



sites In addition, this land area is currently the subject of an extensive land acquisition program resulting from the voter-approved Measure B

2- Lots Served From An Existing Private Way - Outside of the specific plan areas are hillside lots both developed and vacant that are served by existing private ways These private ways are typically 12-16 ft paved width that access existing lots or single family homes Numerous private ways serving existing single-family residential homes and/or vacant lots are located off of Norumbega Drive and fall within this category Currently, a conditional use permit is required when an unimproved lot of record to be served from a pre-existing private way is proposed for development with a residence, or when a new lot is created that takes primary access from a pre-existing private way

3- Infill Hillside Lots (Outside of a Specific Plan Area and Not Served by a Private Way) - These lots are outside of a specific plan area and are not served by an existing private way These are hillside infill lots that are generally located on a dedicated public street These lots are addressed by regulations in Title 17 of the Monrovia Municipal Code under Hillside Development Standards These lots are reviewed by the Development Review Committee and treated similar to development on any infill lot proposed for single-family development

This category of hillside lot contains generally developable hillside lots based on their physical characteristics and difficult to develop hillside lots based on their physical characteristics (topography, drainage, geology, line of sight, etc ) Based on the demand for new housing in the City as well as the City's effort to acquire the larger vacant hillside area, there is a new demand for infill hillside lots Lots that were previously viewed as very difficult to develop are now being sought after by developers as potential single family housing sites

It is these difficult to develop hillside infill lots that Staff is suggesting should be included under a more significant review process (i.e. Conditional Use Permit) and possibly require additional regulations The Planning Commission is currently reviewing this matter and has held an initial public hearing on Sept 12 and is scheduled to have further discussion at its meeting of Oct 10, 2001

As the Planning Commission currently reviews the best approach to address the more difficult hillside infill lots, staff is suggesting that the City consider either taking a temporary time out (moratorium) or put in place an interim ordinance that requires a conditional use permit for development on these difficult lots A conditional use permit will require a public hearing before the Planning Commission and surrounding residences are notified of the hearing

## **OPTIONS TO PROVIDE STAFF AND THE PLANNING COMMISSION TIME TO STUDY THIS MATTER**

### **OPTION 1 – MORATORIUM ORDINANCE**

The adoption of a moratorium ordinance will temporarily suspend any new development activity on the infill lots until new regulations can be adopted The moratorium would be placed on development of those new single family homes located on vacant hillside lots, north of Hillcrest Blvd (excluding lots in specific plan areas) that require a cut or fill of five (5) feet or greater or a retaining wall of more than six (6) feet in order to develop the lot This will avoid grading and development of the lots until any potential negative environmental impacts can be evaluated which could change the character or intensity of the existing neighborhood development pattern

## OPTION 2- INTERIM URGENCY ORDINANCE REQUIRING A CONDITIONAL USE PERMIT

If the City Council wishes to approve an alternate ordinance that does not suspend development during the period of the moratorium, an option would be to adopt an urgency ordinance. The urgency ordinance would allow development to continue if a conditional use permit approval is obtained from the Planning Commission.

The proposed urgency ordinance would require a conditional use permit for all new single family homes located on vacant hillside lots, north of Hillcrest Blvd (excluding lots in specific plan areas) that require a cut or fill of five (5) feet or greater or a retaining wall of more than six (6) feet in order to develop the lot. This approach would allow the processing of new applications to continue with the requirement of a conditional use permit and a public hearing before the Planning Commission.

The conditional use permit review shall focus primarily on the unique characteristics of hillside lots including environmental, grading, geologic and soils, drainage, line of sight and the overall envelope of the structure. With respect to design review, the conditional use permit shall address only those elements currently permitted in Section 2 56 030 of the Monrovia Municipal Code pertaining to Development Review Committee Design Review Powers which include, roofing, roof overhang and siding materials.

An urgency ordinance has specific time limitations on their force and effect. They shall be of no further force and effect 45 days from the date of adoption, provided, however, that after notice and hearing, the City Council may extend such interim ordinance if so needed. An urgency ordinance requires a four-fifths vote of the City Council. The urgency ordinance is attached as Ordinance 2001-19U.

## EXCLUSIONS FROM THE MORATORIUM OR URGENCY ORDINANCE

In order to be fair to those property owners/developers that have already received approval but have not been issued building permits for their project, staff is recommending that projects that have been approved by the Development Review Committee would not be subject to the moratorium or urgency ordinance. This will exclude only one lot at 1080 Briarcliff Road which has received Development Review Committee approval.

**RECOMMENDATION:** Staff is recommending that an urgency ordinance be adopted that requires a conditional use permit for development of new single family homes in the hillside area, located north of Hillcrest Blvd, (excluding specific plan areas) that require a cut or fill of five (5) feet or greater or a retaining wall of more than six (6) feet in order to develop the lot.

**COUNCIL ACTION REQUIRED:** If the City Council concurs with this recommendation, following the public hearing, the appropriate motion would be:

### **MOTION TO ADOPT URGENCY ORDINANCE - CUP REQUIREMENT**

**Adopt Ordinance 2001-19(U) imposing a conditional use permit requirement for development on specified vacant infill hillside lots.**



## ORDINANCE 2001-19U

### **AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA IMPOSING TEMPORARY REGULATIONS ON THE APPROVAL OF SINGLE FAMILY RESIDENCES UNDER SPECIFIED CIRCUMSTANCES WITHIN ALL SINGLE FAMILY ZONES.**

**THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA** hereby ordains as follows

**WHEREAS**, the City of Monrovia ("City") has adopted zoning ordinances allowing development of single family residences in the Residential-Foothill (RF), Residential-Estate (RE), and Residential-Low Density (RL) zones. These development standards were intended to guide development of single family residences on relatively flat parcels, and

**WHEREAS**, the majority of the properties in these zones have been developed, the few remaining vacant lots, which were previously seen as less desirable for development due to constraints of the topography, are now being considered for development. The existing development standards were not designed to properly guide development on these hillside lots. The City Council finds and determines there is a need for a review of the present development policies for hillside lots and that these remaining lots demand a higher degree of sensitivity to environmental impacts such as effects on existing drainage patterns, nature and amount of grading, tree preservation and visual intrusion into neighboring uses and the development of these lots under the current standards without further review by the City could negatively impact surrounding properties, and

**WHEREAS**, The City has made a conscientious effort to plan for development in these single family zones and to anticipate conflicts that may arise due to the development of parcels in these zones in order to protect the public's health, safety and welfare, and

**WHEREAS**, the Monrovia Planning Commission has initiated a zoning ordinance amendment to address the development standards for hillside lots in single family zones, and

**WHEREAS**, the appropriate siting and design of single family dwellings on hillside lots in relation to surrounding properties is necessary to ensure that the City develops in conformance with the General Plan, and is thereby necessary in order to protect the public health, safety and welfare. Based on the foregoing recitals, the Council finds and determines there is current and immediate threat to the public health, safety and welfare that would result from the approval of additional use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with the city's zoning and land use regulations, especially in that once grading begins in a particular hillside lot, there will be little opportunity to mitigate negative environmental impacts that may be inherent in the present policies by changing the character or intensity of the development, and

**WHEREAS**, Government Code Section 65858 allows the City Council to adopt a measure as an interim ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council, the Planning Commission, or the Community Development Department intends to study within a reasonable time, and

**WHEREAS**, the adoption of this interim ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3), 15262 and 15306 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that such adoption may have a significant effect on the environment, such adoption involves only

feasibility and planning studies for possible future adoption of an ordinance that has not yet been prepared or adopted

**NOW, THEREFORE,** the City Council of the City of Monrovia does ordain as follows

Part 1 Any vacant lot in the RF, RE, or RL zone, north of Hillcrest Boulevard, that, as part of a development proposal, requires grading of the lot with more than five (5) feet of cut or five (5) feet of fill shall be subject to a Conditional Use Permit as specified in MMC §17 52 130

Part 2 Any vacant lot in the RF, RE, or RL zone, north of Hillcrest Boulevard, that, as part of a development proposal, requires a retaining wall higher than six (6) feet in height shall be subject to a Conditional Use Permit as specified in MMC §17 52 130

Part 3 Development proposals that have been approved by the Development Review Committee or Planning Commission on the date of adoption of this Ordinance are not subject to the provisions of this Ordinance

Part 4 This ordinance shall be of no further force or effect 45 days from its date of adoption, unless extended as provided in Government Code section 65858

Part 5 Ten days prior to the expiration of this interim ordinance or any extension thereof, the City Council shall issue a written report describing the measures taken to alleviate the threat to public health, safety and welfare that lead to the adoption of the ordinance

Part 6 Within 15 days after adoption of this ordinance, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City

Part 7 This ordinance is adopted as an urgency measure on October 9, 2001, to become effective immediately

SIGNED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of October 2001 by the following vote

AYES  
NOES  
ABSTAIN  
EXCUSED

BY

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Lara Larramendi Blakely, Mayor  
City of Monrovia

ATTEST

APPROVED AS TO FORM

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Linda B Proctor, CMC, City Clerk  
City of Monrovia

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Michael G Colantuono, City Attorney  
City of Monrovia

**ORDINANCE 2001-19**

**AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA IMPOSING A TEMPORARY MORATORIUM ON THE APPROVAL OF SINGLE FAMILY DWELLINGS UNDER SPECIFIED CIRCUMSTANCES WITHIN ALL SINGLE FAMILY ZONES.**

**THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA** hereby ordains as follows

**WHEREAS**, the City of Monrovia ("City") has adopted zoning ordinances allowing development of single family dwellings in the Residential-Foothill (RF), Residential-Estate (RE), and Residential-Low Density (RL) zones. These development standards were intended to guide development of single family dwellings on relatively flat parcels, and

**WHEREAS**, the majority of the properties in these zones have been developed, the few remaining vacant lots, which were previously seen as less desirable for development due to constraints of the topography, are now being considered for development. The existing development standards were not designed to properly guide development on these hillside lots. The City Council finds and determines there is a need for a review of the present development policies for hillside lots and that these remaining lots demand a higher degree of sensitivity to environmental impacts such as effects on existing drainage patterns, nature and amount of grading, tree preservation and visual intrusion into neighboring uses and the development of these lots under the current standards without further review by the City could negatively impact surrounding properties, and

**WHEREAS**, The City has made a conscientious effort to plan for development in these single family zones and to anticipate conflicts that may arise due to the development of parcels in these zones in order to protect the public's health, safety and welfare, and

**WHEREAS**, the Monrovia Planning Commission has initiated a zoning ordinance amendment to address the development standards for hillside lots in single family zones, and

**WHEREAS**, the appropriate siting and design of single family dwellings on hillside lots in relation to surrounding properties is necessary to ensure that the City develops in conformance with the General Plan, and is thereby necessary in order to protect the public health, safety and welfare. Based on the foregoing recitals, the Council finds and determines there is current and immediate threat to the public health, safety and welfare that would result from the approval of additional use permits, variances, building permits, or any other applicable entitlement for use which is required in order to comply with the city's zoning and land use regulations, especially in that once grading begins in a particular hillside lot, there will be little opportunity to mitigate negative environmental impacts that may be inherent in the present policies by changing the character or intensity of the development, and

**WHEREAS**, Government Code Section 65858 allows the City Council to adopt a measure as an interim ordinance prohibiting any uses that may be in conflict with a contemplated zoning proposal that the City Council, the Planning Commission, or the Community Development Department intends to study within a reasonable time, and

**WHEREAS**, the adoption of this interim ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to sections 15061(b)(3), 15262 and 15306 of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that such adoption may have a significant effect on the environment, such adoption involves only feasibility and planning studies for possible future adoption of an ordinance that has not yet been prepared or adopted

**NOW, THEREFORE,** the City Council of the City of Monrovia does ordain as follows

Part 1 Notwithstanding the zoning ordinances of the City of Monrovia, no approval may be granted for the development of any vacant lot in the RF, RE, or RL zone, north of Hillcrest Boulevard, that, as part of a development proposal, requires grading of the lot with more than five (5) feet of cut or five (5) feet of fill

Part 2 Notwithstanding the zoning ordinances of the City of Monrovia, no approval may be granted for the development of any vacant lot in the RF, RE, or RL zone, north of Hillcrest Boulevard that, as part of a development proposal, requires a retaining wall higher than six (6) feet in height

Part 3 Development proposals that have been approved by the Development Review Committee or Planning Commission on the date of adoption of this Ordinance are not subject to the provisions of this Ordinance

Part 4 This ordinance shall be of no further force or effect 45 days from its date of adoption, unless extended as provided in Government Code Section 65858

Part 5 Ten days prior to the expiration of this interim ordinance or any extension thereof, the City Council shall issue a written report describing the measures taken to alleviate the threat to public health, safety and welfare that led to the adoption of the ordinance

Part 6 Within 15 days after adoption of this ordinance, the City Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the City, and this ordinance shall become effective 30 days after its passage

INTRODUCED this 9<sup>th</sup> day of October 2001

SIGNED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of October 2001 by the following vote

AYES  
NOES  
ABSTAIN  
EXCUSED

BY

\_\_\_\_\_  
Lara Larramendi Blakely, Mayor  
City of Monrovia

ATTEST

APPROVED AS TO FORM

\_\_\_\_\_  
Linda B Proctor, CMC, City Clerk  
City of Monrovia

\_\_\_\_\_  
Michael G Colantuono, City Attorney  
City of Monrovia