

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS TO COMPLY WITH RECENT CHANGES TO 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. New ADU legislation including Assembly Bill 897 ("AB 897"), Assembly Bill 1033 ("AB 1033"), Assembly Bill 2221 ("AB 2221"), Senate Bill 477 ("SB 477"), Senate Bill 1211 ("SB 1211"), and Assembly Bill 2533 ("AB 2533") amended state regulations to further encourage the development of, and limit the standards cities may impose on, accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). To comply with these recent changes to State law, the City must now update its ADU ordinance.

SECTION 2. On December 11, 2024, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2025-01. 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. 2024-0008 recommending adoption of Ordinance No. 2025-01 to the City Council.

SECTION 3. On January 21, 2025, the City Council of the City of Monrovia conducted an advisory review on Ordinance No. 2025-01. At the meeting the City Council introduced Ordinance No. 2025-01 and set the public hearing and adoption on February 4, 2025.

SECTION 4. On February 4, 2025, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2025-01. 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 at the hearing in connection with this Ordinance.

SECTION 5. Pursuant to the California Environmental Quality Act ("CEQA") and the State and City's local CEQA Guidelines, the Planning Commission concluded that Ordinance No. 2025-01 is considered exempt from CEQA because this zoning ordinance

implements the provisions of Chapter 13 of Division 1 of Title 7 of the California Government Code and, therefore, is exempt from CEQA pursuant to California Public Resources Code Section 21080.17. The City Council has reviewed the proposed Ordinance 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 6. 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 7. Title 17 (Zoning), Chapter 17.04 (General Provisions), Section 17.04.080 (Terminology and General Definitions) of the Monrovia Municipal Code is hereby amended by revising the term "Apartment, Efficiency" in the defined terms in subsection B to read as follows:

"APARTMENT, EFFICIENCY. A dwelling unit in an apartment house that may be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 150 square feet and may also have a partial kitchen or bathroom facilities. **EFFICIENCY LIVING UNIT** and **EFFICIENCY APARTMENT** shall have the same meaning as set forth in Cal. Health and Safety Code § 17958.1."

SECTION 8. Title 17 (Zoning), Chapter 17.44 (Special Uses), Section 17.44.005 (Accessory Dwelling Units and Junior Accessory Dwelling Units) of the Monrovia Municipal Code is hereby amended in its entirety to read as follows:

"17.44.005. ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

(A) Purpose. The purpose of this Section is to allow and regulate accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with Cal. Gov't. Code §§ 66310 through 66342.

(B) Applicability.

(1) ADUs shall be permitted on lots developed with an existing or proposed single-family dwelling structure or an existing or proposed multi-family dwelling structure in all zoning districts allowing single-family or multi-family development, including mixed use development with a residential use. JADUs shall be permitted in all zoning districts allowing single-family residences as part of a single-family residence built, or proposed to be built, on the lot.

(2) Any construction, establishment, alteration, enlargement, or modification of an ADU or JADU shall comply with the requirements of this Section. In the event of a conflict between this Section and applicable state law, state law shall prevail.

(3) The Director, or their designee, shall review and approve, conditionally approve, or deny ministerial permits for ADUs conforming to the provisions of this Section and any associated demolition permit within the time limits specified by Cal. Gov't Code §§ 66317 and 66335 or any of their successor provisions.

(C) Definitions.

ACCESSORY DWELLING UNIT or ADU. Has the meaning set forth in Cal. Gov't Code § 66313 and 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 an existing or proposed primary dwelling. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the existing or proposed primary dwelling is or will be situated. An ADU also includes an efficiency unit and a manufactured home.

ACCESSORY DWELLING UNIT, JUNIOR or JADU. Has the meaning set forth in Cal. Gov't Code §§ 66313 and 66333, and means a residential dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing or proposed single-family dwelling structure. A JADU shall include either a kitchen or an efficiency kitchen, as defined in this Section, and may include separate bathroom facilities or may share bathroom facilities with the single-family dwelling. If a permitted JADU does not include a separate bathroom, the permitted JADU shall include a separate entrance from the main entrance to the single-family dwelling, with an interior entry to the main living area of the single-family dwelling.

ACCESSORY STRUCTURE. Has the meaning set forth in Cal. Gov't Code §§ 66313, and means a structure that is accessory and incidental to a dwelling located on the same lot.

ATTACHED ADU. An ADU that is permanently connected, fastened or structurally affixed to the primary dwelling by a shared wall, breezeway, trellis or other structure.

CAR-SHARE VEHICLE. For the purposes of this Section, has the same meaning set forth in Cal. Vehicle Code § 22507.1 and is a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service.

DETACHED ADU. An ADU that is not permanently connected, fastened or structurally affixed to the primary dwelling and is freestanding.

DEVELOPED LOT, MULTI-FAMILY. For the purposes of this Section, means a parcel of real property that has one or more multi-family dwelling structure(s).

DEVELOPED LOT, SINGLE-FAMILY. For the purposes of this Section, means a parcel of real property that has one or more detached single-family dwelling structure(s).

EFFICIENCY KITCHEN. Has the meaning set forth in Cal. Gov't Code § 66333(f) and means an area that includes a cooking facility with appliances, sink, food preparation counter and food storage cabinets that are of reasonable size in relation to the size of the JADU.

EFFICIENCY UNIT. For the purposes of this Section, has the same meaning set forth in Cal. Health and Safety Code § 17958.1, and shall be permitted for occupancy by no more than two persons. The efficiency unit shall have a minimum floor area of 150 square feet and may also have a partial kitchen or bathroom facilities.

HIGH-QUALITY TRANSIT CORRIDOR. Has the meaning set forth in Cal. Public Resources Code § 21155(b) and means a transit corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours.

LIVABLE SPACE. For the purposes of this Section, has the meaning set forth in Cal. Gov't Code § 66313 and means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.

LIVING AREA. For the purposes of this Section, has the meaning set forth in Cal. Gov't Code § 66313 and means the interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure.

MAJOR TRANSIT STOP. Has the meaning set forth in Cal. Public Resources Code § 21064.3 and means a site containing an existing rail or bus rapid transit station or the intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute hours.

MANUFACTURED HOME. Has the meaning set forth in Cal. Health and Safety Code § 18007.

MULTI-FAMILY DWELLING STRUCTURE. For the purpose of this Section, a primary dwelling with two (2) or more attached dwelling units.

NONCONFORMING ZONING CONDITION. Has the meaning set forth in Cal. Gov't Code § 66313, and means a physical improvement on a property that does not conform to current zoning standards.

OBJECTIVE STANDARDS. Has the meaning set forth in Cal. Gov't Code § 66313, and means standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.

PASSAGEWAY. For the purpose of this Section, has the meaning set forth in Cal. Gov't Code § 66313 and means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.

PRIMARY DWELLING. For purposes of this Section, means an existing or proposed single-family dwelling structure or multi-family dwelling structure on the lot where an ADU or JADU is proposed. Where there is more than one dwelling structure located on a lot, the primary dwelling shall be the dwelling structure that is located closest to the street that provides access to and the address for the lot.

PROPOSED DWELLING. Has the meaning set forth in Cal. Gov't Code § 66313, and means a dwelling that is the subject of a permit application and that meets the requirements for permitting.

PUBLIC TRANSIT. For purposes of this Section, has the meaning set forth in Cal. Gov't Code § 66313, and 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.

(D) Streamlined Permit process. On lots with a proposed or existing primary dwelling, the following types of ADU and JADU proposals within areas zoned to allow a single-family residential use, multi-family residential use or mixed use with a residential dwelling shall be permitted ministerially by the issuance of a building permit:

(1) ADUs on a single-family developed lot. Lots developed with one or more existing or proposed single-family dwelling structures shall be permitted to develop ADUs pursuant to both (a) and (b) below:

(a) One converted ADU per lot if all of the following apply:

1. Location. The ADU is within the proposed space of a new single-family dwelling structure or existing space of a single-family dwelling structure or an existing accessory structure that is either attached to or detached from the single-family dwelling structure.

2. Size.

i. The minimum size of the ADU is 150 square feet or as required for an efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.

ii. There is no maximum size for an ADU that involves the conversion of an existing accessory structure or a portion of an existing or proposed single-family dwelling.

iii. If the ADU involves the conversion of an accessory structure, it may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure for purposes of accommodating ingress and egress.

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

4. Access. The space has separate exterior access from the proposed or existing single-family dwelling.

(b) One detached, new construction ADU if all of the following conditions apply:

1. Size.

i. The minimum size of the ADU is 150 square feet or as required for an efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.

ii. The maximum size of the ADU is 800 square feet.

2. Setbacks. Minimum side and rear yard setbacks are at least four feet.

3. Height. The ADU shall be no more than 16 feet in height, except as follows:

i. The height limit shall be 18 feet if the ADU is within one-half mile walking distance from a major transit stop or high-quality transit corridor as defined in this Section. An additional two feet in height shall be allowed to

accommodate a roof pitch on the ADU that is aligned with the roof pitch of a primary dwelling.

(2) ADUs on a multi-family developed lot. A lot developed with multi-family dwelling structure(s) shall be permitted to develop both (a) and (b) below:

(a) Conversion of existing non-livable space. Each multi-family developed lot shall be allowed to convert non-livable space within existing multi-family dwelling structures into at least one (1) ADU, but in no case shall the number of ADUs exceed 25% of the total number of existing units on the multi-family developed lot.

1. For the purposes of this Subsection, non-livable space includes, but is not limited to, storage rooms, boiler rooms, passageways, attics, basements, and garages. For mixed-use projects, areas used for non-residential uses and parking or storage for non-residential uses may not be converted to ADUs.

(b) Detached ADUs. Detached ADUs on a multi-family developed lot may be in the form of new construction or conversion of an existing detached accessory structure(s) and can either be attached or detached from each other.

1. Quantity.

i. Lots developed with an existing multi-family dwelling structure(s) shall be permitted up to eight (8) ADUs detached from the existing multi-family dwelling structure(s). However, the number of ADUs allowable pursuant to this subsection shall not exceed the number of existing units on the lot.

ii. Lots proposed to be developed with a multi-family dwelling structure(s) shall be permitted up to two (2) ADUs detached from the proposed multi-family dwelling structure(s).

2. Size.

i. The minimum size of an ADU is 150 square feet or as required for an efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.

ii. There is no maximum size for an ADU that involves the conversion of an existing accessory structure.

3. Setbacks. Side and rear yard setback shall be at least four feet.

4. Height. The ADU shall be no more than 16 feet in height except in the following instances:

i. The height limit shall be 18 feet if the ADU is within one-half mile walking distance from a major transit stop or high-quality transit corridor as defined in this Section. An additional two feet in height shall be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of a primary dwelling.

ii. The height limit shall be 18 feet when a detached ADU is on the same lot as an existing or proposed multi-story, multi-family dwelling structure(s).

(3) JADUs.

(a) Single-family developed lot.

1. Location. JADUs shall be contained entirely within an existing or proposed single-family dwelling structure. For purposes of this subsection, a structure that is attached to a residence, such as an attached garage, is considered a part of the proposed or existing single-family dwelling structure. JADUs are not permitted in detached accessory structures or in a multi-family dwelling structure.

2. Quantity. In addition to the ADUs allowed per § 17.44.005(D)(1), residential lots developed with at least one existing or proposed single-family dwelling structure located in a zoning district permitting single-family residential uses shall be permitted one (1) JADU that complies with the applicable requirements of Cal. Gov't. Code §§ 66333 through 66339 and this Section.

3. Size.

i. The minimum size of a JADU shall be 150 square feet.

ii. The maximum size of a JADU shall be 500 square feet.

4. Required features.

i. JADUs shall have a separate entrance from the main entrance to the proposed or existing single-family dwelling structure.

ii. JADUs shall include either a kitchen or an efficiency kitchen.

iii. JADUs may include separate bathroom facilities or may share bathroom facilities with the single-family dwelling. If a JADU does not include a separate bathroom, the JADU shall include a separate entrance from the main entrance to the single-family dwelling, with an interior entry to the main living area of the single-family dwelling.

(4) Historic Resource. ADUs developed in conformance with this Subsection (D) (Streamlined Permit Process) shall not be subject to the requirements of § 17.40.090 (Certificate of Appropriateness – Historic Landmarks and Historic Districts).

(E) Alternative local standards for ADUs on any lot with an existing or proposed single-family dwelling structure. As an alternative to the streamlined permit standards identified in § 17.44.005(D), a lot developed with at least one existing or proposed single-family dwelling structure shall be ministerially permitted one (1) ADU through a building permit in conformance with the following alternative local standards:

(1) Location standards.

(a) ADUs on a single-family developed lot. A lot developed with single-family dwelling structure(s) shall be permitted to develop one (1) ADU in conformance with either 1 or 2 below as new construction or as an addition to an existing structure:

1. Attached ADU. The ADU 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

2. Detached ADU. The ADU is detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages.

(2) Unit size. ADUs shall comply with the following size limits.

(a) Minimum unit size. The minimum size of an ADU is 150 square feet or as required for an efficiency unit, as defined in Cal. Health and Safety Code § 17958.1.

(b) ADU maximum unit size.

1. New construction, attached ADU on a single-family developed lot. Maximum size of a newly constructed attached ADU on a single-family developed lot shall not exceed 50% of the single-family dwelling or 1,000 square feet, whichever is less. If the application of this regulation would not permit the construction of an ADU with a maximum area of 800 square feet with four-foot side and rear setbacks that complies with the height standards in § 17.44.005(E)(4), then the maximum size shall be 800 square feet.

2. New construction, detached ADU. Maximum size of a newly constructed detached ADU on a single-family lot shall not exceed 1,000 square feet.

(3) Setbacks. The following setbacks shall apply:

(a) Side and rear setback. Four (4) feet for newly constructed attached and detached ADUs and additions beyond the existing footprint for ADUs created from converted floor area.

(b) Exception. Except as required for fire and safety, 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 ADU or to a portion of an ADU or for an ADU constructed in the same location with the same dimensions as an existing structure that is demolished.

(4) Height. The maximum height of a newly constructed attached or detached ADU shall be as follows:

(a) Attached ADU. ADUs on a single-family developed lot that are attached to the single-family dwelling structure shall be permitted a maximum height of 25 feet or the height limitation as specified in the zoning district, whichever is lower. In no case shall the ADU exceed two (2) stories.

(b) Detached ADUs. ADUs on single-family developed lot that are detached from the primary dwelling shall have a maximum height of 16 feet, except in the following instances:

1. The height limit shall be 18 feet if the detached ADU is on a lot within one-half mile walking distance of a major transit stop or high-quality transit corridor as defined in this Section. An additional two feet in height shall be allowed to accommodate a roof pitch on the ADU that is aligned with the roof pitch of a primary dwelling.

(5) Historic resources. An ADU proposed on a property designated as a National, State, or local historic landmark, as defined in § 17.40.040, or is a contributor within a designated historic district, shall be subject to the following standards:

(a) 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.

(b) Any changes to the exterior of an historic resource shall exactly match the existing architectural features as provided in § 17.44.005(E)(6)(b).

(c) No ADU shall be approved if it requires the demolition of a Historic Landmark.

(d) Properties with a valid Mills Act Contract shall be subject to the standards and conditions of that contract.

(6) Design. Newly constructed attached and detached ADUs shall comply with the following objective design standards, except where the application of these standards would not permit the construction of a detached ADU(s) with a maximum area of 800 square feet with four-foot side and rear setbacks that complies with the height standards in § 17.44.005(E)(4):

(a) The maximum floor area shall be as specified in Chapter 17.12 for the underlying zoning district.

(b) The architectural features of the new ADU shall match the architectural features of the primary dwelling on the lot. The ADU features that mirror the primary dwelling shall include the following, if applicable to the primary dwelling:

1. Matching exterior siding materials;
2. Matching roof pitch and type of roof eave (boxed, open, or closed);
3. Matching window proportions and shapes;
4. Matching window grilles of the same proportion and shapes; and
5. Matching cornices and bay windows when present on the primary dwelling.

(c) Decks and balconies.

1. Decks one foot or more above the existing grade and balconies shall maintain the same setback as the primary dwelling.
2. Rooftop decks shall not be permitted as part of the ADU unless compliant with the underlying zoning standards for the primary dwelling.
3. Upper-floor balconies or decks shall not face interior property lines.

(d) Encroachments. An accessory structure, or covered patio attached to an ADU must comply with the required setbacks of the primary dwelling.

(e) Ground-mounted air conditioning mechanical equipment shall be set back at least four feet from a side property line, with the exception that in the rear yard area equipment may be set back three feet from the side and rear property lines, provided there is sufficient access for fire and safety purposes. Roof-mounted mechanical equipment is not permitted, with the following exceptions:

1. Equipment is entirely screened by building parapet; or
2. Replacement of existing equipment shall be permitted if the equipment is of the same or of lesser dimensions as the existing equipment.

(7) Variance required. The provisions for minor exceptions outlined in § 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 § 17.52.100.

(F) Standards applicable to all ADUs and JADUs.

(1) Lot size. There shall be no minimum lot size required for the creation of an ADU or JADU.

(2) Parking.

(a) In addition to the on-site parking space(s) required for the primary dwelling, one (1) on-site parking space shall be provided for an ADU, except no additional parking shall be required in the following circumstances:

1. The creation of a JADU.
2. The ADU is developed pursuant to the streamlined permit standards provided in Section 17.44.005(D).
3. The ADU is located within one-half mile walking distance of public transit, as defined in this Section.
4. The ADU is located within an architecturally and historically significant historic district.
5. The ADU is part of the proposed or existing primary residence or an accessory structure.
6. The ADU is located in an area where on-street parking permits are required but not offered to an ADU occupant.
7. The ADU is located within one block of a car-share vehicle, as defined in this Section.
8. Where an ADU is newly constructed with a maximum area of 800 square feet in size with four-foot side and rear setbacks that complies with the height standards in § 17.44.005(D).
9. When a permit application for an ADU is submitted with a permit application to construct a new single-family dwelling structure or multi-family dwelling structure on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this subsection.
10. When an ADU is created by converting or demolishing a garage, carport, covered parking structure or uncovered parking space, 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.

(b) 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:

1. Parking may be located on an existing driveway but shall not block sidewalk access or encroach into the public right-of-way.
2. Vehicles must be parked on a paved surface pursuant to Chapter 17.24.
3. 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.
4. Access to on-site parking spaces shall be provided via an approved driveway location only.
5. Parking shall not be permitted in required fire lanes or within an area that is restricted by a recorded access easement in favor of another property.

(3) Building Code. All ADUs and JADUs shall comply with the most recent version of the California Building Code that applies to detached dwellings, as adopted by the City of Monrovia and in effect at the time of submittal of the project to Building Plan Check and as required by Cal. Gov't Code § 66314.

(4) Passageways. Passageways, as defined in this Section, to ADUs and JADUs shall not be required.

(5) Interior and exterior access. ADUs and JADUs shall have independent exterior access separate from the access to the primary dwelling. Internal connection to the primary dwelling is not required, except in the case where a JADU shares a bathroom with the primary dwelling.

(6) Fire sprinklers. Pursuant to Cal. Gov't Code §§ 66314(d) and 66323(c), the installation of fire sprinklers shall not be required in an ADU if sprinklers are not required for the primary dwelling. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing multifamily dwelling structure.

(7) Nonconforming conditions. The City shall not deny an ADU or JADU application due to existing, nonconforming zoning conditions, building code violations or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the ADU or JADU.

(G) Operational standards applicable to all ADUs and JADUs.

(1) Short-term rentals. The use of an ADU as a short-term rental shall be prohibited. All rental ADUs shall be rented for 30 consecutive days or more.

(2) No separate conveyance. No ADU may be sold or otherwise conveyed separately from the lot and the primary dwelling except as provided in Cal. Gov't Code §§ 66340-66342. No JADU may be sold or otherwise conveyed separately from the lot and the primary dwelling as provided in Cal. Gov't Code § 66333.

(3) Ancillary use. ADUs and JADUs are an ancillary use to the primary residential use on the lot and shall not be considered to exceed the allowable density for the lot.

(4) Owner-occupancy. For JADUs, owner-occupancy is required in the single-family dwelling structure in which the JADU will be permitted. The owner may reside in either the remaining portion of the single-family dwelling structure or the newly created JADU. However, this owner-occupancy requirement shall not apply to any JADU owned by a governmental agency, land trust, or housing organization.

(5) JADU deed restriction and recordation required. For JADUs, the property owner shall record a declaration of restrictions, in a form approved by the City Attorney, placing the conditions referenced below in this subsection on the property, the property owner, and all successors in interest. 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. The deed restriction document shall include the following provisions:

(a) Prohibit the sale of the JADU separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers.

(b) Restrict the size and attributes of the JADU so that the JADU conforms with this Section.

(c) Require owner-occupancy for properties not owned by a governmental agency, land trust or housing organization. Owner may reside in either the remaining portion of the single-family dwelling structure or the JADU.

(H) Impact fees.

(1) The owner of an ADU or JADU shall be subject to the payment of all impact fees set forth in Cal. Gov't Code § 66000 et seq., except as specifically provided in Cal. Gov't Code §§ 66324 and 66338.

(2) Neither ADUs nor JADUs shall be subject to traffic impact fees under Chapter 3.22, unless § 3.22.050 is explicitly amended to impose such fees, and the imposition of such fees complies with state law.

(I) Utility connections.

(1) ADUs shall not be considered new residential uses for the purposes of calculating city and county connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed in conjunction with a new single-family dwelling structure.

(2) For a JADU or an ADU located within the existing residence, a new or separate utility meter shall not be required, and a related connection or capacity fee may not be charged, unless the ADU has been constructed with a new single-family dwelling.

(3) When the ADU is detached, a new or separate utility meter may be required. Any connection fee or capacity charge shall be proportionate to the burden of the proposed ADU based upon either its size or the number of plumbing fixtures for a water or sewer system.

(4) If the ADU is proposed to be connected to an onsite wastewater 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 9. Submittal of Ordinance. The Community Development Director, or her 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 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. 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 21st day of January, 2025

PASSED, APPROVED, AND ADOPTED this 4th day of February, 2025.


Becky A. Shevlin, 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

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

I, ALICE D. ATKINS, MMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2025-01; It has been published pursuant to law; was duly adopted and passed at a regular meeting of the Monrovia City Council on the 4th day of February, 2025, by the following vote:

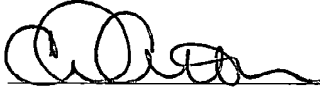
AYES: Councilmembers Belden, Spicer, Mayor Pro Tem Dr. Kelly, Mayor Shevlin

NOES: Councilmember Jiménez

ABSTAIN:

ABSENT:

ATTEST:



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