

ORDINANCE NO. 2009-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE PERTAINING TO REGULATIONS FOR THE HCD ZONE

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

SECTION 1. On February 11, 2009, March 11, 2009, and April 15, 2009, the Planning Commission of the City of Monrovia held a duly noticed public hearing to consider Ordinance 2009-01. Following the close of the public hearing, the Planning Commission adopted Resolution No. 2009-01 recommending approval of Ordinance 2009-01.

SECTION 2. On May 19, 2009, the City Council held a duly noticed public hearing on Ordinance 2009-01.

SECTION 3. California Environmental Quality Act (CEQA). Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2009-01 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Staff finds that there is no possible significant effect directly related to Ordinance 2009-01 ("project"), therefore the project is exempt and no further action is required under CEQA pursuant to 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)), and independently, the project is categorically exempt pursuant to 15305 of the State CEQA Guidelines (14 CCR § 15305). 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 City staff has correctly concluded that it can be seen with certainty that there is no possibility the proposed amendment to the Municipal Code and the effects derivative from that adoption may have a significant effect on the environment, because the provisions of this ordinance provides similar regulations as currently exist and will not in and of themselves cause any change in the environment, and independently, that it meets the qualifications of a class 5 categorical exemption.

SECTION 4. Title 17, Chapter 17.08, Section 17.08.010 of the Monrovia Municipal Code is hereby amended by inserting new subsection 17.08.010(B), below; and reordering the remaining subsections accordingly.

- (B) *HCD zone.* Properties in the HCD zones are subject to the requirements in Chapter 17.14.

SECTION 5. Title 17, Chapter 17.08, Section 17.08.010, subsection 17.08.010(D) of the Monrovia Municipal Code is hereby amended by adding the use category entitled "Antique Store" alphabetically to the list in the section entitled "Commercial Uses"; and listing "Antique Store" as a Permitted Use ("P") in the NC Zone.

SECTION 6. Title 17, Chapter 17.08, Section 17.08.040 of Monrovia Municipal Code is hereby amended by adding a definition for "Antique Store", below which shall be inserted alphabetically into the list of use type explanations.

ANTIQUÉ STORE. Any business use that is primarily engaged in the sale or trading of articles of which 80 percent or more are over 50 years old or have collectible value, but does not include taking in pawn, accepting for sale on consignment, accepting for auctioning, or auctioning secondhand, tangible personal property.

SECTION 7. Title 17 of the Monrovia Municipal Code is hereby amended by adding a new Chapter 17.14 entitled Historic Commercial Downtown (HCD) Zone which shall have the following sections:

CHAPTER 17.14

HISTORIC COMMERCIAL DOWNTOWN (HCD) ZONE

Sections:

- 17.14.010 Purpose
- 17.14.020 Use Restrictions for the HCD Zone
- 17.14.030 Non Conforming Uses
- 17.14.040 Development Standards
- 17.14.050 Historic Preservation of the HCD Zone

SECTION 8. Title 17, Chapter 17.14, Section 17.14.010 of the Monrovia Municipal Code shall read as follows:

17.14.010 Purpose.

The purpose of these regulations is to provide and promote the historic role of the Historic Commercial Downtown (HCD) zone as the downtown retail business district of the city. Notwithstanding any other provision of this Code, the following regulations shall apply throughout the HCD zone.

SECTION 9. Legend "S", Note 3, and permitted uses for the HCD zone which appear in Title 17, Chapter 17.08, Section 17.08.010 of the Monrovia Municipal Code are hereby rechaptered to Chapter 17.14; Title 17, Chapter 17.08, Section 17.08.030, subsections (B)-(D) of the Monrovia Municipal Code are hereby rechaptered to Chapter 17.14; and the foregoing are amended and reorganized to read as follows:

17.14.020 Use Restrictions for the HCD Zone.

Use types permitted in the HCD zone is shown in the following table. Uses not listed on the following table are not permitted. Use type definitions are set forth in §17.08.030.

Legend:		
Blank	-	means the use is not permitted
"P"	-	means the use is permitted
"C"	-	means the use requires a major conditional use permit
"Cm"	-	means the use requires a minor conditional use permit
Use	Street Level	Non-Street Level
<i>Residential Uses</i>		
Multi-family Residential		C
Senior Citizen Housing		C
Single Family Residential		Cm
<i>Commercial Uses</i>		
Administrative/Professional Services	P ^{1,2,4}	P
Antique Store	Cm	Cm
Athletic Clubs/health spa	P ²	P
Business support services	P ⁴	P
Entertainment facilities	C ^{5,6}	C ^{5,6}
Family day care home		P
Financial institutions	P	P
Hotel/motel	C	C
Instructional Services		Cm
Postal Services	P	P
Restaurant	P	P
Retail (indoor)	P	P
Service Commercial	P ^{3,4}	P
Theme shopping	C	C
<i>Industrial Uses</i>		
Research and Development		C
<i>Institutional Uses</i>		
Club and lodge facilities		C
Cultural exhibits		P
Religious Assembly		C
<i>Other Uses</i>		
Other Uses	C	C
†All new construction and additions (regardless of use) over 10,000 square feet in area and/or with an occupant load of 30 persons or more shall require a conditional use permit.		

1. Only the following administrative/professional uses shall be permitted at street level: insurance agents, real estate offices, employment agencies, legal offices, income tax preparation, and ticket sales offices.
2. Allowed for buildings with a minimum of 5,000 square feet of existing undivided floor area.
3. Excluding beauty shops, nail salons, barbershops, and pet grooming.
4. For buildings in the HCD zone where a portion of the ground floor is divided with separate businesses that do not have access to Myrtle Avenue, all administrative/professional uses, all service commercial uses and business support services shall be permitted in those portions of the building.

5. Theaters in the HCD zone and PD-5 Zone shall not exceed a maximum of 12 screens.
6. For example, movie theaters, night clubs, dancing, music.

17.14.030 Nonconforming Uses.

Nonconforming uses may be allowed to be expanded in the HCD zone subject to approval of a conditional use permit if the following findings are made:

- (1) The expansion of the use will not significantly impact the availability of parking in the downtown area;
- (2) The expansion of the use will be consistent with the retail nature of the HCD zone; and
- (3) The existing building and/or its renovation will further the historic architectural character of the downtown area.

SECTION 10. The HCD row from the "Lot Size" table of Title 17, Chapter 17.16, Section 17.16.010 of the Monrovia Municipal Code is hereby rechaptered to Chapter 17.14; Title 17, Chapter 17.16, Section 17.16.020, subsection (B) is hereby rechaptered to Chapter 17.14; Title 17, Chapter 17.08, Section 17.08.030 is hereby rechaptered to Chapter 17.14; and the foregoing are amended and reorganized to read as follows:

17.14.040 Development Standards.

- (A) *Lot size.* The minimum lot area shall be 10,000 square feet. A minimum lot width of 50 feet and a minimum lot depth of 100 feet are required.
- (B) *Floor area and lot coverage.* The ratio of total gross floor area to lot area shall not exceed a FAR of 200%. Basement area shall not count in the determination of FAR. Minimum lot coverage is 75%. Maximum lot coverage is 100%.
- (C) *Setbacks.* No setback is required for buildings in the HCD zone. Additionally, buildings with property lines bounded by public streets, no setback is allowed, with the exception that storefront entries adjacent to Myrtle Avenue shall be recessed a minimum of 3' from the front property line.
- (D) *Building height.* Buildings in the HCD zone shall have no more than two stories (excluding basements) and shall not be taller than 35 feet in height.
- (E) *Retail storefront appearance required.* All uses located at street level must have a front window corridor consistent with the retail nature of Myrtle Avenue.
 - (1) Building partitions shall not be constructed within the front 25 feet as measured from the wall closest to the front lot line on Myrtle Avenue.
 - (2) Windows facing any street shall not be tinted.
 - (3) Storefront windows shall not be obscured. Window coverings on the ground floor shall be reviewed by the Development Review Committee and shall maximize the appearance of an open storefront.
 - (4) Bars or other physical security devices shall be discouraged however if installed the following shall apply:

- (a) Installation shall only be allowed on the interior of the building and shall be setback from the store front.
- (b) Devices shall be retractable and not visible when open.
- (c) Devices shall be opened during normal business hours. Normal business hours shall mean 10:00 a.m. to 5:00 p.m.
- (d) The Development Review Committee shall review the design and location of the installation.

(F) *Parking.* Notwithstanding the provisions of the Parking Ordinance in Chapter 17.24 of this Code, the parking requirements in this section shall apply to all property within the HCD Zone.

- (1) *Residential – Existing buildings.* When existing floor area is converted to a residential use, assigned open spaces shall be provided as follows:
 - (a) Dwelling units 600 square feet and less shall provide one space.
 - (b) Dwelling units over 600 square feet in floor area shall provide two spaces.

- (2) *Residential – New Construction.* When new residential uses are built, enclosed parking spaces shall be provided as follows:
 - (a) Dwelling units 600 square feet and less shall provide one enclosed garage space.
 - (b) Dwelling units over 600 square feet in floor area shall provide two enclosed garage spaces.

(G) *Residential Development.*

- (1) The following development shall apply to all residential units in the HCD zone.
 - (a) *Dwelling size.* Dwelling units shall have the minimum floor area as indicated in the table below (in square feet). Dwelling units shall have no more than two bedrooms.

Studio/ Efficiency	1-bedroom	2-bedroom
500	600	800

- (b) *Density.* Maximum permitted density is 25 dwelling units per acre.
- (c) *Accessory structures.* Detached accessory structures that are considered part of a residential use are not permitted.
- (d) *Outdoor storage prohibited.* For dwelling units that have balconies, only patio furniture shall be permitted on balconies.

(H) *Fences and Walls.* Fences and walls shall not be permitted adjacent to any public street. All other locations and materials used shall be approved by the Development Review Committee.

- (1) Barbed wire and chain link are not permitted materials.

- (I) *Trash areas.* Each use shall either (a) provide trash containers on site or (b) financially contribute to and use shared trash facilities within the HCD Zone. If trash containers are provided on site:
 - (1) The containers shall provide sufficient capacity to contain all refuse generated by the use.
 - (2) All trash containers shall be enclosed or screened from public view and shall not be adjacent to any public street and shall be located so as to allow for convenient pickup and disposal.
 - (3) All trash containers shall be provided with lids.
- (J) Outside storage prohibited.
- (K) *Mechanical equipment.* Ground-mounted mechanical equipment shall be completely screened from public view and shall only be permitted at the rear of buildings. Roof-mounted mechanical equipment and/or duct work which projects above the roof or roof parapet of a building and is visible from adjacent properties or a public street shall not be permitted. Exceptions: The Development Review Committee may permit an enclosure that screens mechanical equipment if the material is durable and consistent with the architecture of the building. Satellite dishes shall not be visible from the public right-of-way.
- (L) *Signage.* Sign standards are pursuant to the Sign Ordinance in Chapter 17.28.

SECTION 11. Title 17, Chapter 17.36, Sections 17.36.010 through 17.36.110 of the Monrovia Municipal Code are hereby rechaptered to Chapter 17.14, and amended and reorganized to read as follows:

17.14.050 Historic Preservation of the HCD Zone

- (A) *Purpose.* To preserve, protect and enhance the unique architectural, historical, aesthetic, and cultural heritage of Monrovia's historic downtown. The provisions of this section shall apply to all work involving construction, alteration or demolition of structures within the HCD Zone where such work requires a building permit or demolition permit and affects the exterior architectural appearance of a building. No building permit or demolition permit for such work shall be issued without the necessary approval required by this section.
- (B) *Definitions.* As used in this chapter, these words have the following meanings:

ALTERATION. A process that changes one or more of the exterior architectural features of a structure, including but not limited to the erection, construction, reconstruction or removal of any structure, in whole or in part.

CONSTRUCTION. The act of erecting a new principal or accessory structure, or adding to an existing structure.

DEMOLITION. Any act that destroys in whole or in part a structure.

EXTERIOR ARCHITECTURAL APPEARANCE. The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material, and the type, design and character of all windows and doors.

- (C) *Historic Preservation Commission Authority.* The Historic Preservation Commission, as established in Title 2, shall have under its auspices the administration of this chapter as it relates to the Commission's goals and purposes.
- (D) *Application For Building Permit In The HCD Zone.* Every application for a building permit for work affecting the exterior architectural appearance of a building in the HCD Zone shall be submitted to the Historic Preservation Commission for review and approval pursuant to this section.
- (E) *Determination by Historic Preservation Commission.* The Historic Preservation Commission shall approve, conditionally approve or deny each application for a building permit involving new construction or alterations affecting the exterior architectural appearance of a building in the HCD Zone. The Commission shall review each application for a demolition permit and make a recommendation to the City Council regarding such demolition pursuant to the economic hardship provisions in Chapter 17.40.
- (F) *Standards for Review—Alteration.* In considering an application for a building permit for alteration of an existing building or structure, the Historic Preservation Commission shall be guided by the following general standards in addition to any other applicable regulations contained in this code:
 - (1) For those structures that have been covered by stucco or other materials, reasonable efforts shall be made to explore the original structure and restore the building to its original design and exterior appearance.
 - (2) The distinguishing original qualities or character of a building, structure or site shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.
 - (3) Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be preserved whenever reasonably possible.
 - (4) Deteriorated architectural features shall be repaired rather than replaced whenever reasonably possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities, whenever reasonably possible. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence.

(G) *Standards for Review—New Construction.* In considering an application for a building permit for new construction, the Historic Preservation Commission shall be guided by the following general standards in addition to any applicable regulations contained in this code.

- (1) Height. The height of any proposed construction should be compatible with the style and character of surrounding structures.
- (2) Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the surrounding structures.
- (3) Relationship of building masses and spaces. The relationship of a structure and adjoining structures should be compatible.
- (4) Roof shape. The designs of the roof should be compatible with the architectural style and character of surrounding structures.
- (5) Landscaping. Landscaping should be compatible with the architectural character and appearance of surrounding landscaping.
- (6) Scale. The scale of the structure should be compatible with the architectural style and character of the surrounding structures.
- (7) Directional expression/facades. Facades in the HCD Zone should blend with other structures with regard to directional expression. Structures in the HCD Zone should be compatible with the dominant horizontal or vertical expression of surrounding structures.
- (8) Architectural details. Architectural details including materials, colors and textures should be treated so as to make any new construction compatible with the architectural style and character of the HCD Zone.

(H) *Demolition—Economic Hardship Prerequisite.* Demolition of a structure in the HCD Zone shall only be permitted upon a finding that continued use of the structure for which demolition is proposed would cause an economic hardship on the property owner pursuant to the economic hardship provisions contained in § 17.40.100.

(I) *Emergency Demolition.* Emergency demolition shall be pursuant to the procedure contained in §17.40.120.

(J) *Enforcement.* Preservation of buildings in the HCD Zone is essential to the long-term value and character of this unique shopping district. Any alteration, construction or demolition of a structure in the HCD Zone in violation of the provisions of this chapter and Chapter 17.40 shall result in the application of the enforcement and penalties contained in § 17.40150.

SECTION 12. Title 17, Chapter 17.08 is hereby amended by deleting any remaining subsections from Section 17.08.030, and reordering Section 17.08.040 as Section 17.08.030.

SECTION 13. Title 17, Chapter 17.36 of the Monrovia Municipal Code is hereby amended by deleting Section 17.36.120 (Planned Development Zone) and Section

17.36.130 (Business Enterprise Zone). All references to Chapter 17.36 shall be deleted from the Monrovia Municipal Code.

SECTION 14. Title 17, Chapter 17.08, Section 17.08.010, subsection 17.08.010(D) of the Monrovia Municipal Code is hereby amended by renumbering Note 4 to Note 3.

SECTION 15. It is the intent of the City Council that the code history relating to the sections and subsections that are being rechaptered shall be carried over to their corresponding new chapter and section.

SECTION 16. 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 17. 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 19th day of May 2009.

PASSED, APPROVED, AND ADOPTED this ___ day of _____ 2009 by the following vote:

AYES:
NOES:
ABSTAIN:
EXCUSED:

BY:

Mary Ann Lutz, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

Linda B. Proctor, MMC, City Clerk
City of Monrovia

Craig A. Steele, City Attorney
City of Monrovia