

**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.



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Tom Adams, Mayor  
City of Monrovia

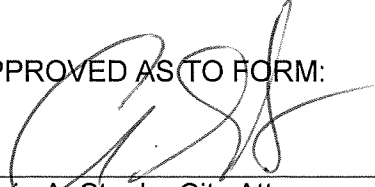
ATTEST:



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

APPROVED AS TO FORM:



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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. 2020-10; It has been published pursuant to law; was duly adopted and passed at a regular meeting of the Monrovia City Council on the 6th day of October, 2020, by the following vote:

**AYES:** Councilmembers Crudgington, Shevlin, Mayor Pro Tem Blackburn, Mayor Adams

**NOES:**

**ABSTAIN:**

**ABSENT:** Councilmember Spicer

ATTEST:



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