

ORDINANCE NO. 887

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD APPROVING ZONE CHANGE 10-01, AMENDING THE ZONING CLASSIFICATION OF EIGHT (8) CITY PARKS TO THE O-S (OPEN SPACE) ZONING DESIGNATION. THE FOLLOWING PARKS WILL BE AFFECTED BY THIS ZONE CHANGE: ANGELUS PARK (APN: 5283-032-903), GARVEY PARK (APNs: 5287-020-900, 5287-020-903, 5287-020-904 and 5287-021-900), GUESS PARK (APN: 5389-004-800), KLINGERMAN PARK (APNs: 5282022-270 and 5282-022-271), ROSEMEAD PARK (APN: 8592-018-902), SALLY TANNER PARK (APN: 5389-001-903), TRIANGLE PARK (APN: 5281-032-900), and ZAPOPAN PARK (APNs: 5288-005-800, 5288-005-801, 5288-005-802, 5288-005-804, 5288-005-805, and 5288-005-806).

WHEREAS, the City of Rosemead has an adopted Zoning Ordinance and associated maps, including specific development standards to control development; and

WHEREAS, approval of Zone Change 10-01 would designate the eight (8) parks as O-S (Open Space), allowing parks; and

WHEREAS, State Planning and Zoning Law, Title 17, and Chapter 17.116 of the Rosemead Municipal Code authorizes and sets standards for approval of Zone Change applications and governs development of private properties; and

WHEREAS, Section 17.116.010 of the City of Rosemead Municipal Code authorizes the City Council to approve zone change applications whenever the public necessity, convenience, general welfare or good zoning practices justify such action; and

WHEREAS, City of Rosemead policy encourages consistency of its Zoning Code with the General Plan and promotes separation of conflicting land uses through good planning practices; and

WHEREAS, on March 1, 2010, the City of Rosemead Planning Commission considered Zone Change 10-01 and recommended approval to the City Council after the Commission made findings that the proposed application will not have a significant impact on the environment; and

WHEREAS, on March 11, 2010, five hundred twenty (520) notices were mailed to all owners of real property as shown on the latest equalized assessment roll within 300 feet of the real property subject to Zone Change 10-01, a notice was published in the San Gabriel Valley Tribune on March 12, 2010, and notices were posted in six (6) public locations, specifying the availability of the application, plus the date, time and location of the public hearing pursuant to California Government Code Section 65091(a)(3); and

WHEREAS, on March 1, 2010, the Planning Commission held a public hearing to receive testimony, and after hearing all testimonies from the public, the Commission recommended approval to the City Council of Zone Change 10-01; and

WHEREAS, on March 1, 2010, the Planning Commission adopted Resolution 10-04, thereby recommending approval to the City Council of Zone Change 10-01; and

WHEREAS, on March 23, 2010, the City Council held a public hearing to receive public testimony relative to Zone Change 10-01; and

WHEREAS, the City Council has sufficiently considered all testimony presented to them and hereby make the following determination:

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Rosemead as follows:

Section 1. Pursuant to the City of Rosemead's CEQA Procedures and CEQA Guidelines, it has been determined that the adoption of this ordinance will not have a potential significant environmental impact. The Rosemead City Council adopted a General Plan update and certified an accompanying Program Environmental Impact Report (Program EIR) on October 14, 2008. The certified Program EIR provided a program-level assessment of the environmental impacts resulting from development pursuant to land use policy and implementation of the goals and policies set forth in all chapters of the updated General Plan, as well as the long-term implementation of the General Plan through a revised Zoning Code. Zone Change 10-01 is consistent with the Program EIR, and pursuant to Public Resources Code 21083.3 and CEQA Guidelines sections 15162, 15168 and 15183 is exempt from the requirement that additional environmental documentation be prepared.

Section 2. The City Council of the City of Rosemead HEREBY FINDS, DETERMINES AND DECLARES that changing the zoning classification of these eight (8) parks to O-S (Open Space) will bring the zoning designation into consistency with the City's General Plan.

Section 3. The City Council FURTHER FINDS that Zone Change 10-01 meets the City's goals and objectives as follows:

A. Land Use: The General Plan designation will remain as Open Space or Public Facilities and will allow for the eight (8) City parks to be consistent with City codes and land uses in the surrounding area. The General Plan Open Space and Public Facilities land use designations are designed to support public facilities, including parks. The proposed zoning of the site is consistent with the current land uses of the City of Rosemead's General Plan and Municipal Code. According to the Zoning Ordinance/General Plan Consistency Matrix (Table LU-2) of the General Plan, the Open

Space land use designation is consistent with the Open Space zone and all zones are permitted under the Public Facilities land use designation.

B. Circulation: Potential impacts to traffic and transportation depend on the extent of a proposed project and local conditions. Each new proposed park project will be required to provide efficient vehicular access to the site. Furthermore, all park projects will be required to satisfy the parking requirements outlined in the municipal code.

C. Housing: The proposed zone change will not induce new population growth nor displace existing housing units or people. The Parks and Recreation Department is pursuing statewide grant funding for renovations to City parks, which will improve the appearance, play opportunities, efficiency, safety, and accessibility to the parks.

D. Resource Management: Any proposed development resulting from this Zone Change would be located in a developed urban area, and as such, will not result in any impact upon natural resources. Proposed developments will be required to provide adequate landscaped areas in the overall site plan.

E. Noise: The proposed development will not generate any permanent impacts to noise levels for the surrounding area. All construction activities to the parks shall be required to comply with the City's Municipal Code.

F. Public Safety: There will not be a new increase in population or density as a result of the Zone Change, so the need for more public safety and public areas is not impacted. Instead, the improvements will significantly improve the appearance, play opportunities, efficiency, safety, and accessibility to the parks. The entire City of Rosemead is located in Flood Zone C (flood insurance is not mandatory) and is free from any flood hazard designations.

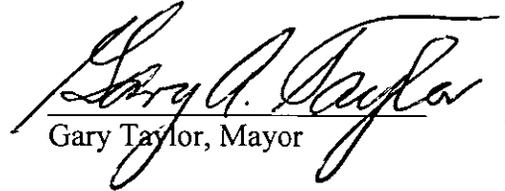
Section 4. The City Council HEREBY APPROVES Zone Change 10-01, to change the zoning classification of eight (8) City parks to the O-S (Open Space) zoning designation. The proposed zone change will bring the zoning designation of these parks into consistency with the City's General Plan goals and policies, as required by State law. The following parks will be affected by this zone change: Angelus Park (Assessor Parcel Number: 5283-032-903), Garvey Park (Assessor Parcel Number: 5287-020-900, 5287-020-903, 5287-020-904, and 5287-021-900), Guess Park (Assessor Parcel Number: 5389-004-800), Klingerman Park (Assessor Parcel Numbers: 5282022-270 and 5282-022-271), Rosemead Park (Assessor Parcel Number: 8592-018-902), Sally Tanner Park (Assessor Parcel Number: 5389-001-903), Triangle Park (Assessor Parcel Number: 5281-032-900), and Zapopan Park (Assessor Parcel Numbers: 5288-005-800, 5288-005-801, 5288-005-802, 5288-005-804, 5288-005-805, and 5288-005-806).

Section 5. If any section, subsection, sentence, clause or word of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council

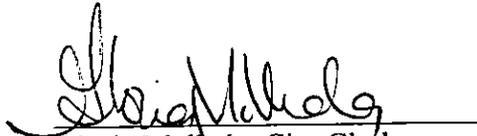
of the City of Rosemead HEREBY DECLARES that it would have passed and adopted Ordinance No. 867 and each and all provisions thereof, irrespective of the fact that any one or more of said provisions may be declared to be invalid.

Section 6. The City Clerk shall certify to the passage of this Ordinance.

PASSED AND APPROVED, this March 23, 2010.


Gary Taylor, Mayor

ATTEST:


Gloria Molleda, City Clerk

APPROVED AS TO FORM:


Joseph M. Montes, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF ROSEMEAD)

I, Gloria Molleda, City Clerk of the City of Rosemead, California, do hereby certify that the foregoing **Ordinance No. 887** was regularly introduced and placed upon its first reading at a regularly meeting of the City Council on 23rd of March, 2010. That after said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 13th of April, 2009 by the following vote to wit:

Yes: Armenta, Clark, Low, Ly, Taylor

No: None

Absent: None

Abstain: None



Gloria Molleda
City Clerk