



PLANNING COMMISSION STAFF REPORT

APPLICATION: Board of Appeals

AGENDA ITEM: AR-1

PREPARED BY: Craig Jimenez, Director

MEETING DATE: October 9, 2019

SUBJECT: Nominations to the Board of Appeals

BACKGROUND: Last month, the City Council adopted Ordinance No. 2019-06 which among other things created a five-member Board of Appeals. This policy change was in response to recommendations from the City Prosecutor's Office and the City Attorney's Office to modify the practice of having administrative appeals heard by a hearing officer.

The purpose of the Board is to consider appeals of administrative decisions and determinations based on the provisions contained in Title 15 (Buildings and Construction) of the Monrovia Municipal Code. Essentially, Title 15 is the Monrovia Building Code and contains the regulations related to construction including all of the adopted technical codes such as the Mechanical Code and Plumbing Code. Additionally, the Fire, Housing and Administrative Codes are part of Title 15. Several of these codes specify that appeals be heard by a *board* as opposed to an *officer*.

Specifically, the Administrative Code advises that the body be comprised of a *majority* of individuals with some technical understanding or experience in building and construction, planning, architecture, fire science, engineering or a related field. Based on previous history, there have been numerous members of the Planning Commission and the Historic Preservation Commission that have the requisite experience.

Since it is uncommon for staff decisions, determinations and interpretations to be appealed, the Ordinance recognizes the efficiency of drawing from the expertise of our existing commissioners to establish an appeals body as opposed to going through a separate recruitment. This is similar to the makeup of the Art in Public Places Committee. If for some reason, there are not enough Commissioners with the minimal experience or availability, the ordinance allows the Mayor to appoint a resident at-large to serve.

DISCUSSION/ANALYSIS: The Ordinance specifies that the Board of Appeals will be comprised of three Planning Commissioners and two Historic Preservation Commissioners. Each Commission will recommend members to the Mayor to serve on the Board each year. Moving forward, staff anticipates that the nomination process will be timed with the start of the fiscal year.

Historically, there have been very few appeals that would have gone to the Board of Appeals. Therefore, a meeting will only be called, when and if an appeal is filed. It is unlikely that the Board would meet more than 2 or 3 times a year. The time commitment would likely be less than 2 – 3 hours per year. With that said, there will be one, one-hour training session held each year.

RECOMMENDATION: Staff recommends that the Planning Commission nominate three Commissioners to serve on the Board of Appeals. If the Planning Commission concurs with this recommendation then the following motion is appropriate:

Nominate Commissioner _____, Commissioner _____ and Commissioner _____ to serve on the Board of Appeals.



CITY COUNCIL AGENDA REPORT



DEPARTMENT: Community Development

MEETING DATE: September 3, 2019

PREPARED BY: Craig Jimenez, Director

AGENDA LOCATION: AR-1

TITLE: Amendment to Title 2 (Administration and Personnel) and Title 15 (Buildings and Construction) of the Monrovia Municipal Code Establishing a Board of Appeals and Procedures for Processing Appeals of Title 15; Introduction and First Reading of Ordinance No. 2019-06

OBJECTIVE: To create a Board of Appeals and adopt regulations, policies and procedures related to appeals of the Building Code, Fire Code and other related technical codes

BACKGROUND: In order to standardize the rules and requirements for construction, since 1927, the International Council of Building Officials (ICBO) adopted and published the first Uniform Building Code. Revised editions of this code are published approximately every three years. The scope of the regulations have significantly expanded since that time. What is commonly referred to as the “building code” is actually a series of individual codes covering all aspects of building construction. In addition to building construction, these *technical codes* cover all other components of construction including the Mechanical Code, Electrical Code, Plumbing Code and the California Historical Building Code. The City has adopted 13 separate Codes that collectively form Monrovia’s Building Code. This is codified in Title 15 of the Monrovia Municipal Code

Specifically, one of those codes, the Administrative Code provides regulations and procedures in the execution, application and enforcement of the codes, in other words, the administration of those codes.

Recently, the City Prosecutor advised staff of conflicts with the requirements of the technical codes adopted as part of Title 15. These conflicts hinder our ability to enforce certain provisions of the City’s regulations. The proposed ordinance cleans up those provisions and clarifies components of the City’s application and adopted amendments of the Administrative Code.

Additionally, since a number of code enforcement cases involve, at least in part, violations of these codes, the appeal process was previously consolidated with the appeals process established as part of the Administrative Fine Program. This program uses an individual hearing officer, as opposed to a hearing board to review and decide on appeals. However, there are conflicts between this approach and the provisions of the technical codes.

ANALYSIS: Currently, the City processes all administrative appeals of decisions made by authorized City staff, through a hearing officer. This poses a conflict with certain requirements in the adopted technical codes contained in Title 15. To rectify this, based on recommendations from the City Prosecutor’s Office and the City Attorney’s Office, staff proposes reestablishing a Board of Appeals to hear and decide appeals of decisions and determination made by authorized staff regarding enforcement of the technical codes.

The proposed ordinance seeks to achieve two outcomes:

- Establish a Board of Appeals to review appeals of decisions and determinations based on these codes.

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- Clarify how specific components of the Administrative Code are applied to be consistent with the Monrovia's Code Enforcement operation, as well as, consistent with the requirements of the City's building and other technical codes.

Board of Appeals

The Municipal Code provides that the Planning Commission may hear some appeals; however, there are inconsistencies and conflicts in the City's regulations with the administrative, building and technical codes. These codes strongly advise that the body be comprised of a majority of individuals with at least some technical understanding or experience with building, planning, architecture, fire science and / or engineering. While some of Monrovia's Planning Commissioners fulfil that requirement, it is not a requirement to serve on the Planning Commission.

Instead of establishing a separate body, staff proposes utilizing five-member Board of Appeals that will be comprised of sitting Commissioners: three Planning Commissioners and two Historic Preservation Commissioners. The Planning Commission is comprised of a broad mix of the residents with varying background and experience. Historic Preservation Commissioners on the other hand, must have some experience relevant to preservation, including construction and architecture. Based on previous history, between the two commissions there have continually been an ample number of qualifying professionals. If for some reason, there are not enough with the minimal experience to serve on the Board of Appeals, the proposed ordinance allows the Mayor to appoint a resident-at-large.

It is uncommon for staff decisions, determinations, and interpretations to be appealed; therefore, staff believes that drawing from the expertise of our existing commissioners would be an efficient way to establish an appeals body as opposed to creating another separate body. This would be similar to the Art in Public Places Committee.

Title 15 Clean up

In addition to establishing an appeals board, the proposed ordinance also includes regulatory clean up to Title 15 including responding to changes in state legislation. The proposed amendments will:

- Clarify that unlawful construction as well as use of illegal structures are violations of Title 15, including the technical codes and subject to enforcement and citation.
- Add a provision that permits issued to correct unpermitted or hazardous conditions expire after 90 days.
- Clarify that fees for building permits, special housing inspections and plan check fees are established by resolution of the City Council as well as revises the policy for fee refunds.
- Clarify provisions related to Historic Preservation and the authority of the Historic Preservation Commission.
- Addresses requirements imposed by AB 2913 which extended the expiration of a building permit from 180 days to 12 months.

The proposed ordinance is the next step in the review of the City's regulatory and administrative framework of the Development Services and Community Development in providing clarity and consistency in process and application. Utilizing existing Planning Commissioners and Historic Preservation Commissioners will provide efficient means to establish a Board of Appeals within the existing makeup of the existing boards and commissions.

ENVIRONMENTAL IMPACT: Staff has determined that the proposed ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment and therefore is subject to the "general rule" that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FISCAL IMPACT: No fiscal impact is anticipated associated with the adoption of the proposed ordinance.

OPTIONS: The following options have been prepared for consideration:

1. Introduce Ordinance No. 2019-06 establishing a Board of Appeals and amending the Administrative Code of Title 15.
2. Continue Ordinance No. 2019-06 and provide staff with additional direction on the proposed regulations.
3. Reject Ordinance No. 2019-06.

RECOMMENDATION: Staff recommends that the City Council introduce Ordinance No. 2019-06

COUNCIL ACTION REQUIRED: If the City Council concurs, the appropriate action would be a motion to introduce, waive further reading, and read by title only Ordinance No. 2019-06.

ORDINANCE NO. 2019-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) AND TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE MONROVIA MUNICIPAL CODE ESTABLISHING A BOARD OF APPEALS AND AMENDING REGULATIONS PERTAINING TO THE ADMINISTRATIVE CODE

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

SECTION 1. Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2019-06 is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. City Staff found that there is no possible significant effect directly related to Ordinance 2019-06 ("project"), because this ordinance only establishes a board of appeals and a procedure to review and decide on appeals of decisions and violations of the provisions of Title 15 of the Monrovia Municipal Code (MMC) and authorizes administrative activities which will not result in a direct or reasonably foreseeable indirect physical change in the environment. Therefore, no further action is required under CEQA pursuant to Section 15061(b)(3) of the State CEQA Guidelines (14 CCR § 15061(b)(3)). 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 amendments to the Municipal Code and the effects derivative from that adoption may have a significant effect on the environment.

SECTION 2. The custodian of records for all materials that constitute the record of proceeding upon which this decision is based is the City Clerk. Those documents are available for public review in the Office of the City Clerk located at 415 South Ivy Avenue, Monrovia, California 91016.

SECTION 3. All legal prerequisites to the adoption of the Ordinance have occurred.

SECTION 4. Title 2 (Administration) of the Monrovia Municipal Code is hereby amended by adding a new Chapter 2.58 (Board of Appeals) to read as follows:

“Chapter 2.58 Board of Appeals

2.58.010 Creation

A Board of Appeals is hereby created and shall be the “local appeals board,” the “housing appeals board,” and the “board of appeals” as those phrases are defined and used in the California Building Standards Code or any other code referenced or provision contained in Title 15 of the Monrovia Municipal Code as the may apply to the City of Monrovia either by express adoption or by operation of law.

Regardless of the contrary in any provision of the California Building Standards Code or any other code under this title, the provisions of this chapter shall govern all appeals.

2.58.020 Membership

- (A) The Board shall be comprised of five members. Three shall be Planning Commissioners and two shall be Historic Preservation Commissioners. The respective commissions shall nominate members to serve on the Board and shall be reappointed each year as part of the Commission reorganization. Commissioners may be reappointed to the Board without limitation.
- (B) Board members should be from among professionals related to the disciplines of architecture, engineering, building, construction, planning or fire safety or closely related field as well as have knowledge of the California Building Standards Code and applicable ordinances of the city of Monrovia.
- (C) Board members whose terms on their respective commissions expire shall also vacate their seat on this board.
- (D) At the pleasure of the mayor, a qualified resident at-large may be appointed to fill a vacancy on the board when there is no commissioner with the requisite knowledge, the appointment shall be for three years.
- (E) Appointed members of the Board shall serve without compensation.
- (F) The Building Official shall serve as an ex officio member and the Fire Chief shall serve as an ex officio member for fire related issues. Neither the Building Official nor the Fire Chief shall have any vote on matters brought before the board. The Building Official shall act as secretary to the board.

2.58.030 Officers.

The Board shall elect its President from among the appointed members for a term of one year, and subject to other provisions of law may create and fill such other offices as it may determine and shall keep a record of all the proceedings, decisions, and findings of the Board which shall be a public record.

2.58.40 Meetings-Quorum

- (A) The Board shall meet only when:
 - 1. An appeal is filed pursuant to this Code; or
 - 2. The Building Official or the Fire Chief calls a special meeting of the building board of appeals in order to request advisory comments regarding issues related to this chapter, such as the potential adoption of new codes, proposed code changes, or alternative methods and materials.
- (B) Three members of the Board shall constitute a quorum.

2.58.050 Powers and Duties

The Board of Appeals is empowered to hear and decide on appeals of orders, decisions or determinations made by the Building Official, the Fire Chief or both relative to the application and interpretation of the Monrovia building and safety code. The board shall have no authority to waive the requirements of said code.

- (A) Any person adversely affected by a determination made by the Building Official or Fire Chief in administering or enforcing any provision of this code, may appeal the determination of the board.
- (B) Appeals shall be in writing, state the grounds for the appeal, and be accompanied by a fee in the amount set by resolution of the city council. Only those matters or issues specifically raised by the appellant shall be considered in the hearing of the appeal.
- (C) The appeal shall be filed with the director of community development no later than ten days after receipt of written notice of the determination and the appeal provisions of this chapter. Failure to timely request an appeal constitutes a waiver of the right to a hearing before the building appeals board and a failure to exhaust administrative remedies.
- (D) Within 45 days to receiving an appeal, the Building Official shall schedule a hearing before the appeals board which shall consider relevant evidence presented at the hearing. Appellant shall be given at least ten days written notice of the date and time of the hearing.
- (E) The building appeals board shall render a final written decision with findings within a reasonably prompt time after the filing of the appeal. The authority of the building appeals board to render a written decision shall be limited to the scope of authority of the Building Official or fire code official in the first instance and the building appeals board shall have not authority to waive a requirement of this title.
- (F) The decision of the building appeals board shall be final and conclusive. The written decision shall be sent to the appellant and shall provide that, pursuant to California Code of Civil Procedure Section 1094.6, any action to review said decision shall be commenced in appropriate court of law not later than the 90th day after the date that the decision becomes final.”

SECTION 5. Title 15 (Buildings and Construction), Chapter 15.04 (Codes Adopted), Section 15.04.020 is hereby amended by deleting terms “Board of Appeals, and “Planning Commission”.

SECTION 6. Title 15 (Buildings and Construction), Chapter 15.04 (Codes Adopted), Section 15.04.025 (Penalties) is hereby be amended in its entirety to read:

“15.04.025 VIOLATIONS AND PENALTIES.

- (A) Unlawful acts. It shall be unlawful for any person (including but not limited to any individual, corporation, limited liability company, trust or other entity or responsible person) to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or occupy or maintain any building, structure or building service equipment, or cause or permit same to be done in violation of this code and the Technical Codes.
- (B) Occupancy or Use Violations. It shall be unlawful for any person to own, use, occupy, or allow, permit or suffer any use of a building, structure, or premises, or portion thereof, in violation of, any of this Administrative code, or the Code. Whenever any structure or portion thereof or equipment therein is being used contrary to the provisions of this code, or other pertinent laws or ordinances, or whenever any structure or portion thereof which was built contrary to the provisions of this code or other pertinent laws or ordinances, is being used or occupied, the Building Official may order such use discontinued and the

structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within 10 days after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this Code. No person shall own, use, occupy or maintain any "Unpermitted Structure." For the purposes of this code, "Unpermitted Structure" shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished, or equipped, at any point in time, without the required permit(s) having first been obtained from the Building Official, or any work for which a permit has expired.

- (C) Any person, firm or corporation violating any of the provisions of this chapter or any of the Codes adopted herein by reference shall be deemed guilty of a misdemeanor, unless prosecuted as an infraction in the discretion of the City Prosecutor or as an Administrative Citation as provided herein, and shall be punishable by a fine or by imprisonment not to exceed six calendar months in jail, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of the said Code is committed, continued or permitted.
- (D) Separately and distinctly, any violation of the provisions of this chapter or any of the Codes adopted herein by reference on any property in the city shall be deemed a public nuisance and may be abated by the city by civil process through the means of an injunction or restraining order, or pursuant to the provisions of this Code and other applicable law pertaining to the abatement of public nuisances.
- (E) Any person, firm or corporation violating any of the provisions of this chapter or any of the Codes adopted herein by reference may be issued an Administrative Citation and fine pursuant to Chapter 1.17 of this Code, provided that no such person, firm or corporation may be both prosecuted pursuant to §15.04.025(C) and receive an Administrative Citation for the same violation."

SECTION 7. Title 15 (Buildings and Construction), Chapter 15.04 (Codes Adopted), Section 15.04.100 (Section 330.4 Amended—Permits Issuance) is hereby amended in its entirety to read:

"15.04.100 SECTION 303.4 AMENDED—PERMITS ISSUANCE.

Section 303.4 of the Administrative Code is amended to read as follows:

303.4 Expiration.

- (A) Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one year from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one year. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

- (B) Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. The permittee shall request an extension pursuant to this section in writing and demonstrate justifiable cause for the extension. No permit shall be extended more than one time. A permit shall not be extended if the technical code which is applicable to the type of permit under consideration or any other pertinent laws or ordinances have been amended subsequent to the date of permit issuance. An extension granted under the provisions of this code shall not be construed as authorizing an extension of time for taking action under other law or ordinance.
- (C) Expiration of Permit for Unlawful Structure. If a building permit was issued in order to bring an unpermitted structure or other unlawful, substandard, or hazardous condition into compliance with any applicable law, or ordinance, such permit shall expire by limitation and become null and void 90 calendar days after the date on which the permit was issued. The Building Official may extend the validity of the permit for a period not exceeding 90 calendar days beyond the initial 90-day limit upon written request by the applicant filed with the Building Official prior to the expiration date of the original permit.”

SECTION 8. Title 15 (Buildings and Construction), Chapter 15.04 (Codes Adopted), Section 15.04.110 (Sections 303.6 and 303.7 Added—Review of Permits) shall be amended by replacing the added Section 303.7 of the Administrative Code in its entirety to read:

“303.7 Historic Preservation Commission. A building permit shall not be issued to construct a new building in the HCD District nor demolish or alter the exterior appearance of an existing building located in the HCD District until plans have been approved by the Historic Preservation Commission in the manner set forth in Chapter 17.14 of the Monrovia Municipal Code. Further, a building permit shall not be issued to construct a new building nor demolish or alter the exterior appearance of an existing building on a property designated as a historic landmark or within a historic district until plans have been approved by the Historic Preservation Commission in a manner set forth in Chapter 17.40 of the Monrovia Municipal Code.”

SECTION 9. Title 15 (Buildings and Construction), Chapter 15.04 (Codes Adopted), Section 15.04.120 (Sections 304 Amended—Fees) is hereby amended in its entirety to read:

“15.04.120 SECTION 304 AMENDED—FEES.

Section 304 of the Administrative Code is amended as follows:

Add: A. General. Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by this jurisdiction.

- (A) Section 304.2 is amended to read as follows:

304.2 Permit Fees. The fee for each permit shall be as established by the City Council of the City of Monrovia.

B. Permit Fees. For each and every permit issued pursuant to Title 24, California Building Standards there shall be paid to the City a permit fee in such amount as established by resolution of the City Council. The permit fees shall be established by state or local agencies or by resolution of the city council. The determination of value or valuation under any of the provisions of these codes shall be made by the Building Official. The value to be used in computing the permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air-conditioning, elevators, fire-extinguishing systems and other permanent equipment. In addition to the permit fees, if buildings or structures are required to meet energy, sound insulation and/or seismic zone standards as mandated by the state, then the Building Official shall collect a fee in the amount established by state or local agencies or by resolution of the city council.”

(B) Section 304.3 is amended to read as follows:

304.3 Plan Review Fees.

- (1) **Plan Review Fees.** When a plan review is required, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee shall be those fees established by resolution of the city council. Additional review fees may be assessed for changes and revisions to the plans beyond those required to address the plan review corrections and for those changes made after issuance of the permit. Applications for extension of the plan review expiration date, which are submitted in accordance with this code, shall be accompanied by payment of fees. In addition to the plan check fee, if buildings or structures are required to meet energy, sound insulation and/or seismic zone standards as mandated by the state, then the Building Official shall collect a fee in the amount established by state or local agencies or by resolution of the city council. When the Building Official determines that the construction or work poses a hazard or that the nature of the construction or work requires a degree of specialized knowledge, skill or experience beyond that possessed by any regular employee of the city, or when there are differences of opinions between the department staff and the project’s consultants, the Building Official may employ a consultant or consultants. The owner, or his agents, shall pay to the city all direct and indirect costs of such consultants and shall maintain a cash deposit with the city at all times in a sufficient amount for the purpose of paying such costs.
- (2) **Fee for Duplicate Buildings.** When two or more buildings are to be erected from identical plans and specifications and items (A) through (D) below are complied with, the plan review fee for the second or subsequent buildings shall be 25% of the plan review fee for the first building.
 - a) Applications for separate permits for each building shall be filed prior to the reviewing of the plans.
 - b) A site plan shall accompany each application for a permit.
 - c) The number of sets of plans and specifications submitted to the city shall be one more than the number of applications for permits.
 - d) Plans and specifications for all buildings, including the foundation system, shall be identical.

(C) Section 304.4 is amended to read as follows:

304.4 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for

review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. An application shall not be extended if the technical code which is applicable to the type of application under consideration or any other pertinent laws or ordinances have been amended subsequent to the date of application. An extension granted under the provisions of this code shall not be construed as authorizing an extension of time for taking action under any other law or ordinance. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(D) Section 304.5 is amended to read as follows:

D. Investigation Fees: Work without a Permit.

304.5.1 Investigation. Whenever work for which a permit is required by this code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work.

304.5.2 Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

(E) Subsection 304.6 is amended to read as follows:

304.6 Fee Refunds. The Building Official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.”

SECTION 10. Title 15 (Buildings and Construction), Chapter 15.04 (Codes Adopted), Section 15.04.190 (Chapter 2 Amended –Add Definitions) is hereby amended by changing the term “Historic Review Committee” in the list of definitions to “Historic Preservation Commission”. The definition shall read:

“HISTORIC PRESERVATION COMMISSION is a commission established by Chapter 2.54 of the Monrovia Municipal Code.”

SECTION 11. Title 15 (Buildings and Construction), Chapter 15.04 (Codes Adopted), Section 15.04.420 (Section 203 Amended—Appeal to the Planning Commission) which contains amendments to the Housing Code is hereby amended to read:

“Section 203 of the Housing Code is hereby amended to read as follows:

BOARD OF APPEALS. Whenever the Director of Community Development shall disapprove an application, or refuse to grant a license or permit applied for, or when it is claimed that the provisions of any of the above adopted codes do not apply, or that the true meaning and intent of said codes have been misconstrued or wrongly interpreted, the applicant or an aggrieved party may appeal within ten (10) days from the decision of the Director of Community Development to the Board of Appeals of the City of Monrovia, as set forth in Chapter 2.58 of the Monrovia Municipal Code.”

SECTION 12. Title 15 (Buildings and Construction), Chapter 15.20 (Fire Code), Section 15.20.040 (Section 103.4 of Chapter 1 Amended – Non-Liability of City or Official) is hereby amended by changing all references to the “Planning Commission” to “Board of Appeals” and references to “Section 2.52.060” shall be changed to “Chapter 2.58”.

SECTION 13. Title 15 (Buildings and Construction), Chapter 15.20 (Fire Code), Section 15.20.050 (Section 108.1 of Chapter 1 Amended—Appeals to Planning Commission) is hereby amended and retitled to read:

“15.20.050 Section 108.1 of Chapter 1 Amended—Appeals to Board of Appeals.

Section 108.1 of Chapter 1 of the Fire Code is hereby amended to read as follows:
Appeals to Board of Appeals. Whenever the Chief of the fire department disapproves an application or refuses to grant a license of permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the Code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the fire department to the board of appeals of the City of Monrovia, as set forth in Chapter 2.58 of the Monrovia Municipal Code, within thirty days from the date of the decision of the Chief.”

SECTION 14. Title 15 (Buildings and Construction), Chapter 15.28 (Grading and Erosion Control), Section 15.28.230 (Appeals) is hereby amended to read:

“The Board of Appeals shall consider appeals from the provisions of this chapter or from the determinations of the Engineer in the manner specified in Chapter 2.58 of this code.”

SECTION 15. 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 16. 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 3rd day of September, 2019.

PASSED, APPROVED, AND ADOPTED this 17th day of September, 2019.

Tom Adams, Mayor
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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

Craig A. Steele, City Attorney
City of Monrovia