

ORDINANCE NO. 844**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, REVISING THE DUARTE MUNICIPAL CODE BY CHANGING THE ZONING OF THREE PARCELS OF LAND FROM THE LIGHT INDUSTRIAL (M) ZONE TO DUARTE STATION SPECIFIC PLAN ZONE (APN 8528-011-020, 8528-011-022, AND 8528-011-023) (ZONE CHANGE 13-1)**

WHEREAS, the Planning Commission of the City of Duarte (“Planning Commission”) held public hearings on October 21 and November 4, 2013, and considered the proposed Duarte Station Specific Plan (“DSSP”), which provides, among other provisions, for the planned use and phased development of real and improved property, on three parcels of land generally located at the northwest corner of Highland Avenue and Duarte Road (APN 8528-011-020, 8528-011-022, and 8528-011-023), for a vibrant, mixed-use, transit-oriented development adjacent to the Duarte Gold Line light rail station; and

WHEREAS, the Planning Commission, in connection with the implementing actions necessary for the adoption of the DSSP, considered the proposed Zone Change 13-1, which changes the zoning and modifies the City of Duarte Zoning Map for the parcels described in Section 4 of this Ordinance from the Light Industrial (M) Zone to the Duarte Station Specific Plan Zone; and

WHEREAS, after careful study and the completion of the duly noticed public hearings, the Planning Commission adopted Resolution No. PC 13-4 recommending the City Council approve the proposed Zone Change 13-1; and

WHEREAS, notice of a public hearing of the City Council on the proposed DSSP, and corresponding Zone Change 13-1, were given in accordance with applicable law; and

WHEREAS, on November 26, 2013, the City Council of the City of Duarte held a duly noticed public hearing on the proposed DSSP, Zone Change 13-1, all other related implementing provisions amending the General Plan, and related environmental review. At the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. The Recitals above are true and correct and incorporated herein by this reference.

Section 2. The City Council hereby accepts the recommendation of the Planning Commission to adopt Zone Change 13-1.

Section 3. The City Council hereby adopts Zone Change 13-1, which changes the zoning of the parcels described in Section 4 of this Ordinance from the Light Industrial (M) Zone to the Duarte Station Specific Plan Zone, and the City Council hereby amends the “City of Duarte Zoning Map”, as adopted pursuant to Section 19.06.020 of the Duarte Municipal Code, by zoning the parcels described in Section 4 of this Ordinance as the Duarte Station Specific Plan Zone. The City Council hereby ratifies and approves any and all actions taken by the staff, departments, and commissions of the City of Duarte prior to the adoption of this Ordinance for the preparation, review, and consideration of Zone Change 13-1.

Section 4. Attached hereto as Exhibit “A” is a map entitled “Subject Properties,” which depicts the properties to be designated as the Duarte Station Specific Plan Zone by this Ordinance, and which map is incorporated herein by this reference.

Section 5. In adopting Zone Change 13-1, the City Council finds and determines the following: (a) that the adoption of Zone Change 13-1 is in the best interest and welfare of the City and its residents; (b) that the adoption of Zone Change 13-1 is the highest and best use for

the subject property; (c) that Zone Change 13-1, and the adoption thereof, complies with Government Code Sections 65853-65857; and (d) that the adoption of Zone Change 13-1 complies with Section 19.142.060(B) of the Duarte Municipal Code because: (i) the amendment is consistent with the General Plan and the applicable specific Plan, the DSSP, and (ii) the amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

Section 6. The City Council finds and determines that the adoption of the DSSP, and corresponding Zone Change 13-1, are in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (“CEQA”), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (“CEQA Guidelines”) because a Final Program Environmental Impact Report and Mitigation Monitoring and Reporting Program for the DSSP have been certified by the City Council prior to the City Council’s action on Zone Change 13-1 and the DSSP.

Section 7. This Ordinance shall not be codified but shall amend the City’s General Zoning Map as set forth in Exhibit “A” attached hereto.

Section 8. If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provisions of this Ordinance are declared to be severable.

Section 9. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk shall certify to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED after second reading at a regular meeting of the City Council of the City of Duarte this 10th day of December, 2013.

/s/ Elizabeth Nowak Reilly
Mayor Elizabeth Nowak Reilly

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

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 844 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 10th day of December, 2013, by the following Roll Call vote:

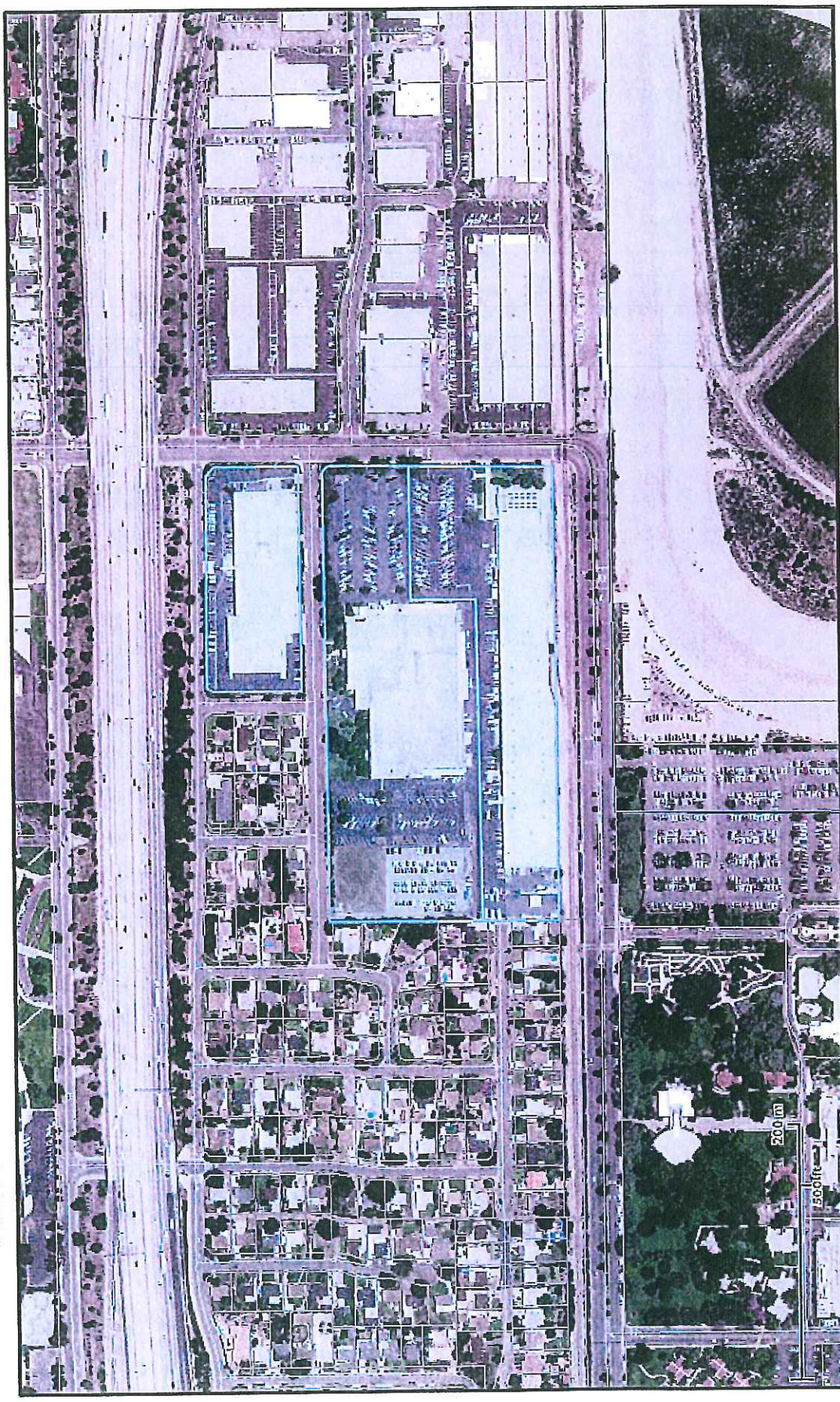
- AYES: Councilmembers: Finlay, Kang, Paras-Caracci, Reilly
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Fasana

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California

SUBJECT PROPERTIES

EXHIBIT A

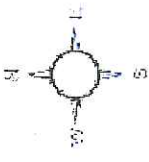

ORDINANCE 13-O-06



1" = 376 ft

DUARTE STATION
SPECIFIC PLAN

11/26/2013

This map represents a visual display of related geographic information. Data provided hereon is not a guarantee of actual field conditions. To be sure of complete accuracy, please contact Duarte staff for the most up-to-date information.