

ORDINANCE NO. 1517

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, AMENDING TUSTIN CITY CODE SECTIONS 9221a1, 9222a5, 9223a7, 9224b1, 9228a7, 9244d8, 9252j2, 9263g, 9264b8, 9271jj, 9297, and 9299b1i AND ADDING SECTION 9279 RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

The City Council of the City of Tustin does hereby ordain as follows:

SECTION I. The City Council finds and determines as follows:

- A. That Chapter 2 of Article 9 of the Tustin City Code (TCC) establishes allowable uses of property within all zoning districts in the City.
- B. That in 2016, the State Legislature adopted two (2) bills pertaining to accessory dwelling units, Assembly Bill (AB) 2299 and Senate Bill (SB) 1069, which modified Government Code Sections 68582.150 and 65852.2 and took effect January 1, 2017; in October 2017, the State Legislature approved two (2) additional bills, AB 494 and SB 229, which further modified Government Code Sections 68582.150 and 65852.2 (collectively, the “State ADU Law”).
- C. That an “accessory dwelling unit” or “ADU” is an attached or a detached residential dwelling unit which provides complete independent living facilities for one (1) or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family or multi-family dwelling.
- D. That a “junior accessory dwelling unit” or “JADU” is a small residential dwelling unit contained entirely within a single-family residence. A JADU may include separate sanitation facilities, or may share sanitation facilities with the single-family residence.
- E. That during its 2019-2020 Regular Session the California Legislature approved several bills modifying the State ADU Law, SB 13, AB 68, and AB 881 (Collectively, the “2020 Revisions to the State ADU Law”).
- F. That the State ADU Law necessitates amendments to the City’s existing zoning regulations relating to ADUs and JADUs.
- G. That on October 26, 2021, a public hearing was duly noticed, called, and held by the Planning Commission on Code Amendment (CA) 2021-0001 relating to ADUs and JADUs.

- H. That on October 26, 2021, the Planning Commission adopted Resolution No. 4441 and recommended that the City Council adopt Ordinance No. 1517, approving CA 2021-0001.
- I. That on November 16, 2021, a public hearing was duly noticed, called, and held on CA 2021-0001 by the City Council.
- J. That the proposed ADU and JADU provisions are reasonably necessary to protect the health, safety, and welfare of the citizens of the City of Tustin.
- K. That the proposed amendments comply with California Government Code Section 65852.2 and 65852.22.
- L. That the proposed amendments are consistent with the Tustin General Plan in that they comply with the following goals and policy:

Land Use Element Goal 4: to assure a safe, healthy, and aesthetically pleasing community for residents and businesses.

Housing Element Goal 1: to provide an adequate supply of housing to meet the need for a variety of housing types and the diverse socio-economic needs of all community residents commensurate with the City's identified housing needs in the RHNA allocation.

Housing Element Policy 1.2: to facilitate the development of ADUs and JADUs as a means of dispersing affordable units throughout the community.

SECTION II. Section 9221(a)(1) of Part 2 of Chapter 2 of Article 9 of the Tustin City Code (TCC) is hereby amended to read as follows (new text underlined; deleted text in strikethrough):

- 1. Single-family dwelling and associated accessory dwelling units and junior accessory dwelling units (subject to the provisions set forth in Section 9279)

SECTION III. Section 9222(a)(5) of Part 2 of Chapter 2 of Article 9 of the TCC is hereby amended to read as follows (new text underlined; deleted text in strikethrough):

- 5. ADUs and JADUs (subject to the provisions set forth in Section 9279~~9274jj~~).

SECTION IV. Section 9223(a)(7) of Part 2 of Chapter 2 of Article 9 of the TCC is hereby amended to read as follows (new text underlined; deleted text in strikethrough):

7. ADUs and JADUs (subject to the provisions set forth in Section ~~92799271jj~~—~~see Section 9252j2 for standards applicable to accessory dwelling units in the cultural resource district~~).

SECTION V. Section 9224(b)(1) of Part 2 of Chapter 2 of Article 9 of the TCC is hereby amended to read as follows (deleted text in strikethrough):

1. Any use permitted or conditionally permitted in any residentially zoned district is conditionally permitted in the Planned Development District (PD) (except ADUs and JADUs are ~~not~~ permitted ministerially subject to the provisions set forth in Section 9279).

SECTION VI. Section 9228(a)(7) of Part 2 of Chapter 2 of Article 9 of the TCC is hereby amended to read as follows (new text underlined; deleted text in strikethrough):

7. ADUs and JADUs, ~~on lots development with one (1) single family dwelling~~ (subject to the provisions set forth in Section ~~92799271jj~~).

SECTION VII. Section 9244(d)(8) of Part 4 of Chapter 2 of Article 9 of the TCC is hereby amended to read as follows (new text underlined; deleted text in strikethrough):

8. ADUs and JADUs, ~~on lots development with one (1) single family dwelling~~ (subject to the provisions set forth in Section ~~92799271jj~~).

SECTION VIII. Section 9252j2(a)(3) of Part 5 of Chapter 2 of Article 9 of the TCC is hereby repealed in its entirety without replacement.

SECTION IX. Table 1: Parking Requirements by Land Use of Section 9263(g) of Part 6 of Chapter 2 of Article 9 of the TCC is hereby revised by amending and restating the parking requirements for ADUs to read as follows (new text underlined; deleted text in strikethrough):

Land Use Type	Parking Spaces Required
Residential Uses	
ADUs	One (1) space per unit or bedroom, whichever is less, in addition to that required for the primary dwelling. ~~Required parking spaces for accessory dwelling units may be tandem spaces and within side yard and/or rear yard setback areas, but not blocking access to a required garage parking space and not within front yard setback areas, except on~~

	existing driveways. <u>See Section 92799271jj for exceptions to the parking requirements for accessory dwelling units.</u> <u>Off-street parking spaces are not required to be replaced when an existing garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU.</u> <u>Required open parking spaces may be permitted in side or rear setback areas, or through tandem parking on a driveway, unless specific findings are made by the Director that parking in setback areas or tandem parking is not feasible based upon specific site or regional topographical or fire and life safety concerns.</u> <u>Off-street parking is not required in the following instances:</u> i. <u>The ADU is located within one-half mile walking distance of public transit, including transit stations and bus stations;</u> ii. <u>The ADU is located within an architecturally and historically significant historic district including without limitation the Cultural Resource District;</u> iii. <u>The ADU is part of the proposed or existing primary residence or existing accessory structure (i.e., a Converted ADU);</u> iv. <u>When on-street parking permits are required but not offered to the occupant of the ADU; and/or</u> v. <u>When there is a car share vehicle located within one block of the ADU.</u>
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<u>JADUs</u>	<u>No additional off-street parking is required for a JADU beyond that required at the time the existing primary dwelling was constructed. However, when an existing attached garage is converted to a JADU, any required off-street parking spaces for the primary dwelling that are eliminated as a result of the conversion shall be replaced.</u>

SECTION X. Section 9264(b)(8) of Part 6 of Chapter 2 of Article 9 of the TCC is hereby repealed in its entirety without replacement.

SECTION XI. Section 9271(jj) of Part 7 of Chapter 2 of Article 9 of the TCC is hereby repealed in its entirety without replacement.

SECTION XII. Section 9297 of Part 9 of Chapter 2 of Article 9 of the TCC is hereby amended as follows:

- a. The existing definition for “Accessory Dwelling Unit” is amended and restated to read:

“Accessory Dwelling Unit” or “ADU” means an Attached or a Detached residential dwelling unit that provides complete independent living facilities for one (1) or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multi-family dwelling is or will be situated. An ADU includes an “Efficiency Unit” and “Manufactured Home” as defined by the Health and Safety Code.

- b. A new definition for “ADU, Attached” is added to read as follows:

“ADU, Attached” or “Attached ADU” means an ADU, other than a Converted ADU, that is physically attached to a primary dwelling.

- c. A new definition for “ADU, Converted” is added to read as follows:

“ADU, Converted” or “Converted ADU” means an ADU that is constructed within all or a portion of the permitted existing interior space of an accessory structure or within a portion of the permitted existing interior space of a dwelling, including bedrooms, attached garages, storage areas, or similar uses. A Converted ADU also includes an ADU

that is constructed in the same location and to the same dimensions as a permitted existing structure or portion of a permitted existing structure.

- d. A new definition for “ADU, Detached” is added to read as follows:

“ADU Detached” or “Detached ADU” means an ADU, other than a Converted ADU, that is physically separated from, but located on the same lot as, a primary dwelling structure.

- e. A new definition for “ADU, Junior”, “Junior Accessory Dwelling Unit” or “JADU” is added to read as follows:

“ADU, Junior”, “Junior Accessory Dwelling Unit” or “JADU” means a unit that is no more than 500 square feet in size and contained entirely within the walls of a proposed or existing single-family residence, including attached garages. A JADU may include separate sanitation facilities or may share sanitation facilities with the single-family residence.

- f. A new definition for “Statewide Exemption ADU” is added to read as follows:

“Statewide Exemption ADU” for purposes of ADU development means an ADU of up to 800 square feet, sixteen (16) feet in height, and with four (4) feet side and rear yard setbacks in compliance with all other local development standards. A Statewide Exception ADU shall not be precluded due to lot coverage, floor area ratio, open space, or minimum lot size requirements.

- g. A new definition for “Multiple Family Dwelling” is added to read as follows:

“Multiple Family Dwelling” for the purposes of ADU development, a structure with two (2) or more attached dwellings on a single lot is considered a multi-family dwelling structure. Multiple detached single-unit dwellings on the same lot are not considered multi-family dwellings.

- h. A new definition for “Public Transit” is added to read as follows:

“Public Transit” for the purposes of ADU development, means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.

SECTION XIII. Section 9279 is hereby added to Part 7 of Chapter 2 of Article 9 of the TCC to read in its entirety as follows:

9279 Accessory Dwelling Units and Junior Accessory Dwelling Units

- A. Purpose.** The purpose of this Section is to provide for the development of accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in a manner consistent with State Law.
- B. Conforming ADUs.** An ADU that conforms to this Section shall:
1. Be deemed an accessory use or an accessory building and shall 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 existing General Plan and zoning designation for the lot upon which it is located; and
 3. Not be considered in the application of any local ordinance, policy, or program to limit residential growth.
- C. Locations Permitted.**
1. *Permitted ADU Locations.* ADUs conforming to the provisions of this Section may be located on any lot in the City zoned to allow single-family and multi-family residential dwellings and that includes a proposed or existing single-family or multi-family dwelling.
 2. *Permitted JADU Locations.* JADUs conforming to the provisions of this Section may be located within a proposed or existing single-family dwelling on any lot in the City that is zoned to allow single-family residential uses.
- D. ADU Requirements.**
1. *Legal Lot/Residence/Dwelling.* An ADU shall only be allowed on a lot that contains a proposed or legally developed existing single-family residence or multi-family dwelling.
 2. An ADU on a single-family lot shall be either:
 - (a) Attached to, or located within, the proposed or existing primary single-family dwelling, including attached garages, storage areas or similar uses, or an accessory structure; or

- (b) Detached from the proposed or existing single-family primary dwelling(s) and located on the same lot as the proposed or existing primary dwelling.
- (c) Constructed within all or a portion of the permitted existing interior space of a single-family accessory structure or within a portion of the permitted existing interior space of a single-family dwelling, including bedrooms, attached garages, storage areas, or similar uses.

3. *Number of ADU Units Per Lot.*

- (a) Single-Family Lots. For lots with a proposed or existing single-family dwelling, no more than one (1) Attached, Converted or Detached ADU shall be permitted on the lot. In cases where both a new or converted Detached ADU and JADU are developed or proposed on a lot, the total floor area of the Detached ADU may not exceed 850 square feet.

4. *Unit Size and Height.*

(a) Maximum Size.

- i. Attached ADUs. The total floor area of an Attached ADU shall not exceed the following:
 - 1. Studio or One (1) Bedroom. (i) 850 square feet, or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less; provided, however, that if the size of the primary dwelling unit is less than 1,700 square feet, an Attached ADU may have a total floor area of up to 850 square feet.
 - 2. Two (2) or more bedrooms. (i) 1,200 square feet, or (ii) fifty (50) percent of the floor area of the primary dwelling unit, whichever is less; provided, however, that if the size of the primary dwelling unit is less than 2,400 square feet, an Attached ADU may have a total floor area of up to 1,200 square feet.
- ii. Detached ADUs. The total floor area of a Detached ADU shall not exceed the following:
 - 1. Studio or One (1) bedroom: 850 square feet.
 - 2. Two (2) or more bedrooms: 1,200 square feet.
- iii. Converted ADUs. The maximum size limitations set forth in this Subsection do not apply to Converted ADUs that do not increase the

existing floor area of a structure. In addition, a Converted ADU created within an existing accessory structure may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure to the extent necessary to accommodate ingress and egress.

(b) Minimum Size. The total floor area of an ADU shall be at least 220 square feet.

(c) Height - Single-family ADUs.

(a) Detached ADUs. Shall comply with the height limits set forth in the respective zoning district.

(b) Attached ADUs. Shall comply with the height limits set forth in the respective zoning district.

(c) Converted ADUs. Converted ADUs are not subject to a height limitation. A proposed Converted ADU which undergoes a remodel that affects the height shall comply with the height limits set forth in the respective zoning district.

5. *Applicability of Development Standards.* Except as otherwise modified by this Section or as otherwise provided by State Law, an ADU must conform to the development standards applicable to the lot on which it is located as set forth in this Article. Notwithstanding the foregoing, when the application of a development standard related to, lot coverage, open-space, or minimum lot size would prohibit the construction of an Attached or Detached ADU of at least 800 square feet, such standard shall be waived to the extent necessary to allow construction of a Statewide Exemption ADU of up to 800 square feet.

6. *Setbacks.*

(a) Front Yard Setbacks. New Attached and Detached ADUs are subject to the same minimum front yard setback requirements applicable to other structures on the lot on which the ADU is located.

(b) Side and Rear Yard Setbacks. Minimum setbacks of no less than four (4) feet from the side and rear lot lines are required for new Attached and Detached ADUs.

(c) Converted ADUs. No setbacks are required for Converted ADUs, provided the side and rear yard setbacks of the existing permitted converted structure are sufficient for fire and safety, as dictated by the current applicable uniform building and fire codes.

7. *Exterior Access.* An Attached or Converted ADU must have independent exterior access from the proposed or existing primary dwelling.
8. *Passageway.* No passageway shall be required in conjunction with the construction of an ADU. For purposes of this Subsection, “passageway” means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the ADU.
9. *Porches and Patios.*
 - (a) An Attached or Detached ADU may include an attached covered patio and/or porch, which, if provided, shall be integrated into the design of the ADU and shall not exceed 200 square feet in size.
 - (b) In no event shall the total combined area of an ADU and attached porch and/or patio exceed 1,400 square feet.
10. *Architectural Compatibility and Guidelines.*
 - (a) The design, pitch, color, material, and texture of the roof and eave details of an Attached or Detached ADU shall be substantially the same as the primary dwelling.
 - (b) The color, material, and texture of all building walls, windows, and doors of an Attached or Detached ADU shall be similar in materials, colors and finishes to those on the primary dwelling.
 - (c) The architectural style and scale of an Attached or Detached ADU shall complement the primary dwelling.
 - (d) To facilitate the development of ADUs in a manner that ensures reasonable consistency and compatibility of design, the Director is authorized to develop standard design plans and criteria for ADUs. ADUs developed in conformance with such standard plans and criteria shall be deemed to comply with this Subsection.
11. *Orientation of Detached Accessory Dwelling Structure.* A detached accessory dwelling unit shall be located behind the front building line of the primary residence, so long as it does not prohibit the creation of a Statewide Exemption ADU.
12. *Multifamily Lots.* In addition to the ADU requirements set forth in this Section, the following requirements shall apply to lots with an existing multi-family dwelling:

- i. **Converted ADUs.** One (1) or more converted ADUs may be constructed within portions of existing multi-family 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 unit complies with state building standards for dwellings. No converted ADUs may be constructed within the existing livable space of a multi-family dwelling. The number of ADUs permitted under this subsection shall not exceed twenty-five (25) percent of the existing multiple-family dwelling units on the lot. For the purpose of calculating the number of allowable accessory dwelling units: (a) previously approved ADUs shall not count towards the existing number of multifamily dwelling units; and (b) fractions shall be rounded down to the next lower number of dwelling units, except that at least one (1) converted ADU shall be allowed; or
- ii. **Detached ADUs.** Not more than two (2) Detached ADUs may be constructed on a lot with an existing multifamily dwelling subject to height limits of sixteen (16) feet.

E. JADU Requirements.

1. *Footprint.* A JADU may only be constructed within the walls of a proposed or existing single-family residence, including an existing attached garage.
2. *Size.* A JADU shall not be less than 220 square feet and shall not exceed 500 square feet in size.
3. *Separate Entrance.* A JADU located within a proposed or existing single-family residence must include a separate entrance from the main entrance of the residence.
4. *Kitchen Requirements.* A JADU must include an efficiency kitchen, including a cooking facility with appliances, and a food preparation counter and storage cabinets that are of reasonable size in relation to the size of the JADU.
5. *Bathroom Facilities.* A JADU may include separate sanitation facilities or may share sanitation facilities with the proposed or existing single-family residence in which it is located.
6. *Fire Protection.* For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate new dwelling unit.
7. *Utility Service.* For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

8. *Deed Restriction.* Prior to the issuance of a building permit for a JADU, the owner shall record a deed restriction against the title of the property in the County Recorder's office with a copy filed with the Director. The 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) The owner of the property shall occupy either the primary residence or the JADU as his or her domicile. In the event owner occupancy of the property ceases, the JADU shall not be used as a separate dwelling unit and shall not be separately rented or leased for any purpose.
 - (b) The JADU may not be sold, mortgaged, transferred separately from the primary residence; this deed restriction may be enforced against future purchasers.
 - (c) A restriction on the size and attributes of the JADU that conforms with this Section.
 - (d) The JADU may be rented, but may not be rented on a short-term basis of less than thirty (30) consecutive days.
 - (e) The property shall include no more than one (1) JADU.
 - (f) The deed restriction may not be modified or terminated without the prior written consent of the Director.

F. Other Requirements.

- 1. *No Separate Conveyance.* Except as otherwise provided in Government Code section 65852.26 or by other applicable law, an ADU or JADU may be rented separate from the primary residence, but may not be sold or otherwise conveyed separate from the primary residence, and a lot shall not be subdivided in any manner which would authorize such separate sale or ownership.
- 2. *No Short-Term Rental Permitted.* An ADU or JADU that is rented shall be rented for a term that is longer than thirty (30) days. Short-term rental (i.e., 30 days or less) of an ADU or a JADU is prohibited.
- 3. *Owner Occupancy Requirements.*
 - (a) ADUs. Owner occupancy of either the primary dwelling or ADU is not required.

- (b) JADUs. The property owner of the lot upon which a JADU is located must occupy either the JADU or the primary residence as his or her domicile.
- 4. *Historic Properties.* An ADU or JADU shall not cause a substantial adverse change, as defined in California Public Resources Code Section 5020.1, in the significance of any real property that is listed in the California Register of Historic Places or the City of Tustin Historical Resources Survey.
 - (a) Windows, Doors and Character Defining Features for Historic Properties – Converted ADU. Windows, doors and character-defining features for historic properties that are original to the structure are required to be retained, unless this requirement prevents creation of the accessory dwelling unit.
 - (b) Separate Access. An ADU shall provide separate exterior access from the existing primary residence. Entry doors cannot be on the same façade as the entry door of the primary residence, unless this requirement prevents creation of the ADU.

- (c) **Site Planning - Detached ADU (New Construction ADU).** A detached ADU shall be located behind the rear building line of the primary residence, and be clearly subordinate by location and size, so long as it does not prohibit the creation of a Statewide Exemption ADU.

G. Permit Application and Review Procedures.

1. ***Building Permit Required.*** A building permit is required prior to construction of an ADU or JADU. Except as otherwise provided in this Section or by State Law, all building, fire, and related code requirements applicable to habitable dwellings apply to ADUs and JADUs.
 - (a) Fire sprinklers shall not be required if they are not required for the primary dwelling.
 - (b) However, if the same primary dwelling undergoes significant remodeling and is required to have fire sprinklers, any ADU created with or after the remodel must likewise install fire sprinklers.
 - (c) For ADUs created on lots with multifamily residential structures, the entire residential structure shall serve as the “primary residence” for the purposes of this analysis. Therefore, if the multifamily structure is served by fire sprinklers, fire sprinklers shall be required for the ADU.
2. ***Application.*** Prior to the issuance of a building permit for an ADU or JADU, the applicant shall submit a building permit application to the City, along with all information and materials prescribed by such application. No application shall be accepted unless it is completed as prescribed and is accompanied by payment for all applicable fees.
3. ***Review.*** The Director shall consider and approve or disapprove a complete application for an ADU or JADU without discretionary review or public hearing within sixty (60) days from the date the City receives a complete application, when there is an existing single-family or multi-family dwelling on the lot. Review is limited to whether the proposed ADU or JADU complies with the requirements of this Section. If an applicant requests a delay, the time period for the City to review of an application shall be tolled for the period of the requested delay. If the application to create an ADU or a JADU unit is submitted with an application to create a new single-family dwelling on the lot, the Director may delay acting on the application for the ADU or the JADU until the City acts on the application to create the new single-family dwelling, but the application to create the ADU or JADU will still be considered without discretionary review or a hearing.

4. *Zoning Conformity.* The City shall not require, as a condition of approval of a permit application for the creation of an ADU or JADU, the correction of non-conforming zoning conditions.
5. *Conformity with State Law.* The City shall not apply any requirement or development standard provided for in this chapter to an ADU or a JADU to the extent prohibited by any provision of State Law, including, but not limited to, subdivision (e)(1) of Government Code Section 65852.2.

H. Utilities.

1. *ADUs.* Unless otherwise mandated by applicable law or the utility provider or determined by the City's Public Works Director to be necessary, an ADU may be served by the same water, sewer, and other utility connections serving the primary dwelling on the property, and the installation of a new or separate utility connection directly between an ADU and a utility is not required. However, separate utility connections and meters for ADUs may be installed at the property owner's option, when permitted by the utility provider, and subject to the payment of all applicable fees.
2. *JADUs.* A JADU shall be served by the same water, sewer, and other utility connections serving the primary single-family dwelling in which it is located, and no separate utility meters shall be permitted for a JADU.

I. Fees.

1. No impact fee is required for an ADU measuring less than 750 square feet. Any impact fees charged for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling.
2. Construction of an ADU is subject to any applicable fee adopted under the California Government Code, Title 7, Division 1, Chapter 5 (commencing with §66000) and Chapter 7 (commencing with § 66012).
3. For purposes of this Subsection, "impact fee" does not include any planning application fee, plan check fee, or building permit fee.

J. Interpretation. The provisions of this Section shall be interpreted to be consistent with the provisions of Government Code Sections 65852.2 and 65855.22 and shall be applied in a manner consistent with State Law.

SECTION XIV. Section 9299(b)(1)(i) of Part 9 of Chapter 2 of Article 9 of the TCC is hereby amended to read as follows (deleted text in strikethrough):

- (i) A decrease in the number of required off-street parking spaces for residential land uses by a maximum of one (1) parking space. When an accessory dwelling unit is being added under the provisions of Section 9222 or 9223, parking shall be in accordance with the requirements of this Code

SECTION XV. Effective Date. This Ordinance shall take effect on the 31st day after its adoption. The City Clerk or his or her duly appointed deputy shall certify to adoption of the Ordinance and cause this Ordinance to be published as required by law.

SECTION XVI. CEQA Exemption. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to California Code of Regulations, Title 14, Chapter 3, Sections 15060 (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) because it has no potential for resulting in physical change to the environment, directly or indirectly. Approval of the Ordinance does not approve any development project. Approval of the Ordinance would amend the Tustin City Code in accordance with the requirements of SB 13, AB 68, AB 881 and applicable Government Code Sections to streamline local regulations for the construction of new Accessory Dwelling Units and Junior Accessory Dwelling Units; Pursuant to Section 21080.17 of the California Public Resources Code, CEQA does not apply to the adoption of an ordinance by a city to implement the provisions of the State ADU Law.

SECTION XVII. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out 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 of the City of Tustin hereby declares that it would have adopted this Ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

PASSED AND ADOPTED, at a regular meeting of the City Council for the City of Tustin on this 7th day of December, 2021.

DocuSigned by:



LETITIA CLARK,
Mayor

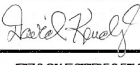
ATTEST:

DocuSigned by:



ERICA N. YASUDA,
City Clerk

APPROVED AS TO FORM:

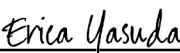
DocuSigned by:


DAVID E. KENDIG,
City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF TUSTIN)

I, Erica N. Yasuda, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, do hereby certify that the whole number of the members of the City Council of the City of Tustin is five; that the above and foregoing Ordinance No. 1517 was duly and regularly introduced at a regular meeting of the Tustin City Council, held on the 16th day of November, 2021, and was given its second reading, passed, and adopted at a regular meeting of the City Council held on the 7th day of December, 2021, by the following vote:

COUNCILMEMBER AYES:	<u>Clark, Lumbard, Cooper, Gallagher, Gomez</u>	(5)
COUNCILMEMBER NOES:	_____	(0)
COUNCILMEMBER ABSTAINED:	_____	(0)
COUNCILMEMBER ABSENT:	_____	(0)

DocuSigned by:


ERICA N. YASUDA,
City Clerk