

**ORDINANCE NO. 2016-O10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA APPROVING A DEVELOPMENT AGREEMENT NO. DA-2016-01 WITH THE OLSON COMPANY REGARDING THE DEVELOPMENT OF THIRTY (30) TOWNHOMES LOCATED IN THE GOLD LINE DISTRICT OF THE AZUSA TOD SPECIFIC PLAN AT 803, 805 AND 809 N. DALTON AVENUE (APNS 8608-027-905, 906, 907 AND 908)**

**WHEREAS**, on July 7, 2016, The Olson Company filed with the City of Azusa (“City”) an application for Development Agreement (DA-2016-01) regarding the development of thirty (30) townhomes in the Gold Line District of the Azusa TOD Specific Plan at 803, 805, and 809 N. Dalton Avenue; and

**WHEREAS**, the Planning Commission of the City of Azusa, recommended approval of Development Agreement No. DA-2016-01 to City Council of City of Azusa during the dully noticed Planning Commission meeting on October 12, 2016; and

**WHEREAS**, the City Council of the City of Azusa, has given notice thereof as required by law, held a public hearing on the application of Development Agreement No. DA-2016-01 for The Olson Company to develop thirty (30) townhomes located in the Gold Line District of the Azusa TOD Specific Plan; and

**WHEREAS**, the City Council has carefully considered all pertinent testimony and the staff report offered in the case as presented at the public hearing, now wishes to approve the development agreement with The Olson Company.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AZUSA DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1:** The project described herein is consistent with the Class 32 Categorical Exemption in that:

- (a). The project is located within the Azusa TOD Specific Plan. Specifically, the site is within the Gold Line District of the Specific Plan. The proposed townhomes are a permitted use in the Gold Line District. The Azusa General Plan land use designation for the site is Commercial/Residential Mixed Use and allows up to a maximum of 27 DU/AC. The 1.44 net-acre site would allow the development of up to 38 residential units. The zoning for the site is Gold Line District. The proposed residential use is consistent with the uses allowed by the existing zoning. The project proposes 30 residential units, 8 units less than allowed by the General Plan. The project is consistent with the land use allowed for the site by the Azusa General Plan and the existing zoning.
- (b). The project site is located within the Azusa city limits and is less than five acres (1.44 net-acres). The site is surrounded by urban uses, including single-family detached and multi-family residential to the north, the Gold Line Downtown rail station and a City parking structure to the

west, multi-family residential to the east, and the Los Angeles County Metropolitan Transportation Authority (METRO) Gold Line rail lines and a freight line to the south. Dalton Avenue is adjacent to and east of the site and the City parking structure and busway is adjacent to and west of the site.

(c). There is very little existing on-site vegetation. The existing vegetation includes non-native grasses on the small vacant parcel in the northeast area of the site. There is one tree on-site in the western portion of the site adjacent to the busway. There is an oak tree on the Metro Line property adjacent to the southern project boundary. The existing tree in the western portion of the site will be removed to allow development of the site. The existing vegetation does not provide any value as habitat for endangered, rare or threatened animal species.

(d). The project will not have any significant effects relating to traffic, noise, or air quality. The project is estimated to generate approximately 174 daily trips with 13 AM peak hour trips and 16 PM peak hour trips. The project will generate less than 500 daily vehicle trips, which is the daily threshold by the Los Angeles County Department of Public Works Traffic Impact Analysis Report Guidelines for requiring preparation of a traffic impact. The project will generate less than half the 24-hour weekday traffic that is required for the preparation of a traffic impact study. The project also generates less than 50 peak hour trips, which is a threshold for conducting an intersection analysis. Based on the 38 residential units that are allowed for development on the site by the General Plan, the project will generate less traffic than estimated for the site by the TOD Specific Plan EIR. The project traffic will not impact any area intersections or roadways that will serve the site. Site access will be provided by an approximate 26-foot wide two-way driveway at Dalton Avenue. The driveway design is adequate to provide suitable ingress/egress at Dalton Avenue. All on-site drive aisles are approximately 24-feet in width and adequate to provide internal circulation throughout the site, including access for emergency vehicles, including police and fire department emergency equipment. Because the proposed residential use is consistent with the General Plan and zoning and the project proposes 8 units less than allowed, the project will not have any significant noise impacts compared to the noise identified for the site by the TOD Specific Plan EIR. As a result, the project will not generate noise that will exceed City adopted noise level standards or significantly impact any adjacent residents. The air emissions that will be generated by the project will be less than the emissions estimated to be generated with the development of 38 units as allowed by the General Plan. Because the project proposes 8 fewer units than allowed, the short- and long-term project air emissions will not exceed any air emission thresholds established by SCAQMD. Therefore, the project will not have any significant air quality impacts. Surface water from the site will be carried by interior street curbs and gutters to strategically placed catch basins. Low water flows will be discharged to two proposed on-site infiltration systems located at the common social space area and the open space area at the southwest corner of the site to filter low surface water flows and on-site infiltration. Larger storm water flows will be collected and discharged at the southwest corner of the site to an off-site underground storm drain system. The existing off-site storm drain system that currently serves the site has capacity to serve the project without any local or regional on- or off-site flooding.

(e). The project can be served by all required utilities including power, natural gas, sewer, water and storm drains that either exists on-site or within Dalton Avenue and the adjacent City property to the west of the site. Public services, including police and fire protection and trash collection can serve the project, as conditioned, without significant impacts to those public services.

CEQA Guidelines Section 15300.2 Exceptions, list six exceptions for the use of a categorical exemption. As discussed below, none of the exceptions of CEQA Guidelines Section 15300.2 are applicable to the proposed project.

*(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.* The project is located in an urban area that is surrounded by existing residential and commercial development. Because the project is in a highly urbanized area it is considered an infill project. The infill exemption analysis already concludes that the project site and the immediate area do not have any sensitive habitat or hazardous conditions and there is no other evidence that indicates that due to its location there is any sensitive habitat or hazardous conditions either on or adjacent to the site that would be impacted by or impact the project.

*(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.* The City's list of current projects was reviewed to determine if there are any projects that along with the proposed project would have significant cumulative impacts. There are no projects in Azusa that, along with the project, would have cumulative impacts. The infill exemption analysis above considers all cumulative projects in the immediate vicinity of the site and concludes that there would not be any significant cumulative impacts, including traffic, noise, air quality, greenhouse gas, public services and utilities

*(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.* The infill exemption analysis concludes that the project would not have any significant aesthetic, biology, hydrology, soils/geotechnical, land use, traffic, air quality, noise, water quality, utilities and public services impacts due to unusual circumstances.

*(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.* None of the roads either adjacent to or in close proximity to the site, including Dalton Avenue, Alameda Avenue and 9<sup>th</sup> Street, are designated a State of California scenic

highway.<sup>1</sup> The project would not impact a scenic highway.

*(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. The infill exemption analysis concludes the project site is not a listed hazardous waste site pursuant to Section 65962.5 of the Government Code.*

*(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The project site is mostly vacant, with the exception of a vacant industrial building and two existing vacant Quonset huts. Based on a records search and other available information, the Quonset huts do not meet any listing criteria for historical significance. Therefore, the Quonset huts are not considered a historical resource and their removal would not have any historical resource impacts.*

Based on the above analysis, the project meets and complies with the conditions in CEQA Guidelines Section 15332 and will not have any significant environmental impacts.

**SECTION 2:** In accordance with the General Plan, the City Council hereby finds the development in conformance with the following General Plan Policies:

Chapter 3 of the Azusa General Plan, titled “The Built Environment”, sets goals and policies for the City’s Districts zones. Policy 4.3, encourages “Development of housing in both mixed-use settings and “stand alone” structures provide each unit with ground floor individual entry, and the architecture and site design convey the sense of individual units. The proposed development will support this policy by utilizing entrances and courtyards facing Dalton Avenue.

*Land Use Policy 4.2:*

Encourage the revitalization of [City] districts including the Downtown District which is the heart of the City to be anchored by the Gold Line light rail transit station and transit oriented development.

*Land Use Policy 4.5:*

Within the Downtown District . . . , provide for the development of a Gold Line transit station (to be served by rail, bus, and private vehicles), supporting transit-oriented development.

*Mobility Policy 8.5:*

Encourage locating and designing new developments to encourage access by non-auto modes.

**SECTION 3:** That in accordance with Section 88.53.030 of the Azusa Development Code, the City Council finds that the proposed Development Agreement complies with the Azusa Development Code based on the following findings:

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<sup>1</sup> <http://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm>

**A. The approval of a development agreement shall require that the review authority first find that the agreement and approved development are consistent with the general plan.**

In accordance with the General Plan, the development is in conformance with the following General Plan Policies:

Chapter 3 of the Azusa General Plan, titled “The Built Environment”, sets goals and policies for the City’s Districts zones. Policy 4.3, encourages “Development of housing in both mixed-use settings and “stand alone” structures provide each unit with ground floor individual entry, and the architecture and site design convey the sense of individual units. The proposed development will support this policy by utilizing entrances and courtyards facing Dalton Avenue.

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*Mobility Policy 8.5:*

Encourage locating and designing new developments to encourage access by non-auto modes.

The project is consistent with the Azusa TOD Specific Plan. The subject site does not have any previously approved planning permits. There is a development agreement associated with this project.

The development agreement serves as a mechanism to streamline the development of the project.

**SECTION 4:** Based on the entire record before the City Council, all written and oral evidence presented to the City Council, and the aforementioned findings, the City Council does hereby approve Development Agreement No. DA-2016-01 for The Olson Company to develop thirty (30) townhomes located in the Gold Line District of the Azusa TOD Specific Plan; and, subject to the conditions of approval associated with DR-2016-08, MUP-2016-09, V-2016-06 and V-2016-07 and incorporated herein by reference, as though set out in full and at length.

**SECTION 5:** A summary of this Ordinance shall be published in the manner required by law.

**PASSED, APPROVED and ADOPTED** this 5<sup>th</sup> day of December, 2016.

/s/Joseph Romero Rocha  
Mayor

ATTEST:

/s/Jeffrey Lawrence Cornejo, Jr.  
City Clerk

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

**I HEREBY CERTIFY** that the foregoing Ordinance NO. 2016-O10, was duly introduced and placed upon first reading at a regular meeting of the Azusa City Council on the 5<sup>th</sup> day of December, 2016 and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the Azusa City Council on the \_\_\_\_ by the following vote wit:

AYES: COUNCILMEMBERS : CARRILLO, MACIAS, ALVAREZ, ROCHA  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE  
ABSTAIN: COUNCILMEMBERS: GONZALES

/s/Jeffrey Lawrence Cornejo, Jr.  
City Clerk  
APPROVED AS TO FORM:

/s/Marco A. Martinez  
Best Best & Krieger LLP  
City Attorney