

ORDINANCE NO. 2017-14

AN ORDINANCE AMENDING CHAPTER 88.22 – NEIGHBORHOODS, AMENDING SECTION 88.30.014 – DWELLING UNIT MINIMUM FLOOR AREA, AMENDING SECTION 88.36.050 – NUMBER OF PARKING SPACES REQUIRED – TABLE 3-7 PARKING REQUIREMENTS, AMENDING SECTION 88.42.020 – ACCESSORY STRUCTURES, DELETING SECTION 88.42.190 – SECOND UNITS AND CARRIAGE HOUSES, ADDING SECTION 88.42.190 – ACCESSORY DWELLING UNITS, AND AMENDING SECTION 88.70.020 – DEFINITIONS OF SPECIALIZED TERMS AND PHRASES OF THE AZUSA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNIT REGULATIONS

WHEREAS, the City of Azusa, California (the “City”) is a municipal corporation, duly organized under the constitution and laws of the State of California; and

WHEREAS, the Planning and Zoning Law authorizes cities to provide by ordinance for the creation of second units; and

WHEREAS, to address California’s shortage of housing supply, the California Legislature approved, and the Governor signed into law, Assembly Bill 2299 (Bloom, Chapter 735, Stats. 2016) and Senate Bill 1069 (Wieckowski, Chapter 720, Stats. 2016). Assembly Bill 2299 and Senate Bill 1069 are double jointing bills and will be cited here as only Assembly 2299; and

WHEREAS, Assembly Bill 2299, among other things, amended California Government Code Section 65852.2. This legislation imposes new limitations on local authority to regulate second units, which are now referred to as “accessory dwelling units” (“ADU”); and

WHEREAS, Assembly Bill 2299 was effective on January 1, 2017 and rendered all non-compliant local ordinances null and void on that date unless and until an agency adopts an ordinance that complies with Government Code Section 65852.2 as amended by Assembly Bill 2299; and

WHEREAS, subsequent to AB 2299, the California Legislature approved, and the Governor signed into law, Assembly Bill 494 (Bloom) and Senate Bill 229 (Wieckowski), which further amended Government Code 65852.2. Assembly Bill 494 and Senate Bill 229 are double jointing bills and will be cited here as only Assembly Bill 494; and

WHEREAS, Assembly Bill 494 will be effective on January 1, 2018 and render all non-compliant local ordinances null and void on that date unless and until an agency adopts an ordinance that complies with Government Code Section 65852.2 as amended by Assembly Bill 494; and

WHEREAS, The City desires to amend the Development Code to create a local regulatory scheme for the construction of accessory dwelling units that fully complies with Government Code Section 65852.2 as amended by Assembly Bills 2299 and 494; and

WHEREAS, on December 4, 2017, the City Council of the City of Azusa conducted a noticed public hearing on the proposed amendments to the Development Code at which all persons wishing to testify in connection with the proposed amendments were heard and the proposed amendments were fully studied, discussed, and deliberated; and

WHEREAS, the City Council has carefully considered all pertinent testimony and the staff report presented during the public hearing for the proposed amendments to the Development Code.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AZUSA AS FOLLOWS:

SECTION 1. RECITALS. The City Council finds that the above recitals are true and correct and hereby adopts them as findings in support of this Ordinance.

SECTION 2. FINDINGS FOR DEVELOPMENT CODE AMENDMENT. The City Council further finds that this Ordinance satisfies the findings required by Municipal Code Section 88.51.060(E) for an amendment to the Development Code:

- 1. That the amendment is consistent with the goals, policies, and objectives of the General Plan, any applicable specific plan, development agreement, owner participation agreement or disposition and development agreement.**

The proposed Development Code amendment conforms to the goals, objectives and policies of the General Plan, which provides for orderly, functional patterns of land uses, sensitive to the natural environment and meeting the long-term social and economic needs of the community. This amendment will allow for the City to continue its regulation of accessory dwelling units in conformance with State law.

Specifically, the proposed Development Code amendment furthers the following Land Use Policies of the General Plan:

Policy 2.4. Preserve and protect established, stable residential neighborhoods.

The proposed amendments allow the City to, consistent with state law, regulate accessory dwelling units in a manner more tailored to the needs of the City's neighborhoods and residents. If the City's Development Code provisions regarding ADUs do not conform to Government Code Section 65852.2, then Section 65852.2(a)(4) renders those provisions null and void and the City may only enforce only the minimum standards provided in Section 65852.2.

Policy 2.6. Permit and, as appropriate, encourage the rebuilding of neighborhoods that have areas damaged by poor development, poor maintenance, and rapid resident turnover in an effort to restore stability and rebuild neighborhood character.

Accessory dwelling units can be an important component of neighborhood redevelopment by contributing to a neighborhood's affordable housing options and contributing to a neighborhood's economic sustainability by affording homeowners the opportunity lease space on their lots.

Policy 2.12. Allow for the development of housing types intended to meet the special needs of senior citizens, the physically challenged, and low and moderate income households provided that the units are designed to be compatible with adjacent residential structures.

The proposed amendments will continue to enable the development of accessory dwelling units, which offer a more affordable options, opportunities for senior citizens to remain in their hometown or continue living with family, space for caretakers, among other beneficial uses. The proposed amendments will ensure that the City regulates the size, occupancy, and architecture of accessory dwelling units, in a manner consistent with state law, that promotes compatibility with adjacent residential structures.

The proposed amendments conforms with the intent of Development Code and the Municipal Code at-large, specifically that zones are created and land uses established to protect the physical, social and economic stability of residential, commercial, recreational and other land uses within the City to assure orderly and beneficial development; to protect existing resident and property owners from the adverse effects of incompatible uses; to reduce hazards to the public resulting from inappropriate land uses; and to establish Azusa as a safe community with a high quality of life for residents. The Development Code amendments include various standards like; setbacks, architectural compatibility, rear yard setback coverage, passageway, and independent required parking.

Therefore, the proposed Development Code amendments are consistent with the goals, policies, and objectives of the General Plan.

2. That a proposed zone change will not adversely affect surrounding properties.

A zone change is not proposed as a component of this Development Code amendment. Therefore, the proposed Development Code amendment would not adversely affect surrounding properties because current land use and zoning designations will remain as they are.

SECTION 3. FINDINGS FOR TANDEM PARKING. Section 65852.2(a)(1)(D)(x)(II) permits the City to prohibit tandem parking for accessory dwelling units, if the City Council makes findings that tandem parking is not feasible based upon specific or regional topographical conditions or based upon fire and life safety conditions.

The City currently prohibits tandem parking in residential zones. The City Council finds that this prohibition of tandem parking should also apply to parking required for accessory dwelling units for, in part, the following reasons:

- Tandem parking may hinder residents’ ability to timely and safely comply with evacuation orders during threats of fire.
- Tandem parking may lead to increased incidents of vehicles illegally parked on the curb cut, sidewalk, or elsewhere in the public right-of-way.

SECTION 4. AMENDMENT. Section 88.22 – Neighborhoods of the Azusa Municipal Code is hereby amended to show as ~~strikeout~~ represents delete and **bold text** represents new, as shown:

LAND USE TYPE (1)	PERMIT REQUIRED BY ZONE								
	NG1			NG2			NG3		
	L	MED	MOD	L	MED	MOD	L	MED	MOD
Second unit or carriage house	P	P	P	P	P	P	P	P	P
Accessory Dwelling Unit	P	-	-	P	-	-	P	-	-

SECTION 5. AMENDMENT. Section 88.30.014 – Dwelling Unit Minimum Floor Area of the Azusa Municipal Code is hereby amended to read as ~~strikeout~~ represents delete, as shown:

Type or Size of Dwelling	Minimum Floor Area for Each Unit
Other Multi-family housing (including second units and carriage houses Accessory Dwelling Units)	
Accessory Dwelling Unit	150 sf
Studio Unit	500 sf

SECTION 6. AMENDMENT. Section 88.36.050 – Number of Parking Spaces Required – Table 3-7 Parking Requirements by Land Use of the Azusa Municipal Code is hereby amended to show as **bold text** represents new, as shown:

TABLE 3-7. PARKING REQUIREMENTS BY LAND USE

Land Use Type:	Vehicle Spaces Required:
Guest Parking	1 guest space for each 3 units in a project of five or more units.
Accessory Dwelling Unit	1 off-street parking space per unit or per bedroom, whichever is less.
Duplex	2 spaces within a garage for each unit

SECTION 7. AMENDMENT. Section 88.42.020 – Accessory Structures of the Azusa Municipal Code is hereby amended to read as ~~strikeout~~ represents delete, as shown:

“88.42.020 – Accessory Structures

~~D. Guest Houses. A guest house is specifically prohibited use. However, any guest house legally existing prior to February 19, 1992 shall be allowed as a permitted use.”~~

SECTION 8. AMENDMENT. Section 88.42.190 – Second Units and Carriage Houses of the Azusa Municipal Code is hereby deleted.

SECTION 9. AMENDMENT. Section 88.42.190 – Accessory Dwelling Units of the Azusa Municipal Code is hereby added to read in its entirety as follows:

“88.42.190 - ACCESSORY DWELLING UNITS

A. PURPOSE.

The purpose of this chapter is to provide reasonable regulations for the development of accessory dwelling units in certain areas and on lots developed or proposed to be developed with single-family residential dwellings. Such accessory dwelling units contribute needed housing to the community’s housing stock and promote housing opportunities for the persons wishing to reside in the City of Azusa. In addition, the regulations in this Section are intended to promote the goals and policies of the City’s General Plan and comply with requirements codified in the state Planning and Zoning Law related to accessory dwelling units in residential areas, including California Government Code section 65852.2.

B. DEFINITIONS.

1. “Accessory dwelling unit” means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons, which shall include kitchen and bathroom facilities. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in section 18007.
2. “Living area” is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

C. EFFECT OF CONFORMING ACCESSORY DWELLING UNIT.

An accessory dwelling unit that conforms to this section shall:

1. Be deemed an accessory use or an accessory building and not be considered to exceed the allowable density for the lot upon which it is located;
2. Be deemed a residential use that is consistent with the general plan and the zoning designations for the lot;
3. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and
4. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

D. LOCATIONS PERMITTED.

1. Except as provided in subparagraph (2), accessory dwelling units may be permitted in the following zones:

NG1			NG2			NG3		
Neighborhood General 1			Neighborhood General 2			Neighborhood General 3		
L	MED	MOD	L	MED	MOD	L	MED	MOD
P	Not Permitted	Not Permitted	P	Not Permitted	Not Permitted	P	Not Permitted	Not Permitted

2. Accessory dwelling units that meet the requirements of Subparagraph (F.2) may be located in any single-family residential zone.

E. PERMIT PROCEDURES.

1. Permits.

- a. Except as provided in subparagraph (b) below, approved applications for an accessory dwelling unit will result in an accessory dwelling unit permit (ADU Permit). The applicant shall also obtain a building permit as required by the building code and record a deed restriction as provided in Section G – Deed Restriction.
- b. Exception. Accessory dwelling units that meet the requirements of Subparagraph (F.2) shall obtain a building permit as required by the building code and record a deed restriction as provided in Section G – Deed Restriction.

2. Application Processing.

- a. Applications for an accessory dwelling unit permit must be submitted to the Planning Division on a form and with information and materials, as adopted by the Director of Economic and Community Development. The applications shall include, at a minimum:
 - i. Site Plan (drawn to scale). Dimension the perimeter of the parcel on which the accessory dwelling unit will be located. Indicate the location and dimensioned setbacks, and dimensions of all existing and proposed structures on the site. Provide dimensions of all easements, right of way(s), building envelopes, parking and paved areas.
 - ii. Floor Plan. Complete floor plans of both existing and proposed conditions shall be provided. Each room shall be dimensioned and resulting floor area calculation included. The use of each room shall be labeled. The size and location of all doors, closets, walls and cooking facilities shall be clearly depicted.
 - iii. Elevations. North, south, east, west elevations that show all exterior structure dimensions, all architectural projections, and all openings for both the existing residence and the proposed dwelling unit.
- b. The Director may collect a fee for processing the application, provided such fee is approved by resolution or ordinance of the City Council.

3. Review.
 - a. The Director of Economic and Community Development will review and approve complete applications for an accessory dwelling unit permit that comply with the requirements of Section F - Standards and G - Deed Restrictions. The accessory dwelling unit permit application shall be considered ministerial without any discretionary review or a hearing.
 - b. The Director of Economic and Community Development will approve or disapprove of an application for an accessory dwelling unit permit within 120 days after receiving the complete application.
 - c. Except as otherwise provided in this chapter, the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of California Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

F. STANDARDS.

1. Except as provided in subparagraph (2), accessory dwelling units must meet the following standards:
 - a. Development on the Lot.
 - i. A single-family dwelling must exist on the lot or will be constructed in conjunction with the accessory dwelling unit.
 - ii. The accessory dwelling unit must be:
 1. Detached from the existing primary dwelling, but located on the same lot as the existing dwelling;
 2. Attached to the existing dwelling; or
 3. Located within the existing dwelling or legally established accessory structure.
 - iii. Only one accessory dwelling unit shall be allowed per lot.
 - iv. The accessory dwelling unit is not intended for sale separate from the primary residence.
 - b. Occupancy.
 - i. The accessory dwelling unit may be rented for terms longer than 30 days.

- ii. The property owner shall comply with Section 14-352 – Registration prerequisite to rental, lease, occupancy or preoccupancy.
 - iii. The property owner shall comply with Section 18-703 – Rental of apartments, rooming houses, individual homes.
- c. Building and Construction.
- i. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
 - ii. An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.
 - iii. An accessory dwelling unit shall connect to the City’s sewer system. Connection to an existing private sewage disposal system shall be approved by the Director of Public Works.
 - iv. An accessory unit shall meet the requirements of the building code, as adopted and amended by Section 14-1 – Codes Adopted of the Municipal Code, that apply to detached dwellings, as appropriate.
 - v. An accessory unit shall have separate utility connection between the accessory dwelling unit and the utility. The connection shall be subject to a connection fee or capacity charge, or both, proportionate to the burden of the proposed unit, based on either its size or the number of its plumbing fixtures, upon water, electric and sewer systems.
 - vi. An accessory unit shall have a separate address. The address assignment shall be subject to a building address fee and approval by the Economic and Community Development.
- d. Parking.
- i. Except as provided in subparagraph (ii):
 - 1. One off-street parking space per unit or per bedroom, whichever is less.

2. If parking is required:
 - (I) The required parking spaces shall have a paved area, garage, or carport of ten (10) feet wide by twenty (20) feet length and be shall be accessed by driveway and not prohibit access to other required parking spaces. The parking space may be located on setback areas approved by the Director of Economic and Community Development unless specific findings are made under subparagraph (II).
 - (II) Parking arrangements in subparagraph (I) may be prohibited if the Director of Economic and Community Development makes specific findings that such parking arrangements are not feasible based upon specific site or regional topographical or fire or life safety conditions, or that such arrangements are not permitted anywhere in the jurisdiction.
 - (III) If an existing covered parking space that was required by Chapter 88.36 of this Code is eliminated due to the construction of an accessory dwelling unit, then the replacement parking space may be located on shall be located on the same lot as the accessory dwelling unit and may be in any arrangement on that lot, including, but not limited to, covered, uncovered, or tandem. The replacement parking space must be paved.
- ii. Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:
 1. The accessory dwelling unit is located within a walkable one-half (1/2) mile of public transit, including, without limitation, a bus stop, train station, or paratransit stop, as designated by a public agency.
 2. The accessory dwelling unit is located within a historically significant historic district and/or designated as historic properties by the Azusa City Council.
 3. The accessory dwelling unit is built entirely within the existing primary residence or a legally established existing accessory structure.

4. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
5. When there is a car share vehicle located within one (1) walkable block of the accessory dwelling unit.

e. Height.

The accessory dwelling unit must meet the height standards of the applicable zoning district.

f. Setbacks.

- i. Except as provided in subparagraphs (ii) and (iii), an accessory dwelling unit must meet the following setback:
 1. Front Setback – Standards of the applicable zoning district.
 2. Side Setback – Five (5) feet shall be required from the side lot line for an accessory dwelling unit.
 3. Side Street Setback – Ten (10) feet shall be required from the side lot line of the street for an accessory dwelling unit.
 4. Rear Setback – Ten (10) feet shall be required from the rear lot line for an accessory dwelling unit.
- ii. No setback shall be required for a legally established existing garage that is converted to an accessory dwelling unit or into part of an accessory dwelling unit.
- iii. A minimum setback of five (5) feet shall be required from the side and rear lot lines for an accessory dwelling unit constructed above a legally established existing garage.

g. Unit Size.

- i. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum floor area of 1,200 square feet.
- ii. The total area of floor space for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- iii. The accessory dwelling unit shall contain no less than the 150 square feet area minimum required for an efficiency dwelling unit as defined in Section 17958.1 of the Health & Safety Code.

h. Rear Yard Setback Lot Coverage.

i. Lots without rear alley access. An accessory dwelling unit that is larger than 150 square feet shall not cover more than 35 percent of the required rear setback area for the applicable zoning district less the rear setback requirement for accessory dwelling units (e.g. if the generally permitted rear setback for the applicable zone is 50 feet and the accessory dwelling unit setback is 10 feet, an accessory dwelling unit larger than 150 square feet may not occupy more than 35 percent of the 40 foot setback beyond the initial accessory dwelling unit 10 foot setback).

ii. Lots with rear alley access. For lots with rear alley access, an accessory dwelling unit that is larger than 150 square feet shall not cover more than 80 percent of the rear setback area for the applicable zoning district less the rear setback requirement for accessory dwelling unit (e.g. if the generally permitted rear setback for the applicable zone is 50 feet and the accessory dwelling unit setback is 10 feet, an accessory dwelling unit larger than 150 square feet may not occupy more than 80 percent of the 40 foot setback beyond the initial accessory dwelling unit 10 foot setback).

i. Landscape.

The accessory dwelling unit must meet the landscaping standards of the applicable zoning district.

j. Site Design and Architecture Design Standards

The site design and architectural design standards of the accessory dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch. The accessory dwelling unit shall meet the following requirements:

i. Passageway – Passageway shall be required in conjunction with the site design of the accessory dwelling unit. “Passageway” is defined as a pathway that is unobstructed clear to the sky and extends from the accessory dwelling unit main entrance to the street.

ii. Windows Placement – An accessory dwelling unit that is placed 15 feet or less from a residential unit on the same parcel or an adjacent parcel shall not have windows that directly face windows in other unit.

- iii. Main Entrance Architectural Enhancements – Architectural enhancements shall be required for main entrances of attached and detached accessory dwelling units. “Architectural enhancements” is defined as an increase of additional architectural elements to include two of the following elements; architectural lighting, covered patios, overhangs, architectural projections, enhanced building materials, and/or other enhancements as approved per the Director of Economic and Community Development.
 - iv. Number of Bedrooms – A detached or attached accessory dwelling unit shall have a maximum of two bedrooms.
2. An accessory dwelling unit is exempt from the requirements of subparagraph (F.1) if the unit meets all the requirements of subparagraph (F.2.a) below:
- a. The accessory dwelling unit:
 - i. Is one accessory dwelling unit per single-family lot located within a single-family residential zone;
 - ii. Is contained within the existing space of a legally permitted single-family residence or accessory structure;
 - iii. Has independent exterior access from the existing residence; and
 - iv. The side and rear setbacks are sufficient for fire safety.
 - b. If the requirements of subparagraph (F.2.a) are met, then the following shall apply:
 - i. Development on the Lot. The accessory dwelling unit may not be sold separately from the primary residence
 - ii. Occupancy.
 - 1. The accessory dwelling unit may be rented for terms longer than 30 days.
 - 2. The property owner shall comply with Section 14-352 – Registration prerequisite to rental, lease, occupancy or preoccupancy.
 - 3. The property owner shall comply with Section 18-703 – Rental of apartments, rooming houses, individual homes.

iii. Building and Construction.

1. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.
2. An accessory dwelling unit is required to have fire sprinklers, only if the primary residence is also required to have fire sprinklers.
3. The applicant is not required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, or to be charged a related connection fee or capacity charge.
4. An accessory unit shall meet the requirements of the building code, as adopted and amended by Section 14-1 – Codes Adopted of the Municipal Code, that apply to detached dwellings, as appropriate.
5. An accessory unit shall have a separate address. The address assignment shall be subject to a building address fee and approval by the Economic and Community Development.

iv. Parking.

1. No additional parking is required.
2. If an existing covered parking space that was required by Chapter 88.36 of this Code is eliminated due to the construction of an accessory dwelling unit, then the replacement parking space shall be located on the same lot as the accessory dwelling unit and may be in any arrangement on that lot, including, but not limited to, covered, uncovered, or tandem. The replacement parking space must be paved.

G. DEED RESTRICTION.

Prior to issuance of a Certificate of Occupancy by the Building Division for an accessory dwelling unit, a deed restriction shall be recorded against the title of the property in the County Recorder's office and a copy filed with the Planning Division. Said deed restriction shall run with the land, and shall bind all future owners, heirs, successors, or assigns. The form of the deed restriction shall be provided by the City and shall provide that:

1. The accessory dwelling unit shall not be sold separately from the primary residence.
2. The unit is restricted to the approved size and attributes of this chapter.
3. The deed restrictions run with the land and may be enforced against future purchasers.
4. The deed restrictions shall be enforced by the Director of Economic and Community Development or his or her designee for the benefit of the City of Azusa. Failure of the property owner to comply with the deed restrictions may result in legal action against the property owner and the City shall be authorized obtain any remedy available to it at law or equity, including but not limited to obtaining an injunction enjoining use of the accessory dwelling unit in violation of the recorded restrictions or abatement of the illegal unit.”

SECTION 10. AMENDMENT. Section 88.70.020 – Definitions of Specialized Terms and Phrases of the Azusa Municipal Code hereby amended to read as ~~strikeout~~ represents delete and **bold text** to represent new, as shown:

~~Carriage House. A secondary residential unit located over a detached garage. See also “Second Unit.”~~

~~Guest House. Living quarters within an accessory building located on the same premises as the primary building for use by temporary guest of the occupants of the premises having no kitchen facilities and not rented or otherwise used as a separate dwelling. A guest house legally existing prior to February 19, 1992 shall be allowed as a permitted use.~~

~~Second Unit. A second permanent dwelling that is accessory to a primary dwelling on the same site. A second unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, sanitation, and parking, and if attached to the primary dwelling, is provided exterior access separate from the primary dwelling. Includes guest houses. See also “Carriage House.”~~

“Accessory dwelling unit” means a residential dwelling unit that is detached from, attached to, or located within the living area of an existing primary dwelling unit, and that provides independent living facilities for one or more persons, which shall include kitchen and bathroom facilities. An accessory dwelling unit also includes an efficiency unit, as defined in California Health and Safety Code section 17958.1, and a manufactured home, as defined in section 18007.

“Living area” is defined as the interior habitable area of a dwelling unit, including basements and attics, but not including a garage or any accessory structure.

SECTION 11. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

SECTION 12. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING. The City Council of the City of Azusa finds the adoption of this Ordinance to be statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code because it is an ordinance regarding second units in a single-family or multifamily residential zone to implement the provisions of Government Code Section 65852.1 and 65852.2.

SECTION 13. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 14. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Azusa.

SECTION 15. FILING. The City Clerk shall submit a copy of this Ordinance to the Department of Housing and Community Development within 60 days after adoption.

PASSED, APPROVED and ADOPTED the 18th day of December, 2017.

/s/Joseph Romero Rocha, Mayor

ATTEST:

/s/Jeffrey Lawrence Cornejo, Jr., City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF AZUSA)

I HEREBY CERTIFY that the foregoing Ordinance No. 2017-14, was duly introduced and placed for its first reading at a regular meeting of the City Council on the 4th day of December, 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 18th day of December, 2017 by the following vote of the Council:

AYES: COUNCILMEMBERS: CARRILLO, GONZALES, MACIAS, ROCHA
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: ALVAREZ

/s/Jeffrey Lawrence Cornejo, Jr., City Clerk

APPROVED AS TO FORM:

/s/City Attorney, Best Best & Krieger, LLP

Published in the San Gabriel Valley Tribune: December 21, 2017