

ORDINANCE NO. 1370

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSTIN, ADOPTING AN AMENDMENT TO THE JAMBOREE PLAZA PLANNED COMMUNITY DISTRICT REGULATIONS (CODE AMENDMENT 09-003) TO REDUCE THE BUILDING SETBACK FROM EDINGER AVENUE FROM THIRTY (30) FEET TO FIFTEEN (15) FEET.

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

Section 1. FINDINGS

The City Council finds and determines as follows:

- A. That a proper application, Code Amendment 09-003, was filed by Tustin Field Gas & Food requesting to reduce the building setback from Edinger Avenue within the Jamboree Plaza Planned Community District Regulations from thirty (30) feet to fifteen (15) feet.
- B. Code Amendment 09-003 is considered a "project" subject to the terms of the California Environmental Quality Act ("CEQA") (Pub. Resources Code §21000 et. seq.).
- C. That Code Amendment 09-003 to reduce the building setback from Edinger Avenue would not intensify the development of Jamboree Plaza or allow additional uses and all future development would be subject to the City's Design Review process.
- D. That a public hearing was duly called, noticed, and held on said application on August 25, 2009, by the Planning Commission. The Planning Commission continued the item to the September 22, 2009 Planning Commission meeting.
- E. That on September 22, 2009, the Planning Commission adopted Resolution No. 4126, recommending that the City Council adopt findings that Code Amendment 09-003 and Design Review 09-004 are within the scope of the previously approved Negative Declarations for Jamboree Plaza and recommending that the City Council approve Code Amendment 09-003 and Design Review 09-004 for an express carwash.
- F. That a public hearing was duly called, noticed, and held on said application on the 20th day of October, 2009, by the City Council.
- G. That on October 20, 2009, the Tustin City Council adopted

Resolution No. 09-43 finding that Code Amendment 09-003 and Design Review 09-004 are within the scope of previously approved Negative Declarations for Jamboree Plaza.

H. Code Amendment 09-003 is consistent with the Tustin General Plan in that the subject site is located within the Planned Community Commercial/Business land use designation. This land use designation allows for a mixture of uses including retail, commercial, office, and industrial. The subject Code Amendment 09-003 would not change any uses or intensity of the site.

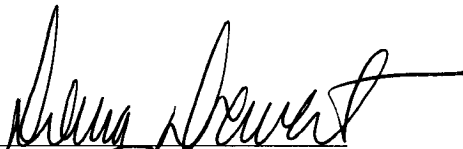
Section 2. The City Council hereby adopts Ordinance No. 1370 approving Code Amendment 09-003 by amending Section 3.761 a. of the Jamboree Plaza Planned Community District Regulations to read as follows:

a. Edinger Avenue - a minimum of ~~thirty (30)~~ fifteen (15) feet.

Section 3. SEVERABILITY

All of the provisions of this ordinance shall be construed together to accomplish the purpose of the regulations. If any provision of this part is held by a court to be invalid or unconstitutional, such invalidity or unconstitutionality shall apply only to the particular facts, or if a provision is declared to be invalid or unconstitutional as applied to all facts, all of the remaining provisions of this ordinance shall continue to be fully effective.

PASSED AND ADOPTED by the City Council of the City of Tustin, at a regular meeting on the 3<sup>rd</sup> day of November, 2009.

  
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Doug Davert, Mayor

  
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Pamela Stoker, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS  
CITY OF TUSTIN )

CERTIFICATION FOR ORDINANCE NO. 1370

PAMELA STOKER, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, does hereby certify that the whole number of the members of the City Council of the City of Tustin is five (5); that the above and foregoing Ordinance No. 1370 was duly and regularly introduced and adopted at a regular meeting of the City Council held on the 3rd day of November, 2009 by the following vote:

COUNCILMEMBER AYES:	<u>Davert, Amante, Gavello, Nielsen, Palmer (5)</u>
COUNCILMEMBER NOES:	<u>None (0)</u>
COUNCILMEMBER ABSTAINED:	<u>None (0)</u>
COUNCILMEMBER ABSENT:	<u>None (0)</u>

  
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PAMELA STOKER  
CITY CLERK

