

## ORDINANCE NO. 2017-05

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA REVISING THE GENERAL PLAN AND DEVELOPMENT CODE TO REFLECT THE ADOPTION OF THE TOD SPECIFIC PLAN

**WHEREAS**, the City Council adopted the TOD Specific Plan and Zone Change at a regular meeting on November 2, 2015;

**WHEREAS**, the Planning Commission of the City of Azusa, after giving notice thereof as required by law, held a public hearing on June 19, 2017 for City-initiated amendments to the General Plan (General Plan Amendment No. GPA-2017-01) and the Development Code (Code Amendment No. 244); and

**WHEREAS**, the City Council conducted a public hearing on the proposed Development Code Amendment No. 244 and General Plan Amendment No. GPA-2017-01 at a regular meeting on June 19, 2017, and conducted a first reading of this Ordinance; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

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

**SECTION 1.** Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Article IX to Chapter 18 of the Azusa Municipal Code is hereby deleted in its entirety.

**SECTION 3.** Chapter 3 (Built Environment) of the General Plan is hereby revised as follows:

1. Revise Chapter 3, The Built Environment

- Where applicable throughout document, replace Downtown District with TOD Specific Plan District
- Where applicable throughout document, replace Monrovia Nursery site with APU/Citrus College site, regarding the second proposed train station location
- Revise 'Figure CD-2, Urban Form Diagram' to reflect new district boundaries, add new districts, and delete "7: Downtown District" and its subzones
- Revise 'Figure CD-3, Regulating Plan' to reflect new district boundaries, add new districts, and delete "7: Downtown District" and its subzones
- Revise 'Figure CD-4, Land Use Diagram' to reflect new district boundaries, add new districts, and delete "2: Downtown /Civic"
- Amend Goal 4, Districts, to reflect new districts
  - Remove number of districts to allow flexibility in the future if districts are amended

- Amend Goal 4 policies as shown in enclosed draft
- Amend Policy 5.1 to add the TOD Specific Plan

**SECTION 4.** The Development Code is hereby revised as follows:

1. Zoning Map: In addition to the amendments to the Code itself, the Zoning Map shall be amended to reflect the TOD Specific Plan District, and remove the three existing Downtown Districts (DCC, DTC, and DTV). The Zoning Map has also been amended to reflect other recent changes to the Development Code and other specific plans.

Chapter 88.20. Regulating Plan

88.20: Revise Figures 1 and 2, and associated keys, to reflect new district boundaries  
88.20.010 through 88.20.040: Clean up edits are reflected, including those to allow flexibility by removing the exact number of planning areas and roadway segments

Chapter 88.22. Neighborhoods

88.22.030: Replace “Downtown District” with “TOD Specific Plan District”

Chapter 88.24. Districts

88.24.005.A: Add note referring to TOD Specific Plan for applicable uses and remove DTC, DCC, and DTV zone districts in Table 2-2  
88.24.010: Rescind Section 88.24.010, Downtown, which will be replaced with new TOD Specific Plan District  
88.24.020.C-1.h: Replace “Downtown District and Foothill Boulevard Corridor” with “TOD Specific Plan District”  
88.24.020.C-2.b: Remove, with existing 88.24.040.C-2.c becoming new 88.24.040.C-2b.  
88.24.020.C-3: Add “Requirements” section outlining neon signage along Route 66 with design requirements reference to TOD Specific Plan.  
88.24.040.C-1.1.e: Replace “Foothill Boulevard Corridor, Downtown” with “TOD Specific Plan”  
88.24.040.C-1.3: Add “Requirements” section outlining neon signage along Route 66 with design requirements reference to TOD Specific Plan.  
NEW 88.24.050: New TOD Specific Plan District section language recommended in keeping with the structure of existing district sections

Chapter 88.26. Corridors

88.26.010: Rescind portions of Section 88.26.010, Foothill Boulevard Corridor, which will be replaced with the TOD Specific Plan District  
88.26.020: Replace references to Downtown District and sub districts with TOD Specific Plan District

Chapter 88.36. Parking and Loading

88.36.050.B: Replace parking requirements for Downtown District with TOD Specific Plan requirements  
88.36.100.B: Replace references to DTC and DTV districts with TOD Specific Plan District  
88.36.080.F: Replace references to Downtown District with TOD Specific Plan District

Chapter 88.38, Signs

88.38.040.I: Add exception for Route 66 themed signs in compliance with TOD Specific Plan

88.38.040.J: Add exception for Route 66 themed signs in compliance with TOD Specific Plan.

Chapter 88.42, Standard for Specific Land Uses

88.42.120.G: Add Section G on mixed-use development standards within the TOD Specific Plan District

Chapter 88.54, Nonconforming Uses, Structures, and Parcels

- 88.54.100.A.1.a: Replace reference to Downtown sub districts and Foothill Boulevard Corridor with TOD Specific Plan District

**SECTION 5.** On November 2, 2015 , the City Council certified the Final Environmental Impact Report (SCH#2015021018) (FEIR) for the TOD Specific Plan pursuant to the California Environmental Quality Act (Pub. Resources Code, §§ 21000 et seq.) and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.) As described herein and in the accompanying staff report, the City is making certain minor modifications to the City's General Plan and Development Code in order to ensure consistency with the Specific Plan.

State CEQA Guidelines §15162 provide that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence, one or more of the following:

- Substantial changes are proposed in the project that would require major revision to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- Substantial changes occur with respect to the circumstances under which the project is undertaken which would require major revisions of the previous EIR due to the involvement of new significant effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance shows that the project would have one or more significant effects not discussed in the previous EIR, or that significant effects previously examined would be substantially more severe, or that mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects but the City Council declined to adopt them, or mitigation measures or alternatives that are different from those included in the previous EIR would substantially reduce one or more significant effects on the environment but the City Council declined to adopt them.

Section 15006 of the State CEQA Guidelines expressly encourages public agencies to reduce delay and paperwork associated with implementation of CEQA by using previously

prepared environmental documents when those previously prepared documents adequately address potential impacts of the proposed project.

Here, the Development Code amendments and General Plan amendments are solely designed to ensure consistency with the Specific Plan. Because the City is not considering making any substantive changes to the Specific Plan, it can be seen with certainty that: (1) there will be no new significant impacts or more severe significant impacts than were previously disclosed in the EIR; (2) there have been no changes in the circumstances under which the Specific Plan was approved and the EIR certified such that previously undisclosed impacts will occur; and (3) no new information has come to light that was not known and could not have been known at the time the EIR was certified showing that previously undisclosed impacts will occur. In light of the standards for subsequent environmental review outlined in CEQA and the State CEQA Guidelines, no subsequent review is required here, and no changes to the previously certified EIR are necessary pursuant to Public Resources Code section 21166 and State CEQA Guidelines sections 15162 and 15164.

**SECTION 6.** Custodian of Records. The documents and materials that constitute the record of proceedings on which this Ordinance is based are located at the City Clerk's office located at 213 E. Foothill Blvd., Azusa, CA 91702. The custodian of these records is the City Clerk.

**SECTION 7.** Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of Azusa hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 8.** Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

**SECTION 9.** Publication. The City Clerk shall certify to the adoption of this Ordinance. Not later than fifteen (15) days following the passage of this Ordinance, the Ordinance, or a summary thereof, along with the names of the City Council members voting for and against the Ordinance, shall be published in a newspaper of general circulation in the City of Azusa.

**PASSED, APPROVED and ADOPTED** the 17<sup>th</sup> day of July, 2017.

/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. 2017-05, was duly introduced and placed for its first reading at a regular meeting of the City Council on the 19<sup>th</sup> day of June, 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 17<sup>th</sup> day of July, 2017 by the following vote of the Council:

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

/s/Jeffrey Lawrence Cornejo, Jr.,  
City Clerk

**APPROVED AS TO FORM:**

/s/City Attorney  
Best Best & Krieger, LLP