warner not only specializes in housing related matters but was also the City’s housing consultant who prepared the City’s 2014 Housing Element. Ms. Warner thoroughly reviewed Monrovia’s existing second ordinance, neighborhood compatibility ordinance, and residential development guidelines to create an ADU ordinance that not only complies with the requirements of State law, but also contains acceptable standards to preserve neighborhood compatibility. Any of the City’s existing provisions that were designed to protect single-family residential neighborhoods and were determined to be in compliance with State law are proposed to remain in place. Where it was unclear if certain proposed regulations would exceed the City’s regulatory authority under State law, the California Department of Housing and Community Development (HCD) was consulted.

The following table provides a comparison between the City’s existing second unit ordinance and the proposed ADU ordinance (Ordinance No. 2017-04).

TABLE 1.0 - SUMMARY OF MODIFIED ADU DEVELOPMENT STANDARDS

	EXISTING STANDARDS	NEW STANDARDS FOR ADUs CONSTRUCTED WITHIN EXISTING FLOOR AREA	NEW STANDARDS FOR ADUs CONSTRUCTED AS ATTACHED OR DETACHED UNITS
Maximum Number	1 ADU per Property with an existing single-family unit		
Location	Single-Family and Multifamily Zones	Single-Family Zones	
Parking	One (1) enclosed parking space in a garage	No additional parking required	One (1) space (covered or uncovered), unless it meets certain criteria

Unit Size	<p>Detached (Minimum: 150 SF, Maximum: 640 SF)</p> <p>Attached (Not to exceed 30% of main dwelling SF)</p>	<p>No restriction</p>	<p>Detached (Minimum: Size of an Efficiency Unit per UBC, Maximum: 800 SF)</p> <p>Attached (Not to exceed 50% of main dwelling SF)</p>
Operation Standards	<ul style="list-style-type: none"> • Either primary unit or ADU must be owner-occupied • Cannot be sold separately from the primary residence • Covenant required 		
Development Standards	<p>Subject to development standards that apply to the primary residence</p>	<p>Must meet fire and building codes. No exterior entrance or stairway permitted to be visible from the street. No setback required for existing garage converted to ADU.</p>	<p>Subject to development standards that apply to the primary residence, including neighborhood compatibility design requirements. No exterior entrance or stairway permitted to be visible from the street. Detached ADUs limited to one story.</p>
Permit Requirements	<p>Subject to DRC Design Review (but not Neighborhood Compatibility Design Review 17.12.005)</p>	<p>Building Permit</p>	<p>Building Permit</p>
Exceptions	<p>None</p>	<ul style="list-style-type: none"> • Minor Conditional Use Permit required for any ADU that does not comply with ADU regulations subject to the review and approval of the DRC. • Minor Conditional Use Permit is required for any ADU within a High Fire Zone subject to the review and approval of the DRC. • Where alternative on-site parking exists which would 	<ul style="list-style-type: none"> • Minor Conditional Use Permit required for any ADU that does not comply with ADU regulations subject to the review and approval of the DRC. • Minor Conditional Use Permit is required for any ADU within a High Fire Zone subject to the review and approval of the DRC. • Where alternative on-site parking exists which would minimize parking visibility from the street, the site plan is subject to

		<p>minimize parking visibility from the street, the site plan is subject to DRC review.</p>	<p>DRC review.</p> <ul style="list-style-type: none"> • 2nd story attached ADU to rear of existing two story single-family home is subject to Neighborhood Compatibility Design Review.
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It is important to note that the proposed regulations would no longer allow ADU development in multifamily residential zones. This change is proposed primarily due to the impacts that could arise from parking issues, given that the City’s existing multifamily neighborhoods are already significantly under parked. Since ADUs are only allowed on lots that are developed with single-family homes, limiting ADU development to single-family residential zones will help preserve multifamily neighborhoods for higher density development. Given that the vast majority of the City is zoned for single-family use, limiting ADUs and JADUs to single-family zones will not unreasonably limit capacity. Furthermore, the proposed regulations increase capacity by allowing for slighter larger unit sizes (800 square feet for detached units, up to 50% the size of the main dwelling for attached units) than under the existing ordinance.

Proposed Junior Accessory Dwelling Unit Regulations for the City of Monrovia

According to AB 2406, a Junior Accessory Dwelling Unit (JADU) is a small living space within a legally established bedroom of an existing single-family dwelling. It must contain an efficiency kitchen and can have a private or bathroom that is shared with the main dwelling. It must have a separate exterior access and maintain interior access to the rest of the house. The interior access may consist of two doors within the same frame for privacy and noise attenuation, similar to connecting hotel rooms. As proposed in the ordinance, it cannot exceed 500 square feet and cannot be used for short term rentals.

Although a JADU ordinance is optional, by allowing these small units, the City would be offering homeowners additional options to take advantage of underutilized space, while helping to address the community's need for rental housing. Even though a standard ADU can be created within an existing residence in much the same way as a JADU, the differences for a JADU include a size limit of 500 square feet, the ability to have shared bathroom facilities with the main unit, and provisions for a small efficiency kitchen with limited components. JADUs present no additional stress on utility services or infrastructure because they simply repurpose spare bedrooms in existing homes whose infrastructure needs (including water, sewer, traffic and parking) were accounted for in the original home construction.

JADUs do not increase the planned density of an area. Instead they better utilize the existing housing stock. Due to their limited size they are often more affordable by design. Offering provisions for JADUs, the simplest and least costly to develop housing option, would likely reduce the number of ADUs created through new additions or conversions of garage area.

To further ensure that JADU development does not impact single-family neighborhoods, the following additional regulations are proposed:

- A maximum of one (1) junior accessory dwelling unit shall be permitted per single-family zoned lot containing not more than one single-family dwelling. Therefore, a property is only entitled to one (1) ADU or one (1) JADU.
- The property owner must occupy either the JADU or the main dwelling.
- JADUs cannot be used for short-term rentals.
- JADUs cannot be sold separately from the primary residence.
- A deed restriction shall be recorded prior to the issuance of a building permit.

Conclusion

Proposed Ordinance No. 2017-04 is intended to implement SB 1069, AB 2299, and AB 2046 in accordance with State law, as well as facilitate the creation of accessory dwelling units in order to provide for additional housing opportunities in the City of Monrovia. This is achieved by allowing the development of JADUs in addition to ADUs, while protecting the character of single-family neighborhoods by applying appropriate development standards and limitations.

RECOMMENDATION: Staff recommends approval of Ordinance No. 2017-04. 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 2017-01.

CITY OF MONROVIA
§ 17.44.160 ACCESSORY DWELLING UNITS.

(A) *Purpose.*

(1) This section provides for accessory dwelling units on single-family zoned lots developed or proposed to be developed with a single-family dwelling in accordance with Cal. Gov't Code § 65852.2.

(2) This chapter ensures that accessory dwelling units in residential districts are developed on adequate sites, at proper and desirable locations, and that the goals and objectives of the general plan are observed.

(3) An accessory dwelling unit which conforms to the following requirements shall not be considered an additional dwelling unit for the purpose of density requirements of the General Plan or zoning ordinance.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply:

ACCESSORY DWELLING UNIT (also "ADU", "second unit," or "granny flat unit"). Either a detached or attached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in California Health and Safety Code Section 17958.1.

(2) A manufactured home, as defined in California Health and Safety Code Section 18007.

ATTACHED ACCESSORY DWELLING UNIT. An ADU that shares a common wall with the primary unit, either by being constructed as a physical expansion (i.e., addition) of a primary unit, conversion of an existing garage attached to a primary unit, conversion of existing habitable floor space within the primary unit, or installation of a new basement underneath an existing primary unit.

CAR SHARE LOCATION. A type of car rental where people rent cars for short periods of time, often by the hour, with a designated pick up and drop off location. The organization renting the cars may be a commercial business or the users may be organized as a company, public agency, cooperative, or ad hoc grouping. A CAR SHARE LOCATOIN does not include AUTOMOBILE RENTALS ONSITE.

DETACHED ACCESSORY DWELLING UNIT. An ADU that is constructed as a separate structure from the primary unit, or is created through conversion (full or partial) of an existing legally-constructed detached accessory building, including a detached garage, into an accessory dwelling unit.

LIVING AREA. The interior habitable floor area of a dwelling unit including basements and attics but not including a garage or any accessory structure.

PASSAGEWAY. A pathway that is unobstructed clears to the sky and extends from a street to one entrance of the accessory dwelling unit.

PRIMARY UNIT. The building (or portion of the building in cases of an attached accessory dwelling unit) in which the principal residential use of the lot takes place. An accessory dwelling unit cannot constitute the primary unit.

PUBLIC TRANSIT. A signed and designated bus stop, train stop or other public transit station.

SECONDARY DWELLING UNIT. The predecessor to an accessory dwelling unit under local zoning laws. Secondary dwelling unit permits were issued under local zoning laws in effect after February 3, 1984 and prior to January 1, 2017.

(C) *General Provisions.*

The following standards apply to all attached and detached accessory dwelling units, in addition to the specific requirements outlined in Section 17.44.160(D) and Section 17.44.160(E).

(1) **Number of units allowed:** The lot on which an accessory dwelling unit is constructed shall contain no more than one single-family residence, which shall be considered as the primary use and dwelling unit, and no more than one accessory dwelling unit, along with other non-habitable accessory structures as are normally allowed on such a lot.

(2) **Owner occupancy:** One of the dwelling units on the site (either the primary unit or the accessory dwelling unit) shall be owner-occupied. The accessory dwelling unit shall not be sold separately from the primary unit.

(3) **Rental restrictions:** The unit may be rented, but may not be rented for a period of less than 30 consecutive days.

(4) **Exterior access:** To maintain the single-family residential character of the neighborhood, an accessory dwelling unit shall not have its exterior entrance visible from the street. Additionally, no exterior stairway shall be located on the front or on any street-facing side of the accessory dwelling unit. No passageway shall be required in conjunction with construction of an accessory dwelling unit.

(5) **Separate bathroom and kitchen:** The accessory dwelling unit shall include one full bathroom and one kitchen, and shall not include any additional bathrooms or kitchens. The accessory dwelling unit shall also be limited to a maximum of one bedroom.

(6) **Health and safety standards:** The accessory dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations. Pursuant to State law, accessory dwelling units are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.

(7) **Historic properties:** All accessory dwelling unit developments shall comply with all applicable provisions of [Chapter 17.40](#). Landmark properties shall require Certificate of Appropriateness Review and approval.

(D) *Standards for Accessory Dwelling Unit Structures Created within Existing Space.*

An accessory dwelling unit that is developed entirely within an existing space, including the primary structure, attached or detached garage or other accessory structure, shall be permitted ministerially with a building permit subject to the following standards:

(1) **Zones:** The unit shall only be permitted in a single-family zone.

(2) **Separate entry required:** The unit shall provide independent exterior access from the primary unit.

(3) **Setbacks:** Pursuant to State law, no setback shall be required for a lawfully constructed garage in existence prior to January 1, 2017 that is converted to an accessory dwelling unit. However, the unit shall have sufficient side and rear setbacks to meet fire safety requirements.

(4) **Parking:** No additional off-street parking is required beyond that required for the main single-family dwelling; however, any parking spaces lost as a result of the conversion of existing space to an accessory dwelling unit shall be required to be replaced. More specifically, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the lost parking spaces must be replaced with an

equal number of spaces, which may be covered, uncovered, tandem within a garage or driveway, or provided by the use of a mechanical automotive parking lift within a garage structure. To the extent the Director of Community Development identifies alternative locations on the site that minimize the visibility of parking from the street, the application shall be referred to the DRC for review and a determination made on the location of on-site parking.

(E) *Standards for Accessory Dwelling Unit Structures Involving New Construction (Detached and Attached Additions).*

Accessory dwelling unit developments that adhere to the following standards shall be permitted ministerially with a building permit in all single-family residential zones, except as explicitly set forth herein.

(1) **Development and design standards:** All accessory dwelling unit developments, whether attached or detached, shall comply with all applicable zoning and development standards of the zoning district in where it will be located, including, but not limited to, standards regarding setbacks, floor area ratio standards for habitable floor space, height, lot coverage, architectural review and design review, including compatibility with existing structures on the same property and in the surrounding neighborhood, except as explicitly set forth herein.

(a) For purposes of determining the applicable setbacks, all accessory dwelling units shall be considered main building units as that term is used in §§ [17.12.010](#) and [17.12.020](#).

(b) The accessory dwelling unit shall incorporate the same or similar architectural features, building materials and colors as the primary dwelling located on the property, and shall be designed to reasonably minimize privacy impacts. Compatibility with the existing primary structure includes coordination of colors, materials, roofing and other architectural features, and landscaping designed so that the appearance of the site remains that of a single-family residence

(2) **Size:**

(a) The total area of habitable floor area for a detached accessory dwelling unit shall be no less than an efficiency unit, as defined by the California Building Code and shall not exceed 800 square feet.

(b) The total area of habitable floor area for an attached accessory dwelling unit shall not exceed 50% of the primary residence's main building floor area.

(3) **Height:** For purposes of protecting the privacy of neighboring properties, detached accessory dwelling units shall be limited to a single story. Second story attached accessory dwelling units shall be limited to the rear of existing two-story single-family homes or meet the main dwelling unit setbacks, and shall be subject to Neighborhood Compatibility Design Review as defined in § [17.12.005](#).

(4) **Manufactured housing:** Manufactured housing is allowed in compliance with the provisions herein; recreational vehicles and campers, as those terms are defined in § [17.04.080](#) (Terminology and general definitions), may not be used as accessory dwelling units.

(5) **Parking:** Pursuant to State law, one off-street parking space shall be provided for the accessory unit, which may be provided as tandem parking on an existing driveway and shall be permitted in setback areas unless the Director of Community Development makes specific findings that parking in setback areas or tandem parking is not feasible based upon specific site, regional topographical, or fire and life safety conditions. To the extent the Director of Community Development identifies alternative locations on the site which minimize the visibility of parking from the street, the application shall be referred to the Development Review Committee (DRC) for review and a determination made on the location of on-site parking. No parking shall be required for an accessory dwelling unit in any of the following instances:

- (a) The accessory dwelling unit is located within one-half mile of public transit.
- (b) The accessory dwelling unit is located within an architecturally and historically significant historic district.
- (c) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.
- (d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- (e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(6) **Replacement parking:** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the lost parking spaces must be replaced with an equal number of spaces, which may be covered, uncovered, tandem within a garage or driveway, or provided by the use of a mechanical automotive parking lift within a garage structure. To the extent the Director of Community Development identifies alternative locations on the site that minimize the visibility of parking from the street, the application shall be referred to the DRC for review and a determination made on the location of on-site parking.

(7) **High fire zones:** An accessory dwelling unit shall not be allowed within a High Fire Hazard Zone, unless a minor conditional use permit is approved pursuant to the findings set forth in Section 17.44.160(H).

(F) *Permit Requirements.*

Accessory dwelling units shall be permitted ministerially, in compliance with this Chapter within 120 days of application. For accessory dwelling units that adhere to the standards set forth in Section 17.44.160(C), Section 17.44.160(D), and Section 17.44.160(E), as applicable, the Director of Community Development shall issue a building permit. If the applicant does not agree with staff's determination, they may appeal staff's decision to the DRC. Where alternative on-site parking locations are available that would minimize parking visibility from the street, the site plan shall be subject to DRC review. Second story attached accessory dwelling units to the rear of existing two story single-family homes shall be subject to Neighborhood Compatibility Design Review. The Director of Community Development may refer an accessory dwelling unit application that is not in compliance with Section 17.44.160(C) and/or Section 17.44.160(E) to the DRC for review, as set forth in Section 17.44.160 (G). The Building Official shall approve an application in conformance with Section 17.44.160 where a private sewage disposal system is being used.

(1) **Covenant Required.**

(a) Prior to the issuance of a certificate of occupancy for approved accessory dwelling unit developments pursuant to this section, a covenant accompanied with the conditions of which shall be based upon the development standards set forth in this section, shall be recorded with the County Recorder as a covenant running with the land and a copy shall be submitted to the City.

(b) The covenant shall also state that the owner agrees to any conditions of approval.

(2) **Revocation.** If approval of the accessory dwelling unit is revoked by the city for failure to adhere to the provisions of this section and any conditions of approval imposed to implement the provisions of this section, then the Director of Community Development shall file notice with the County Recorder that the accessory dwelling unit approval has been revoked, and the property owner shall forthwith convert the accessory dwelling unit to a legal structure or shall demolish such structure.

(G) *Review Process for Accessory Dwelling Unit Structure Not Complying with Development Standards.*

An accessory dwelling unit that does not comply with standards in Section 17.44.160 (C) and/or Section 17.44.160(E) may be permitted with a minor conditional use permit at the discretion of the DRC subject to findings in Section 17.44.160 (H).

(H) *Findings.*

(1) In order to approve a minor conditional use permit under Section 17.44.160, the DRC shall find that the accessory dwelling unit would not be detrimental to the residential character of the neighborhood, would not be harmful to public health and safety, and would not introduce unreasonable privacy impacts to the immediate neighbors. (2) In order to approve a minor conditional use permit under Section 17.44.160(G) to allow an accessory dwelling unit on a lot within the High Fire Hazard Zone, the DRC must find that sufficient fire flow and water pressure are available to meet minimum fire safety requirements.

§ 17.44.165 JUNIOR ACCESSORY DWELLING UNITS.

(A) *Intent.*

(1) In enacting this section, it is the intent of the city to support the conversion or re-purposing of an existing bedroom(s) into an additional dwelling unit within a single-family dwelling to: a) more efficiently use and expand the existing housing stock; b) promote opportunities for house sharing, particularly among the age-in-place senior population; and c) expand affordable rental housing in the community.

(B) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JUNIOR ACCESSORY DWELLING UNIT. An independent living unit created through the conversion of an existing bedroom in a single-family dwelling. Junior accessory dwelling units are distinguished from accessory dwelling units in that they: (a) must include the conversion of an existing bedroom(s) within a single-family dwelling (no new or additional building area); (b) are smaller in size (maximum size of five hundred (500) square feet); (c) contain either independent or shared bathroom facilities; and (d) are subject to unique standards that are not applicable to accessory dwelling units.

(C) *Administrative review.*

All junior accessory dwelling unit applications shall be approved by the Director of Community Development and a permit issued within 120 days upon presentation of an application to provide a junior accessory dwelling unit if the plans conform to the standards and criteria provided in division (D) of this section.

(D) *Junior accessory dwelling unit standards.* The following standards and criteria shall apply to the creation of a junior accessory dwelling unit:

(1). Number of units allowed: A maximum of one junior accessory dwelling unit shall be permitted per residential lot containing not more than one single-family dwelling. Junior accessory dwelling units shall not be considered an additional dwelling unit for the purpose of density requirements of the General Plan or zoning ordinance.

(2) Owner occupancy: The property owner shall occupy either the main single-family dwelling or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

(3) Rental restrictions: The junior accessory dwelling unit may be rented, but shall not be rented for a period of less than 30 consecutive days, and shall not be sold or owned separately from the single-family dwelling.

(4) **Location:** The junior accessory dwelling unit must be created within the existing walls of an existing single-family dwelling and must include the conversion of an existing bedroom(s) and ancillary spaces.

(5) **Size:** The total area of floor space for a junior accessory dwelling unit shall be no less than 150 square feet and no larger than 500 square feet.

(6) **Separate entry required:** The junior accessory dwelling unit shall include a separate entrance from the main entrance to the single-family home. The junior accessory dwelling unit also shall have an interior entry to the main home. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

(7) **Exterior access:** To maintain the residential character of the neighborhood, the junior accessory dwelling unit shall not have its exterior entrance visible from the street. Additionally, no exterior stairway shall be located on the front or on any street-facing side of the junior accessory dwelling unit.

(8) **Kitchen requirements:** The junior accessory dwelling unit shall include a food preparation area, requiring and limited to the following components:

(a) A sink with a maximum waste line diameter of 1.5 inches;

(b) A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas; and

(c) A food preparation counter and storage cabinets which do not exceed 6 feet in length.

(9) **Parking:** No additional off-street parking is required beyond that required for the main single-family dwelling. The main single-family dwelling must meet the current off-street parking standard in effect at the time the junior accessory dwelling unit is approved.

(10) **Deed restriction:** Prior to obtaining a building permit for the junior accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder, which shall include a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and a restriction on the size and attributes of the junior accessory dwelling unit in accordance with the requirements of this section. The deed restriction shall state that it will be enforced against future purchasers.

ORDINANCE NO. 2017-04

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 DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. FINDINGS. The City Council of the City of Monrovia finds as follows:

- A. The City of Monrovia has adopted a General Plan to ensure a well-planned and safe community.
- B. The protection of public health, safety, and welfare is fully articulated in the General Plan.
- C. It is necessary from time to time to update the Zoning Ordinance to bring it into conformity with State law.
- D. The California Legislature recently amended California Government Code Sections 65852.1 and 65852.2, requiring local agencies to adopt an ordinance that complies with new State standards for accessory dwelling units.
- E. The California Legislature also recently added Section 65852.22 to the Government Code, authorizing local agencies to provide for the creation of junior accessory dwelling units in single-family residential zones.
- F. Proposed Ordinance No. 2017-04 is consistent with the goals and policies of City's General Plan, as Housing Element Goal 2 requires the City to provide adequate housing sites to facilitate the provision of a range of housing types to meet the community needs.

SECTION 2. On June 14, 2017, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2017-04. At the hearing, 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 the testimony presented in connection with this Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. PCR2017-01 recommending the approval of Ordinance No. 2017-04.

SECTION 3. On _____, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2017-04. At the hearing, 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 4. Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2017-04 is statutorily exempt from the provisions of the California Environmental Quality Act pursuant to Public Resources Code Section 21080.17, which exempts the adoption of an ordinance to implement the provisions of Government Code Section 65852.2 (Accessory Dwelling Unit Law). In addition, the Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. City Staff found that there is no possible significant effect related to Ordinance 2017-04 ("project"), because this ordinance requires compliance with all applicable provisions of the Historic Preservation Ordinance of the City of Monrovia (Chapter 17.40) and thereby eliminates the potential environmental impacts arising from development of accessory dwelling units that are part of an historic structure in single-family residential zones. In addition, the Ordinance allows the construction of junior accessory dwelling units in existing dwellings only. 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 the project is exempt and 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.

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 2.56.030 (Powers), subsection (D) (1) (c) of the Monrovia Municipal Code , is hereby amended by renaming the heading labeled "*Second dwelling units*" to "*Accessory dwelling units.*"

SECTION 8. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.010 (Uses Permitted in Each Zone), subsection (E) of the Monrovia Municipal Code is hereby amended by deleting the land use term "Second dwelling unit" and zone references from the table.

SECTION 9. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.010 (Uses Permitted in Each Zone), subsection (E) of the Monrovia Municipal Code is hereby amended by adding the land use terms "Accessory dwelling unit" and "Accessory dwelling unit (Junior)," referencing that these uses are permitted in the single-family zones, and reordering that subsection alphabetically. The reference to Accessory dwelling unit (Junior) shall read as follows:

Use	Reference	RF RE RL	RM/R H	R H	N C	CR S RC C	RCM	O/RD/ LM	B E	M	PQ P
<i>Residential Uses</i>											
Accessory dwelling unit	17.44.160	P									
Accessory dwelling unit (Junior)	17.44.165	P									

SECTION 10. 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 “Second dwelling unit,” adding “Accessory dwelling unit” and “Accessory dwelling unit, junior,” and reordering that subsection alphabetically. The reference to “Accessory dwelling unit” and Accessory dwelling unit (Junior) shall read as follows:

Special Use/Activity	References	Review Requirement	Code Reference
Accessory dwelling unit		Staff/DRC (Minor CUP)	17.44.160
Accessory dwelling unit (Junior)		Staff	17.44.165

SECTION 11. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.030 (Use Type Explanations) of the Monrovia Municipal Code is hereby amended by deleting the definition “Second dwelling unit” from the list of definitions.

SECTION 12. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.030 (Use Type Explanations) of the Monrovia Municipal Code is hereby amended by adding the following definitions alphabetically. The text shall read as follows:

ACCESSORY DWELLING UNIT, See definition in §17.44.160 of Chapter 17.44 (Special Uses).

ACCESSORY DWELLING UNIT (JUNIOR), See definition in §17.44.165 of Chapter 17.44 (Special Uses).

SECTION 13. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.160 (Accessory dwelling units) of the Monrovia Municipal Code is hereby repealed in its entirety and amended to read as follows:

§ 17.44.160 ACCESSORY DWELLING UNITS.

(A) *Purpose.*

(1) This section provides for accessory dwelling units on single-family zoned lots developed or proposed to be developed with a single-family dwelling in accordance with Cal. Gov't Code § 65852.2.

(2) This chapter ensures that accessory dwelling units in residential districts are developed on adequate sites, at proper and desirable locations, and that the goals and objectives of the general plan are observed.

(3) An accessory dwelling unit which conforms to the following requirements shall not be considered an additional dwelling unit for the purpose of density requirements of the General Plan or zoning ordinance.

(B) *Definitions.* For the purposes of this section, the following definitions shall apply:

ACCESSORY DWELLING UNIT (also "ADU", "second unit," or "granny flat unit"). Either a detached or attached dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel or parcels as the primary unit is situated. An accessory dwelling unit also includes the following:

(1) An efficiency unit, as defined in California Health and Safety Code Section 17958.1.

(2) A manufactured home, as defined in California Health and Safety Code Section 18007.

ATTACHED ACCESSORY DWELLING UNIT. An ADU that shares a common wall with the primary unit, either by being constructed as a physical expansion (i.e., addition) of a primary unit, conversion of an existing garage attached to a primary unit, conversion of existing habitable floor space within the primary unit, or installation of a new basement underneath an existing primary unit.

CAR SHARE LOCATION. A type of car rental where people rent cars for short periods of time, often by the hour, with a designated pick up and drop off location. The organization renting the cars may be a commercial business or the users may be organized as a company, public agency, cooperative, or ad hoc grouping. A CAR SHARE LOCATOIN does not include AUTOMOBILE RENTALS ONSITE.

DETACHED ACCESSORY DWELLING UNIT. An ADU that is constructed as a separate structure from the primary unit, or is created through conversion (full or partial) of an existing legally-constructed detached accessory building, including a detached garage, into an accessory dwelling unit.

LIVING AREA. The interior habitable floor area of a dwelling unit including basements and attics but not including a garage or any accessory structure.

PASSAGEWAY. A pathway that is unobstructed clears to the sky and extends from a street to one entrance of the accessory dwelling unit.

PRIMARY UNIT. The building (or portion of the building in cases of an attached accessory dwelling unit) in which the principal residential use of the lot takes place. An accessory dwelling unit cannot constitute the primary unit.

PUBLIC TRANSIT. A signed and designated bus stop, train stop or other public transit station.

SECONDARY DWELLING UNIT. The predecessor to an accessory dwelling unit under local zoning laws. Secondary dwelling unit permits were issued under local zoning laws in effect after February 3, 1984 and prior to January 1, 2017.

(C) *General Provisions.* The following standards apply to all attached and detached accessory dwelling units, in addition to the specific requirements outlined in Section 17.44.160(D) and Section 17.44.160(E).

(1) **Number of units allowed:** The lot on which an accessory dwelling unit is constructed shall contain no more than one single-family residence, which shall be considered as the primary use and dwelling unit, and no more than one accessory dwelling unit, along with other non-habitable accessory structures as are normally allowed on such a lot.

(2) **Owner occupancy:** One of the dwelling units on the site (either the primary unit or the accessory dwelling unit) shall be owner-occupied. The accessory dwelling unit shall not be sold separately from the primary unit.

(3) **Rental restrictions:** The unit may be rented, but may not be rented for a period of less than 30 consecutive days.

(4) **Exterior access:** To maintain the single-family residential character of the neighborhood, an accessory dwelling unit shall not have its exterior entrance visible from the street. Additionally, no exterior stairway shall be located on the front or on any street-facing side of the accessory dwelling unit. No passageway shall be required in conjunction with construction of an accessory dwelling unit.

(5) **Separate bathroom and kitchen:** The accessory dwelling unit shall include one full bathroom and one kitchen, and shall not include any additional bathrooms or kitchens. The accessory dwelling unit shall also be limited to a maximum of one bedroom.

(6) **Health and safety standards:** The accessory dwelling unit shall comply with all building, safety, fire and health codes, and all other applicable laws and regulations. Pursuant to State law, accessory dwelling units are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.

(7) **Historic properties:** All accessory dwelling unit developments shall comply with all applicable provisions of [Chapter 17.40](#). Landmark properties shall require Certificate of Appropriateness Review and approval.

(D) *Standards for Accessory Dwelling Unit Structures Created within Existing Space.*

An accessory dwelling unit that is developed entirely within an existing space, including the primary structure, attached or detached garage or other accessory structure, shall be permitted ministerially with a building permit subject to the following standards:

(1) **Zones:** The unit shall only be permitted in a single-family zone.

(2) **Separate entry required:** The unit shall provide independent exterior access from the primary unit.

(3) **Setbacks:** Pursuant to State law, no setback shall be required for a lawfully constructed garage in existence prior to January 1, 2017 that is converted to an accessory dwelling unit. However, the unit shall have sufficient side and rear setbacks to meet fire safety requirements.

(4) **Parking:** No additional off-street parking is required beyond that required for the main single-family dwelling, however, any parking spaces lost as a result of the conversion of existing space to an accessory dwelling unit shall be required to be replaced. More specifically, when a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the lost parking spaces must be replaced with an equal number of spaces, which may be covered, uncovered, tandem within a garage or driveway, or provided by the use of a mechanical automotive parking lift within a garage structure. To the extent the Director of Community Development identifies alternative locations on the site which minimize the visibility of parking from the street, the application shall be referred to the DRC for review and a determination made on the location of on-site parking.

(E) Standards for Accessory Dwelling Unit Structures Involving New Construction (Detached and Attached Additions).

Accessory dwelling unit developments that adhere to the following standards shall be permitted ministerially with a building permit in all single-family residential zones, except as explicitly set forth herein.

(1) **Development and design standards:** All accessory dwelling unit developments, whether attached or detached, shall comply with all applicable zoning and development standards of the zoning district in which it will be located, including, but not limited to, standards regarding setbacks, floor area ratio standards for habitable floor space, height, lot coverage, architectural review and design review, including compatibility with existing structures on the same property and in the surrounding neighborhood, except as explicitly set forth herein.

(a) For purposes of determining the applicable setbacks, all accessory dwelling units shall be considered main building units as that term is used in §§ [17.12.010](#) and [17.12.020](#).

(b) The accessory dwelling unit shall incorporate the same or similar architectural features, building materials and colors as the primary dwelling located on the property, and shall be designed to reasonably minimize privacy impacts. Compatibility with the existing primary structure includes coordination of colors, materials, roofing and other architectural features, and landscaping designed so that the appearance of the site remains that of a single-family residence.

(2) **Size:** (a) The total area of habitable floor area for a detached accessory dwelling unit shall be no less than an efficiency unit, as defined by the California Building Code, and shall not exceed 800 square feet.

(b) The total area of habitable floor area for an attached accessory dwelling unit shall not exceed 50% of the primary residence's main building floor area.

(3) **Height:** For purposes of protecting the privacy of neighboring properties, detached accessory dwelling units shall be limited to a single story. Second story attached accessory dwelling units shall be limited to the rear of existing two story single-family homes or meet the main dwelling unit setbacks, and shall be subject to Neighborhood Compatibility Design Review as defined in § [17.12.005](#).

(4) **Manufactured housing:** Manufactured housing is allowed in compliance with the provisions herein; recreational vehicles and campers, as those terms are defined in § [17.04.080](#) (Terminology and general definitions), may not be used as accessory dwelling units.

(5) **Parking:** Pursuant to State law, one off-street parking space shall be provided for the accessory unit, which may be provided as tandem parking on an existing driveway and shall be permitted in setback areas unless the Director of Community Development makes specific findings that parking in setback areas or tandem parking is not feasible based upon specific site, regional topographical, or fire and life safety conditions. To the extent the Director of Community Development identifies alternative locations on the site which minimize the visibility of parking from the street, the application shall be referred to the Development Review Committee (DRC) for review and a determination made on the location of on-site parking. No parking shall be required for an accessory dwelling unit in any of the following instances:

(a) The accessory dwelling unit is located within one-half mile of public transit.

(b) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(c) The accessory dwelling unit is part of the existing primary residence or an existing accessory structure.

(d) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

(e) When there is a car share vehicle located within one block of the accessory dwelling unit.

(6) **Replacement parking:** When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, the lost parking spaces must be replaced with an equal number of spaces, which may be covered, uncovered, tandem within a garage or driveway, or provided by the use of a mechanical automotive parking lift within a garage structure. To the extent the Director of Community Development identifies alternative locations on the site which minimize the visibility of parking from the street, the application shall be referred to the DRC for review and a determination made on the location of on-site parking.

(7) **High fire zones:** An accessory dwelling unit shall not be allowed within a High Fire Hazard Zone, unless a minor conditional use permit is approved pursuant to the findings set forth in Section 17.44.160(H).

(F) *Permit Requirements.*

Accessory dwelling units shall be permitted ministerially, in compliance with this Chapter within 120 days of application. For accessory dwelling units that adhere to the standards set forth in Section 17.44.160(C), Section 17.44.160(D), and Section 17.44.160(E), as applicable, the Director of Community Development shall issue a building permit. If the applicant does not agree with staff's determination, they may appeal staff's decision to the DRC. Where alternative on-site parking locations are available which would minimize parking visibility from the street, the site plan shall be subject to DRC review. Second story attached accessory dwelling units to the rear of existing two story single-family homes shall be subject to Neighborhood Compatibility Design Review. The Director of Community Development may refer an accessory dwelling unit

application that is not in compliance with Section 17.44.160(C) and/or Section 17.44.160(E) to the DRC for review, as set forth in Section 17.44.160 (G). The Building Official shall approve an application in conformance with Section 17.44.160 where a private sewage disposal system is being used.

(1) ***Covenant Required.***

(a) Prior to the issuance of a certificate of occupancy for approved accessory dwelling unit developments pursuant to this section, a covenant accompanied with the conditions of which shall be based upon the development standards set forth in this section, shall be recorded with the County Recorder as a covenant running with the land and a copy shall be submitted to the City.

(b) The covenant shall also state that the owner agrees to any conditions of approval.

(2) ***Revocation.*** If approval of the accessory dwelling unit is revoked by the city for failure to adhere to the provisions of this section and any conditions of approval imposed to implement the provisions of this section, then the Director of Community Development shall file notice with the County Recorder that the accessory dwelling unit approval has been revoked, and the property owner shall forthwith convert the accessory dwelling unit to a legal structure or shall demolish such structure.

(G) Review Process for Accessory Dwelling Unit Structure Not Complying with Development Standards.

An accessory dwelling unit that does not comply with standards in Section 17.44.160 (C) and/or Section 17.44.160(E) may be permitted with a minor conditional use permit at the discretion of the DRC subject to findings in Section 17.44.160 (H).

(H) Findings.

(1) In order to approve a minor conditional use permit under Section 17.44.160, the DRC shall find that the accessory dwelling unit would not be detrimental to the residential character of the neighborhood, would not be harmful to public health and safety, and would not introduce unreasonable privacy impacts to the immediate neighbors.

(2) In order to approve a minor conditional use permit under Section 17.44.160(G) to allow an accessory dwelling unit on a lot within the High Fire Hazard Zone, the DRC must find that sufficient fire flow and water pressure are available to meet minimum fire safety requirements.

SECTION 14. Title 17 (Zoning), Chapter 17.44 (Special Uses) of the Monrovia Municipal Code is hereby amended by adding new Section 17.44.165 entitled "Accessory dwelling units (Junior)" to read as follows:

§ 17.44.165 JUNIOR ACCESSORY DWELLING UNITS

(A) Intent.

(1) In enacting this section, it is the intent of the city to support the conversion or repurposing of an existing bedroom(s) into an additional dwelling unit within a single-family dwelling to: a) more efficiently use and expand the existing housing stock; b) promote opportunities for house sharing, particularly among the age-in-place senior population; and c) expand affordable rental housing in the community.

(B) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JUNIOR ACCESSORY DWELLING UNIT. An independent living unit created through the conversion of an existing bedroom in a single-family dwelling. Junior accessory dwelling units are distinguished from accessory dwelling units in that they: (a) must include the conversion of an existing bedroom(s) within a single-family dwelling (no new or additional building area); (b) are smaller in size (maximum size of five hundred (500) square feet); (c) contain either independent or shared bathroom facilities; and (d) are subject to unique standards that are not applicable to accessory dwelling units.

(C) *Administrative review.*

All junior accessory dwelling unit applications shall be approved by the Director of Community Development and a permit issued within 120 days upon presentation of an application to provide a junior accessory dwelling unit if the plans conform to the standards and criteria provided in division (D) of this section.

(D) *Junior accessory dwelling unit standards.* The following standards and criteria shall apply to the creation of a junior accessory dwelling unit:

(1) **Number of units allowed:** A maximum of one junior accessory dwelling unit shall be permitted per residential lot containing not more than one single-family dwelling. Junior accessory dwelling units shall not be considered an additional dwelling unit for the purpose of density requirements of the General Plan or zoning ordinance.

(2) **Owner occupancy:** The property owner shall occupy either the main single-family dwelling or the junior accessory dwelling unit. Owner-occupancy shall not be required if the owner is a governmental agency, land trust, or housing organization.

(3) **Rental restrictions:** The junior accessory dwelling unit may be rented, but shall not be rented for a period of less than 30 consecutive days, and shall not be sold or owned separately from the single-family dwelling.

(4) **Location:** The junior accessory dwelling unit must be created within the existing walls of an existing single-family dwelling and must include the conversion of an existing bedroom(s) and ancillary spaces.

(5) **Size:** The total area of floor space for a junior accessory dwelling unit shall be no less than 150 square feet and no larger than 500 square feet.

(6) **Separate entry required:** The junior accessory dwelling unit shall include a separate entrance from the main entrance to the single-family home. The junior accessory dwelling unit also shall have an interior entry to the main home. The junior accessory dwelling unit may include a second interior doorway for sound attenuation.

(7) **Exterior access:** To maintain the residential character of the neighborhood, the junior accessory dwelling unit shall not have its exterior entrance visible from the street. Additionally, no exterior stairway shall be located on the front or on any street-facing side of the junior accessory dwelling unit.

(8) **Kitchen requirements:** The junior accessory dwelling unit shall include a food preparation area, requiring and limited to the following components:

(a) A sink with a maximum waste line diameter of 1.5 inches;

(b) A cooking facility with appliances that do not require electrical service greater than 120 volts or natural or propane gas; and

(c) A food preparation counter and storage cabinets which do not exceed 6 feet in length.

(9) **Parking:** No additional off-street parking is required beyond that required for the main single-family dwelling. The main single-family dwelling must meet the current off-street parking standard in effect at the time the junior accessory dwelling unit is approved.

(10) **Deed restriction:** Prior to obtaining a building permit for the junior accessory dwelling unit, a deed restriction, in a form satisfactory to the City Attorney, shall be recorded with the County Recorder, which shall include a prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence and a restriction on the size and attributes of the junior accessory dwelling unit in accordance with the requirements of this section. The deed restriction shall state that it will be enforced against future purchasers.

SECTION 15. 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 16. 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 thirty (30) days after its passage.

SECTION 17. The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

INTRODUCED this _____ day of _____, 2017.

PASSED, APPROVED, AND ADOPTED, this _____ day of _____, 2017.

PLANNING COMMISSION NO. 2017-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 2017-01 AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE TO ESTABLISH DEVELOPMENT STANDARDS FOR ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN SINGLE-FAMILY RESIDENTIAL ZONES AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECITALS

(i) The California Legislature recently amended California Government Code Sections 65852.1 and 65852.2, requiring local agencies to adopt an ordinance that complies with new State standards for accessory dwelling units.

(ii) The California Legislature also recently added Section 65852.22 to the Government Code, authorizing local agencies to provide for the creation of junior accessory dwelling units in single-family residential zones. The City of Monrovia has adopted a General Plan to ensure a well-planned and safe community.

(iii) The protection of public health, safety, and welfare is fully articulated in the General Plan.

(iv) It is necessary from time to time to update the Zoning Ordinance to bring it into conformity with State law.

(v) On June 14, 2016, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2017-04. At the hearing, all interested persons were given an opportunity to be heard. The Planning Commission received and considered the staff report and all the information, evidence, and testimony presented in connection with this project.

(iii) Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2017-04 is statutorily exempt from the provisions of the California Environmental Quality Act pursuant to Public Resources Code Section 21080.17, which exempts the adoption of an ordinance to implement the provisions of Government Code Section 65852.2 (Accessory Dwelling Unit Law). In addition, the Ordinance is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. City Staff found that there is no possible significant effect related to Ordinance 2017-04 ("project"), because this ordinance requires compliance with all applicable provisions of the Historic Preservation Ordinance of the City of Monrovia (Chapter 17.40) and thereby eliminates the potential environmental impacts arising from development of accessory dwelling units that are part of an historic structure in single-family residential zones. In addition, the Ordinance allows the construction of junior accessory dwelling units in existing dwellings only. 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 the project is exempt and 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.

(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.

A. 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. 2017-04 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. Specifically, Ordinance No. 2017-04 is consistent with the General Plan Housing Element Goal 2, which requires the City to provide adequate housing sites to facilitate the provision of a range of housing types to meet the community needs.
4. Ordinance No. 2017-04 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City, as appropriate development standards and limitations have been included to protect the character of single-family neighborhoods.
5. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance 2017-04 to the City Council set 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 _____ day of _____ 2017.

Coulter Winn, Chair
Monrovia Planning Commission

ATTEST:

APPROVED AS TO FORM:

Craig Jimenez, AICP, Secretary
Monrovia Planning Commission

Carol Lynch, Assistant City Attorney
City of Monrovia