CITY COUNCIL AGENDA REPORT

DEPARTMENT: Community Development **MEETING DATE:** September 15, 2020

PREPARED BY: Sheri Bermejo, Planning Division Manager **AGENDA LOCATION:** PH-1

TITLE: Amendment to the Monrovia Municipal Code, Amending Regulations Pertaining to Accessory Dwelling Units and Junior Accessory Dwelling Units in Compliance with State Law; Introduction and First Reading of Ordinance No. 2020-10

OBJECTIVE: To adopt new development standards for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) in compliance with State law

BACKGROUND: Accessory Dwelling Units (ADUs) have been known by many names: granny flats, in-law units, backyard cottages, and secondary units. An ADU is essentially a smaller, independent residential dwelling unit located on the same lot as the main residential dwelling. Junior ADUs (JADUs) are even smaller living units (ranging in size from 220 to 500 square feet) that are created through the conversion of living space within an existing single family home. For many years the State legislature has identified the production of ADUs and JADUs as an important strategy to increase housing production statewide. Since the mid-1990s, the State has updated ADU laws on several occasions to further encourage the production of this affordable housing unit type.

The City of Monrovia adopted its first ADU ordinance, formerly known as the "Second Dwelling Units" in 1989 (Ordinance No 89-27). Based on changes to state law, Monrovia amended its ordinance several times over the following years. In 2017, the State made significant changes to the manner by which local governments could regulate such units, primarily with respect to parking, types and sizes, approval process and timelines, and utility fees through the passage of Assembly Bill (AB 2299) and Senate Bill (SB 1069). In response to those changes, the Planning Commission reviewed and recommended approval of Ordinance 2017-04 which was ultimately adopted by the City Council in June 2017. Ordinance 2017-04 established the City's current ADU and JADU development standards which are located in Monrovia Municipal Code (MMC) Section 17.44.160 and Section 17.44.165.

Recent Legislation

Last year the California State Legislature passed another round of housing-related laws to address the State's housing crisis, several of which again deal with ADU regulation. These bills included Senate Bill 13 (SB 13), Assembly Bill 68 (AB 68), Assembly Bill 587 (AB 587), Assembly Bill 670 (AB 670), and Assembly Bill 881 (AB 881) which collectively amended State ADU (Government Code section 65852.2) and JADU law (Government Code section 65852.22). The overall intent of these bills was to reduce local regulatory barriers and costs, further streamline the approval process, and expand the potential for ADU and JADU development. These laws impose additional restrictions on the types of development standards, use restrictions, and fees that cities may apply to ADUs and JADUs, and require that cities further streamline the application approval process.

The new laws became effective on January 1, 2020, and any local agency's existing ADU and JADU ordinance that was not in compliance with these newly adopted State standards became null and void. As a result, the City of Monrovia has been processing ADU and JADU proposals in compliance with the new State laws since January 1st.

It is important to note that State law still authorizes local agencies to adopt some restrictions to regulate ADUs and JADUs, as long as the additional restrictions do not conflict with the regulations established in AB 68, SB 13, AB 587, AB 670, AB 671, and AB 881. Given that the task of updating the City's ADU and JADU ordinance was included in the City's Planning Housing Opportunities for Monrovia (Planning HOMe) program, Staff and the City Attorney's office worked closely to develop an ordinance that is both Monrovia-centric and compliant with State law.

Public Review

On November 15, 2019, the City received a letter from Californians for Homeownership, a non-profit organization that has been actively monitoring local jurisdictions' compliance with the new ADU and JADU legislation across the State (Attachment "A"). Their letter formally requested the opportunity to participate in the adoption process of Monrovia's proposed ordinance.

Ordinance 2020-10 began its public review process on July 30, 2020, when the Notice of Public Hearing was published in the Monrovia Weekly. On August 6, 2020, the meeting agenda was distributed to all required and interested parties, including Californians for Homeownership. The Planning Commission conducted the public hearing on August 12, 2020, and no formal public comments were received. At the close of the public hearing, the Commission voted unanimously to recommend that the City Council adopt Ordinance No. 2020-10.

At the time of the Commission's hearing, California for Homeownership had submitted *informal* comments regarding Monrovia's proposed regulations. Their comments focus on provisions relating to by-right standards in State law that are not entirely clear as to how they should be implemented. For example, they expressed concern that Monrovia's interpretation regarding maximum size standards for ADUs created through conversion of existing space and "by-right" development on multifamily properties may conflict with State law. Staff and the City Attorney's Office have since modified the draft ordinance to address some of their comments.

Ordinance No. 2020-10 (Attachment "B") contains the revisions in strikethrough text to highlight the changes that were made since the Planning Commission's review. A clean draft is included in Attachment "C." The latest revisions further streamline ADU and JADU development in the City of Monrovia and implement Government Code (GC) Section 65852.2 (provisions for accessory dwelling units) and GC §65852.22 (provisions for junior accessory dwelling units) in accordance with State law.

ANALYSIS: In summary, AB 68, SB 13, AB 587, AB 670, AB 671, and AB 881 further reduce and limit a local jurisdiction's ability to regulate ADU and JADU development by imposing development standards. The new laws require a streamlined, ministerial approval process, and expanded land use potential for ADU and JADU development within a city. The most notable changes that are implemented in Ordinance 2020-10 are described below:

- ***Ministerial process for approval:*** Monrovia's former provisions allowed ADU or JADU development "by right" subject to certain development standards. Any proposal that did not meet the specific development standards, was either located in the City's High Fire zone, or proposed a two-story unit format that was subject to a discretionary approval process by the Development Review Committee (DRC).

  State law now requires cities to review all ADU and JADU development applications through a ministerial process. This means discretionary review or a public hearing is prohibited. In addition, applications must be acted on within 60 days from the submittal of a complete application. Ordinance 2020-10 provides a ministerial review process for all types of ADU and JADU proposals in the City.

- ***Zones where ADUs and JADUs are permitted:*** Prior to January 1, 2020, ADU and JADU development was only allowed on single family zoned lots. This included the RF (Residential Foothill), RL (Residential Low), and any PD (Planned Development) zone allowing single family development.

Cities are now required to allow ADUs in all zoning districts allowing single family or multifamily development on lots developed with existing or proposed single family and multifamily dwellings. JADUs may still be limited to single family zoned lots.

Ordinance 2020-10 complies with the new State laws by expanding ADU development potential to all multifamily residential zones, as well as to planned development zones and commercial zones that allow residential development. These news zones include RM (Residential Medium Density) zones, RH (Residential High Density) zones, and the NC (Neighborhood Commercial) zone.

- ***Mandatory ADU Approval on Single Family and Multifamily Lots:*** In addition to the required ministerial approval process, the new ADU legislation stipulates that certain types of ADU and JADU development proposals shall be approved "by-right" through a "building permit only process."

  Proposed Ordinance 2020-10 complies with the new State laws by providing a two-pronged approval process for ADU and JADU proposals. Section 17.44.005(D) of the ordinance sets forth the two approval processes:

  1) ADUs and JADUs that are subject to a "Building Permit Only" process.
  2) ADUs that are subject to "Planning Division (ministerial) Review" in addition to a building permit.

  ADU and JADU proposals subject to the "Building Permit Only" process will only need to meet the State-imposed development standards for building permit issuance. All other proposals will require a formal review by the Planning Division prior to the submittal into building plan check. Project proposals subject to the "Planning Division Review" will require compliance with the additional Monrovia-centric development standards that are aimed at precluding adverse effects of two-story ADUs on neighboring properties and protecting the City's historic resources. The following is a summary of the types of ADU proposals that fall into each of the review categories.

  - *"**Building Permit Only" Process**:* The following types of ADU proposals are permitted "by-right" through the Monrovia Building Division plan check process:

    - ADU and JADU development on Single Family Lots: The following ADU proposals on single family lots are permitted by-right:
      - An ADU created within an existing or proposed single family dwelling.
      - An ADU created within an existing single family dwelling or existing detached accessory structure.
      - An ADU constructed as a new detached structure having a maximum size of 800 square feet, a maximum height of 16 feet, and setback a minimum of four feet from rear and side property lines.
      - A JADU and one detached 800 square feet ADU.

    - ADU development on Multifamily Lots: The following ADU proposals on multifamily family lots are permitted by-right:
      - ADUs created by the conversion of non-habitable space (i.e. attached garages, closets, storage rooms, etc.).
      - Two detached ADUs having a maximum height of 16 feet and setback a minimum of four feet from rear and side property lines.
      - The State allows a minimum of one ADU and up to 25 percent of the existing permitted number of units within the multifamily building to be created in this manner.

  - ***"Planning Division Review"***: All other ADU proposals that do not qualify for the "Building Permit Only" process will require a separate ministerial review by the Planning Division to verify conformance with the additional development standards described in the following section.

- **Development Standards for ADUs:** Prior to January 1, 2020, ADU development involving new construction was subject to all applicable zoning and development standards of the zoning district in which it was located, including setbacks, floor area ratio, height, lot coverage, and neighborhood compatibility review. State law also allowed cities to require replacement parking when a garage or carport was demolished in conjunction with an ADU proposal.

  State law now prohibits cities from imposing development standards, such as minimum lot size, maximum lot coverage, maximum floor area ratio, and open space requirements that would prohibit the construction of an ADU that is at least 800 square feet, a maximum height of 16 feet, and setback four feet from side and rear property lines. Cities may only impose objective design standards and maximum building size regulations for projects that exceed the scope of the "Building Permit Only Process."

  Staff and the City Attorney's office carefully reviewed the new legislation to develop objective development standards that are intended to protect Monrovia's existing neighborhoods to the maximum extent feasible and permissible. Ordinance 2020-10 outlines permit requirements that are subject to <u>all</u> proposals in Section 17.44.005(C) and the additional development standards applicable to proposals subject to the "Planning Division Review" process. The following is a summary for the key provisions included in Ordinance 2020-10:

  - ***Requirements Applicable to all ADU/JADU Proposals (§17.44.005(C)):***
    - <u>Covenant Requirements</u>: Pursuant to State law, owner occupancy requirements shall not be permitted for ADU developments. However, for JADUs, the property owner is required to occupy either the primary dwelling or the JADU. Furthermore, ADUs and JADUs may not be used as short-term rentals (rentals of less than 30 days).
    - <u>Building Setbacks</u>: Pursuant to State law, additional building setbacks are not required for the conversion of existing structures. Additionally, not more than four foot side and rear setbacks can be required for new ADU construction.
    - <u>Height</u>: No ADU shall exceed a maximum height of 16 feet. Staff is recommending this as a maximum height limit for all ADU development given that the City is not allowed to conduct any type of discretionary neighborhood compatibility review or set conditions that would minimize privacy or other impacts on adjacent lots.
    - <u>Minimum/Maximum Size - ADU</u>: Ordinance 2020-10 proposes a minimum size of 220 square feet and a maximum size of 1,000 square feet for an ADU. Although State law allows up to 1,200 square feet, cities are allowed to lower the maximum size to not less than 1,000 square feet.
    - <u>Minimum/Maximum Size - JADU</u>: Pursuant to State law, Ordinance 2020-10 proposes a minimum size of 220 square feet and a maximum size of 500 square feet for a JADU.
    - <u>Parking:</u> Pursuant to State law, parking is only required for ADUs created by new construction. If an existing parking area is converted to an ADU, no replacement parking can be required. Additionally, no parking can be required if the ADU is within ½ mile walking distance of public transit, within an historic district, created through the conversion of part of the primary residence or an accessory structure, in an area where permit parking is not offered to ADU occupants, or if it is within one block of a car share program.

  - ***Requirements Applicable to ADU Proposals subject to the Planning Division Review Process (§17.44.005.D.2):***
    - <u>Historic Resources</u>: In order to continue the preservation effort to protect Monrovia's neighborhoods and historic resources, staff is recommending the following standards for ADU proposals on properties designated as a local landmarks or contributors to a designated historic district:
      - No ADU shall be approved that will require a change to the street-facing façade. Any changes to other exterior walls shall exactly match the existing siding and roofing materials, roof pitch and overhang and window materials.

- Ordinance 2020-10 requires that properties with a valid Mills Act Contract be subject to the standards and conditions of that Contract. This means that the approval of a Certificate of Appropriateness by the Historic Preservation Commission will be required for any changes affecting the exterior of the structure.

- Design: Only objective design standards may be used to review ADU development. To that effect, Ordinance 2020-10 requires new construction to have the same design, architectural style, colors and siding, roofing and window materials of the main dwelling.

Planning Commission Review

On August 12, 2020, the Planning Commission held a public hearing to review the proposed ordinance. The Commission discussed the proposed ordinance and inquired about the regulations related to setback requirements and whether any ADU proposals could require Planning Commission review. Staff clarified that the City could not impose setbacks greater than those required by State law. Staff also explained that State law requires that all ADU and JADU proposals be reviewed through a ministerial process. A proposal would only require a public hearing by the Commission if it involved a variance request.

There was no public comment on the item. At the close of the public hearing, the Commission adopted Resolution No. 2020-0001 on a roll call vote (6 AYES – 1 McClellan, absent), recommending approval of Ordinance No. 2020-10 to City Council.

Informal Comments submitted by California for Homeownership

As mentioned earlier in the report, California for Homeownership submitted *informal* comments regarding Monrovia's proposed regulations and requested that they not be included within the public record of the Planning Commission meeting. Californians for Homeownership is a non-profit organization that has been actively monitoring local jurisdictions' compliance with the new ADU and JADU legislation across the State. Their comments focus on provisions relating to the "by-right standards" in State law that are not entirely clear as to how they should be implemented, which specifically relate to ADU development applicable to the "Building Permit Only" process.

Given the ambiguity in several regulations in State law, Staff and the City Attorney's Office modified the draft ordinance since the Planning Commission's meeting to ensure consistency. The strike-through text highlights the revisions which relate to the maximum ADU size, the number of detached ADUs permitted on multifamily properties, and parking provisions.

Staff believes these modifications are in conformance with State law. Within 60 days after adoption of this Ordinance a copy will be submitted to the Department of Housing and Community Development (HCD) for their review and approval.

Conclusion

Proposed Ordinance No. 2020-10 is intended to implement AB 68, SB 13, AB 587, AB 670, AB 671, and AB 881 in accordance with those State laws, as well as facilitate the creation of accessory dwelling units in order to provide for additional housing opportunities in the City of Monrovia. Although the new ADU legislation drastically limits the City's ability to conduct design review of such proposals, Ordinance 2020-10 incorporates measures to project Monrovia's cherished neighborhoods and historic resources to the maximum extent feasible and permissible.

ENVIRONMENTAL IMPACT: Pursuant to the California Environmental Quality Act (CEQA), the adoption of an ordinance implementing those provisions to allow ADUs and JADUs is statutorily exempt. This is contained in Public Resources Code §21080.17 and California Code of Regulations §15282(h). Therefore, no further action is required under CEQA.

FISCAL IMPACT: There is no direct fiscal impact associated with the approval of this application.

OPTIONS: The following options are presented for consideration:

1. Approve the amendments of the Monrovia Municipal Code contained in Ordinance No. 2020-10 (Attachment “C”); or

2. Reject the amendments of the Monrovia Municipal Code contained in Ordinance No. 2020-10, and refer the proposed ordinance back to the Planning Commission to address any stated concerns of the City Council.

RECOMMENDATION: Staff recommends the City Council adopt Ordinance No. 2020-10. The Planning Commission adopted Planning Commission Resolution 2020-0001 recommending that the City Council adopt Ordinance No. 2020-10. The revisions made to the Ordinance after the Planning Commission hearing are to ensure the proposed regulations are consistent with State law.

COUNCIL ACTION REQUIRED: If the City Council concurs, following the public hearing, the appropriate action would be a motion to introduce, waive further reading, and read by title only Ordinance No. 2020-10.

ATTACHMENT “A”

Letter from Californians for Homeownership, dated November 15, 2019

MATTHEW GELFAND, COUNSEL
ADULAW@CAFORHOMES.ORG
TEL: (213) 739-8206

November 15, 2019

VIA EMAIL

Craig Jimenez
Community Development Director
City of Monrovia
Email: cjimenez@ci.monrovia.ca.us

Dear Mr. Jimenez:

Californians for Homeownership is a 501(c)(3) non-profit organization devoted to using legal tools to address California's housing crisis. I am writing as part of our work monitoring local compliance with California's revised laws regarding Accessory Dwelling Units (ADUs).

On October 9, the governor signed bills that broadly overhaul state ADU law, including SB 13 (Wieckowski), AB 68 (Ting), AB 881 (Bloom). We are attaching two documents that we hope will help you adopt policies that comply with the new law. The first is a clean copy Section 1.5 of AB 881, which is the final version of Government Code Section 65852.2 that will become operative on January 1, 2020. The second is a list of key provisions of the revised law.

The new law invalidates, in its entirety, any local ordinance that does not strictly comply with its requirements.[1] We are not aware of any local ADU ordinance that complies with all of the new requirements. Let us know immediately if you believe that Monrovia has adopted an ADU ordinance that will remain valid after January 1, 2020, or if the City intends to enforce any policy limiting the development of ADUs beyond the state standards identified in Government Code Section 65852.2. If we do not hear from you, we will include Monrovia in our public list of cities where only state standards apply, unless and until the City adopts a new ADU ordinance that complies with state law.

If Monrovia chooses to adopt its own ADU ordinance, we hope to be active participants in the process of developing that ordinance. To that end, we request that you include us on the notice list for any public meetings regarding a draft ADU ordinance, and that this letter be included in the correspondence file for such meetings. We look forward to working with you.

Sincerely,

Matthew Gelfand

[1] A previous version of AB 68 provided that a conflicting local ordinance would be "null and void to the extent of such conflict." That provision was struck from the final bill, which provides for complete invalidation.

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ATTACHMENT "A"

Summary of Key Provisions of SB 13 / AB 68 / AB 670 / AB 881

Reduced Costs and Burdens for Developing ADUs

- Cities must approve ADU applications within 60 days, without a hearing or discretionary review.[1]
- For ADUs permitted by 2025, cities cannot require the owner to live at the property.[2]
- Cities cannot charge any impact fees for ADUs under 750 sqft; fees for larger ADUs are limited.[3]
- Homeowners associations must allow the construction of ADUs.[4]
- ADUs can be developed at the same time as a primary unit, under most of the same rules.[5]
- A city must delay code enforcement against an existing unlawful ADU to allow it to be legalized.[6]

ADUs Subject to Automatic Approval — No Local Limits

Cities must permit certain categories of ADU without applying any local development standards (e.g., limits on lot size, unit size, parking, height, setbacks, landscaping, or aesthetics), if proposed on a lot developed with one single-family home.[7] ADUs eligible for this automatic approval include:

- An ADU converted from existing space in the home or another structure (e.g., a garage), so long as the ADU can be accessed from the exterior and has setbacks sufficient for fire safety.[8]
- A new detached ADU that is no larger than 800 sqft, has a maximum height of 16 feet, and has rear and side setbacks of 4 feet.[9]
- Both of the above options (creating two ADUs), if the converted ADU is smaller than 500 sqft.[10]

ADUs Subject to Ministerial Approval — Minimal Local Limits

Even if not subject to automatic approval, a city generally must approve any attached or detached ADU under 1,200 sqft unless the city adopts a new ADU ordinance setting local development standards for ADUs.[11] If a city adopts such an ordinance, it must abide by the following restrictions:

- No minimum lot size requirements.[12]
- No maximum unit size limit under 850 sqft (or 1,000 sqft for a two-bedroom ADU).[13]
- No required replacement parking when a parking garage is converted into an ADU.[14]
- No required parking for an ADU created through the conversion of existing space or located within a half-mile walking distance of a bus stop or transit station. [15]
- If the city imposes a floor area ratio limitation or similar rule, the limit must be designed to allow the development of at least one 800 sqft attached or detached ADU on every lot.[16]

Adding Units to Multifamily Properties

The new laws allow units to be added to multifamily buildings. Cities must permit these types of units in multifamily buildings without applying any local development standards:

- New units within the existing non-living space of a building (e.g., storage rooms, basements, or garages). At least one unit and up to ¼ of the existing unit count may be created this way.[17]
- Two new homes on the same lot as the multifamily building but detached from it, with 4-foot side and rear setbacks and a 16-foot maximum height.[18]

Unless otherwise noted, references are to Gov. Code § 65852.2 as amended in Section 1.5 of AB 881, Stats. 2019 c. 659. [1] § 65852.2(a)(3). [2] § 65852.2(a)(6). [3] § 65852.2(f)(3)(A). [4] AB 670, Stats. 2019 c. 178. [5] §§ 65852.2(a)(3); (j)(1); (j)(9) [6] § 65852.2(n). [7] § 65852.2(e)(1). [8] § 65852.2(e)(1)(A). [9] § 65852.2(e)(1)(B). [10] § 65852.2(e)(1)(B); AB 68 (Ting), Stats. 2019 c. 655 § 2 (amending Gov. Code § 65852.22(h)(1)). [11] § 65852.2(a)(4). [12] § 65852.2(a)(1)(B)(i). [13] § 65852.2(c)(2)(B). [14] § 65852.2(a)(1)(D)(xi). [15] §§ 65852.2(d)(1), (d)(3), (j)(10) [16] § 65852.2(c)(2)(C). [17] § 65852.2(e)(1)(C). [18] § 65852.2(e)(1)(D).

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California ADU Law
(Effective January 1, 2020)

Gov. Code § 65852.2 (as amended by SB 13, AB 68, and AB 881)

(a)

(1) A local agency may, by ordinance, provide for the creation of accessory dwelling units in areas zoned to allow single-family or multifamily dwelling residential use. The ordinance shall do all of the following:

(A) Designate areas within the jurisdiction of the local agency where accessory dwelling units may be permitted. The designation of areas may be based on the adequacy of water and sewer services and the impact of accessory dwelling units on traffic flow and public safety. A local agency that does not provide water or sewer services shall consult with the local water or sewer service provider regarding the adequacy of water and sewer services before designating an area where accessory dwelling units may be permitted.

(B)

(i) Impose standards on accessory dwelling units that include, but are not limited to, parking, height, setback, landscape, architectural review, maximum size of a unit, and standards that prevent adverse impacts on any real property that is listed in the California Register of Historic Resources. These standards shall not include requirements on minimum lot size.

(ii) Notwithstanding clause (i), a local agency may reduce or eliminate parking requirements for any accessory dwelling unit located within its jurisdiction.

(C) Provide that accessory dwelling units do not exceed the allowable density for the lot upon which the accessory dwelling unit is located, and that accessory dwelling units are a residential use that is consistent with the existing general plan and zoning designation for the lot.

(D) Require the accessory dwelling units to comply with all of the following:

(i) The accessory dwelling unit may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence.

(ii) The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing dwelling.

(iii) The accessory dwelling unit is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(iv) If there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing primary dwelling.

(v) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.

(vi) No passageway shall be required in conjunction with the construction of an accessory dwelling unit.

(vii) No setback shall be required for an existing living area or accessory structure or a structure constructed in the same location and to the same dimensions as an existing structure that is converted to an accessory dwelling unit or to a portion of an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is not converted from an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) Local building code requirements that apply to detached dwellings, as appropriate.

(ix) Approval by the local health officer where a private sewage disposal system is being used, if required.

(x)

(I) Parking requirements for accessory dwelling units shall not exceed one parking space per accessory dwelling unit or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.

(II) Offstreet parking shall be permitted in setback areas in locations determined by the local agency or through tandem parking, unless specific findings are made that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety conditions.

(III) This clause shall not apply to an accessory dwelling unit that is described in subdivision (d).

(xi) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, the local agency shall not require that those offstreet parking spaces be replaced.

(xii) Accessory dwelling units shall not be required to provide fire sprinklers if they are not required for the primary residence.

(2) The ordinance shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(3) A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing, notwithstanding Section 65901 or 65906 or any local ordinance regulating the issuance of variances or special use permits. The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall be considered without discretionary review or hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. A local agency may charge a fee to reimburse it for costs incurred to implement this paragraph, including the costs of adopting or amending any ordinance that provides for the creation of an accessory dwelling unit.

(4) An existing ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes, provisions, or requirements for those units, except as otherwise provided in this subdivision. If a local agency has an existing accessory dwelling unit ordinance that fails to meet the requirements of this subdivision, that ordinance shall be null and void and that agency shall thereafter apply the standards established in this subdivision for the approval of accessory dwelling units, unless and until the agency adopts an ordinance that complies with this section.

(5) No other local ordinance, policy, or regulation shall be the basis for the delay or denial of a building permit or a use permit under this subdivision.

(6) This subdivision establishes the maximum standards that local agencies shall use to evaluate a proposed accessory dwelling unit on a lot that includes a proposed or existing single-family dwelling. No additional standards, other than those provided in this subdivision, shall be used or imposed, including any owner-occupant requirement, except that a local agency may require that the property be used for rentals of terms longer than 30 days.

(7) A local agency may amend its zoning ordinance or general plan to incorporate the policies, procedures, or other provisions applicable to the creation of an accessory dwelling unit if these provisions are consistent with the limitations of this subdivision.

(8) An accessory dwelling unit that conforms to this subdivision shall be deemed to be an accessory use or an accessory building and shall not be considered to exceed the allowable density for the lot upon which it is located, and shall be deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot. The accessory dwelling unit shall not be considered in the application of any local ordinance, policy, or program to limit residential growth.

(b) When a local agency that has not adopted an ordinance governing accessory dwelling units in accordance with subdivision (a) receives an application for a permit to create an accessory dwelling unit pursuant to this subdivision, the local agency shall approve or disapprove the application ministerially without discretionary review pursuant to subdivision (a). The permitting agency shall act on the application to create an accessory dwelling unit or a junior accessory dwelling unit within 60 days from the date the local agency receives a completed application if there is an existing single-family or multifamily dwelling on the lot. If the permit application to create an accessory dwelling unit or a junior accessory dwelling unit is submitted with a permit application to create a new single-family dwelling on the lot, the permitting agency may delay acting on the permit application for the accessory dwelling unit or the junior accessory dwelling unit until the permitting agency acts on the permit application to create the new single-family dwelling, but the application to create the accessory dwelling unit or junior accessory dwelling unit shall still be considered ministerially without discretionary review or a hearing. If the applicant requests a delay, the 60-day time period shall be tolled for the period of the delay. If the local agency has not acted upon the completed application within 60 days, the application shall be deemed approved.

(c)

(1) Subject to paragraph (2), a local agency may establish minimum and maximum unit size requirements for both attached and detached accessory dwelling units.

(2) Notwithstanding paragraph (1), a local agency shall not establish by ordinance any of the following:

(A) A minimum square footage requirement for either an attached or detached accessory dwelling unit that prohibits an efficiency unit.

(B) A maximum square footage requirement for either an attached or detached accessory dwelling unit that is less than either of the following:

(i) 850 square feet.

(ii) 1,000 square feet for an accessory dwelling unit that provides more than one bedroom.

(C) Any other minimum or maximum size for an accessory dwelling unit, size based upon a percentage of the proposed or existing primary dwelling, or limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings that does not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with four-foot side and rear yard setbacks to be constructed in compliance with all other local development standards.

(d) Notwithstanding any other law, a local agency, whether or not it has adopted an ordinance governing accessory dwelling units in accordance with subdivision (a), shall not impose parking standards for an accessory dwelling unit in any of the following instances:

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

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

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

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

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

(e)

(1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(A) One accessory dwelling unit or junior accessory dwelling unit per lot with a proposed or existing single-family dwelling if all of the following apply:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(ii) The space has exterior access from the proposed or existing single-family dwelling.

(iii) The side and rear setbacks are sufficient for fire and safety.

(iv) The junior accessory dwelling unit complies with the requirements of Section 65852.22.

(B) One detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling. The accessory dwelling unit may be combined with a junior accessory dwelling unit described in subparagraph (A). A local agency may impose the following conditions on the accessory dwelling unit:

(i) A total floor area limitation of not more than 800 square feet.

(ii) A height limitation of 16 feet.

(C)

(i) Multiple accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics,

basements, or garages, if each unit complies with state building standards for dwellings.

(ii) A local agency shall allow at least one accessory dwelling unit within an existing multifamily dwelling and shall allow up to 25 percent of the existing multifamily dwelling units.

(D) Not more than two accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four-foot rear yard and side setbacks.

(2) A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.

(3) The installation of fire sprinklers shall not be required in an accessory dwelling unit if sprinklers are not required for the primary residence.

(4) A local agency shall require that a rental of the accessory dwelling unit created pursuant to this subdivision be for a term longer than 30 days.

(5) A local agency may require, as part of the application for a permit to create an accessory dwelling unit connected to an onsite water treatment system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.

(6) Notwithstanding subdivision (c) and paragraph (1) a local agency that has adopted an ordinance by July 1, 2018, providing for the approval of accessory dwelling units in multifamily dwelling structures shall ministerially consider a permit application to construct an accessory dwelling unit that is described in paragraph (1), and may impose standards including, but not limited to, design, development, and historic standards on said accessory dwelling units. These standards shall not include requirements on minimum lot size.

(f)

(1) Fees charged for the construction of accessory dwelling units shall be determined in accordance with Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

(2) An accessory dwelling unit shall not be considered by a local agency, special district, or water corporation to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the accessory dwelling unit was constructed with a new single-family dwelling.

(3)

(A) A local agency, special district, or water corporation shall not impose any impact fee upon the development of an accessory dwelling unit less than 750 square feet. Any impact fees charged for an accessory dwelling unit of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

(B) For purposes of this paragraph, "impact fee" has the same meaning as the term "fee" is defined in subdivision (b) of Section 66000, except that it also includes fees specified in Section 66477. "Impact fee" does not include any connection fee or capacity charge charged by a local agency, special district, or water corporation.

(4) For an accessory dwelling unit described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation shall not require the applicant to install a new or separate utility connection directly between the accessory dwelling unit and the utility or impose a related connection fee or capacity charge, unless the accessory dwelling unit was constructed with a new single-family home.

(5) For an accessory dwelling unit that is not described in subparagraph (A) of paragraph (1) of subdivision (e), a local agency, special district, or water corporation may require a new or separate utility connection directly between the accessory dwelling unit and the utility. Consistent with Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its square feet or the number of its drainage fixture unit (DFU) values, as defined in the Uniform Plumbing Code adopted and published by the International Association of Plumbing and Mechanical Officials, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(g) This section does not limit the authority of local agencies to adopt less restrictive requirements for the creation of an accessory dwelling unit.

(h)

(1) A local agency shall submit a copy of the ordinance adopted pursuant to subdivision (a) to the Department of Housing and Community Development within 60 days after adoption. After adoption of an ordinance, the department may submit written findings to the local agency as to whether the ordinance complies with this section.

(2)

(A) If the department finds that the local agency's ordinance does not comply with this section, the department shall notify the local agency and shall provide the local agency with a reasonable time, no longer than 30 days, to respond to the findings before taking any other action authorized by this section.

(B) The local agency shall consider the findings made by the department pursuant to subparagraph (A) and shall do one of the following:

(i) Amend the ordinance to comply with this section.

(ii) Adopt the ordinance without changes. The local agency shall include findings in its resolution adopting the ordinance that explain the reasons the local agency believes that the ordinance complies with this section despite the findings of the department.

(3)

(A) If the local agency does not amend its ordinance in response to the department's findings or does not adopt a resolution with findings explaining the

reason the ordinance complies with this section and addressing the department's findings, the department shall notify the local agency and may notify the Attorney General that the local agency is in violation of state law.

(B) Before notifying the Attorney General that the local agency is in violation of state law, the department may consider whether a local agency adopted an ordinance in compliance with this section between January 1, 2017, and January 1, 2020.

(i) The department may review, adopt, amend, or repeal guidelines to implement uniform standards or criteria that supplement or clarify the terms, references, and standards set forth in this section. The guidelines adopted pursuant to this subdivision are not subject to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2.

(j) As used in this section, the following terms mean:

(1) "Accessory dwelling unit" means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes the following:

(A) An efficiency unit.

(B) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(2) "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

(3) "Efficiency unit" has the same meaning as defined in Section 17958.1 of the Health and Safety Code.

(4) "Living area" means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

(5) "Local agency" means a city, county, or city and county, whether general law or chartered.

(6) "Neighborhood" has the same meaning as set forth in Section 65589.5.

(7) "Nonconforming zoning condition" means a physical improvement on a property that does not conform with current zoning standards.

(8) "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

(9) "Proposed dwelling" means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

(10) "Public transit" means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

(11) "Tandem parking" means that two or more automobiles are parked on a driveway or in any other location on a lot, lined up behind one another.

(k) A local agency shall not issue a certificate of occupancy for an accessory dwelling unit before the local agency issues a certificate of occupancy for the primary dwelling.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local government shall not be required to hold public hearings for coastal development permit applications for accessory dwelling units.

(m) A local agency may count an accessory dwelling unit for purposes of identifying adequate sites for housing, as specified in subdivision (a) of Section 65583.1, subject to authorization by the department and compliance with this division.

(n) In enforcing building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code for an accessory dwelling unit described in paragraph (1) or (2) below, a local agency, upon request of an owner of an accessory dwelling unit for a delay in enforcement, shall delay enforcement of a building standard, subject to compliance with Section 17980.12 of the Health and Safety Code:

(1) The accessory dwelling unit was built before January 1, 2020.

(2) The accessory dwelling unit was built on or after January 1, 2020, in a local jurisdiction that, at the time the accessory dwelling unit was built, had a noncompliant accessory dwelling unit ordinance, but the ordinance is compliant at the time the request is made.

(o) This section shall remain in effect only until January 1, 2025, and as of that date is repealed.

ATTACHMENT “B”

Draft Ordinance 2020-10 with Strikethrough Text

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING THE MONROVIA MUNICIPAL CODE TO AMEND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), Assembly Bill 587 ("AB 587"), Assembly Bill 670 ("AB 670"), and Assembly Bill 881 ("AB 881") amended state regulations to further encourage the development and limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). To comply with State law, the City must now update its ADU ordinance.

SECTION 2. On August 12, 2020, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. 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 testimony presented in connection with this Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. 2020-01 recommending approval of Ordinance No. 2020-10 to the City Council.

SECTION 3. On_____, 2020, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. 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. Pursuant to the California Environmental Quality Act ("CEQA) and the City's local CEQA Guidelines, Ordinance No. 2020-10 is considered exempt from CEQA because this zoning ordinance implements the provisions of Government Code Section 65852.2 and Government Code Section 65852.22, and therefore is exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgement and analysis, concurs that City staff and the Planning Commission have correctly concluded that the project is exempt from CEQA and no further action is required under CEQA.

SECTION 5. The custodian of records for all materials that constitute the record of the proceedings 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. 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 repealed in its entirety.

SECTION 7. The Permitted Uses chart in Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.010 (Uses Permitted in Each Zone) of the Monrovia Municipal Code is hereby amended by deleting "Accessory Dwelling Unit" and "Accessory Dwelling Unit (junior)" from the use table.

SECTION 8. 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 changing the review requirement for "Accessory dwelling unit" from "DRC (Minor CUP)" to "Staff" and the Code Reference from "17.44.160" to "17.44.005"; and changing the Code Reference from "17.44.165" to 17.44.005" for "Accessory dwelling unit (Junior)". The new text shall read as follows, with all other provisions of Section 17.08.020 to remain unchanged:

Special References Use/Activity	**Review Requirement**	**Code Reference**
Accessory dwelling unit	Staff	17.44.005
Accessory dwelling unit (Junior)	Staff	17.44.005

SECTION 9. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.030 (Use Type Explanations) of the Monrovia Municipal Code is hereby amended by changing the cross reference in the definition for "Accessory Dwelling Unit" from "17.44.160" to "17.44.005" and the cross reference in the definition for "Accessory Dwelling Unit (Junior)" from "17.44.165" to "17.44.005".

SECTION 10. 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.

SECTION 11. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.165 (Junior accessory dwelling units) of the Monrovia Municipal Code is hereby repealed in its entirety.

SECTION 12. Title 17 (Zoning), Chapter 17.44 (Special Uses) of the Monrovia Municipal Code is hereby amended by adopting a new Chapter 17.44.005 entitled "Accessory Dwelling Units" which shall read as follows:

“17.44.005. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

A. *Definitions*.

ACCESSORY DWELLING UNIT or ***ADU*** has the meaning set forth in Government Code Section 65852.2 and means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single family or multi-family dwelling. An ADU also includes an efficiency unit and a manufactured home.

ACCESSORY DWELLING UNIT, JUNIOR or ***JADU*** has the meaning set forth in Government Code Section 65852.22 and means a residential dwelling unit that is no more than 500 square feet in size and is contained entirely within the habitable area of a single-family residence. A JADU shall include an efficiency kitchen, and may include separate bathroom facilities or share bathroom facilities with the single-family residence.

ATTACHED ADU means an ***ADU*** that shares at least one common wall with the primary dwelling.

DETACHED ADU means an ***ADU*** that is constructed as a separate structure from an existing or proposed single-family dwelling or multifamily dwelling.

EFFICIENCY UNIT has the meaning set forth in Section 17958.1 of the Health and Safety Code, and may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 220 square feet and shall have a bathroom facility and a partial kitchen.

MANUFACTURED HOME, has the meaning set forth in Section 18007 of the Health and Safety Code.

PRIMARY DWELLING, for purposes of this chapter, means the existing or proposed single-family or multi-family dwelling on the lot where an ADU would be located.

PUBLIC TRANSIT, for purposes of this chapter, has the meaning set forth in Government Code Section 65852.2(j).

B. Permitted zones and locations. The following types of ADU and JADU proposals shall be permitted in conformance with the requirements located herein, as well as subject to the application and development standards in Sections 17.44.005(C) and 17.44.005(D):

1. ADUs are permitted in all zoning districts allowing single family or multifamily development on lots developed with existing or proposed single family or multifamily dwellings ~~or proposed single family dwellings~~, as provided herein.

2. *ADU on single family lots*. Lots developed with one existing or proposed single family dwelling, and located in a zoning district permitting single family or multifamily uses, shall be permitted to develop one ADU as follows:

    a. Attached to an existing or proposed single family dwelling.

    b. A new detached structure.

    c. An addition attached to an existing or a proposed accessory structure.

    d. Conversion of an existing detached accessory structure, including a garage, storage area, or similar structure. This type of conversion may include up to 150 square feet of newly constructed space as needed for ingress and egress.

    e. Reconstruction of an existing detached accessory structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and with the same dimensions and setbacks as the existing structure.

3. *JADU on single family developed lots*. Residential lots developed with an existing or proposed single family dwelling located in a zoning district permitting residential uses shall be permitted one JADU and shall qualify for the "Building Permit Only" process as described in this chapter. The JADU shall meet the following standards:

    a. The JADU shall be contained entirely within the walls of the existing or proposed single-family dwelling. By definition, a JADU is not permitted in an accessory structure.

    b. The JADU shall have a minimum size of 220 square feet and a maximum of 500 square feet of gross floor area. The gross floor area of a shared bathroom that is within the single family dwelling shall not be included in the maximum gross floor area of a JADU.

    c. The JADU shall have a separate and direct exterior access from the single-family dwelling.

    d. The JADU may include separate bathroom facilities, or may share bathroom facilities with the single-family dwelling.

e. The JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.

f. No additional parking shall be required for the JADU.

g. The property owner shall live in either the JADU or the single-family dwelling.

h. A property may have one attached JADU and one detached 800 square foot ADU meeting the requirements of Section 17.44.005(D)(1)(c).

4. *ADU(s) on multifamily developed lots*. Residential lots developed with existing multifamily development located in a zoning district permitting multifamily residential or mixed uses shall be permitted to develop ADU(s) and shall qualify for the "Building Permit Only" process as described in this chapter. The ADU(s) shall meet the following standards:

   a. *Conversion of non-habitable space*. Non-habitable space within an existing multifamily building may be converted into at least one ADU, up to 25 percent of the existing permitted number of units within the building. Non-habitable space includes, but is not limited to, storage rooms, passageways, attics, basements, and attached garages.

      1. ~~The maximum floor area of any ADU shall be 800 square feet.~~

      2. No additional parking shall be required.

      3. Each unit must comply with state building standards for dwellings.

   b. *Detached, new construction*. ~~In addition, one~~ Two detached ADU<u>s</u> shall be permitted and shall meet the following development standards:

      1. *Height*. Maximum 16 feet

      2. ~~*Size*. Maximum 800 square feet~~

      3. *Setbacks*. Minimum four feet rear and side yard setback. An ADU shall not be permitted within the front yard, unless there is no other area on the property where the ADU can be located.

      4. <u>No additional parking shall be required.</u>

      5. ~~*Parking*. One parking space shall be required for the detached ADU pursuant to section 17.44.005(D)(2)(g).~~

      6. ~~A detached ADU shall not remove existing development requirements such as parking and open space.~~

c. Existing livable space of multi-family dwelling units shall not be converted to ADUs or JADUs.

C. Application and permit requirements subject to all ADU and JADU development.

1. Any application for an ADU or JADU shall be signed by the owner(s) of the parcel of land where the ADU or JADU will be located and shall be filed with the Community Development Department for processing.

2. ADUs and JADUs shall comply with all applicable California Building Code Standards, including grading provisions in Appendix J, as amended by the City.

3. ADUs and JADUs shall have independent exterior access separate from the access to the primary dwelling. No passageway to the primary dwelling shall be required.

4. The installation of fire sprinklers shall be required if it is required for the primary dwelling.

5. ADUs and JADUs are an ancillary use to the primary residential use on the lot that does not alter the allowable density.

6. No conditions of approval shall be placed to correct legal nonconforming zoning conditions.

7. *Minor Exception*. The provisions for Minor Exceptions outlined in Section 17.52.110 shall not apply to ADU and JADU development. All deviations from the development standards contained in this section shall require approval of a Variance by the Planning Commission as outlined in Section 17.52.100.

8. *Covenant Required.* The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, declaring compliance with the following conditions referenced in this section. Proof of recordation of the covenant shall be provided to the City prior to the final inspection and/or the issuance of a Certificate of Occupancy.

    a. An ADU/JADU shall not be sold or otherwise conveyed separately from the primary residence.

    b. Owner-occupancy shall be required for a property developed with a JADU. The owner may reside in either the primary dwelling or the JADU.

    c. The ADU/JADU shall not be utilized as a short term rental and shall not be rented for a term of less than 30 consecutive days.

D. Development standards and approval process.

1. *"Building Permit Only" process.* Notwithstanding the other requirements of this Title, ADU and JADU proposals shall qualify for the "Building Permit Only" process if the proposal meets one of the following ADU types and associated development standards:

    a. *Within new single-family dwelling*. One ADU or JADU shall be allowed within the space of a proposed single family dwelling subject to the following:

        1. ~~The ADU has a maximum size of 800 square feet.~~

        2. The JADU meets the requirements of 17.44.005(B)(3).

    b. *Conversion of existing space*. One ADU or JADU that is converted from space within the existing habitable space of a single family dwelling or one ADU that is converted from space within an existing detached accessory structure shall be allowed subject to the following:

        1. ~~The ADU has a maximum size of 800 square feet.~~

        2. An ADU that is created from the conversion of the existing space of a detached accessory structure may include an expansion of not more than 150 square feet beyond the existing physical dimensions for the purpose of accommodating ingress and egress.

        3. The side and rear setbacks are sufficient for fire and safety.

        4. The JADU meets the requirements of 17.44.005(B)(3).

    c. *New detached structure*. One detached ADU shall be allowed on a lot containing a single family dwelling subject to the following:

        1. A detached ADU shall have a minimum side yard and rear yard setback of four feet and shall not exceed a maximum height of 16 feet.

        2. The ADU shall have a minimum size of 220 square feet and a maximum size of 800 square feet.

        3. <u>No additional parking shall be required.</u>

        4. ~~*Parking*. One parking space shall be required pursuant to section 17.44.005(D)(2)(g).~~

        5. A property may have one attached JADU and one detached 800 square foot ADU.

d. *Multifamily lots*. An ADU proposed on a lot with a multifamily dwelling in the manner described in Section 17.44.005(B)(4) shall qualify for the "Building Permit Only" process.

2. *"Planning Division Review" and additional regulations and standards*. An ADU proposed on a lot with an existing or proposed single family dwelling that does not qualify for the "Building Permit Only" process described in Section 17.44.005(D)(1) shall require a Planning Division Review and shall be subject to the following regulations and standards:

   a. *Size Restrictions*: Where there is an existing single family dwelling on a lot, an attached ADU shall not exceed fifty percent (50%) of the gross floor area of the single family dwelling. A Detached ADU shall not exceed 1,000 square feet in floor area. In no case shall an ADU be less than 220 square feet.

   b. *Setbacks*. No additional setback shall be required for an ADU that is converted from space within an existing structure or within a structure constructed in the same location and dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet. No new ADU shall be constructed between the primary dwelling and the street, except where the requirements of this Section 17.44.005 would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.

   c. *Height restrictions*. An ADU developed as a new detached or attached structure shall not exceed 16 feet in height.

   d. *Floor Area*. The floor area of an ADU when combined with the floor area of the primary dwelling shall not exceed the maximum allowable floor area applicable to the zoning district in which the property is located, except where the application of the those regulations would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.

   e. *Historic Resources*. An ADU proposed on a property designated as a historical resource listed on the National Register, the California Register of Historic Places or designated as a local landmark or a contributor within a designated historic district shall be subject to the following standards:

      1. No ADU shall be approved that will require a change to the street-facing façade of an historic structure designated on either a local, state or federal register of historic resources.

      2. Any changes to the exterior of an historic resource shall exactly

match the existing siding and roofing materials, roof pitch and overhang and window materials.

3. No ADU shall be approved if it requires the demolition or disturbance of cultural or tribal resources.

4. Properties with a valid Mills Act Contract shall be subject to the standards and conditions of that Contract.

f. *Design*. The ADU shall have the same design, architectural style, colors and siding, roofing and window materials as the primary dwelling, and shall comply with any objective design standards adopted by the City that are applicable to the zoning district or Specific Plan area where the ADU is located.

g. *Parking*.

1. In addition to the off-street parking space(s) required for the primary dwelling, one off-street parking space shall be provided for each ADU, except when:

a. The ADU is located within one-half mile walking distance of Public Transit;

b. The ADU is located within an architecturally and historically significant historic district;

c. The ADU is converted from a part of an existing single family dwelling or an accessory structure, or is part of a proposed single family dwelling;

d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or

e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.

2. When an ADU is created by converting or demolishing a detached garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU, and no additional parking shall be required.

3. Required parking spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, and may be

located in the front, side, and rear setback areas, subject to the following:

a. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.

b. Vehicles must be parked on a paved surface pursuant to Chapter 17.24 of this Title.

c. Parking in the front yard shall be limited to the driveway. No more than 25% of a front yard shall be dedicated to vehicle parking.

d. Access to on-site parking spaces shall be provided via an approved driveway location only.

e. Parking shall not be permitted in required fire lanes.

E. Impact Fees and Utility Connections.

1. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code section 66000 et seq., except as specifically provided in California Government Code Sections 65852.2 and 65852.22. Neither ADUs nor JADUs shall be subject to traffic impact fees under Chapter 3.22, unless Section 3.22.050 is explicitly amended to impose such fees.

2. ADUs and JADUs shall have adequate water and sewer services. These services shall be provided from the water and sewer points of connection for the primary dwelling unit.

3. If the ADU is proposed to be connected to an onsite water treatment system, adequate documentation must be presented to the city that indicates that a percolation test has been completed and certified within the last five years or if the percolation test has been recertified, within the last 10 years.

SECTION 12. Submittal of Ordinance. The Community Development Director, or his designee, shall submit a copy of the Ordinance to the Department of Housing and Community Development within 60 days after adoption of this Ordinance.

SECTION 13. 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 14. This Ordinance shall take effect thirty (30) days after its final passage and adoption. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which this proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of this Ordinance, the City Clerk is instructed to publish a summary of this Ordinance with the names of those City Council members voting for and against this Ordinance, and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against this Ordinance or amendment at least until the day of such publication.

INTRODUCED this_____day of_____, 2020

PASSED, APPROVED, AND ADOPTED this____day of_____, 2020.

Tom Adams, Mayor
City of Monrovia

ATTEST:

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

APPROVED AS TO FORM:

Craig A. Steele, City Attorney
City of Monrovia

ATTACHMENT “C”

Draft Ordinance 2020-10
Clean Version

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING THE MONROVIA MUNICIPAL CODE TO AMEND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), Assembly Bill 587 ("AB 587"), Assembly Bill 670 ("AB 670"), and Assembly Bill 881 ("AB 881") amended state regulations to further encourage the development and limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). To comply with State law, the City must now update its ADU ordinance.

SECTION 2. On August 12, 2020, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. 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 testimony presented in connection with this Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. 2020-01 recommending approval of Ordinance No. 2020-10 to the City Council.

SECTION 3. On September 15, 2020, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. 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. Pursuant to the California Environmental Quality Act ("CEQA) and the City's local CEQA Guidelines, Ordinance No. 2020-10 is considered exempt from CEQA because this zoning ordinance implements the provisions of Government Code Section 65852.2 and Government Code Section 65852.22, and therefore is exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgement and analysis, concurs that City staff and the Planning Commission have correctly concluded that the project is exempt from CEQA and no further action is required under CEQA.

SECTION 5. The custodian of records for all materials that constitute the record of the proceedings 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. 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 repealed in its entirety.

SECTION 7. The Permitted Uses chart in Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.010 (Uses Permitted in Each Zone) of the Monrovia Municipal Code is hereby amended by deleting "Accessory Dwelling Unit" and "Accessory Dwelling Unit (junior)" from the use table.

SECTION 8. 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 changing the review requirement for "Accessory dwelling unit" from "DRC (Minor CUP)" to "Staff" and the Code Reference from "17.44.160" to "17.44.005"; and changing the Code Reference from "17.44.165" to 17.44.005" for "Accessory dwelling unit (Junior)". The new text shall read as follows, with all other provisions of Section 17.08.020 to remain unchanged:

Special References Use/Activity	**Review Requirement**	**Code Reference**
Accessory dwelling unit	Staff	17.44.005
Accessory dwelling unit (Junior)	Staff	17.44.005

SECTION 9. Title 17 (Zoning), Chapter 17.08 (Permitted Uses), Section 17.08.030 (Use Type Explanations) of the Monrovia Municipal Code is hereby amended by changing the cross reference in the definition for "Accessory Dwelling Unit" from "17.44.160" to "17.44.005" and the cross reference in the definition for "Accessory Dwelling Unit (Junior)" from "17.44.165" to "17.44.005".

SECTION 10. 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.

SECTION 11. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.165 (Junior accessory dwelling units) of the Monrovia Municipal Code is hereby repealed in its entirety.

SECTION 12. Title 17 (Zoning), Chapter 17.44 (Special Uses) of the Monrovia Municipal Code is hereby amended by adopting a new Chapter 17.44.005 entitled "Accessory Dwelling Units" which shall read as follows:

“17.44.005. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

A. *Definitions*.

ACCESSORY DWELLING UNIT or ***ADU*** has the meaning set forth in Government Code Section 65852.2 and means an attached or detached residential dwelling unit that provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and shall have a bathroom, and shall be located on the same parcel as the single family or multi-family dwelling. An ADU also includes an efficiency unit and a manufactured home.

ACCESSORY DWELLING UNIT, JUNIOR or ***JADU*** has the meaning set forth in Government Code Section 65852.22 and means a residential dwelling unit that is no more than 500 square feet in size and is contained entirely within the habitable area of a single-family residence. A JADU shall include an efficiency kitchen, and may include separate bathroom facilities or share bathroom facilities with the single-family residence.

ATTACHED ADU means an ***ADU*** that shares at least one common wall with the primary dwelling.

DETACHED ADU means an ***ADU*** that is constructed as a separate structure from an existing or proposed single-family dwelling or multifamily dwelling.

EFFICIENCY UNIT has the meaning set forth in Section 17958.1 of the Health and Safety Code, and may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 220 square feet and shall have a bathroom facility and a partial kitchen.

MANUFACTURED HOME, has the meaning set forth in Section 18007 of the Health and Safety Code.

PRIMARY DWELLING, for purposes of this chapter, means the existing or proposed single-family or multi-family dwelling on the lot where an ADU would be located.

PUBLIC TRANSIT, for purposes of this chapter, has the meaning set forth in Government Code Section 65852.2(j).

B. Permitted zones and locations. The following types of ADU and JADU proposals shall be permitted in conformance with the requirements located herein, as well as subject to the application and development standards in Sections 17.44.005(C) and 17.44.005(D):

1. ADUs are permitted in all zoning districts allowing single family or multifamily development on lots developed with existing or proposed single family or multifamily dwellings, as provided herein.

2. *ADU on single family lots*. Lots developed with one existing or proposed single family dwelling, and located in a zoning district permitting single family or multifamily uses, shall be permitted to develop one ADU as follows:

    a. Attached to an existing or proposed single family dwelling.

    b. A new detached structure.

    c. An addition attached to an existing or a proposed accessory structure.

    d. Conversion of an existing detached accessory structure, including a garage, storage area, or similar structure. This type of conversion may include up to 150 square feet of newly constructed space as needed for ingress and egress.

    e. Reconstruction of an existing detached accessory structure or living area that is proposed to be converted to an ADU, or a portion thereof, in the same location and with the same dimensions and setbacks as the existing structure.

3. *JADU on single family developed lots*. Residential lots developed with an existing or proposed single family dwelling located in a zoning district permitting residential uses shall be permitted one JADU and shall qualify for the “Building Permit Only” process as described in this chapter. The JADU shall meet the following standards:

    a. The JADU shall be contained entirely within the walls of the existing or proposed single-family dwelling. By definition, a JADU is not permitted in an accessory structure.

    b. The JADU shall have a minimum size of 220 square feet and a maximum of 500 square feet of gross floor area. The gross floor area of a shared bathroom that is within the single family dwelling shall not be included in the maximum gross floor area of a JADU.

    c. The JADU shall have a separate and direct exterior access from the single-family dwelling.

    d. The JADU may include separate bathroom facilities, or may share bathroom facilities with the single-family dwelling.

e. The JADU shall include an efficiency kitchen meeting the requirements of Government Code Section 65852.22.

f. No additional parking shall be required for the JADU.

g. The property owner shall live in either the JADU or the single-family dwelling.

h. A property may have one attached JADU and one detached 800 square foot ADU meeting the requirements of Section 17.44.005(D)(1)(c).

4. *ADU(s) on multifamily developed lots*. Residential lots developed with existing multifamily development located in a zoning district permitting multifamily residential or mixed uses shall be permitted to develop ADU(s) and shall qualify for the "Building Permit Only" process as described in this chapter. The ADU(s) shall meet the following standards:

   a. *Conversion of non-habitable space*. Non-habitable space within an existing multifamily building may be converted into at least one ADU, up to 25 percent of the existing permitted number of units within the building. Non-habitable space includes, but is not limited to, storage rooms, passageways, attics, basements, and attached garages.

      1. No additional parking shall be required.

      2. Each unit must comply with state building standards for dwellings.

   b. *Detached, new construction*. Two detached ADUs shall be permitted and shall meet the following development standards:

      1. *Height*. Maximum 16 feet

      2. *Setbacks*. Minimum four feet rear and side yard setback. An ADU shall not be permitted within the front yard, unless there is no other area on the property where the ADU can be located.

      3. No additional parking shall be required.

   c. Existing livable space of multi-family dwelling units shall not be converted to ADUs or JADUs.

C. Application and permit requirements subject to all ADU and JADU development.

1. Any application for an ADU or JADU shall be signed by the owner(s) of the parcel of land where the ADU or JADU will be located and shall be filed with the Community Development Department for processing.

2. ADUs and JADUs shall comply with all applicable California Building Code Standards, including grading provisions in Appendix J, as amended by the City.

3. ADUs and JADUs shall have independent exterior access separate from the access to the primary dwelling. No passageway to the primary dwelling shall be required.

4. The installation of fire sprinklers shall be required if it is required for the primary dwelling.

5. ADUs and JADUs are an ancillary use to the primary residential use on the lot that does not alter the allowable density.

6. No conditions of approval shall be placed to correct legal nonconforming zoning conditions.

7. *Minor Exception*. The provisions for Minor Exceptions outlined in Section 17.52.110 shall not apply to ADU and JADU development. All deviations from the development standards contained in this section shall require approval of a Variance by the Planning Commission as outlined in Section 17.52.100.

8. *Covenant Required.* The property owner shall record a declaration of restrictions, in a form approved by the City Attorney, declaring compliance with the following conditions referenced in this section. Proof of recordation of the covenant shall be provided to the City prior to the final inspection and/or the issuance of a Certificate of Occupancy.

    a. An ADU/JADU shall not be sold or otherwise conveyed separately from the primary residence.

    b. Owner-occupancy shall be required for a property developed with a JADU. The owner may reside in either the primary dwelling or the JADU.

    c. The ADU/JADU shall not be utilized as a short term rental and shall not be rented for a term of less than 30 consecutive days.

D. Development standards and approval process.

1. *"Building Permit Only" process.* Notwithstanding the other requirements of this Title, ADU and JADU proposals shall qualify for the "Building Permit Only" process if the proposal meets one of the following ADU types and associated development standards:

    a. *Within new single-family dwelling*. One ADU or JADU shall be allowed within the space of a proposed single family dwelling subject to the following:

1. The JADU meets the requirements of 17.44.005(B)(3).

b. *Conversion of existing space*. One ADU or JADU that is converted from space within the existing habitable space of a single family dwelling or one ADU that is converted from space within an existing detached accessory structure shall be allowed subject to the following:

    1. An ADU that is created from the conversion of the existing space of a detached accessory structure may include an expansion of not more than 150 square feet beyond the existing physical dimensions for the purpose of accommodating ingress and egress.

    2. The side and rear setbacks are sufficient for fire and safety.

    3. The JADU meets the requirements of 17.44.005(B)(3).

c. *New detached structure*. One detached ADU shall be allowed on a lot containing a single family dwelling subject to the following:

    1. A detached ADU shall have a minimum side yard and rear yard setback of four feet and shall not exceed a maximum height of 16 feet.

    2. The ADU shall have a minimum size of 220 square feet and a maximum size of 800 square feet.

    3. No additional parking shall be required.

    4. A property may have one attached JADU and one detached 800 square foot ADU.

d. *Multifamily lots*. An ADU proposed on a lot with a multifamily dwelling in the manner described in Section 17.44.005(B)(4) shall qualify for the "Building Permit Only" process.

2. *"Planning Division Review" and additional regulations and standards*. An ADU proposed on a lot with an existing or proposed single family dwelling that does not qualify for the "Building Permit Only" process described in Section 17.44.005(D)(1) shall require a Planning Division Review and shall be subject to the following regulations and standards:

    a. *Size Restrictions*: Where there is an existing single family dwelling on a lot, an attached ADU shall not exceed fifty percent (50%) of the gross floor area of the single family dwelling. A Detached ADU shall not exceed 1,000 square feet in floor area. In no case shall an ADU be less than 220 square feet.

b. *Setbacks*. No additional setback shall be required for an ADU that is converted from space within an existing structure or within a structure constructed in the same location and dimensions as an existing structure. For all other ADUs, the required setback from side and rear lot lines shall be four feet. No new ADU shall be constructed between the primary dwelling and the street, except where the requirements of this Section 17.44.005 would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.

c. *Height restrictions*. An ADU developed as a new detached or attached structure shall not exceed 16 feet in height.

d. *Floor Area*. The floor area of an ADU when combined with the floor area of the primary dwelling shall not exceed the maximum allowable floor area applicable to the zoning district in which the property is located, except where the application of the those regulations would not permit construction of an 800 square foot ADU that is 16 feet in height with four-foot side and rear yard setbacks.

e. *Historic Resources*. An ADU proposed on a property designated as a historical resource listed on the National Register, the California Register of Historic Places or designated as a local landmark or a contributor within a designated historic district shall be subject to the following standards:

    1. No ADU shall be approved that will require a change to the street-facing façade of an historic structure designated on either a local, state or federal register of historic resources.

    2. Any changes to the exterior of an historic resource shall exactly match the existing siding and roofing materials, roof pitch and overhang and window materials.

    3. No ADU shall be approved if it requires the demolition or disturbance of cultural or tribal resources.

    4. Properties with a valid Mills Act Contract shall be subject to the standards and conditions of that Contract.

f. *Design*. The ADU shall have the same design, architectural style, colors and siding, roofing and window materials as the primary dwelling, and shall comply with any objective design standards adopted by the City that are applicable to the zoning district or Specific Plan area where the ADU is located.

g. *Parking*.

1. In addition to the off-street parking space(s) required for the primary dwelling, one off-street parking space shall be provided for each ADU, except when:

    a. The ADU is located within one-half mile walking distance of Public Transit;

    b. The ADU is located within an architecturally and historically significant historic district;

    c. The ADU is converted from a part of an existing single family dwelling or an accessory structure, or is part of a proposed single family dwelling;

    d. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant; or

    e. The ADU is located within one block of a city-approved and dedicated parking space for a car share vehicle.

2. When an ADU is created by converting or demolishing a detached garage, carport or covered parking structure, replacement of parking space(s) eliminated by the construction of the ADU shall not be required as long as the ADU remains in use as a legal ADU, and no additional parking shall be required.

3. Required parking spaces may be located in any configuration on the same lot as the ADU, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, and may be located in the front, side, and rear setback areas, subject to the following:

    a. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.

    b. Vehicles must be parked on a paved surface pursuant to Chapter 17.24 of this Title.

    c. Parking in the front yard shall be limited to the driveway. No more than 25% of a front yard shall be dedicated to vehicle parking.

    d. Access to on-site parking spaces shall be provided via an approved driveway location only.

e. Parking shall not be permitted in required fire lanes.

E. Impact Fees and Utility Connections.

1. The owner of an ADU or JADU shall be subject to the payment of all sewer, water and other applicable fees, including impact fees set forth in Government Code section 66000 et seq., except as specifically provided in California Government Code Sections 65852.2 and 65852.22. Neither ADUs nor JADUs shall be subject to traffic impact fees under Chapter 3.22, unless Section 3.22.050 is explicitly amended to impose such fees.

2. ADUs and JADUs shall have adequate water and sewer services. These services shall be provided from the water and sewer points of connection for the primary dwelling unit.

3. If the ADU is proposed to be connected to an onsite water treatment system, adequate documentation must be presented to the city that indicates that a percolation test has been completed and certified within the last five years or if the percolation test has been recertified, within the last 10 years.

SECTION 12. Submittal of Ordinance. The Community Development Director, or his designee, shall submit a copy of the Ordinance to the Department of Housing and Community Development within 60 days after adoption of this Ordinance.

SECTION 13. 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 14. This Ordinance shall take effect thirty (30) days after its final passage and adoption. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the City Council meeting at which this proposed Ordinance is to be adopted. Within fifteen (15) days after adoption of this Ordinance, the City Clerk is instructed to publish a summary of this Ordinance with the names of those City Council members voting for and against this Ordinance, and the City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance along with the names of those City Council members voting for and against this Ordinance or amendment at least until the day of such publication.

INTRODUCED this 15th day of September, 2020

PASSED, APPROVED, AND ADOPTED this 6th day of October, 2020.

Tom Adams, Mayor
City of Monrovia

ATTEST:

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

APPROVED AS TO FORM:

Craig A. Steele, City Attorney
City of Monrovia

ATTACHMENT “D”

Planning Commission Resolution 2020-0001

PLANNING COMMISSION NO. 2020-0001

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MONROVIA, CALIFORNIA, RECOMMENDING APPROVAL TO THE CITY COUNCIL OF ORDINANCE NO. 2020-10 AMENDING THE MONROVIA MUNICIPAL CODE TO AMEND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

RECITALS

(i) Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), Assembly Bill 587 ("AB 587"), Assembly Bill 670 ("AB 670"), and Assembly Bill 881 ("AB 881") amended state regulations to further encourage the development and limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"), and requiring local agencies to adopt an ordinance that complies with new State standards for accessory dwelling units.

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

(iii) On August 12, 2020, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. 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.

(iv) Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2020-10 is considered exempt from the provisions of the California Environmental Quality Act because this zoning ordinance implements the provisions of Government Code Section 65852.2 and Government Code Section 65852.22, and therefore is exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h).

(v) 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.

(vi) All legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Planning Commission of the City of Monrovia hereby finds, determines and resolves as follows:

ATTACHMENT "D"

1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

2. Adoption of Ordinance No. 2020-10 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. 2020-10 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. It is also listed as a priority task in the City's "Planning HOMe" program to facilitate the production of housing.

4. Ordinance No. 2020-10 will not adversely affect the public health, safety, or welfare in that it will provide for orderly and consistent development in the City in accordance with the requirements of state law.

5. Based upon the findings and conclusions set forth above, the Planning Commission hereby recommends approval of Ordinance 2020-10 to the City Council. The Ordinance is attached hereto as "Exhibit A" 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 12th day of August 2020.

FOR Keshia Carter-Bowen, Chair
Monrovia Planning Commission

ATTEST:

Craig Jimenez, AICP, Secretary
Monrovia Planning Commission

APPROVED AS TO FORM:

Carol Lynch, Assistant City Attorney
City of Monrovia

PLANNING COMMISSION RESOLUTION NO. 2020-0001
EXHIBIT A

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING THE MONROVIA MUNICIPAL CODE TO AMEND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS IN COMPLIANCE WITH STATE LAW, AND FINDING THE ORDINANCE TO BE EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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

SECTION 1. Effective January 1, 2020, Senate Bill 13 ("SB 13"), Assembly Bill 68 ("AB 68"), Assembly Bill 587 ("AB 587"), Assembly Bill 670 ("AB 670"), and Assembly Bill 881 ("AB 881") amended state regulations to further encourage the development and limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). To comply with State law, the City must now update its ADU ordinance.

SECTION 2 On August 12, 2020, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. 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 testimony presented in connection with this Ordinance. Following the close of the public hearing, the Planning Commission adopted Resolution No. 2020-01 recommending approval of Ordinance No. 2020-10 to the City Council.

SECTION 3. On _____, 2020, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2020-10. 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. Pursuant to the California Environmental Quality Act ("CEQA) and the City's local CEQA Guidelines, Ordinance No. 2020-10 is considered exempt from CEQA because this zoning ordinance implements the provisions of Government Code Section 65852.2 and Government Code Section 65852.22, and therefore is exempt from CEQA pursuant to Public Resources Code Section 21080.17 and California Code of Regulations Section 15282(h). The City Council has reviewed the project and based upon the whole record before it, in the exercise of its independent judgement and analysis, concurs that City staff and the Planning Commission have correctly concluded that the project is exempt from CEQA and no further action is required under CEQA.

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

I, Craig Jimenez, AICP, Secretary of the Monrovia Planning Commission, Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Planning Commission Resolution No. 2020-0001. It was duly adopted and passed at a regular meeting of the Monrovia Planning Commission on the 12th day of August, 2020 by the following vote:

AYES: Darrell Brooke, Cheryl Rose, Gary Schaeffler, Bill Shieff, Vice-Chair Scott Austin, and Chair Keshia Carter-Bowen
NOES:
ABSTAIN:
EXCUSED: Robert McClellan

ATTEST:

Craig Jimenez, AICP, Secretary
Monrovia Planning Commission