

RESOLUTION NO. 8165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING THE UPTOWN WHITTIER SPECIFIC PLAN (UNDER SPECIFIC PLAN AMENDMENT 07-001) TO REPLACE THE UPTOWN WHITTIER SPECIFIC PLAN DOCUMENT THAT WAS ORIGINALLY ADOPTED UNDER CITY COUNCIL RESOLUTION NO. 5910 ON JUNE 6, 1989, AND INCLUDING ALL SUBSEQUENT AMENDMENTS TO THE UPTOWN WHITTIER SPECIFIC PLAN SINCE ITS ORIGINAL ADOPTION TO DATE (UNDER RESOLUTION NOS. 6007, 6220, 6277, 6385, 6388, 6395, 6628, 6773, 6897, 6940 AND 6927). - CITY OF WHITTIER

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

SECTION 1. The City Council does hereby find, determine and declare as follows:

- A. That an application to amend the existing 185+/- acre Uptown Whittier Specific Plan under Specific Plan Amendment 07-001 was a City initiative to create new/revised development standards, land-use districts, design guidelines, signage, landscaping requirements, parking and transportation systems and implementation plans, etc. under a "Form Based" style code to regulate and guide future development within Uptown Whittier; and,
- B. That the Planning Commission adopted Resolution No. 08-20 recommending to the City Council adoption of the updated Uptown Whittier Specific Plan under Specific Plan Amendment 07-001 (and the Environmental Impact Report prepared therefor) on July 24, 2008; and,
- C. On September 23 and 24, 2008, October 22, 2008, and November 18, 2008, the City Council held a duly noticed public hearing to consider Specific Plan Amendment 07-001 and took public testimony on the project; and,
- D. That the City Council specifically finds based on the substantial evidence presented including: the staff analysis, public testimony, the Final Environmental Impact Report (SCH No. 2006111085), all exhibits and the amended Uptown Whittier Specific Plan document, dated November 18, 2008, conforms with the California Government Code Sections 65450 through 65454. And further, the Specific Plan includes in text and diagrams the following detail:

1. The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan; and,
2. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan; and,
3. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable; and,
4. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out items (1), (2), and (3) above.

SECTION 2. On November 18, 2008, in compliance with the California Environmental Quality Act, the City Council adopted a resolution determining that the Final Environmental Impact Report (SCH No. 2006111085) along with the Mitigation Measures and Mitigation Monitoring Program prepared in conjunction with Specific Plan Amendment 07-001 is complete and adequate and in accordance with all applicable provisions of the California Environmental Quality Act (CEQA). The City Council also finds that the project will have a significant, adverse, impact on the environment and that a Statement of Overriding Consideration has been prepared in conjunction with the environmental findings for the project.

SECTION 3. Based on the findings and conclusions set forth above, the City Council hereby approves (subject to the amendments contained in Section 4 of this resolution) Specific Plan Amendment 07-001 (Uptown Whittier Specific Plan, dated November 18, 2008, which is on file in the City Clerk-Treasurer's Office) to comprehensively amend the Uptown Whittier Specific Plan in conjunction with the prior or simultaneous certification of the Final Environmental Impact Report prepared for the project.

SECTION 4. That the approval of Specific Plan Amendment 07-001 is subject the following modifications:

1. Include "California Contemporary" to the Uptown Whittier Specific Plan as an approved architectural style;
2. Modify the tree succession plan from Phase "1" to Phase "2" (second bullet from the bottom) on Page 3:3 of the Uptown Whittier Specific Plan;
3. Amend the item relating to the PBID on Page 3:3 in Phase "2" of the Uptown Whittier Specific Plan to state as follows:

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~~“Convert Uptown Association from tenant based Business Improvement District (BID) to **Establish a** property owner based Business Improvement District (BID);”~~ and,

4. Delete the repetition of Pages 3:1 through 3:14 within the Uptown Whittier Specific Plan.

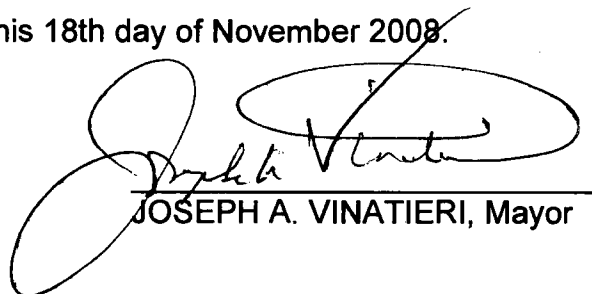
SECTION 5. If any provision or clause contained within the Uptown Whittier Specific Plan (dated November 18, 2008) or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect any other provision or application of the chapters of the Specific Plan which can be given effect without the invalid provision or application, and to this end the provisions of the chapters are declared to be severable.

SECTION 6. Any previously submitted project(s) within the Uptown Whittier Specific Plan that has not been deemed “complete” for processing by the City of Whittier upon the adoption date of this resolution, shall comply with all the provisions contained within the new Uptown Whittier Specific Plan document approved under SPA 07-001.

SECTION 7. Should any subsequent errors of omissions be found in the new Uptown Whittier Specific Plan document (dated November 18, 2008,) after the adoption of this resolution, the Director of Community Development may authorize the correction(s) to be made without City Council approval so long as the modification(s) do not alter the integrity, goals, or intent of the City Council’s direction in developing the adopted Specific Plan.

SECTION 8. The City Clerk-Treasurer shall attest to the adoption of this resolution and shall forward a copy to the applicant, and any person requesting the same.

APPROVED AND ADOPTED this 18th day of November 2008.

  
JOSEPH A. VINATIERI, Mayor

ATTEST:

  
KATHRYN A. MARSHALL  
City Clerk-Treasurer

CITY OF WHITTIER        )  
                                  ) SS  
STATE OF CALIFORNIA    )

I, Kathryn A. Marshall, City Clerk-Treasurer in and for the City of Whittier, California, hereby certify that the foregoing resolution was duly introduced and adopted at an adjourned regular meeting of the City Council of said City held on the 18th day of November 2008, by the following roll call vote:

AYES:        J. G. Nordbak                    C. Warner                    O. Newcomer  
                  J. A. Vinatieri  
NOES:        None  
ABSENT:     R. L. Henderson

WITNESS my hand and the official seal of the City of Whittier, California,  
this 1st day of December 2008.

Kathryn A. Marshall  
KATHRYN A. MARSHALL  
City Clerk-Treasurer