

**ORDINANCE NO. 2015-O1**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA  
APPROVING AMENDMENT ZCA 236 TO CHAPTER 88 –  
DEVELOPMENT CODE OF THE CITY OF AZUSA MUNICIPAL CODE**

**WHEREAS**, on February 22, 2005, the City Council of the City of Azusa (“City Council”) adopted the new Development Code (Chapter 88 of the Azusa Municipal Code) with the understanding that the “Form-Based Code” format included wholesale changes to the prior Code, and that revisions would be necessary after the new Code was implemented; and

**WHEREAS**, since 2005, City staff has prepared a number of City Council approved amendments to the Development Code to provide clarification and to add necessary language to the existing provisions of the Municipal Code; and

**WHEREAS**, on December 10, 2014, the Planning Commission of the City of Azusa (“Planning Commission”) conducted a noticed public hearing on the proposed amendment to the Development Code at which time all persons wishing to testify in connection with the revisions to the Development Code were heard and the revision was fully studied, discussed and deliberated; and

**WHEREAS**, the Planning Commission carefully considered all pertinent testimony and the staff report presented during the public hearing for the amendment to the Development Code and adopted Resolution No. 2014-23 recommending that the City Council approve the proposed amendment to the Development Code; and

**WHEREAS**, on January 5, 2015, the City Council conducted a duly noticed public hearing on the proposed amendment to the Development Code at which time all persons wishing to testify in connection with the amendment to the Development Code were heard, and the proposed amendment and public testimony were fully studied, discussed, and deliberated; and

**WHEREAS**, the City Council wishes to adopt the proposed amendment to the Development Code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AZUSA DOES  
ORDAIN AS FOLLOWS:

**SECTION 1.** The Development Code is amended as follows, with additions shown in underline and in bold and the deletions are denoted by a bold ~~striketrough~~ font.

**Article 3 – Site, Development, and Operational Standards**

1. **Section 88.30.020.E.2. – Sport Facility and Golf Course Fencing.** Fence height greater than that allowed by subsection C. ~~May~~ **may** be granted as determined by the director to be appropriate for safety, based on the type of activities to be conducted within the fenced area and adjacent properties, with a design review approval.

2. **Section 88.30.040.E.1.b. Driveways.**

- i. Access to streets. A ~~corner-cut-off~~ **corner cut-off** area is a triangular area which is formed by a straight line connecting a point ten **(10)** feet back of the front or side street lot line and a point which is ~~ten (10)~~ **15** feet on either side of a private driveway measured along the applicable front or side street lot line.

3. **Section 88.36.030.A. – Parking and Loading Spaces to be Permanent.** Each parking and loading space shall be permanently and continuously **paved**, available, marked and maintained for parking and loading purposes for the use it is intended to serve. **Parking and/or vehicle storage is not permitted on unpaved commercial or residential lots.**

#### Article 4 – Standards for Specific Land Uses

1. **Section 88.42.140.F. Multi-Family and Small Lot Single-Family Projects – Open Space**  
Each multi-family residential project shall provide permanently maintained outdoor open space for each dwelling unit (private space), and for all residents (common space), in addition to required setback areas, except where the review authority determines that existing public park or other usable open space is within convenient **and safe** walking distance.

2. **Section 88.42.230 Shopping Centers Providing Additional Public Benefits. Notwithstanding the limitations contained in the definition of “shopping center” limiting the non-retail square footage of a shopping center to no more than 15% of allowed uses, a shopping center owner may negotiate a development agreement that provides additional public benefits to authorize an increase in the percentage of non-retail uses. Any such development agreement shall be subject to negotiation and approval pursuant to Chapter 88.53.”**

#### Article 7 – Glossary

1. **Section 88.70.020. Definitions of Specialized Terms and Phrases**

S. Definitions “S.”

**Shopping Center** A primarily retail commercial site, where **only no more than** 15 percent of allowed uses are non-retail (**unless additional public benefits are provided through a development agreement**) and, on site where the gross lot size is eight acres or more, at least one retail space has a minimum of 15,000 square feet in area, with three or more separate businesses sharing common pedestrian and parking areas.”

**SECTION 2. CEQA.** The City Council finds that this amendment to the Development Code is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) because the activity, which involves amending Sections of Chapter 88 of the City of Azusa Municipal Code, will not result in a direct or reasonably foreseeable indirect physical change in the environment; and pursuant to Section 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of regulations, Title 14, Chapter 3.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion

of this Ordinance is for any reason deemed or 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 portion of this Ordinance. The City Council of the City of Azusa hereby declares that they would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause, or phrase would be declared invalid, unconstitutional, or unenforceable.

**SECTION 4. Findings of Fact.** The City Council finds that the proposed addition to the Development Code is consistent with the General Plan. The proposed revision furthers the objectives and policies of the General Plan and does not obstruct their attainment. In accordance with section 88.51.060(E) of the Azusa Development Code, the City Council approves the Code Amendment based on the following findings of fact:

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

The adoption of these revisions to the Development Code is consistent with the City of Azusa General Plan because the various adjustments to the regulations in the Development Code are consistent with the land use designations contained in the General Plan. Moreover, the revisions to the Development Code continue the classification of areas using terms that are consistently used in the General Plan (i.e., Neighborhoods, Corridors are Districts). Further, the adjustments to the development standards contained in the Development Code further the objectives and policies of each element of the General Plan and do not obstruct their attainment.

In addition, General Plan Chapter 3: The Built Environment, Land Use Goal 12 requires that the “City’s General Plan and Development Code are updated and maintained to increase effectiveness.” The proposed code amendment will make the Development Code a more effective and timely document by providing clarification regarding vehicle parking, fencing, pedestrian safety and shopping centers.

Based on the above facts, the proposed code amendment is consistent with the approved General Plan.

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

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

**SECTION 5. Effective Date.** This ordinance shall be in full force and effect thirty (30) days after its passage.

**SECTION 6. Publication.** The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted as required by law.

**PASSED, APPROVED and ADOPTED** this 20<sup>th</sup> day of January, 2015.

/s Joseph Romero Rocha  
Mayor

ATTEST:

/s/ Jeffrey Lawrence Cornejo, Jr.  
City Clerk

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

**I HEREBY CERTIFY** that the foregoing Ordinance No. 2015-01, was duly introduced and placed upon its first reading at a regular meeting of the Azusa City Council on the 5<sup>th</sup> day of January, 2015 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the Azusa City Council on the 20<sup>th</sup> day of January, 2015 by the following vote to wit:

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

/s/ Jeffrey Lawrence Cornejo, Jr.  
City Clerk

APPROVED AS TO FORM:

/s/ Marco A. Martinez  
Best Best & Krieger LLP  
City Attorney