

## REPORT TO CITY COUNCIL

**DATE:** AUGUST 25, 2021

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** NATHAN HAMBURGER, CITY MANAGER

**BY:** DENICE THOMAS, COMMUNITY DEVELOPMENT DIRECTOR  
JOYCE PARKER-BOZYLINSKI, PLANNING CONSULTANT

**SUBJECT:** ADOPTION OF ORDINANCE NO. 21-456, AMENDING ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS CONSISTENT WITH STATE LAW AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

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At the August 11, 2021, meeting, the City Council unanimously introduced, read by title only, and waived further reading of Ordinance No. 21-456 (Case No. ZOA-01732-2020), approving an Accessory Dwelling Unit Ordinance that modifies regulations pertaining to accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) consistent with State law.

The purpose of the Ordinance is to adopt amendments that would be consistent with the objectives of Article IX (Zoning) of the Agoura Hills Municipal Code and with the City General Plan. The Ordinance is consistent with Goal H-3 of the General Plan Housing Element, which calls for the City to provide opportunities for a range of housing types suited to residents of varying lifestyle needs and income levels. The Ordinance is consistent with Policy H-3.4 of Goal H-3, which encourages the provision of ADUs in all residential districts as a means of dispersing small, affordable units throughout the community.

Attached for reference is a copy of Ordinance No. 21-456.

### **RECOMMENDATION**

Staff respectfully recommends the City Council adopt Ordinance No. 21-456.

Attachment: Ordinance No. 21-456

## ORDINANCE NO. 21-456

### AN ORDINANCE OF THE CITY OF AGOURA HILLS, CALIFORNIA, AMENDING ARTICLE IX (ZONING) OF THE AGOURA HILLS MUNICIPAL CODE TO UPDATE ACCESSORY DWELLING UNIT REGULATIONS CONSISTENT WITH STATE LAW AND MAKING A DETERMINATION OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

#### THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

WHEREAS, the State has amended Government Code Sections 65852.2 and 65852.22 multiple times in the last few years to further limit the standards cities may impose on accessory dwelling units ("ADUs") and junior accessory dwelling units ("JADUs"). As amended, Government Code Section 65852.2 allows the City to designate areas where new ADUs may be permitted and to establish objective standards related to parking, height, setback, landscaping, architectural review, and maximum size of units.

WHEREAS, on April 22, 2020, the City Council held a duly noticed public hearing and adopted Interim Ordinance No. 20-448U, prohibiting ADUs and JADUs, except those that meet the specific standards set forth therein. Interim Ordinance No. 20-448U was effective immediately upon its adoption and remained in effect for a period of 45 days, until June 6, 2020, pursuant to Government Code Section 65858(b).

WHEREAS, Government Code Section 65858(b) allows the City, after notice and a public hearing, to extend an interim ordinance for a period of an additional 22 months and 15 days, where the original interim ordinance was adopted after a duly noticed public hearing.

WHEREAS, on May 27, 2020, the City Council extended Interim Ordinance No. 20-448U until April 22, 2022.

WHEREAS, on July 15, 2021, the Planning Commission conducted and concluded a duly noticed public hearing concerning this Ordinance as required by law, at which the Planning Commission received testimony from City staff and all interested parties regarding the proposed Municipal Code amendment. Following the close of the public hearing the Planning Commission adopted Resolution No. 21-1258, recommending approval of the draft Ordinance.

WHEREAS, on August 11, 2021, the City Council of the City of Agoura Hills conducted and concluded a duly noticed public hearing concerning the Ordinance as required by law.

WHEREAS, at the public hearing on August 11, 2021, the City Council received testimony from City staff and all interested parties regarding the proposed amendments.

NOW, THEREFORE, the City Council of the City of Agoura Hills hereby ordains as follows:

**Section 1.** The facts set forth in the recitals of this Ordinance are true and correct.

**Section 2.** The proposed amendments would be consistent with the objectives of Article IX (Zoning) of the Agoura Hills Municipal Code and with the City General Plan. The Ordinance is consistent with Goal H-3 of the General Plan Housing Element, which calls for the City to provide opportunities for a range of housing types suited to residents of varying lifestyle needs and income levels. The Ordinance is consistent with Policy H-3.4 of Goal H-3, which encourages the provision of ADUs in all residential districts as a means of dispersing small, affordable units throughout the community.

**Section 3.** The following definitions in Section 9120 (Generally) of Part 3 (Definitions) of Chapter 1 (Introduction) of Article IX (Zoning) of the Agoura Hills Municipal Code are hereby added or amended to read as follows, with all other definitions to remain unchanged:

*Accessory dwelling unit.* "Accessory dwelling unit" or "ADU" means a detached or attached residential dwelling unit that provides complete, independent living facilities for one or more persons. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation. An ADU also includes the following:

1. An efficiency unit, as defined by Section 17958.1 of the California Health and Safety Code and the California Building Code; and
2. A manufactured home, as defined by Section 18007 of the California Health and Safety Code.

*Accessory dwelling unit, attached.* "Accessory dwelling unit, attached" means an accessory dwelling unit that is structurally attached to the primary dwelling unit by a shared wall or as an additional story above the primary dwelling unit, but which has independent, direct access from the exterior.

*Accessory dwelling unit, detached.* "Accessory dwelling unit, detached" means an accessory dwelling unit that is not structurally attached to the primary dwelling unit.

*Efficiency kitchen.* "Efficiency kitchen" means a kitchen that includes a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front.

*Junior accessory dwelling unit.* "Junior accessory dwelling unit" or "JADU" means a unit that is no more than 500 square feet in size and contained entirely within a single-family

residence, excluding an attached garage. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. A junior accessory dwelling unit must have exterior access that is independent of that for the single-family dwelling.

*Dwelling, multiple-family.* “Dwelling, multiple-family” means a permanent building containing three (3) or more dwelling units. For the purposes of the accessory dwelling unit regulations in Section 9283, “dwelling, multifamily” means a permanent building with two or more dwelling units, including a duplex, but not including a single-family home with an ADU or JADU.

*Public transit.* “Public transit” means a location, including, but not limited to, a bus stop, where the public may access buses and other forms of transportation that charges set fares, run on fixed routes, and available to the public.

*Very High Fire Hazard Severity Zone.* “Very High Fire Hazard Severity Zone” means zone as defined by Government Code 51177 and designated for Agoura Hills by the Office of State Fire Marshal.

**Section 4.** Subdivision “F” of Section 9222.2 (Accessory Uses) of Part 3 (RV Residential - Very Low Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

F. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 5.** Subdivision “C” of Section 9232.2 (Accessory Uses) of Part 4 (RL Residential - Low Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

C. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 6.** Subdivision “H” of Section 9242.2 (Accessory Uses) of Part 5 (RS Residential - Single-Family District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

H. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 7.** Subdivision “G” of Section 9252.2 (Accessory Uses) of Part 6 (RM Residential - Medium Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

G. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 8.** Subdivision “H” of Section 9272.2 (Accessory Uses) of Part 8 (RH Residential District - High Density District) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended as follows, with all other provisions to remain the same:

H. Accessory dwelling units, subject to the provisions of section 9283 *et. seq.*;

**Section 9.** Section 9342.2 (Permitted Residential Uses) of Part 5 (CS-MU Commercial Shopping Center - Mixed Use District) of Chapter 3 (Commercial Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows:

Residential uses shall be ancillary to the commercial uses, shall meet at least the minimum standards of the CS-MU district, and only be allowed with a conditional use permit as either part of the development of a new center, or the substantial and comprehensive redevelopment, renovation or remodel of an existing center. For existing shopping centers proposing to add residential units, the existing buildings shall be required to conduct façade and other improvements to enhance the architectural and site design, and the site shall be brought up to all standards of the CS-MU district. Residential uses shall be permitted providing that resident-serving recreation and other amenities are incorporated into the center; the residential and nonresidential uses are compatible; and the residential and nonresidential portions of mixed-use buildings are seamlessly integrated by architectural design, pedestrian walkways, and landscaping. Residential uses shall be multifamily, and shall consist of apartments on the upper floors of buildings containing ground floor retail or office uses. Accessory dwelling units are allowed pursuant to Section 9283.

**Section 10.** Section 9484 (Accessory Uses) of Part 8 (OS-R Open Space-Restricted District) of Chapter 4 (Special Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code is hereby amended to read as follows:

Once a conditional use permit is granted pursuant to section 9673 *et seq.*, the following accessory uses and structures shall be permitted subject to the provision of chapter 6:

- A. Accessory buildings, uses and structures;
- B. Accessory dwelling units pursuant to section 9283;
- C. Domestic animals;
- D. Limited animal husbandry, provided that the intensity of land use is low and the open character of the land is not negated;
- E. Stands for the display and sale of any agricultural products lawfully produced on said lot.

**Section 11.** The existing row for “Second units” of Section 9654.6 (Parking Allocation) of Division 4 (Off-Street Parking, Loading and Landscaping) of Part 2 (Special Regulations) of Chapter 6 (Regulatory Provisions of Article IX (Zoning) of the Agoura Hills

Municipal Code is hereby amended to read as follows, with all other provisions to remain unchanged:

<p>Accessory dwelling units</p>	<p>Unless otherwise exempted by Section 9283.5(7)(a), one (1) off-street parking space shall be provided for an ADU, in addition to the parking required for the primary residence. The required parking space for the ADU may be provided as tandem parking on an existing driveway. No parking spaces are required for a JADU.</p>
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**Section 12.** Existing Sections 9283 and 9283.1 of Part 9 (Special Residential Use Standards) of Chapter 2 (Residential Land Use Districts) of Article IX (Zoning) of the Agoura Hills Municipal Code are hereby replaced by the following new Sections 9283 through 9283.6 to read as follows:

**Section 9283. Accessory dwelling units and junior accessory dwelling units: purpose**

This Section provides standards for the development and maintenance of accessory dwelling units (ADU) and junior accessory dwelling units (JADU), in accordance with California Government Code Sections 65852.2 and 65852.22. A substantial portion of the City of Agoura Hills is located in a designated “Very High Fire Hazard Severity Zone” and this chapter ensures that ADUs and JADUs are developed and operated on adequate sites, at proper and desirable locations, and that the goals and objectives of the General Plan are observed.

**9283.1 Accessory dwelling units and junior accessory dwelling units: Approvals**

An application for a new ADU or JADU that satisfies each of the applicable standards below shall be approved by the City following a ministerial review for compliance.

1. Building Permit Only. An ADU or JADU that complies with each of the general requirements in Section 9283.3 and 9283.4 is allowed with only a building permit in the following scenarios:
  - a. Conversions on Single-family Lots: One ADU and one JADU on a lot with a proposed or existing single-family dwelling on it, where the ADU or JADU:
    - i. Is either: within the space of a proposed single-family dwelling; within the existing space of an existing single-family dwelling; or in the case of an ADU

- only, within the existing space of an existing accessory structure, plus up to 150 additional square feet if the expansion is limited to accommodating ingress and egress;
    - ii. Has exterior access that is independent of that for the single-family dwelling; and
    - iii. Has side and rear setbacks sufficient for fire and safety, as dictated by applicable building and fire codes.
  - b. A Newly Constructed Detached ADU on Single-family Lots: One detached, new-construction ADU on a lot with a proposed or existing single-family dwelling (in addition to any JADU that might otherwise be established on the lot under Subsection (A)(1)(a) above), if the detached ADU satisfies the following limitations:
    - i. The side- and rear-yard setbacks are at least four feet;
    - ii. The gross floor area is 800 square feet or smaller; and  
The roof peak height above grade is 16 feet or less.
  - c. Conversions on Lots with Existing Multifamily Dwellings: Multiple ADUs within portions of existing multifamily dwelling structures that are not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages, if each converted ADU complies with state building standards for dwellings. The applicant may build at least one ADU within an existing multifamily dwelling, and up to the number of ADUs that equals 25 percent of the existing number of multifamily dwelling units in the structure.
  - d. Detached ADUs on Lots with Existing Multifamily Dwellings: No more than two detached ADUs on a lot that has an existing multifamily dwelling if each detached ADU satisfies the following limitations:
    - i. The side- and rear-yard setbacks are at least four feet;
    - ii. The gross floor area is 800 square feet or smaller; and
    - iii. The roof peak height above grade is 16 feet or less.
- 2. ADU Permit/Building Permit Projects. Except as allowed under Subsection (1) above, no ADU may be created without an ADU Permit and a building permit. The ADUs developed under this section shall comply with the development standards set forth in Section 9283.5. An application for an ADU Permit for an ADU that satisfies the requirements of this Section shall be ministerially approved by the Community Development Director (or the Director's designee) within 60 days after receipt of a complete application consistent with Government Code Section 65852.2.
- 3. When an application to create a JADU is submitted with a permit application to create a new single-family dwelling on the lot, the City may delay acting on the permit application for the JADU until the City acts on the permit application to create the new single-family dwelling, but the application to create the JADU will still be considered ministerially without discretionary review or a hearing.

### **9283.2 Accessory dwelling units: Very High Fire Hazard Severity Zone.**

1. Where a lot or any portion thereof is located within a Very High Fire Hazard Severity Zone, only one ADU or JADU shall be permitted on the lot unless the lot has two distinct means of vehicular access (a street) such that the two distinct means of vehicular access, as measured from the lot to the point of intersection with a street, shall not overlap with each other.
  - a. An applicant wishing to build an ADU on a property which does not satisfy the requirements of Subsection (1) above may submit their application to construct an ADU for a Fire Safety Review. As part of a Fire Safety Review, the Director shall review the application to determine whether the application contains sufficient alternative fire safety measures to allow the construction of an ADU despite the lack of two distinct means of vehicular access. The Director may consider any of the following when determining whether an application contains sufficient fire safety measures to satisfy the Fire Safety Review:
    - i. Additional parking beyond those required by this Section;
    - ii. Additional side, rear, or front setbacks beyond those required by this Section;
    - iii. Additional fire safety features such as sprinklers, fire retardant construction materials, etc.;
    - iv. Location of fire hydrant and fire flow;
    - v. Distance of ADU from street;
    - vi. Any other aspect of the application or property which allows for the safe construction of an accessory dwelling unit.
2. Detached ADUs built within a Very High Fire Hazard Severity Zone must maintain a 10-foot separation between the accessory dwelling unit and any other structure.
3. Detached ADUs located within a Very High Fire Hazard Severity Zone shall provide a minimum setback of 5 feet from the side and rear lot lines.
4. For a garage, carport, or covered parking structure located within a Very High Fire Hazard Severity Zone that is converted to an ADU, onsite replacement parking spaces shall be required that comply with the minimum number of spaces stated in Section 9654.6. However, the replacement parking spaces need not be enclosed.

### **9283.3 Accessory dwelling units and Junior Accessory Dwelling Units: Site Requirements**

1. Permitted ADU and JADU Locations. ADUs and JADUs are permitted in the RV (Residential-Very Low Density), RL (Residential-Low Density), RS (Residential-Single-Family), RM (Residential-Medium Density), RH (Residential-High Density), CS-MU (Commercial Shopping Center-Mixed Use), and OS-R (Open Space-Restricted) zones or in any zone designation where residential development is allowed.



An ADU shall be located on the same lot as a detached or multifamily residential building.

2. ADU or JADU Covenant.

- a. For each new ADU approved through the building permit only process, the property owner shall record a covenant in accordance with Subsection (b) below except the property owner shall not be required to reside in either the ADU or primary dwelling unit.
- b. For each new ADU or JADU approved through the building permit only process, the property owner shall record a City Attorney-approved declaration of restrictions that specifies the size and attributes of the ADU or JADU, and that places the following restrictions on the property, the property owner, and all successors in interest:
  - i. the ADU or JADU shall be rented only for terms longer than 30 consecutive days,
  - ii. the ADU or JADU shall not be sold or conveyed separately from the primary residence,
  - iii. the property owner (other than a governmental entity, land trust or housing organization) shall reside in either the JADU or in the remaining portion of the single-family residence,
  - iv. the ADU or JADU and the property shall be maintained in accordance with all applicable laws, and
  - v. any violation will be subject to penalties as provided in the Municipal Code.

**9283.4 Junior accessory dwelling units**

1. The maximum gross floor area of any new JADU shall not exceed 500 square feet.
2. JADUs shall have exterior access that is independent from the primary dwelling.
3. A junior accessory dwelling unit is required to include an efficiency kitchen which shall include all of the following: A) A cooking facility with appliances and B) A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

**9283.5 Accessory dwelling units: Development Standards for ADU Permit Projects**

An ADU requiring an ADU Permit is subject to the following requirements:

1. Lot Size. All new ADUs are exempt from compliance with the minimum lot size requirements.
2. Lot Coverage. All new ADUs shall conform to the lot coverage requirements for the zoning district in which the ADU is located, except that the lot coverage requirement shall not prevent the approval of an 800 square foot ADU that meets the four-foot side and rear yard setbacks and 16-foot height limit.
3. Size. The maximum gross floor area of any new ADU shall not exceed the following:
  - a. New detached ADU: 850 square feet for a studio or one-bedroom unit; or 1,000 square feet for an ADU with more than one bedroom.
  - b. New attached ADU: 850 square feet for a studio or one-bedroom unit; or 1,000 square feet for an ADU with more than one bedroom; or 50% of the primary residence's living area, whichever is less.
  - c. New detached ADU in an existing legally established accessory structure: 850 square feet for a studio or one-bedroom unit; or 1,000 square feet for an ADU with more than one bedroom.
4. Height. The maximum height of any new ADU shall not exceed the following:
  - a. New detached ADU: A new detached ADU shall not exceed a roof peak height of 16 feet above grade.
  - b. New attached ADU: A new attached ADU shall not exceed the height limit applicable to the primary residence or the actual height of the existing primary residence, whichever is less. An ADU not to exceed a roof peak height of 16 feet above grade shall be allowed if the actual height of the primary residence is less than 16 feet.
5. Setbacks. An ADU shall comply with all front yard setback requirements applicable to the lot's primary residence. Unless otherwise provided in this Section, any new attached or detached ADUs shall have a minimum setback of four (4) feet from the rear property line and four (4) feet from the side property line.
  - a. Notwithstanding these provisions, in the Old Agoura Design Overlay District, a detached ADU may be erected in the required minimum front yard provided it does not exceed more than twenty-five (25) percent of the minimum required front yard.
  - b. Notwithstanding the above, no setback shall be required for an ADU that is within an existing structure or constructed in the same location and within the same dimensions as an existing legally established structure.

- c. A detached ADU must maintain a 10-foot separation from any primary dwelling unit on the lot.

6. Design and Other Improvements.

- a. The ADU's exterior building materials and colors should match those of the single-family residence.
- b. If an automatic sprinkler system is required for the primary residence, the ADU or JADU shall also have an automatic sprinkler system.
- c. Attached ADUs shall have exterior access that is independent from the primary dwelling. No internal access between the attached ADU and the primary residence is allowed.
- d. ADUs shall be constructed on a permanent foundation and shall be built in compliance with the California Building Code or California Residential Code.

7. Parking Requirements. One (1) off-street parking space shall be provided for an ADU, in addition to the parking required for the primary residence. No parking shall be required for a JADU. The required parking space for the ADU may be provided as tandem parking on an existing driveway.

- a. Parking Exemption. Notwithstanding Subsection 7 above, no additional parking space is required for an ADU that satisfies any of the following:
  - i. The ADU is located within one-half (1/2) mile walking distance of "public transit" within the meaning of Government Code Section 65852.2;
  - ii. The ADU is located within an architecturally and historically significant district;
  - iii. The ADU is part of the existing or proposed primary residence or built in an existing accessory structure;
  - iv. The ADU is located in an area where on-street parking permits are required, but not offered to an ADU occupant;
  - v. The ADU is located within one (1) block of a city-approved and dedicated parking space for a car share vehicle.
- b. Replacement Parking. When an existing garage, carport, or covered parking structure is demolished in conjunction with the construction an ADU or is converted into an ADU, replacement parking for the primary dwelling unit shall not be required.

8. Horse-Keeping Area. To endeavor to minimize impacts of ADUs on horse keeping uses located in the Equestrian Overlay Zone, notwithstanding Section 9592 (a), the

Community Development Director shall have the discretion to make the minimum horse keeping area optional if the size of the lot is under 10,890 square feet or if the lot has an average slope over twenty-five (25) percent.

9. Notwithstanding the standards pertaining to allowable lot coverage, allowable site coverage, minimum side and rear yard setback distances, and minimum horse-keeping area, one (1) ADU shall be allowed when that unit occupies eight hundred (800) square feet or less in gross floor area, the unit does not exceed sixteen (16) feet in height, and the unit would be located on a lot such that the rear and side yard setback distances are not less than four (4) feet consistent with Section 9283.1(1) regarding Building Permit Only ADUs.

### **9283.6 Accessory dwelling units: Fees and Utility Connections.**

1. ADUs constructed with a single-family dwelling shall be subject to standard utility-connection requirements and fees.
2. Converted ADUs and JADUs or ADUs in an existing accessory structure on a single-family lot, created under 9283.1(1) are not required to have a new or separate utility connection directly between the ADU or JADU and the utility. Nor is a connection fee or capacity charge required unless the ADU or JADU is constructed with a new single-family home.
3. All ADUs and JADUs not covered by 9283.1(1) require a new, separate utility connection directly between the ADU or JADU and the utility. The connection is subject to a connection fee or capacity charge that is proportionate to the burden created by the ADU or JADU, based on either the gross floor area or the number of drainage-fixture units (DFU) values, as defined by the Uniform Plumbing Code, upon the water or sewer system. The fee or charge may not exceed the reasonable cost of providing this service.
4. If the ADU will use a private sewage disposal system, the property owner shall obtain approval by the local environmental health officer prior to submitting an application with the City.
5. The city shall not impose any development impact fees upon the development of an accessory dwelling unit less than seven hundred fifty (750) square feet. Any development impact fees charged for an accessory dwelling unit of seven hundred (750) square feet or more shall be charged proportionately in relation to the square footage of the accessory dwelling unit."

**Section 13. CEQA.** Pursuant to the California Environmental Quality Act ("CEQA"), City staff determined that the adoption of the proposed Ordinance is exempt from environmental review under CEQA pursuant to Public Resource Code Section 21080.17, and Title 14, Section 15282(h) of the California Code of Regulations, which apply to "The adoption of an ordinance regarding second units in a single-family or multifamily residential

zone by a city or county to implement the provisions of Section 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code.”

**Section 14. Severability Clause.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or its application to any person or circumstances, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsections, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 15. Effective Date.** This Ordinance shall take effect thirty (30) days after passage.

**Section 16. Certification.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same or a summary thereof to be published and posted in the manner required by law. The City Clerk shall submit a copy of this Ordinance to the California Department of Housing and Community Development within 60 days after its adoption.

**PASSED, APPROVED, AND ADOPTED** this \_\_\_ day of \_\_\_\_\_, 2021, by the following vote to wit

- AYES:        ( )
- NOES:        ( )
- ABSENT:     ( )
- ABSTAIN:    ( )

\_\_\_\_\_  
Denis Weber, Mayor

ATTEST:

\_\_\_\_\_  
Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Candice K. Lee, City Attorney