

ORDINANCE NO. 2016-10

AN ORDINANCE OF THE CITY OF MONROVIA, CALIFORNIA AMENDING TITLE 17 (ZONING) OF THE MONROVIA MUNICIPAL CODE TO INCORPORATE DEMOLITION REVIEW PERMIT REGULATIONS FOR ANY MAIN RESIDENTIAL BUILDING THAT IS FIFTY OR MORE YEARS OLD

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

SECTION 1. The Monrovia City Council adopted Ordinance Nos. 2014-13U and 2014-13 on November 18, 2014, and December 2, 2014, respectively which prohibited the demolition of any main building on a property in the City constructed prior to January 1, 1940 (Moratorium). The purpose of the Moratorium was to allow the City to study, review and adopt permanent zoning regulations regarding the demolition or significant alteration of historic residential structures in the City. The Moratorium was extended by the adoption of Ordinance 2014-16U on December 16, 2014. Ordinance Nos. 2014-13U, 2014-13, and 2014-16U are hereby repealed as of the effective date of this Ordinance No. 2016-10.

SECTION 2. On August 10, 2016, the Planning Commission of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2016-10. At the hearing, all interested persons were given an 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. PCR2016-04 recommending approval of Ordinance No. 2016-10.

SECTION 3. On September 6, 2016, the City Council of the City of Monrovia conducted a duly noticed public hearing on Ordinance No. 2016-10. At the hearing, all interested persons were given an opportunity to be heard. The City Council received and considered the staff report and all the information, evidence, and testimony presented in connection with this Ordinance.

SECTION 4. Environmental Review

Pursuant to the California Environmental Quality Act ("CEQA") and the City's local CEQA Guidelines, City Staff determined that Ordinance 2016-10 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 2016-10 ("project"), because this ordinance will impose regulations that will constrain the demolition of historic residential structures and thereby reduce the potential environmental impacts arising from demolition of residential structures that are 50 or more years old for the purpose of preserving existing, potentially significant historic resources in the City. 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, because this ordinance will reduce the potential environmental impacts arising from the demolition or significant alteration of residential structures

that are 50 or more years old and will thereby preserve existing, potentially significant historic resources in the City.

SECTION 5. 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 6. All legal prerequisites to the adoption of the Ordinance have occurred.

SECTION 7. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), is hereby amended by repealing in its entirety Section 17.12.050 (Demolition of Residential Structures-Advisory Review) of the Monrovia Municipal Code.

SECTION 8. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.060 (Incentives for Retention of Residential Structures), subsection (B) of the Monrovia Municipal Code is hereby amended to read as follows:

(B) *Properties subject to this section.* The incentives in this section apply to residential structures in residential zones that are fifty years old or older and have architectural values as determined by the Historic Preservation Commission. The qualification will be based on the condition of the existing structure, its architectural integrity and historic value, and the proposed development and restoration plan for the property.

SECTION 9. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.060 (Incentives for Retention of Residential Structures), subsection (C) of the Monrovia Municipal Code is hereby amended to read as follows:

(C) *Exceptions and variances.* Exceptions and variances. The provisions in this title may be deviated from if the Committee or the Commission determines that the value of preserving the structure outweighs potential impacts of the approval of a minor exception approved pursuant to Section 17.52.110 or major variance approved pursuant to Section 17.52.120.

SECTION 10. Title 17 (Zoning) the Monrovia Municipal Code is hereby amended by adding a new Chapter 17.10 entitled "Demolition Review of Main Residential Buildings" to read as follows:

Chapter 17.10 Demolition Review of Main Residential Buildings

17.10.010 Purpose and intent.

The purpose of this Section is to preserve existing, potentially historic main residential buildings that are at least 50 years old to the greatest extent possible to protect against the loss of potential historic landmarks.

17.10.020 Definitions. For the purposes of this section, the following definitions shall apply.

(A) **ALTERATION.** Any change or modification, through public or private action, to the character defining or significant physical features of a main residential building, as defined in this chapter. Such changes may include, but are not limited to, changes to or modification of the structure, its architectural details, or visual characteristics.

- (B) **BUILDING, MAIN RESIDENTIAL.** A residential building or residential buildings, including houses, duplexes or multi-family residential structures, that were constructed fifty or more years prior to the date when an application is submitted to the City, within which the principal use on the property is conducted. The Director of Community Development shall determine whether a structure on a property is a main residential building.
- (C) **CHARACTER DEFINING ELEMENTS.** Architectural features of a building or structure that help convey the significance of the historical building and which were present during the period of significance.
- (D) **DEMOLITION.** Any act or process that destroys or damages in part or in whole, a main residential building.
- (E) **NON-DESIGNATED PROPERTY.** A non-designated property shall mean a property that has not been designated as a Historic Landmark in accordance with the Historic Preservation Ordinance of the City of Monrovia set forth in Chapter 17.40 of this Title. If the property is a Historic Landmark, demolition review shall be subject to the provisions of Chapter 17.40.
- (F) **ORDINARY MAINTENANCE AND REPAIR.** Any work for which a building permit is not required by law where the purpose and effect of such work is to correct any deterioration of, or damage to, an improvement or natural feature or any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.
- (G) **REHABILITATION.** The act or process of returning an improvement or site to a condition of utilization, through repair, remodeling or alteration, that makes possible an efficient contemporary use while preserving those portions or features of the improvement or site that are significant to its historical, architectural and cultural values.
- (H) **RESTORATION.** The act or process of accurately recovering the form and details of an improvement or natural feature and its setting as it appeared at a particular period of time by means of the removal of later additions to, or by the replacement of missing earlier portions of the feature.

17.10.030 Applicability. This Section shall apply to a main residential building on any Non-Designated property in any zone that was constructed more than fifty years prior to the date of the application where an applicant proposes a demolition or alteration of the building's exterior, when the following actions are included in the request:

- (A) Total demolition or removal of a main residential building in its entirety, or
- (B) Alteration or demolition of fifty percent or more of a main building's roof area, or
- (C) Alteration or demolition of a main building's exterior wall area, equal to or greater than:
 - (1) The removal or alteration of fifty percent or more of a main building's total exterior wall area, or
 - (2) The removal or alteration of twenty-five percent or more of any exterior wall facing a public street.
 - (3) The provisions of this Paragraph (C) shall not apply to the alteration of an exterior wall if:
 - (a) The wall retains its character defining elements;
 - (b) The wall is not covered or otherwise concealed by a new wall that is proposed to be placed in front of the existing wall, and
 - (c) Attached character defining design elements, such as covered porches, porte-cocheres, columns, etc., are also retained.

17.10.040 Exemptions. Notwithstanding the provisions of any other Section in this Chapter, discretionary demolition review shall not be required for:

- (A) The demolition of detached accessory structures, such as garages, guest houses, sheds, trellises, fences, gazebos, uncovered decks, play structures, and other similar detached accessory structures, as determined by the Director of Community Development, unless the detached accessory structure previously was the main residential building on the property; or
- (B) The demolition of flatwork; or
- (C) Window replacement that does not remove exterior wall area; or
- (D) Ordinary maintenance and repair; or
- (E) Restoration; or
- (F) Rehabilitation; or
- (G) Interior construction that does not involve any exterior changes; or
- (H) Reroofing that only replaces the existing roof material with a similar material; or
- (I) Painting; or
- (J) Reasonable accommodation requests made pursuant to Section 17.52.327; or
- (K) Demolition or alteration that is ordered by the building official.

17.10.050 Application requirements.

- (A) Prior to filing an application for a permit to demolish or alter a main residential building, the applicant shall submit:
 - (1) A fully dimensioned and scaled materials removal plan that clearly demonstrates that the project does or does not meet the criteria listed in Sections 17.10.030 or 17.10.040 of this chapter; and
 - (2) Documentation sufficient for City Staff to determine the level of review, if any, that is required by the California Environmental Quality Act ("CEQA").
- (B) If the proposed project is subject to the provisions of Section 17.10.030 of this chapter, the applicant shall submit an "Application for a Discretionary Demolition Permit" ("Application") along with all other required planning applications for the proposed work and the payment of all applicable fees. The Application shall contain such information as is requested by the Director of Community Development, including one of the following:
 - (1) Documentation from a previous survey conducted by the City, including a suggested code pursuant to the State of California historic property status codes and other site data, or
 - (2) A written historic assessment and determination of a potential historic code for the property, prepared by a City-approved historic preservation expert retained by the applicant, or
 - (3) A written request to be exempt from these requirements due to a perceived obvious lack of historic significance in lieu of an assessment required by subparagraphs (1) and (2) above. The Historic Preservation Commission shall consider whether there is merit to the request and either reject the request or require additional documentation pursuant to subparagraph (2) above.

17.10.060 Determination of historic significance. The Historic Preservation Commission shall determine whether the main building or buildings that are the subject of the application are or are not potential historic resources and shall rate the building(s) accordingly. The determination of the Historic Preservation Commission may be appealed to the City Council pursuant to Section 2.54.090 of this code. No Discretionary Demolition Permit or building permit shall be approved or issued by the City for the proposed work until a final determination of historic significance has been made by the Historic Preservation Commission or by the City Council pursuant to an appeal.

17.10.070 Withdrawal of application request by applicant. An applicant may withdraw his/her application at any time during the process by submitting a written request to the Director of Community Development.

17.10.080 Building Permit Issuance. The building permit for the replacement structure(s) shall be issued concurrently with the demolition permit. However, if the Historic Preservation Commission has determined that a main building does not have historic significance, the Development Review Committee may authorize the issuance of a demolition permit before the replacement project's building permit is issued, if the Development Review Committee finds that the building is in disrepair and/or constitutes a public nuisance.

SECTION 11. 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 12. 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.

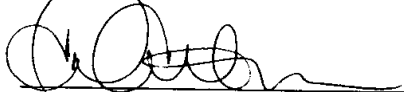
INTRODUCED this 6TH day of September, 2016.

PASSED, APPROVED, AND ADOPTED this 20TH day of SEPT., 2016.



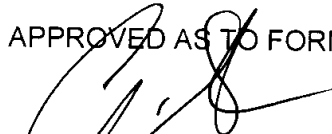
Tom Adams, Mayor
City of Monrovia

ATTEST:



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

APPROVED AS TO FORM:



Craig A. Steele, City Attorney
City of Monrovia

California Historical Resource Status Codes

1 Properties listed in the National Register (NR) or the California Register (CR)

- 1D Contributor to a district or multiple resource property listed in NR by the Keeper. Listed in the CR.
- 1S Individual property listed in NR by the Keeper. Listed in the CR.
- 1CD Listed in the CR as a contributor to a district or multiple resource property by the SHRC
- 1CS Listed in the CR as individual property by the SHRC.
- 1CL Automatically listed in the California Register – Includes State Historical Landmarks 770 and above and Points of Historical Interest nominated after December 1997 and recommended for listing by the SHRC.

2 Properties determined eligible for listing in the National Register (NR) or the California Register (CR)

- 2B Determined eligible for NR as an individual property and as a contributor to an eligible district in a federal regulatory process. Listed in the CR.
- 2D Contributor to a district determined eligible for NR by the Keeper. Listed in the CR.
- 2D2 Contributor to a district determined eligible for NR by consensus through Section 106 process. Listed in the CR.
- 2D3 Contributor to a district determined eligible for NR by Part I Tax Certification. Listed in the CR.
- 2D4 Contributor to a district determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.
- 2S Individual property determined eligible for NR by the Keeper. Listed in the CR.
- 2S2 Individual property determined eligible for NR by a consensus through Section 106 process. Listed in the CR.
- 2S3 Individual property determined eligible for NR by Part I Tax Certification. Listed in the CR.
- 2S4 Individual property determined eligible for NR pursuant to Section 106 without review by SHPO. Listed in the CR.

- 2CB Determined eligible for CR as an individual property and as a contributor to an eligible district by the SHRC.
- 2CD Contributor to a district determined eligible for listing in the CR by the SHRC.
- 2CS Individual property determined eligible for listing in the CR by the SHRC.

3 Appears eligible for National Register (NR) or California Register (CR) through Survey Evaluation

- 3B Appears eligible for NR both individually and as a contributor to a NR eligible district through survey evaluation.
- 3D Appears eligible for NR as a contributor to a NR eligible district through survey evaluation.
- 3S Appears eligible for NR as an individual property through survey evaluation.
- 3CB Appears eligible for CR both individually and as a contributor to a CR eligible district through a survey evaluation.
- 3CD Appears eligible for CR as a contributor to a CR eligible district through a survey evaluation.
- 3CS Appears eligible for CR as an individual property through survey evaluation.

4 Appears eligible for National Register (NR) or California Register (CR) through other evaluation

- 4CM Master List - State Owned Properties – PRC §5024.

5 Properties Recognized as Historically Significant by Local Government

- 5D1 Contributor to a district that is listed or designated locally.
- 5D2 Contributor to a district that is eligible for local listing or designation.
- 5D3 Appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation.
- 5S1 Individual property that is listed or designated locally.
- 5S2 Individual property that is eligible for local listing or designation.
- 5S3 Appears to be individually eligible for local listing or designation through survey evaluation.

- 5B Locally significant both individually (listed, eligible, or appears eligible) and as a contributor to a district that is locally listed, designated, determined eligible or appears eligible through survey evaluation.

6 Not Eligible for Listing or Designation as specified

- 6C Determined ineligible for or removed from California Register by SHRC.
- 6J Landmarks or Points of Interest found ineligible for designation by SHRC.
- 6L Determined ineligible for local listing or designation through local government review process; may warrant special consideration in local planning.
- 6T Determined ineligible for NR through Part I Tax Certification process.
- 6U Determined ineligible for NR pursuant to Section 106 without review by SHPO.
- 6W Removed from NR by the Keeper.
- 6X Determined ineligible for the NR by SHRC or Keeper.
- 6Y Determined ineligible for NR by consensus through Section 106 process – Not evaluated for CR or Local Listing.
- 6Z Found ineligible for NR, CR or Local designation through survey evaluation.

7 Not Evaluated for National Register (NR) or California Register (CR) or Needs Reevaluation

- 7J Received by OHP for evaluation or action but not yet evaluated.
- 7K Resubmitted to OHP for action but not reevaluated.
- 7L State Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 – Needs to be reevaluated using current standards.
- 7M Submitted to OHP but not evaluated - referred to NPS.
- 7N Needs to be reevaluated (Formerly NR Status Code 4)
- 7N1 Needs to be reevaluated (Formerly NR SC4) – may become eligible for NR w/restoration or when meets other specific conditions.
- 7R Identified in Reconnaissance Level Survey: Not evaluated.
- 7W Submitted to OHP for action – withdrawn.

Highlighted below are some recommendations as to clarifying preservation terms and administrative streamlining to provide a workable and flexibility Draft Ordinance

Dan Ryan's Recommended changes in blue underlined type).

SECTION 7. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards),

As to amending (Demolition of Residential Structures-Advisory Review), keep the sections as to Documentation, Salvage and Penalties for unlawful demolition.

SECTION 8. Title 17 (Zoning), Chapter 17.12 (Residential Development Standards), Section 17.12.060 (Incentives for Retention of Residential Structures), subsection (B) (B) Properties subject to this section. The incentives in this section apply to residential structures in residential zones that are fifty years old or older and have architectural and historic significance as determined by the Historic Preservation Commission. The qualification will be based on the condition of the existing structure, its architectural integrity and historic significance, the proposed development and/or restoration plan for the property and its consistency with The Secretary of the Interior's Standards as documented and provided in the required application.

17.10.020 Definitions.

(Request additional terms to be added to this ordinance).

ADDITIONS. Additions shall be designed and constructed to not significantly change, obscure, damage, or destroy the character defining features of an historic residence or feature.

HISTORIC PROPERTY - A separate structure or site fifty (50) years old or older that has significant historic, architectural, or cultural value but is not a landmark.

Add one line of text to Demolition term:

DEMOLITION. Any act or process that destroys or damages in part or in whole, a main residential building, when such removal permanently impairs the architectural or structural integrity of the structure.

17.10.030 Applicability

Add additional requirement for demolition criteria:

Demolition of more than 20% of the floor area of a primary historical resource, or

Any demolition including partial demolition of 20% or less of the floor area of a primary historical resource which does not further an approved alteration or addition in conformance with The Secretary of The Interior's Standards.

17.10.040 Exemptions

Section E and F add

(E) and F) Restoration; and/or Rehabilitation Consistent with the Secretary of the Interior's Standards.

Application requirements.

Section B-3.

(3) In circumstances where there is a perceived lack of historic significance, originality, or that the property has been substantially modified, lost its ability to convey or lacks character defining features an exemption may be provided in lieu of an assessment required by sub-paragraphs (1) and (2) above. A written request to be exempt from these requirements supported by submission of a Historic Matrix Evaluation Sheet that determines historic significance and integrity ratings fall below the established thresholds that the property does not meet the criteria for local listing and/or listing on the California Register. The Historic Preservation Commission shall consider whether there is merit to the request and either reject the request or require additional documentation pursuant to sub-paragraph (2) above.

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

I, ALICE D. ATKINS, CMC, City Clerk of the City of Monrovia, California, do hereby certify that the foregoing is a full, true and correct copy of Ordinance No. 2016-10; It has been published pursuant to law; was duly adopted and passed at a regular meeting of the Monrovia City Council on the 20th day of September, 2016, by the following vote:

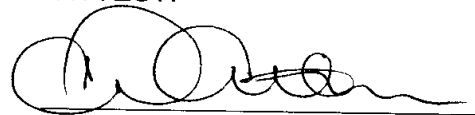
AYES: Councilmembers Crudginton, Shevlin, Spicer, Mayor Pro Tem Blackburn, Mayor Adams

NOES:

ABSTAIN:

ABSENT:

ATTEST:



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