



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Community Development

MEETING DATE: April 16, 2024

STAFF REFERENCE: Krystina Livraga, Code Enforcement Officer

AGENDA LOCATION: AR-2

GOVERNMENT CODE SECTION 84308 APPLIES: No

TITLE: Amendment to Title 2 (Administration and Personnel), and Title 5 (Business Taxes, Licenses and Regulations) of the Monrovia Municipal Code to establish operational requirements for nonconforming automotive repair businesses; Introduction and First Reading of Ordinance No. 2024-06

OBJECTIVE: To create operational requirements and related provisions for legal nonconforming automotive repair businesses which would be contained in a new Chapter 5.84 of the Monrovia Municipal Code, and to establish DRC authority over such uses in Title 2

BACKGROUND: Prior to the requirement of conditional use permits, new automobile repair businesses were able to operate based on the applicable Monrovia Municipal Code (“MMC”) zoning regulations in effect at the time a business opened. Over several decades, the zoning code was amended and new requirements were adopted for automotive repair businesses, including a CUP requirement. Existing businesses that did not meet new City zoning standards were then considered to be legal nonconforming and could continue to operate as permitted but the use could not be enlarged or intensified. Additionally, legal nonconforming businesses lose their nonconforming status if the use ceases operation for 180 days or more. Many of these nonconforming automotive repair businesses are adjacent to residential zones and/or located in a zone that would not allow that use by current zoning standards.

Under the City’s current regulations, new automotive repair facilities are now required to obtain a conditional use permit, which allows the Planning Commission to set conditions to regulate operations, protect neighborhood compatibility, and prevent nuisances. The City of Monrovia currently has 59 automotive repair businesses, and only 10 of these businesses have a conditional use permit. The remaining 49 automotive repair businesses are legal nonconforming. Because the City does not currently have a specific mechanism to address nonconforming automobile repair facilities, staff had few enforcement tools to utilize.

Based on concerns raised in the community, on November 1, 2022, the City Council directed staff to determine new automotive repair business operational requirements to address four primary areas of concern. The four items discussed as concerns by the City Council were: employees working outside of bays, the storage of vehicles, outdoor storage of equipment, and parking on public streets.

Outreach

There has been considerable outreach throughout the past year. Once the draft regulations were completed, Staff conducted three town hall meetings. Two were held on March 23, 2023, and one on March 26, 2023, to provide information about the proposed ordinance and to seek input and feedback from automobile repair facilities. Invitations to these meetings were mailed and emailed to the operators of all of Monrovia’s automotive repair facilities. A total of 17 individuals attended the three meetings. Generally, the businesses were understanding of the proposed operational requirements and felt that most of their operations would not require an operations permit.

Planning Commission Review

The Planning Commission initially reviewed the proposed regulations on March 15, 2023, and provided staff feedback which could be incorporated into the draft ordinance. At their regular meeting of April 12, 2023, the Commission reviewed the proposed ordinance. Commissioners had a number of questions and discussed the proposed regulations. The Commission agreed there is a need to provide additional oversight for these businesses to minimize impacts to surrounding neighborhoods; however, the regulations should also consider operational impacts to these longstanding businesses.

All automotive businesses were invited to attend, however, no public testimony was received. The Planning Commission unanimously approved Planning Commission Resolution No. 2023-0001 recommending adoption of Ordinance No. 2023-02 to the City Council. Ordinance number 2023-02 has since been voided and the proposed Ordinance No. 2024-06 replaces the prior voided ordinance.

Initial Council Review

The City Council held another study session on June 20, 2023, to review the anticipated regulations in order to provide additional input to staff. This feedback was incorporated into the proposed ordinance. On August 1, 2023, City Council held the first reading of the draft ordinance. There were two public comments that raised concerns regarding the proposed deadlines for compliance and the potential of the new regulations negatively impacting their businesses.

The consideration of the adoption of the ordinance was placed on the consent calendar at the September 5, 2023, meeting. Due to concerns raised prior to the City Council meeting, the item was pulled from the consent calendar to allow staff to address public comments received from the auto repair community addressing various business operational concerns. Based on the public comment, the City Council directed staff to do additional outreach to the automotive repair businesses and continued the item to be discussed at a Study Session on October 17, 2023.

Following the study session, staff conducted an additional extensive outreach campaign to engage as many of the auto business owners as possible. This was done via US Mail, email and in person site visits. These outreach efforts were culminated with a town hall meeting held on September 14, 2023, and attended by twenty-six business owners. The town hall meeting allowed for staff and the business owners to engage in a productive discussion regarding the proposed requirements. The business owners not only voiced their concerns, but provided staff with a greater understanding of some of the operational nuances of their businesses. This feedback received from the business community was invaluable to helping address these concerns in the ordinance. The outreach effort also included the creation of a portal on the City of Monrovia website with all current information on the Automotive Repair Ordinance.

Continued Outreach

As requested by the City Council, the October 17, 2023, study session focused on the information gathered through the intensive outreach campaign over the past month. The City Council was clear that the City needed to address the complaints that have been received regarding some of these businesses. However, they were also cognizant of the fact that many of these businesses have been in Monrovia for decades and specifically stated that their intent is not to put these shops out of business.

At the close of the meeting, the City Council took no action on the regulations and directed staff to continue the conversation with key stakeholders to assist in refining the ordinance. Business owners were advised by the City Council to schedule voluntary one-on-one meetings at their place of business to discuss any concerns on how their business operations would be effected by the ordinance changes. In the following months, staff reached out via email, US mail and phone calls encouraging businesses to arrange these one-on-one meetings.

As a result, staff met with numerous business owners to discuss individual concerns such as insurance, job delays, and lien timeframes in regards to the number of days allowed for vehicle storage. Additionally, topics such as clarification of public view, oversized vehicle repair operations and public parking related issues were defined. Staff also met with several key stakeholders at a meeting held in November. Overall, this proactive approach allowed refining of the draft ordinance in an effort to gain compliance and improve the appearance of the community.

ANALYSIS: Staff conducted an analysis of the proposed regulations based on the feedback from the businesses that voluntarily met with staff. The most recent version of the ordinance highlights the proposed changes on the following table.

| Ordinance Category | Revised Regulations |
|--|---|
| Public View | Defined as 'Any premises, or any part thereof not adequately screened pursuant to 17.16.030, or any building or part thereof, which may be lawfully viewed by the public or any member thereof, from a sidewalk, street, alleyway, or public property.' |
| Onsite vehicle storage | Limited to 60 days |
| Street parking | Prohibited overnight or in front of a residential use. Vehicles dropped off overnight must be brought into conformance by the end of that same business day. Wrecked and dismantled vehicles are prohibited from being parked on the public street at any time. |
| Parts & equipment storage | May be stored in an enclosed area outside of public view or, with a permit, in a storage container. |
| Temporary shade structures | Allowed in public view with an operations permit while business is open. |
| Outdoor work area | Within 20' of any area directly adjacent to an actively used bay, no SF maximum. |
| Outdoor use of power tools | Subject to the Noise Ordinance |
| Oversized vehicles - outside (allowed with permit) | Stored onsite up to 14 days; not stored on a public street |
| Oversized Vehicle | Defined as 'Any commercial vehicle, trailer, or recreational vehicle, which exceeds twenty feet in length, seven feet in width, or eight feet in height.' |

The Monrovia Municipal Code has several provisions related to nuisances and how a property must be maintained. However, there are not specific operational requirements for nonconforming automotive repair facilities. To address concerns with nonconforming automobile repair facilities, the proposed new ordinance establishes operating requirements for nonconforming automotive repair facilities. These standards are based on the standards and conditions applied to new automotive businesses. Understanding that new requirements have the potential to pose significant challenges for some long-standing Monrovia businesses, an operations permit process is proposed that allows certain deviations from the operating requirements. This permit would be reviewed by the Development Review Committee (DRC). The operations permit does not apply to automotive repair facilities that have a conditional use permit or to facilities that comply with the operation requirements of the proposed ordinance. An operations permit is valid as long as the business remains in operation and in compliance with the permit, unless the permit is modified or revoked.

Operations Permit

This process gives the City the ability to work with each business to craft an operational plan that will balance the concerns of the neighborhood with the ongoing viability of the business as well as existing constraints of the site. The permit will be focused on the review of outdoor operations, outside vehicle storage, and outside storage containers. The DRC may allow some or all of the following activities through the approval of an automotive repair operations permit:

- A. Outdoor operations. Work activities, including all equipment and tools involved in the vehicle repair operation, may be conducted outdoors on the premises of a nonconforming automotive repair facility, provided all of the following conditions are met:
 - (1) Work shall be performed entirely within a clearly marked area that is at least 50 feet from a property line abutting a residential property, and setback at least 10 feet from any property line, and shall be conducted as close to the bay doors as possible;
 - (2) The outdoor work area shall not exceed beyond 20 feet from a bay door of an actively used bay.
 - (3) The outdoor work shall not violate the noise ordinance pursuant to § 9.44.030.
 - (4) Outdoor repair activities shall only be permitted between the hours of 8:00 a.m. and 5:00 p.m. on Monday through Friday and between 9:00 a.m. and 5:00 p.m. on Saturday and Sunday.

- (5) Automobile repair facilities that have regularly serviced and repaired oversized vehicles outdoors on their premises may continue to work on these vehicles outdoors without being subject to the area limitations set forth in this subsection if the vehicles cannot be serviced and repaired within existing buildings due to the size of the vehicles, and the outdoor servicing of vehicles is approved on the automotive repair operations permit. Oversized vehicles shall not be stored on the premise for more than 14 days or on a public street or alley.
- B. Outside storage may be stored outside if adequate screening from public view pursuant to § 17.16.030 is provided.
 - C. Vehicles awaiting repair may be parked in an approved location.
 - D. Commercial vehicles used in conjunction with the business operations may be parked in public view in an approved location. All commercial vehicles must be operable at all times.
 - E. Temporary shade structures. The use of temporary shade structures may be permitted in an approved area. These structures shall be adequately maintained in good condition and shall only be in public view during the approved hours for outdoor repair activities.
 - F. Storage containers. Reusable or recyclable automobile parts that do not impact required parking may also be stored in approved containers at least five (5) feet from the interior side or rear property line and at least five (5) feet from any structure on the property. An automobile repair facility seeking to utilize storage containers outside the enclosed structure shall submit an operational plan to the Committee for review that includes a site plan of the location and dimensions, information on items stored, including chemicals, and material of the container. Approved containers shall be maintained in a condition of reasonable repair and appearance. The Committee may permit storage containers that do not meet setback requirements, provided they are not visible from a public street.

Implementation

Staff's ultimate goal in the implementation of the proposed ordinance is to assist businesses in achieving compliance, not to provide punitive remedies. If the proposed ordinance is adopted, staff will continue to reach out to all nonconforming automotive repair businesses and assist them through the process of obtaining the Business Operations permit and establishing a compliance timeline for each business. This process gives the City the ability to work with each business to craft an operational plan that will balance the concerns of the neighborhood with the ongoing viability of the business.

Adopting operational requirements for nonconforming automotive repair businesses will help ensure compatibility with adjacent and surrounding uses. The proposed ordinance will ensure that outdoor activity does not become a public nuisance by creating health and safety hazards, attractive nuisances, noise, or National Pollutant Discharge Elimination System ("NPDES") storm water concerns. The operations permit provides some flexibility to allow certain activities to be considered on a case by case basis through review and approval by the Development Review Committee. The proposed amendment to Title 2 of the MMC gives DRC the authority to review these requests. If a violation is observed or a business does not comply with the ordinance, staff will utilize the standard code enforcement process, which includes educating, warning, citing, or legal action as necessary.

ENVIRONMENTAL IMPACT: Pursuant to the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the City's local CEQA Guidelines, Staff has determined that the proposed ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The adoption of this Ordinance will not have a significant environmental effect and therefore it is exempt from CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, the proposed Ordinance is categorically exempt (Class 5) pursuant to Section 15305 of the State CEQA Guidelines (14 CCR §15305).

The proposed Ordinance is considered exempt because it can be seen with certainty that there is no possibility that the adoption of this Ordinance to implement automobile repair facility operational requirements and to require permits for nonconforming automobile repair operations will have a significant effect on the environment. The Ordinance will not have a significant effect on the environment because the establishment of these requirements and regulations are designed to eliminate environmental and other impacts on surrounding neighborhoods and businesses. The proposed ordinance would require these specific businesses to operate in a manner that reduces nuisance conditions related to vehicle storage, parking, outdoor storage, and outdoor work activities.

FISCAL IMPACT: The approval of the proposed Ordinance No. 2024-06 will not have any fiscal impacts. The existing fee schedule will cover the cost to process and issue operational permits through the Development Review Committee.

OPTIONS: The following options are provided for the City Council's consideration:

1. Adopt Ordinance No. 2024-06 adding a new Chapter 5.84 to create automotive repair operational requirements, amending related provisions of the Monrovia Municipal Code.
2. Reject Ordinance No. 2024-06 and provide staff with further direction.

RECOMMENDATION: Staff recommends adoption of Ordinance No. 2024-06 to create automotive repair operational requirements.

COUNCIL ACTION REQUIRED: If City Council concurs, the appropriate action would be a motion to introduce, waive further reading and read by title only Ordinance No. 2024-06.

ORDINANCE NO. 2024-06

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

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

SECTION 1. Recitals.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. CEQA Findings.

Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, City Staff has determined that Ordinance No. 2023-02 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City Staff has determined that the adoption of this Ordinance will not have a significant environmental effect and therefore, the Ordinance is

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

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

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

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

“Chapter 5.84 Automobile Repair Facility Operational Requirements

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

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

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

COMMITTEE. The Development Review Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

5.84.040 Permit Application. Nonconforming automobile repair businesses that require a permit shall file an application with the Committee, accompanied by a nonrefundable filing fee as provided in § 2.56.060. The application shall be in a form prescribed by the Director, shall be accompanied by the appropriate fee as established by City Council resolution, and shall contain, at a minimum, the following:

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

5.84.050 Approval or Denial of Operations Permit.

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

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

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

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

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

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

5.84.100 Penalty.

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

SECTION 9. The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the Office of the City Clerk located at 415 South Ivy Avenue, Monrovia, California 91016.

SECTION 10. 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 11. The City Clerk shall certify to the passage of this Ordinance and shall cause same to be published pursuant to state law within fifteen (15) days after its passage, and said Ordinance shall become effective 30 days after its passage.

INTRODUCED this 16th day of April, 2024.

PASSED, APPROVED, AND ADOPTED this 7th day of May, 2024.

Becky A. Shevlin, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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

Craig A. Steele, City Attorney
City of Monrovia