

## ORDINANCE NO. 3131

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, APPROVING ZONE CHANGE NO. ZCG19-002 TO CHANGE THE ZONING FROM R-1, SINGLE FAMILY RESIDENTIAL TO R-2, LIGHT MULTIPLE RESIDENTIAL FOR A PROPERTY LOCATED AT 11716 FLORAL DRIVE (AIN 8122-022-007)

### RECITALS

- A. On August 1, 2019, Zone Change ZCG19-0002 was submitted in conjunction with General Plan Amendment No. GPA19-0003; Vesting Tentative Tract Map No. TTM19-0001 (VTTM82802); Development Review No. DRP19-0073; Tentative Parcel Map No. TPM19-0001 (TPM82832); Development Review No. DRP19-0074; and, Conditional Use Permit No. CUP19-0009 to the City of Whittier by Trinity Lutheran Church and Brandywine Homes; and
- B. On February 21, 2020, the City of Whittier sent a Notice of Project Application to the Gabrieleno Band of Mission Indians - Kizh Nation and Soboba Band of Luiseño Indians per Assembly Bill 52 (Public Resources Code Section 21080.3.1). A request for consultation was received from Gabrieleno – Kizh Nation and a consultation meeting was held on May 27, 2020. The City agreed to the mitigation language for tribal cultural resources provided by the Kizh Nation. The City of Whittier did not receive a request to consult on this project within the 30 days specified as part of California Public Resources Code § 21080.3.1 from the Soboba Band of Mission Indians. Consistent with SB18, (California Government Code Section 65352.3), the City of Whittier contacted the Native American Heritage Commission (NAHC) to identify tribal organizations with traditional lands within the city and sent an invitation to consult to the Gabrieleno/Tongva San Gabriel Band of Mission Indians, the Gabrielino/Tongva Nation, Gabrielino-Tongva Tribe, and the Gabrieleno Band of Mission Indians – Kizh Nation on March 10, 2020. No request was received.
- C. On September 7, 2021, the Planning Commission conducted a duly noticed public hearing and considered all public testimony and information submitted for Zone Change No. ZCG19-0002 and adopted Resolution No. PC 2021-09 recommending approval of Zone Change No. ZCG19-0002 to the City Council; and,
- D. On October 26, 2021, the City Council conducted a duly noticed public hearing on Zone Change No. ZCG19-0002.

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

SECTION 1. The City Council finds, based on substantial evidence presented during the public hearing, including the staff analysis, public testimony, and the Mitigated Negative Declaration and Mitigation Monitoring Program prepared for General Plan Amendment No. GPA19-0003; Zone Change No. ZCG19-0002; Vesting Tentative Tract Map No. VTTM19-0001 (VTTM 82802); Development Review No. DRP19-0073; Tentative Parcel Map No. 19-0003 (TPM 82832); Development Review No. DRP19-0074; and Conditional Use Permit No. CUP19-0009, that:

1. Zone Change No. ZCG19-0002 will not create problems inimical to the public health, safety and general welfare of the city.
2. The re-zoning classification from R-1, Single-Family Residential to R-2, Light Multiple Residential will allow the development of an infill project that will be consistent with the Medium Density Residential land use designation.
3. With prior or concurrent approval of General Plan Amendment No. GPA19-0002, the proposed zone change from R-1, Single-Family Residential to R-2, Light Multiple Residential is consistent with the goals and policies of the City's General Plan.

SECTION 2. Effective Date. The City Council hereby adopts Zone Change No. ZCG19-002 provided that as of the effective date of this ordinance, either (a) the Envision Whittier General Plan is in effect and enforceable as to the subject property (AIN 8122-022-007), or (b) GPA 19-0003 will go into effect concurrent with this Zone Change. If neither (a) nor (b) applies as of the effective date, this ordinance shall not go into effect.

SECTION 3. Implied Repeal. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason 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 portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. Certification. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published pursuant to state law. This Ordinance shall become effective 30 days from its adoption.

APPROVED AND ADOPTED this 9<sup>th</sup> day of November 2021.

\_\_\_\_\_  
JOSEPH A. VINATIERI, Mayor

ATTEST:

\_\_\_\_\_  
RIGOBERTO GARCIA JR., City Clerk  
(seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD D. JONES, City Attorney

Date: \_\_\_\_\_

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3131 was introduced on the 26<sup>th</sup> day of October 2021, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 9<sup>th</sup> day of November 2021, by the following vote:

|          |   |                  |   |
|----------|---|------------------|---|
| AYES:    | 5 | Council Members: | Vinatieri, Warner, Martinez, Dutra, Bouchot |
| NOES:    | 0 |                  |   |
| ABSTAIN: | 0 |                  |   |
| ABSENT:  | 0 |                  |   |

\_\_\_\_\_  
RIGOBERTO GARCIA JR., City Clerk  
(seal)