ORDINANCE NO. 2020-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, AMENDING EXISTING MUNICIPAL CODE CHAPTER 16.333 – ACCESSORY DWELLING UNITS (#20-CA01)

WHEREAS, accessory dwelling units ("ADUs") are commonly referred to as "second units," "accessory apartments," "accessory dwellings," "mother-in-law units," or "granny flats" and are additional living quarters that are independent of the primary dwelling unit; and

WHEREAS, in 2016, the State Legislature passed Assembly Bill No. 2299 (Bloom) and Senate Bill No. 1069 (Wieckowski) amending California Government Code Section 65852.2 related to ADUs, which bills took effect on January 1, 2017; and

WHEREAS, in October 2017, the State Legislature passed Senate Bill 229 (Wieckowski) and Assembly Bill 494 (Bloom) which further amended California Government Code Section 65852.2 to clarify ADU requirements, which took effect on January 1, 2018; and

WHEREAS, the intent of the above-described legislation is to reduce barriers to the development of ADUs; and

WHEREAS, the City Council approved City Council Ordinance No. 2019-07 in September of 2019, which amended Claremont Municipal Code Chapter 16.333, now entitled "Accessory Dwelling Units" in order to comply with State legal requirements applicable at the time; and

WHEREAS, in October of 2019, the State Legislature passed Assembly Bill No. 68 (Ting), Assembly Bill 881 (Bloom) and Senate Bill No. 13 (Wieckowski) amending California Government Code Section 65852.2 related to ADUs, which bills took effect on January 1, 2020; and

WHEREAS, the intent of the above-described legislation is to further reduce barriers to the development of ADUs; and

WHEREAS, the City of Claremont ("City") currently regulates ADUs in Chapter 16.333 of its Municipal Code, which is part of the Zoning Ordinance of the City of Claremont (Title 16 to the Claremont Municipal Code); and

WHEREAS, the City desires to amend Chapter 16.333 - Accessory Dwelling Units in of its Municipal Code in order to conform to the State legislature's recent changes to California Government Code Section 65852.2, as set forth in Section 3 of this Ordinance; and

WHEREAS, on January 21, 2020, the Planning Commission held a duly-noticed public hearing, and based upon all of the information and testimony presented at the

hearing, the Planning Commission voted 6 yes – 1 no, on the motion to approve the draft resolution recommending approval of the proposed Code amendment; and

WHEREAS, on January 30, 2020, notice of the City Council meeting to consider the proposed code amendment was mailed to all persons on the "to-be-notified" list for the proposed Code Amendment; and

WHEREAS, on January 31, 2020, a display ad notice of the City Council meeting to consider the proposed code amendment; and

WHEREAS, on February 11, 2020 the City Council held a duly noticed public hearing and first reading of the proposed Code Amendment; and

WHEREAS, on February 25, the City Council held a second reading of the proposed Code Amendment; and

WHEREAS, the City Council has considered the requirements of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et. seq.); and

WHEREAS, this Ordinance supports several of the goals and policies of the Claremont General Plan, including Goals 2-2, 2-5, 2-11, 4-4, 4-5, 5-9, 8-2 and 8-3, and Policies 2-1.1, 2-2.1, 2-2.2, 2-4.2, 2-5.1, 2-11.1, 2-11.2, 2-11.3, 5-3.1, 8-2.1, 8-3.1, 8-3.9, and 8-3.11 of the General Plan; and

WHEREAS, the City Council has considered the proposed Ordinance; and

WHEREAS, the City Council has considered the staff report and all of the information, evidence, and testimony received at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY CLAREMONT, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Incorporation of Recitals The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. CEQA The City Council finds and determines that the Code Amendment is statutorily exempt from CEQA pursuant to Section 15282(h) of the CEQA Guidelines (Title 14 to the California Code of Regulations), which exempt the adoption of an ordinance regarding ADUs by cities and counties that implement the provisions of Section 65852.2 of the California Government Code from CEQA review.

SECTION 3. Amendment The City Council hereby amends Chapter 16.333 (Accessory Dwelling Units) of Title 16 (Zoning) of the CMC to read as follows:

CHAPTER 16.333 ACCESSORY DWELLING UNITS

16.333.000 INTENT

The purpose of this chapter is to facilitate the increased production of accessory dwelling units, as well as junior accessory dwelling units, and to provide reasonable regulations for their development on lots developed or proposed to be developed with a residential dwelling(s). Formerly referred to as “Accessory Second Units” in the Municipal Code, such accessory dwelling units (ADUs) can contribute needed housing to the community’s housing stock and promote housing opportunities for persons from a range of socioeconomic backgrounds who wish to reside in the City of Claremont. In addition, the regulations in this ordinance 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 Government Code Sections 65852.2 and 65852.22.

16.333.010 DEFINITIONS

A. “Accessory dwelling unit” shall be defined in accordance with Government Code Section 65852.2(j)(1).

B. “Junior accessory dwelling unit” shall be defined in accordance with Government Code Section 65852.22(h)(1).

C. “Public transit” is defined, for the purposes of this chapter, in accordance with Government Code Section 65852.2(j)(10).

D. “Architecturally and historically significant district,” is defined, for the purposes of this chapter, as the areas having a zoning designation of Historic Claremont (HC) as established in Chapter 16.004 or Arbol Verde Single-Family Residential (AV1 & AV2) as established in Chapter 16.019, and shall also include individual properties listed on the California Register of Historic Resources and/or the National Register of Historic Places.

E. “Car share vehicle area” is defined as a designated pick-up and drop-off area for two or more motor vehicles that are operated as part of a regional fleet by a public or private car sharing company or organization that provides hourly or daily car-sharing services.

F. “Plate height” is defined as the vertical distance between the finished floor level and where the wall intersects with the roof or the floor joists of the story above.

G. “Height” shall be, for the purposes of this chapter, the vertical distance to the highest point of the structure from the average elevation of the ground under the building.

H. “Living Area” is defined, for the purposes of this chapter, in accordance with Government Code Section 65852.2(j)(4).

I. References to the "Government Code” shall mean the California Government Code. Citations to specific sections of the Government Code shall mean the section, as amended from time to time or replaced by a successor statute.

16.333.020 EFFECT OF CONFORMING ACCESSORY DWELLING UNIT

An accessory dwelling unit and junior accessory dwelling unit that conforms to this chapter shall:

A. 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;

B. Be deemed a residential use that is consistent with the General Plan and the zoning designations for the lot;

C. Not be considered in the application of any ordinance, policy, or program to limit residential growth; and

D. Not be considered a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service.

16.333.030 APPLICABILITY

A. New Accessory Dwelling Units and Junior Accessory Dwelling Units – Any construction, establishment, alteration, enlargement, or modification of an accessory dwelling unit or junior accessory dwelling unit shall comply with the requirements of this chapter, other development standards in this title applicable to the district in which the lot is located, and the City’s Building and Construction Codes as set forth in Title 15.

B. Legal Nonconforming Accessory Dwelling Units – All accessory dwelling units and junior accessory dwelling units which were legal at the time of their creation but which do not conform to this chapter are deemed nonconforming and shall be subject to the provisions of Chapter 16.400 (Nonconformities).

C. Existing Illegal Accessory Dwelling Units – Subject to Government Code Section 65852.2(e)(2) and (n), the provisions of this chapter shall in no way validate any existing illegal accessory dwelling unit or junior accessory dwelling unit. An application may be made pursuant to this chapter to convert an illegal accessory dwelling unit to a legal conforming accessory dwelling unit, and shall be subject to

the same standards and requirements as for a newly proposed accessory dwelling unit.

D. Designation of Existing Primary Dwelling Unit to Accessory Dwelling Unit – An existing residential structure may be designated as an accessory dwelling unit at such time as a new primary dwelling unit is constructed, provided the existing structure conforms to all current development standards of this chapter and approval of an accessory dwelling unit permit is obtained.

16.333.040 PERMITTED SITES

Subject to Government Code Section 65852.2(e), one accessory dwelling unit or one junior accessory dwelling unit that meets the requirements of this chapter may be located on a lot in any area zoned to allow single-family or multifamily dwelling residential use that contains a proposed or existing dwelling unit.

16.333.050 PERMIT PROCEDURES

A. Permits – With the exception of legal nonconforming accessory dwelling units described in Section 16.333.030.B above, all accessory dwelling units and all junior accessory dwelling units require an accessory dwelling unit permit. The applicant shall also obtain a building permit as required by the City's Building and Construction Codes set forth in Title 15 and record a deed restriction as provided in Section 16.333.070.

B. Application Processing – An application for an accessory dwelling unit or a junior accessory dwelling unit permit shall be made on forms provided by the Department of Community Development and be submitted with any applicable fees. The application shall include all information needed to determine compliance with this chapter. The application fee shall be established by resolution of the City Council.

C. Review

1. The Community Development Director or his or her designee will review and approve complete applications for accessory dwelling unit permits for compliance with the requirements of this chapter. The accessory dwelling unit permit application shall be considered ministerially without any discretionary review or a public hearing.

2. The Community Development Director or his or her designee shall approve an application within 60 days after receiving a complete application if the proposed accessory dwelling unit complies with the requirements of this chapter. Prior to issuance of any building permits relating to the accessory

dwelling unit, the applicant shall record the deed restriction described in Section 16.333.070.

3. While it is not necessary for the City to provide notice that it has received an application for an accessory dwelling unit permit to owners of surrounding properties, the City shall provide notice that it has approved an accessory dwelling unit permit to the applicant and, as a courtesy, to the owners of adjacent properties within five (5) days of the approval.

4. Except as otherwise provided in this chapter and subject to Government Code Section 65852.2(f), the construction of an accessory dwelling unit shall be subject to any applicable fees adopted pursuant to the requirements of Government Code, Title 7, Division 1, Chapter 5 (commencing with Section 66000) and Chapter 7 (commencing with Section 66012).

5. Revocation

   (a) Subject to Government Code Section 65852.2(n), the Building Official or his or her designee may revoke an accessory dwelling unit permit if the accessory dwelling unit violates one or more requirements of this chapter.

   The Building Official or his or her designee shall provide written notice of the decision to revoke the accessory dwelling unit permit to the property owner by certified mail with return receipt requested.

   (b) Within twenty-one (21) days of the deposit of the notice of the decision to revoke the accessory dwelling unit permit in the United States mail, the property owner and/or occupant may request a hearing before the Community Development Director. If the City receives a timely request for a hearing in accordance with this Section 16.333.050.C.5(b), the decision to revoke shall be stayed until the hearing is concluded and the Director has made his or her determination. If the City does not receive a request for a hearing within twenty-one (21) days, the revocation of the accessory dwelling unit permit shall be final.

   (c) If, after a hearing, the Director of Community Development affirms the revocation of the accessory dwelling unit permit, the property owner and/or occupant may appeal the Director's decision to the Planning Commission in accordance with Chapter 16.321. If the City

receives a timely request for a hearing in accordance with Chapter 16.321, the decision to revoke shall be stayed until the hearing is concluded and the Planning Commission has made its determination.

(d) If, after a hearing, the Planning Commission affirms the revocation of the accessory dwelling unit permit, the property owner and/or occupant may appeal the Planning Commission's decision to the City Council in accordance with Chapter 16.321. If the City receives a timely request for a hearing in accordance with Chapter 16.321, the decision to revoke shall be stayed until the hearing is concluded and the City Council has made its determination. Such decision by the Council shall be final.

(e) If an accessory dwelling unit permit is revoked, the property owner shall, within sixty (60) days, remove the kitchen facilities from the unit space, and shall not rent the unit except together with the primary residence to a single household.

16.333.060 DEVELOPMENT STANDARDS

A. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, and cooking and sanitation facilities separate from the primary dwelling unit on the same lot.

B. Accessory dwelling units shall meet the following standards:

1. Development on the Lot.

(a) A primary dwelling unit shall either exist on the lot or shall be constructed in conjunction with the accessory dwelling unit. The City shall not issue a certificate of occupancy for an accessory dwelling unit before it issues a certificate of occupancy for the primary dwelling.

(b) The accessory dwelling unit shall be:

(i) Detached from the proposed or existing primary dwelling unit, but located on the same lot as the proposed or existing dwelling; or

(ii) Attached to the proposed or existing dwelling; or

(iii) Located within the proposed or existing dwelling or an existing structure on the same lot as the primary dwelling (such as a garage, storage area, or accessory structure).

(c) Subject to Government Code Section 65852.2(e), only one accessory dwelling unit shall be allowed per lot.

(d) The accessory dwelling unit shall not be sold separate from the primary residence nor shall it be used for short-term rentals of less than thirty (30) days.

2. Building and Construction.

(a) An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation.

(b) The accessory dwelling unit shall be constructed on a permanent foundation.

(c) An accessory dwelling unit shall have fire sprinklers if the primary residence is also required to have fire sprinklers.

(d) Subject to Government Code 65852.2(f)(4), an accessory dwelling unit shall be connected to the public sewer, and that connection shall be subject to a connection fee, or capacity charge, or both, proportionate to the burden of the proposed accessory dwelling unit calculated in accordance with Government Code 65852.2(f)(5).

3. Parking.

(a) Subject to Government Code Section 65852.2(e), the development of an accessory dwelling unit on a lot where the existing dwelling unit does not comply with current parking standards shall be subject to the requirements of Municipal Code Section 16.400.040.A.3.

(b) Except as provided in Section 16.333.060.B.3(d) below, accessory dwelling units shall meet the following parking standards:

(i) At least one off-street parking space shall be provided for an accessory dwelling unit.

(ii) Parking spaces shall comply with Municipal Code Section 16.136.040.A, and be provided on the same lot as the

accessory dwelling unit. A covered parking space is preferred but not required.

(iii) The parking space(s) for the accessory dwelling unit shall be in addition to the parking required for the primary residence.

(c) If parking is required:

(i) If uncovered, required parking spaces may be located in required setback areas and may be provided through tandem parking. Applicants are encouraged to provide required uncovered parking spaces outside of front and street-side setback areas, if possible. If covered, required parking spaces shall comply with the setback requirements applicable to the subject property.

Parking arrangements pursuant to this Section E.3 may be prohibited if the Community Development Director makes a finding that such parking arrangements are not feasible based upon specific site or fire or life safety conditions, or that such arrangements are not permitted anywhere in the jurisdiction.

(ii) When a garage, carport, or covered parking structure providing required parking for the primary residence is demolished in conjunction with the construction of an accessory dwelling unit or is converted into an accessory dwelling unit, replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts. If covered, replacement spaces shall comply with the setback requirements applicable to the subject property.

Per Government Code Section 65852.2(a)(1)(D)(xi), replacement parking is not required when parking for the primary residence is demolished in conjunction with the construction of an accessory dwelling unit or is converted into an accessory dwelling unit.

(d) Parking standards shall not be imposed on an accessory dwelling unit in any of the following circumstances:

(i) The accessory dwelling unit is located within one-half mile walking distance of public transit.

(ii) The accessory dwelling unit is located within an architecturally and historically significant historic district.

(iii) The accessory dwelling unit is part of the proposed or existing primary residence or an existing accessory structure.

(iv) When there is a car share vehicle area located within one block of the accessory dwelling unit.

(v) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

4. Height.

(a) The plate height of an accessory dwelling unit shall not exceed the plate height of the primary dwelling unit and the total height of the accessory dwelling unit shall not exceed sixteen (16) feet.

(b) An accessory dwelling unit shall not be constructed over a garage space.

5. Setbacks.

(a) An accessory dwelling unit shall be setback at least four (4) feet from rear and side lot lines. Front yard setbacks shall be governed by the setback standards for the applicable zoning district.

(b) Notwithstanding Section 16.333.060.B.5(a), no setback shall be required for an accessory dwelling unit in an existing structure or a structure that is rebuilt in the same location and to the same dimensions as an existing structure.

6. Unit Size.

(a) Subject to Section 16.333.060.B.6(b) below, if there is an existing primary dwelling, the total floor area of an attached accessory dwelling unit shall not exceed fifty (50) percent of the Living Area of the existing primary dwelling.

(b) For all accessory dwelling units, the maximum square footage shall not exceed:

(i) 850-square feet for accessory dwelling units having one bedroom or less; and

(ii) 1,000-square feet for accessory dwelling units having more than one bedroom

(c) The minimum square footage for an accessory dwelling unit is 150 square feet of floor area.

(d) The accessory dwelling unit shall contain no more than two bedrooms.

7. Lot Coverage. The accessory dwelling unit shall meet the lot coverage standards of the applicable zoning district, provided those standards allow for an accessory dwelling unit of at least 800-square feet that is at least 16 feet in height with four (4) foot side and rear yard setbacks.

8. Architectural Design Standards. Staff will apply the following standards in evaluating applications for an accessory dwelling unit:

(a) The color, material and texture of all building walls, window types, and door and window shall be substantially similar to the primary dwelling unit.

(b) The design, color, material, pitch, and texture of the roof shall be the same as that of the primary dwelling unit.

(c) The architectural style of the accessory dwelling unit shall be the same as that of the primary dwelling unit. If no architectural style can be identified, the design of the accessory dwelling unit shall be architecturally compatible with the primary dwelling unit.

(d) The design of the accessory dwelling unit shall maintain the scale and appearance of a single-family dwelling unit and shall not unduly interfere with or visually dominate the established development pattern of the surrounding neighborhood context.

(e) Exterior doors of the accessory dwelling unit shall not be oriented in the same direction as the primary exterior entrance of the primary dwelling unit when both would be visible from any public right-of-way, excluding alleys.

(i) Notwithstanding the above, on properties located at the intersection of two public streets, the exterior doors of the accessory dwelling unit shall not be oriented in the same direction as the primary exterior entrance of the primary dwelling unit but may be visible from a public right-of-way.

(ii) An accessory dwelling unit shall have no exterior entrances on elevations where the distance to a side property line is less than 8-feet.

(f) The accessory dwelling unit shall be designed to preserve and/or retain on-site significant mature trees to the greatest extent possible. Removal of significant trees should be avoided, except where such trees have been determined by a licensed arborist to be of poor health or where retention is economically infeasible, as determined by the Community Development Director.

(g) All windows and doors of the accessory dwelling unit shall be designed to minimize privacy impacts to adjacent properties. Minimizing privacy impacts may be achieved through window placement above interior eye level and/or horizontally offset to avoid direct alignment with windows on neighboring properties, and also through orienting windows and doors towards the primary dwelling unit.

An accessory dwelling unit with less than an 8-foot side or rear setback shall only have clerestory windows which are a minimum of 6-feet above the floor on those sides.

(h) Enhanced landscaping and strategically located open space shall be provided to ensure privacy and screening of adjacent properties.

(i) When a garage, carport, or covered parking structure that is visible from any public right-of-way is converted or demolished in conjunction with the construction of an accessory dwelling unit, the design shall incorporate features to match the scale, materials and landscaping of the primary dwelling unit that preserve the existing streetscape and character of the surrounding neighborhood.

(j) The accessory dwelling unit shall not cause a substantial adverse change on any real property that is listed in the National Register of Historic Places, and/or California Register of Historic Places, and/or

Register of Structures of Historic and Architectural Merit of the City of Claremont.

9. Interior Amenities

(a) Washer/dryer hookups shall be provided within a closet or laundry room. Space for stacked units is acceptable.

(b) Units of 500-square feet or less shall have, at a minimum, a kitchen which will consist of:

(i) A 15-inch sink with garbage disposal and a 1.5-inch waste line

(ii) An opening which will accommodate a 62-inch by 25-inch by 28-inch refrigerator.

(iii) A 2-element electronic stove of 120 volts.

(iv) 10-square feet of counter space

(c) Units of greater than 500-square feet shall have, at a minimum, a kitchen which will consist of:

(i) A 22-inch sink with garbage disposal.

(ii) An opening that will accommodate a 69-inch by 30-inch by 29-inch refrigerator.

(iii) A 4-element stove

(iv) 15-square feet of counter space.

F. Junior accessory dwelling units shall meet the following standards:

1. Development on the Lot.

(a) A junior accessory dwelling unit shall be constructed within the existing walls of the residential structure and shall include an existing bedroom.

(b) Only one junior accessory dwelling unit shall be allowed per lot. Subject to Government Code Section 65822.2(e), junior accessory dwelling units are only permitted on lots zoned for single family residences with a proposed or existing single family residence.

(c) The junior accessory dwelling unit shall not be sold separate from the primary residence nor shall it be used for short-term rentals of less than thirty (30) days.

2. Building and Construction

(a) A junior accessory dwelling unit must include a separate entrance from the main entrance to the primary dwelling unit, with an interior entry to the main living area. A junior accessory dwelling unit may include a second interior doorway for sound attenuation.

(b) A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(c) A junior accessory dwelling unit must include an efficiency kitchen, which includes all of the following:

(i) A cooking facility with appliances;

(ii) A food preparation counter of reasonable size in relation to the size of the junior accessory dwelling unit;

(iii) Storage cabinets that of reasonable size in relation to the size of the junior accessory dwelling unit;

(d) The junior accessory unit shall meet the requirements of the building code, as adopted and amended by Title 15 of the Claremont Municipal Code, provided the unit shall not be considered a separate or new dwelling unit for the purposes of any fire or life protection regulation.

3. Parking. No additional parking is required for a junior accessory dwelling unit

4. Unit Size. The maximum size for a junior accessory dwelling unit is 500-square feet.

G. Notwithstanding Sections 16.333.060.B and 16.333.060.C, the City shall ministerially approve a permit for an accessory dwelling unit or junior accessory dwelling unit that meets the standards set forth in Government Code Section 65822.2(e)(1), provided however, accessory dwelling units approved under this section shall be subject to the standards for Interior Amenities set forth in Section 16.333.060.B.9 and for accessory dwelling units on a lot with a proposed or single family dwelling, the Architectural Design Standards in Section 16.333.060.B.8.

16.333.070 DEED RESTRICTION

Prior to issuance of a building permit for an accessory dwelling unit or a junior accessory dwelling unit , a deed restriction shall be recorded against the title of the property in the Los Angeles County Recorder's Office and a copy shall be filed with the City Clerk. 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:

A. Neither the accessory dwelling unit/junior accessory dwelling unit nor the primary dwelling unit shall be sold separately.

B. Neither the accessory dwelling unit/junior accessory dwelling unit, nor the primary dwelling unit shall be rented for a period of less than thirty (30) days.

C. If the accessory dwelling unit or the primary dwelling unit is rented, that the owner of the property for which an accessory dwelling unit permit shall obtaining and maintain a valid business permit pursuant to CMC Chapter 5.20 – Business Permits.

D. The unit is restricted to the approved size and attributes of this chapter.

E. The deed restrictions run with the land and may be enforced against future owners of the property.

F. The deed restrictions may be removed if the owner eliminates the accessory dwelling unit as evidenced by the removal of the kitchen facilities, bathroom facilities, or both.

G. The deed restrictions shall be enforced by the Director of Community Development or his or her designee for the benefit of the City of Claremont. 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 to 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.

16.333.080 ENFORCEMENT AND REMEDIES

A. Criminal Fines and Penalties – Any person responsible for violating any provision of this chapter is guilty of an infraction or a misdemeanor at the discretion of the City Attorney and/or district attorney. Upon conviction, the person shall be punished as prescribed in Chapter 1.12.

B. Administrative Fines and Penalties – Whenever an officer charged with the enforcement of any provision of this Municipal Code determines that a violation of this chapter has occurred, the officer shall have the authority to issue an administrative citation to any person responsible for the violation in accordance with Chapter 1.14.

C. Public Nuisance and Lien on Property – Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and is hereby declared to be, a public nuisance and may be summarily abated by the City pursuant to California Code of Civil Procedure Section 731 or any other remedy available at law. In accordance with Chapter 1.15, the City may also collect any fee, cost, or charge incurred in the abatement of such nuisance by making the amount of any unpaid fee, cost or charge a lien against the property that is the subject of the enforcement activity.

D. Civil Action – In addition to any other enforcement permitted by the City's Zoning and/or Municipal Codes, the City Attorney may bring a civil action for injunctive relief and civil penalties against any person who violates any provision of this chapter. In any civil action that is brought pursuant to this chapter, a court of competent jurisdiction may award civil penalties and costs to the prevailing party.

E. Permit Revocation – Any violation of this chapter may result in revocation of an accessory dwelling unit permit in accordance with Section 16.333.050.C.5 above.

Use of any one or more of these remedies shall be at the sole discretion of the City and nothing in this Section shall prevent the City from initiating civil, criminal or other legal or equitable proceedings as an alternative to any of the proceedings set forth above.

To the extent the City seeks to enforce building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the California Health and Safety Code, use of these remedies may be subject to Government Code Section 65822.2(n).

SECTION 4. Severability If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each 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 5. Publication The Mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days,

publish a summary of the ordinance in the Claremont Courier, a semi-weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.

SECTION 6. Effective Date This ordinance shall take effect and be in force thirty (30) days after its adoption.

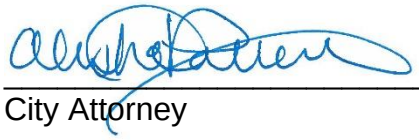
PASSED, APPROVED and ADOPTED this 25th day of February, 2020.

_____
Mayor, City of Claremont

ATTEST:

_____
City Clerk, City of Claremont

APPROVED AS TO FORM:



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City Attorney