

## ORDINANCE NO. 3139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE WHITTIER GENERAL PLAN AND THE OFFICIAL ZONING MAP IN ANTICIPATION OF ANNEXATION OF VARIOUS PARCELS IN WHAT IS GENERALLY KNOWN AS THE WEST WHITTIER-LOS NIETOS COMMUNITY

### RECITALS

- A. The Whittier City Council adopted Resolution 2021-67 to request that the Los Angeles County Local Agency Formation Commission initiate proceedings for the annexation of approximately 58-acres of inhabited territory from unincorporated Los Angeles County (the "County") into the City of Whittier, which territory includes Whittier Boulevard, a state highway.
- B. The annexation would facilitate the City of Whittier eventually accepting a transfer of ownership of Whittier Boulevard from Esperanza Avenue to Valley Home Avenue through the legislative relinquishment process with the California Department of Transportation (Caltrans).
- C. Whittier desires to ensure that upon the effective date of the annexation, if any, that the City's General Plan land use map and the City's Official Zoning Map indicate which rules would apply to the annexed parcels.
- D. Whittier intends to replace the County's general plan land use designations and zoning code requirements with the City of Whittier's general plan and zoning requirements which are substantially similar the County's requirements;
- E. Pursuant to the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, the proposed action is not a "project" under State CEQA Guidelines Section 15378 because it does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if it were a "project", it is exempt under State CEQA Guidelines Section 15061, subdivision (b)(3) because it can be seen with certainty that there is no possibility the proposed action may have a significant impact on the environment as a result of the annexation boundary change. Moreover, it is categorically exempt from environmental review under State CEQA Guidelines Section 15319 (Class 19) because it is an annexation to a city containing existing private and public structures developed to the same density allowed by the current Los Angeles County zoning code and because the annexation does not include the extension of utility services beyond the capacity serve the existing facilities. Moreover, none of the exceptions to the exemptions found in State CEQA Guidelines Section 15300.2 apply.

- F. On June 6, 2022, the Planning Commission conducted a duly noticed public hearing and recommended approval to the City Council to adopt an ordinance to approve General Plan Amendment No. GPA22-0002 and Zoning Code Amendment No. ZCA22-0001 in anticipation of the annexation of various parcels in what is generally known as the West Whittier-Los Nietos Community.
- G. On June 28, 2022, the City Council conducted a duly noticed public hearing and approve the adoption of General Plan Amendment No. GPA22-0002 and Zone Change Amendment No. ZCA22-0001.

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

**SECTION 1. Land Use Map.** The General Plan for the City of Whittier is hereby amended as shown in Exhibit A to this ordinance.

**SECTION 2. Zoning Map.** The City of Whittier Official Zoning Map established by Whittier Municipal Code section 18.08.020 is hereby amended as shown in Exhibit B to this ordinance.

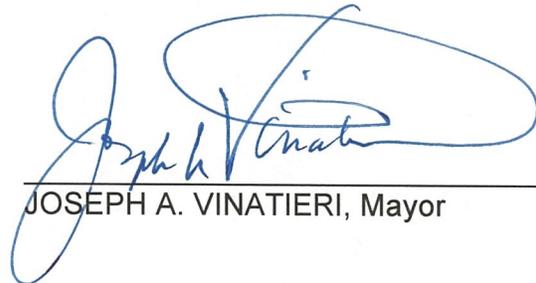
**SECTION 3. Repeal.** Any provision of the Whittier General Plan or Whittier Municipal Code or their appendices inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to effect the purposes of this Ordinance.

**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 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 City Clerk shall certify to the passage and adoption hereof and shall cause this ordinance to published as required by law.

**SECTION 6. Effective Date.** This Ordinance shall be effective 30 days after its adoption. However, the changes to the Whittier General Plan Land Use Map and the Whittier Official Zoning Map shall become effective upon the effective date of the annexation, if any.

APPROVED AND ADOPTED this 12th day of July 2022

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

ATTEST:

  
\_\_\_\_\_  
RIGOBERTO GARCIA JR., City Clerk

APPROVED AS TO FORM:

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

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3139 was introduced on the 28th day of June 2022, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 12th day of July 2022, by the following vote:

AYES: 4 Council Members: Vinatieri, Dutra, Warner, O. Martinez,  
NOES:  
ABSTAIN: 0  
ABSENT: 1 Council Member: J. Martinez

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

EXHIBIT A

WHITTIER LAND USE MAP

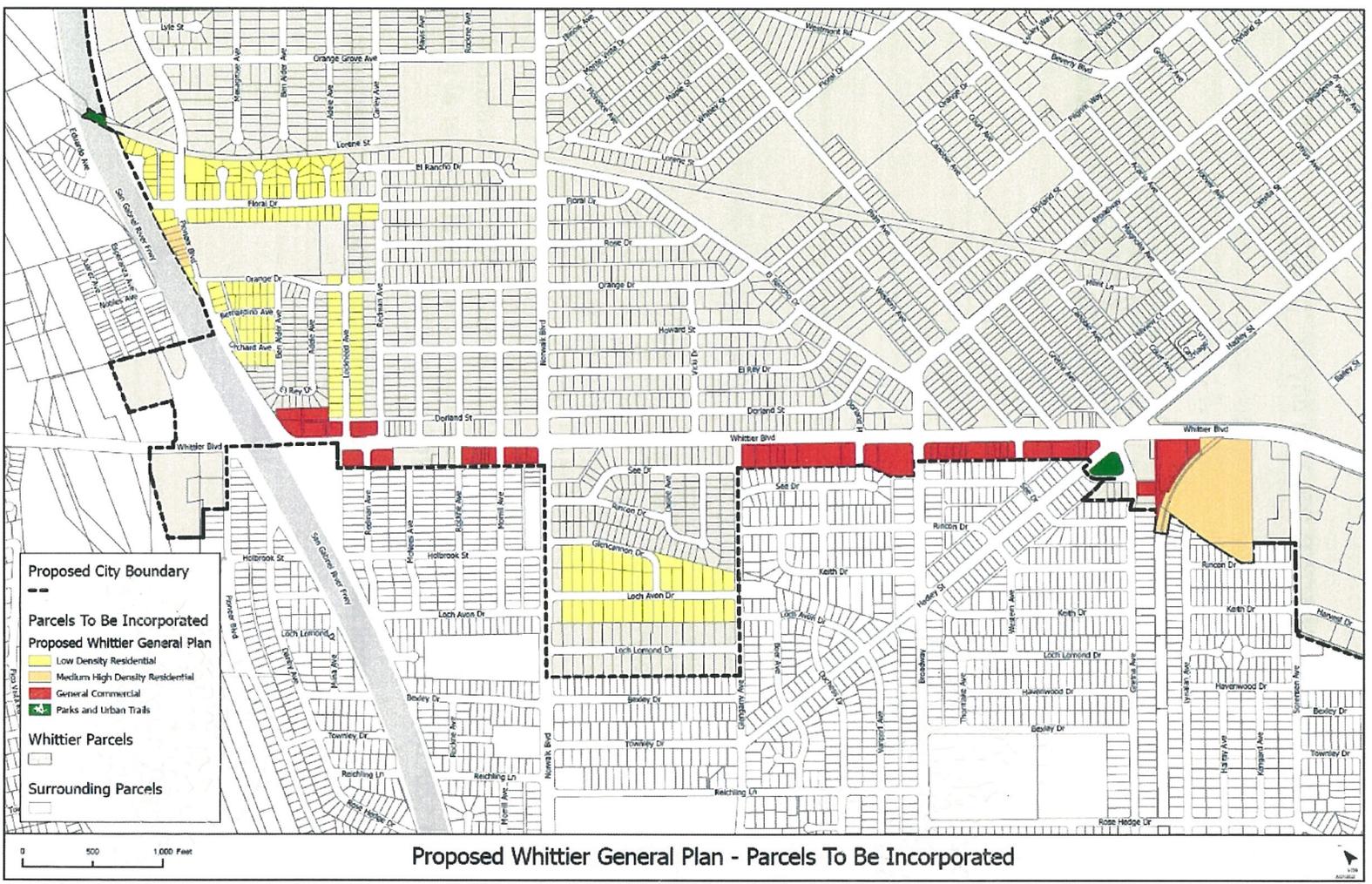


EXHIBIT B

WHITTIER OFFICIAL ZONING MAP

