

Agenda Item Staff Report

To: Honorable Mayor and Members of City Council
For the Meeting of May 14, 2024

From: Chris Constantin, City Manager

Prepared by: Ken Fichtelman, Associate Planner

Subject: Adopt Resolution 2024-27 and Introduce Ordinance 1306 Approving the Following Related Applications with a Mitigated Negative Declaration for the Development of a 63,749 Square Foot Warehouse/Office Multi-tenant Building on a 2.58-acre Site Located at the Northwest Corner of Cataract Avenue and Allen Avenue (309 W. Allen Avenue, 917 N. Cataract Avenue, And 929 N. Cataract Avenue) APN's 8392-016-008, -048, and -047.

SUMMARY

The Applicant, Ignacio Crespo of OC Design & Engineering, on behalf of Allen Industrial Investors LLC, is requesting approval of a Zone Change to change the zoning land use designation from Light Agriculture (AL) to Light Manufacturing (M-1), a Lot Merger to consolidate three (3) contiguous lots, a Development Plan Review Board application for a 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building, and a Tree Removal Permit to remove 17 mature trees in conjunction with the project located on a 2.58 acre site located at the northwest corner of Allen Avenue and Cataract Avenue.

On March 23, 2023, the Development Plan Review board, at a regularly scheduled meeting, recommended approval to the Planning Commission of DPRB 21-0002 and TRP 21-0004 for the design and construction of the tilt-up warehouse/office multi-tenant building along with the associated removal of 17 mature trees.

On May 4, 2023, the Planning Commission, at a regularly scheduled meeting, voted 4-1 to recommend to the City Council approval of Zone Change 21-0001 for the change of zoning from Light Agricultural to Light Manufacturing, Lot Merger 21-0001 for the merger of three contiguous lots, Development Plan Review Board 21-0002 for the design and construction of the tilt-up warehouse/office multi-tenant building, and Tree Removal Permit 21-0004 for the associated removal of 17 mature trees, along with recommending adoption of the associated Initial Study/Mitigated Negative Declaration.

RECOMMENDATION

Staff and the Planning Commission recommend that the City Council:

1. Adopt Resolution 2024-28, approving the Initial Study/Mitigated Negative Declaration.
2. Introduce Ordinance 1306, approving Zone Change 21-0001, changing the zoning designation of the parcels from Light Agriculture (AL) to Light Manufacturing (M-1).
3. Adopt Resolution 2024-27, approving Lot Merger 21-0001, the merger of three contiguous lots; and as recommended by Development Plan Review Board DPRB Case No. 21-0002 design and construction of the tilt-up warehouse/office multi-tenant building and Tree Removal Permit 21-0004 for the removal of 17 mature trees, with the adoption of the associated Initial Study/Mitigated Negative.

FISCAL IMPACT

There is no fiscal impact for the recommended action. All costs associated with the cost to prepare the Initial Study/Mitigated Negative Declaration (IS/MND) for the project were borne by the Applicant.

BACKGROUND

On November 24, 2020, City Council authorized the initiation of a Zone Change from Light Agriculture (A-L) to Light Manufacturing (M-1) to allow the Applicant, Ignacio Crespo, O.C. Engineering & Design, on behalf of the property owner, Allen Industrial Investors LLC to submit entitlement applications to develop a 2.58-acre site comprised of three (3) contiguous parcels that are currently developed with nine (9) single-family homes into a warehouse building.

On January 25, 2021, the Applicant submitted the following applications for the development of the warehouse project:

1. Zone Change No. 21-0001 – A request to change the zoning land use classification from Light Agriculture (AL) to Light Manufacturing (M-1).
2. Lot Merger 21-0001 – A request to consolidate three (3) contiguous lots together.
3. DPRB Case No. 21-0002 – A request for development of a 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building.
4. Tree Removal Permit No. 21-0004 – A request to remove 17 mature trees in conjunction with the project.

The 2.58-acre subject site consists of three (3) contiguous lots, which will be merged as part of the development process and was developed with nine (9) vacant single-family residences (See Figure 1). Typically, existing structures are not demolished until after the project has received all approvals and building permits have been issued. However, since the homes were vacant, there was several issues related to people occupying the vacant structures that resulted in several responses by the Sheriff's Department. Therefore, a demolition permit was issued on March 13, 2023, to address the health and safety issues and concerns that have resulted from the structures being vacant. No other activity, including removal of trees, will occur until after the project has been approved and all permits have been issued.

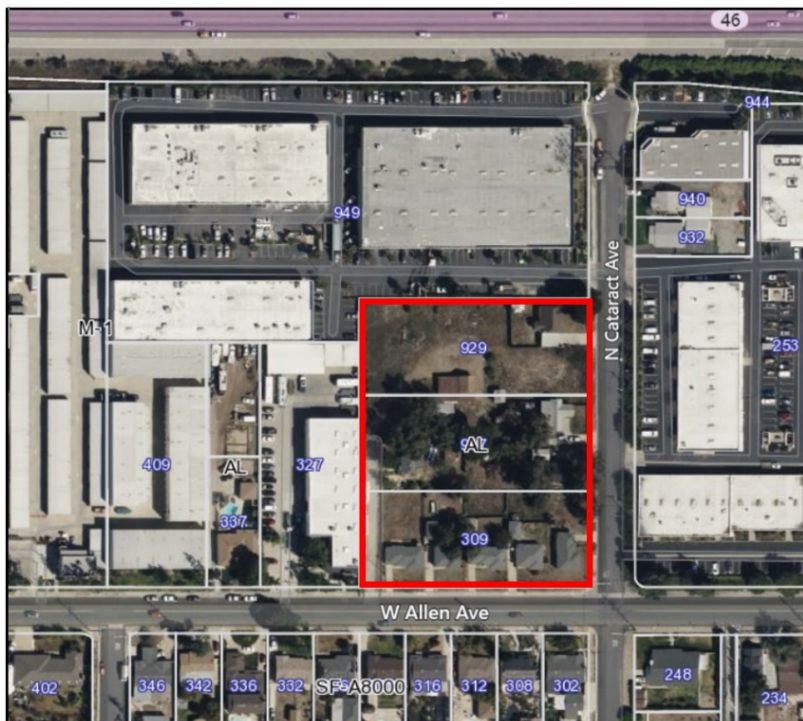


Figure 1 – Aerial Map

At its March 23, 2023, regular meeting, the Development Plan Review board (DPRB) considered DPRB No. 21-0002 and TRP 21-0004 for the design and construction of the tilt-up warehouse/office multi-tenant building along with the associated removal of 17 mature trees. After consideration, the DPRB recommended approval of the two (2) applications to the Planning Commission, subject to the recommended Conditions of Approval. The DPRB did not act on the Zone Change or Lot Merger, as the actions are not under DPRB purview.

At the May 4, 2023, regular meeting, the Planning Commission considered the project applications, along with the associated Initial Study/Mitigated Negative Declaration. The Commission raised concerns with the height (41 feet) of the warehouse building and with the heavy truck traffic that could result from the new warehouse use. In addition, during the public comment period, two (2) residents raised concerns with traffic and noise associated with the trucks for the proposed warehouse use, and concerns that employees would park on the street. After conducting a public hearing, the Planning Commission voted 4-1 to recommend approval of all project and the IS/MND to the City Council, with an added condition that no truck ingress or egress shall be allowed on the Allen Avenue driveway. Chairman Bratt voted against the project citing concerns with the height of the building and increased traffic. See Attachment 5 for the Commission staff report, the resolutions and minutes.

DISCUSSION/ANALYSIS

Zone Change and Lot Merger

The Applicant is requesting approval of a Zone Change from the existing zoning of Light Agriculture (A-L) to Light Manufacturing (M-1). The proposed Zone Change consists of three (3) contiguous parcels all of which are owned by the same owner. The Applicant is also requesting

approval of a Lot Merger to consolidate the three (3) contiguous lots together in order to complete the project. The proposed 2.58-acre lot will meet the minimum lot size requirement of 10,000 square feet and the minimum lot dept of 100 feet as required by the proposed M-1 Zone. The Zoning and General Plan designations for the site and surrounding areas are shown in the following maps (Figure 2) and Table 1 below.

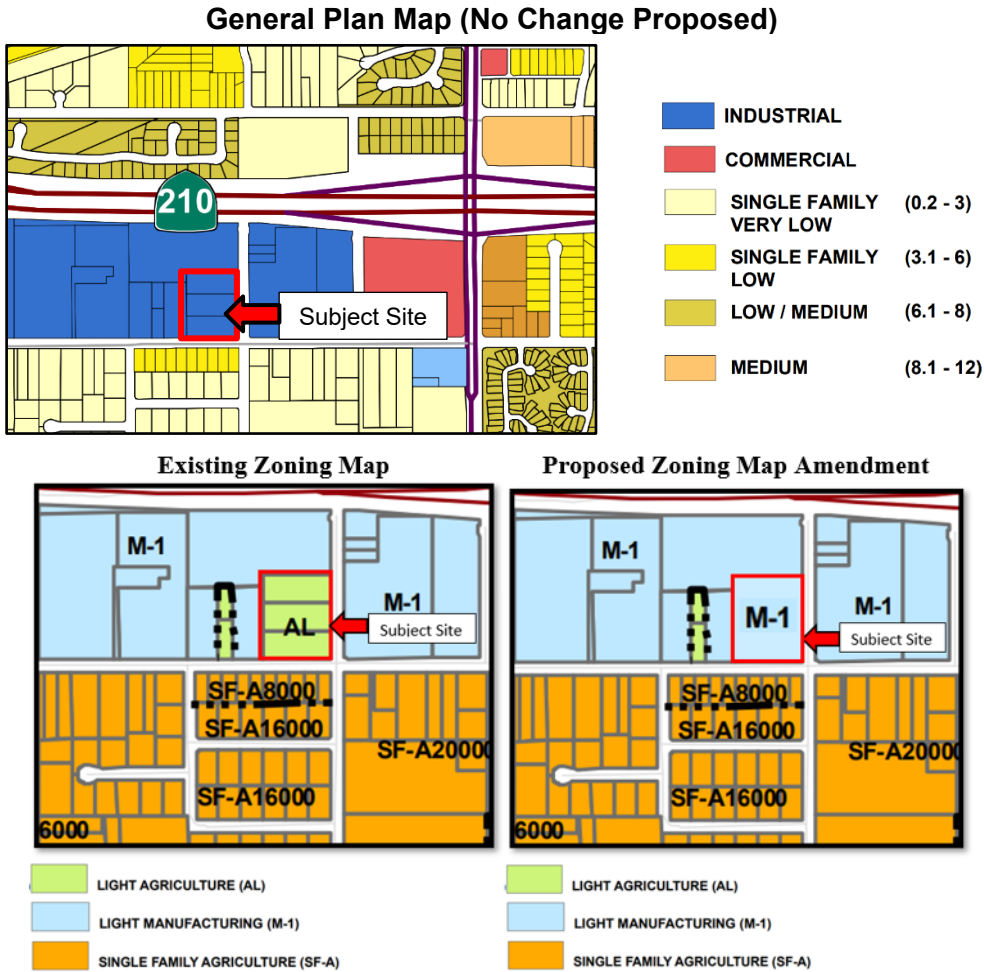


Figure 2 – General Plan / Zoning Maps

Table 1

	Use	Zoning	General Plan
Subject Site	Single-family residential	AL	Industrial
North	Light industrial building	M-1	Industrial
South	Single-family residential	SF-A8,000	Single-Family Low
East	Light industrial building	M-1	Industrial
West	Light industrial building	M-1	Industrial

The site is surrounded by developed single-family residences to the south and developed light industrial buildings to the north, east, and west. The proposed zone change will bring the site into compliance with the General Plan Land Use designation of Industrial and will integrate the parcel to the surrounding industrial zoning thereby making it consistent with the adjacent buildings and uses.

The existing AL land use classification allows for one single-family residential unit per lot. The subject lots are considered to be non-conforming lots due to the fact that they were developed with nine (9) single-family residences; six (6) more than what is currently allowed in the AL zone. By changing the current zone of AL to M-1, which does not allow residential uses, there will be a net loss of three (3) residential units in the City. Pursuant to Government Code Section 66300, as amended by Senate Bill (SB) 8 in 2021, the zone change from AL to M-1 cannot occur unless another property is rezoned to increase the residential density in the City by at least three (3) units, one per parcel that were allowed under the AL zoning. Furthermore, the final action to approve the rezoning must occur concurrently at the same meeting of the legislative body, in this case, the City Council. The Commission can recommend approval to the City Council of the zone change for the project before them, but the City Council will need to consider another property to upzone residential density at the same meeting. Staff is processing an application for a seven-unit residential subdivision which meets the no net loss criteria and is being considered at this same meeting.

Site Description/Improvements

The proposed building will be located at the southeast corner of the site, and a new drive aisle with parking will wrap around the building along the west and north property lines and will be accessed from Allen Avenue and Cataract Street. A truck loading dock will be located along the west elevation of the building and will service both proposed units within the new warehouse building, and a trash enclosure will also be constructed adjacent to the drive aisle along the west property line. A new ten-foot-high concrete tilt up screen wall to match the building finish, and an eight-foot-high wrought iron sliding gate will be installed at two (2) locations to secure the parking lot. The first one will be located approximately 86 feet north of the Allen Avenue driveway entrance, and the second one will be located in approximately 253 feet west of the Cataract Avenue driveway entrance. There is an existing masonry wall that is shared with the adjacent lots to the west (327 W. Allen Avenue) and north (949 N. Cataract Avenue); therefore, no new perimeter walls will be incorporated into the project. The existing walls will be required to be finished to match the proposed building finish. All site lighting will be required to install fixtures that direct light downward and does not spillover onto adjacent properties. In addition, as part of the project, the Applicant will be required to install a new sidewalk along their Cataract Avenue frontage and will be required to underground all existing overhead utility lines that are located along the project frontages.

The project requires a total of 54 parking spaces and four (4) motorcycle spaces, and the project is proposing 56 parking spaces and four (4) motorcycle spaces in compliance with the Code requirement. As previously mentioned, the project will be accessed via two (2) driveways located on Allen Avenue and Cataract Avenue. In an effort to reduce impacts to Allen Avenue, Condition of approval No. 72 has been included to require that truck ingress be limited to the Cataract Avenue driveway and that the Applicant also install signing and striping improvements to prevent truck ingress from Allen Avenue. Lastly, the project will provide a bicycle rack near the entrance to each unit, with each rack securing up to five (5) bicycles.

New landscaping, including replacement trees discussed later in the report will be installed throughout the site. New landscaped areas subject to compliance with the City's Model Water Efficient Landscape Ordinance (MWELO) will also be incorporated as part of the overall site improvements. The Council may wish to note that the conceptual landscaping plan is likely to be affected by the manner in which Low Impact Development (LID) compliance is reached for water retention and treatment.

Tree Removal

There are a total of 25 trees on site, of which 23 are proposed for removal, per the Tree Removal Plan (Figure 3), as their continued existence would prevent the reasonable development of the subject site. Of the 23 trees proposed for removal, 17 are considered mature trees per the City's Tree Preservation Ordinance. Under the San Dimas Municipal Code Section 18.162.020, a mature tree is defined as any Oak tree measuring eight (8) inches or more in trunk diameter, and/or any other species of tree that measures ten (10) inches or more in diameter, and any multi-trunk tree having a total circumference of 38 inches or more, with at least one (1) trunk having a minimum diameter of four (4) inches. The diameter must be measured at a point three (3) feet above the ground at the base of the tree. The 17 mature trees that will be removed consist of one (1) Bishop Pine, 12 California Pepper, three (3) White Ash, and one (1) Carrotwood. One Mexican Fan palm tree will be removed; however, since it's not a canopy/shade tree, it doesn't require a replacement tree.

The City's Tree Preservation Ordinance also requires a two (2) for one (1) replacement with minimum 15-gallon box tree(s), or other replacement of equivalent value and size, be replanted within the subject property. For the removal of 17 mature trees, the Applicant will be required to replant 34 trees in compliance with the Code. The conceptual landscape plan (Attachment 4, Sheets L1 and L2) includes a total of 40 replacement trees, which will include the 34 required replacement trees. The proposed trees are each 24-inch box trees comprised of fifteen (15) Brisbane box, six (6) Forest Pansy Redbud, ten (10) Australian Willow, and nine (9) Canary Island Pine. The landscape plan will be required to identify which are the replacement trees.

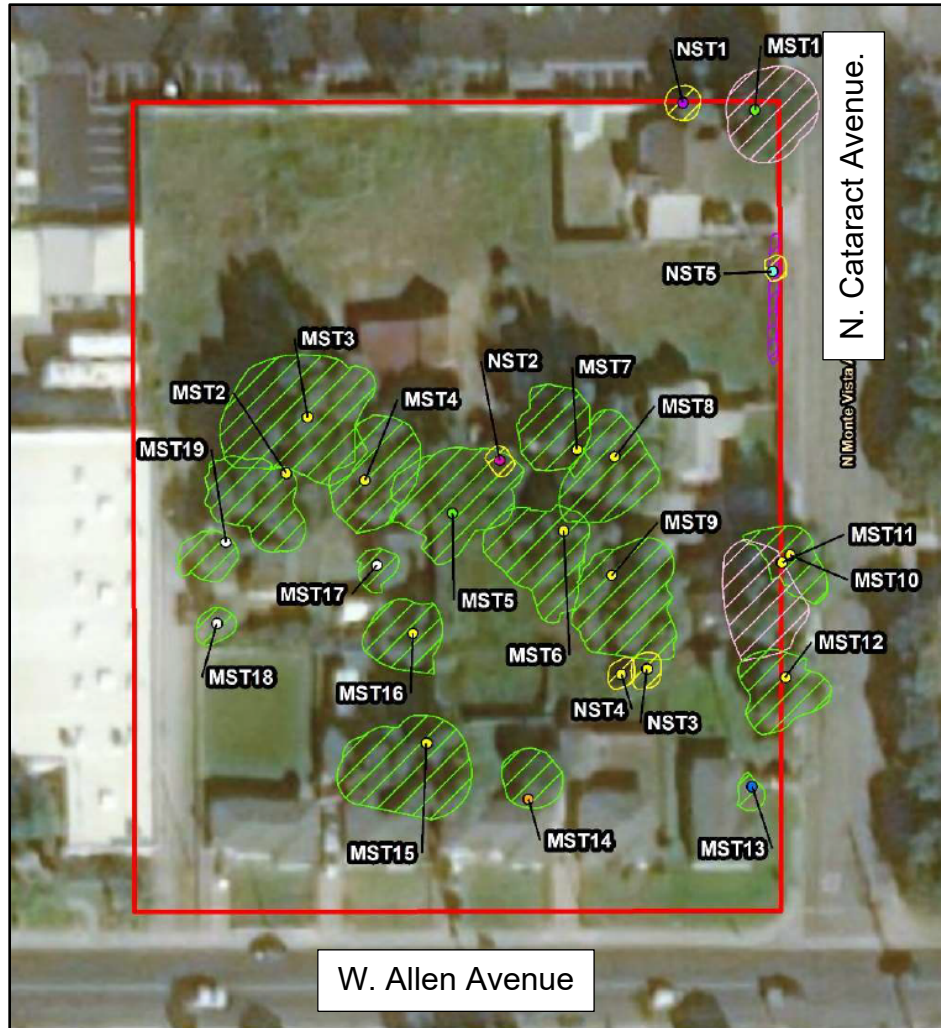


Figure 3 - Tree Removal Plan

Building Design

The proposed 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building will consist of two units within one (1) building. Unit 1 will be 24,193 square feet in floor area with a 2,000 square foot mezzanine, and Unit 2 will be 35,556 square feet in floor area with a 2,000 square foot mezzanine. Each unit will include a 1,000 square foot office area included within the aforementioned floor areas. The building will have varying heights, including tower-like elements at various locations to break up the massing, and will have a total height of 41 feet. The design of the building incorporates various architectural elements to help break up the building mass and elevations, which includes the following (Figures 4 & 5 and Attachment 4):

- 18-inch decorative cornice and raised parapet walls
- Stainless steel wall trellis beneath recessed archways
- Pineapple grove inset medallions above glazed archways
- Dark bronze-colored mullions for aluminum storefront windows and doors
- Decorative downspouts
- Decorative steel canopy over entrance doors/corner towers
- 4-foot-high base molding with smooth finish coating

- Two accent colors for the concrete tilt-up panels; Dunn Edwards “Smoky Mountain” and “Dark Engine”

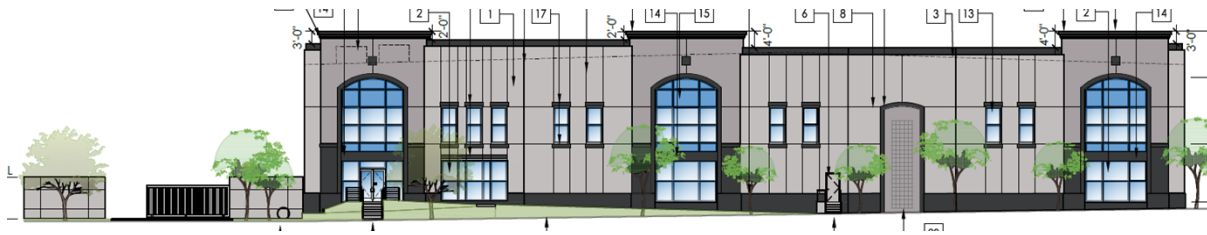


Figure 4 – South Elevation at Allen Avenue.



Figure 5 – East Elevation at Cataract Street.

The building design is comparable to other existing light manufacturing buildings located within the same area along Allen Avenue. Therefore, the proposed concrete tilt-up warehouse/office building is not out of character with the existing neighborhood.

Development Standards

The proposal will be constructed to comply with the development standards of the proposed M-1 zone, including setbacks, height, etc. as follows:

	Code Requirement	Proposed
Front Yard Setback	25'-0"	25'-0"
East Side Yard Setback	10'-0"	20'-0"
Rear Yard Setback	None	52'-0"
West Side Yard Setback	None	47'-0"
Minimum Lot Depth	100'-0"	375'-0"
Building Height	Conform to height limits of CBC	41'-0"
Parking	54 stalls + 4 motorcycle stalls	56 stalls + 4 motorcycle stalls
Driveway Width	40'-0"	40'-0"
Lot Coverage	N/A	

ALTERNATIVES

There are no alternatives proposed for this request. The City Council may recommend changes to the project or may recommend denial of the Mitigated Negative Declaration, Zone Change 21-0001, Lot Merger 21-0001, DPRB 21-0002, and TRP 21-0004. However, denying any individual action is recommending denial of the project, as the project may not move forward without all of the actions being approved.

ENVIRONMENTAL REVIEW

The proposed development is a project pursuant to the California Environmental Quality Act (CEQA) and an Initial Study was prepared to determine possible environmental impacts. On the basis of the Initial Study, which indicated that all potential environmental impacts from the project were less than significant or could be mitigated to a level of insignificance, a MND was prepared pursuant to CEQA guidelines. The MND was circulated for the required 20-day public review period from March 7, 2023, until March 27, 2023. Staff received two (2) comments during the comment period, one from a nearby resident who expressed concerns with traffic congestion, and loss of street parking, and one from the Yuhaaviatam of San Manuel Nation who stated that they will not be requesting consultation. These comments, and any responses, have been provided in Exhibit A to Attachment 1, Response to Comments.

Respectfully submitted,



Ken Fichtelman
Associate Planner

Attachments:

1. Resolution 2024-28, MND
2. Ordinance 1306, Zone Change
3. Resolution 2024-27, Lot Merger, DPRB and Tree Removal Permit
4. Project Plans
5. May 4, 2023, Planning Commission Staff Report, Resolutions & Minutes

RESOLUTION 2024-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR ZONE CHANGE 21-0001, LOT MERGER 21-0001, DPRB 21-0002, AND TREE REMOVAL PERMIT 21-0004 PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED

WHEREAS, On January 25, 2021, Ignacio Crespo submitted applications for a Zone Change, Lot Merger, Development Plan Review Board Case, and a Tree Removal Permit to facilitate the development of a new concrete tilt-up warehouse/office multi-tenant building; and

WHEREAS, the Project affects the following described real properties:

309 W. Allen Avenue, 917 N. Cataract Avenue, and 929 N. Cataract Avenue (APN'S 8392-016—008, -048, AND -047); and

WHEREAS, the Planning Commission, during its regularly scheduled meeting on May 4, 2023, adopted Resolution PC-1665, recommending adoption of the IS/MND to the City Council, along with Resolutions PC 1666 and 1667, recommending approval of the related Project applications; and

WHEREAS, the proposed development is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*, herein referred to as "CEQA"); and

WHEREAS, pursuant to and in accordance with the provisions of CEQA, the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for the Proposed Project; and

WHEREAS, a Draft Mitigated Negative Declaration was prepared in accordance with CEQA Guidelines to evaluate the physical environmental impacts of the Proposed Project. The Mitigated Negative Declaration, attached as Exhibit A, was circulated for a 20-day public/responsible agency review on March 7, 2023 through March 27, 2023 and was also made available for review on the City's website at www.sandimasca.gov. A complete copy of the Mitigated Negative Declaration is on file and can be viewed in the Planning Division at 245 E. Bonita Avenue, San Dimas, California; and

WHEREAS, the City gave notice of its intent to adopt the Mitigated Negative Declaration to (a) the public pursuant to Section 15072(b) of the CEQA Guidelines, (b) individuals and organizations, if any, that previously submitted written requests for notice pursuant to Section 15072(b) of the CEQA Guidelines, (c) responsible and trustee and other agencies with jurisdiction over resources that will be affected by the Proposed Project pursuant to Section 15073(c) of the CEQA Guidelines, and (d) the Clerk of the County of Los Angeles pursuant to Section 15072(a) of the CEQA Guidelines; and

WHEREAS, on May 28, 2024, the City Council held a public hearing, notice of said public hearing having been duly given as required by law to consider the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, and to hear and consider evidence for and against the proposed Project and related actions and to investigate and make findings and recommendations in connection therewith; and

WHEREAS, the City Council has carefully and independently reviewed and considered all of the evidence presented with respect to the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, including, but not limited to, the staff reports, studies, and all written and oral testimony presented.

WHEREAS, failure to adopt Resolution 2024-28 constitutes a denial for the Proposed Project as all other associated applications cannot be approved without the adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Councilmembers at the hearing, the City Council now finds as follows:

- A. The above recitals are true and correct and are incorporated herein by this reference.
- B. All actions required to be taken by applicable law related to the preparation circulation, and review of the MND have been taken.
- C. A Mitigated Negative Declaration has been prepared consisting of the Initial Study, all comments and recommendations received during the public review period, and a Mitigation and Reporting Program. The MND was posted on the City's website at www.sandimasca.gov on March 7, 2023. On the basis of the Initial Study prepared for the Proposed Project, it has been determined that the Proposed Project may have a potential significant effect on the environment which, however, will be mitigated to a level that is less than significant and therefore, a Mitigated Negative Declaration was circulated for a period of not less than 20 days pursuant to State CEQA Guidelines Section 15105(b). Therefore, the City Council finds the Mitigated Negative Declaration as adequate to assess the environmental impacts of the Proposed Project, based on the findings contained herein and in the Mitigated Negative Declaration, and find, on the basis of the whole record that there is no substantial evidence that the Proposed Project will have a significant effect on the environment and that the recommendation for approval of the Mitigated Negative Declaration reflects the City of San Dimas City Council's independent judgment and analysis.
- D. The City Council adopts the Mitigation Monitoring and Reporting Program (attached hereto as Exhibit A), as this Proposed Project would not result in any significant, adverse environmental impacts with the mitigation imposed. The full record is available for review in the Planning Division.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of San Dimas does hereby resolve that:

SECTION 1. The Initial Study/Mitigated Negative Declaration is adequate to assess the environmental impacts of the Proposed Project, based on the findings contained herein and in the Mitigated Negative Declaration, and, on the basis of the whole record, there is no substantial

evidence that the Proposed Project will have a significant effect on the environment. This determination reflects the City of San Dimas City Council's independent judgment and analysis.

SECTION 2. The City Council adopts and approves the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program as set forth in "Exhibit A" attached hereto and incorporated herein, and that the decision shall be final. A copy of this Resolution shall be mailed to the Applicant/Property Owner. The City Council directs the Director of Community Development, located at the Community Development Department, 245 E. Bonita Ave., San Dimas, CA 91773, to serve as the custodian of all documents or other material which constitutes the record of proceedings upon which the Council's adoption of the Mitigated Negative Declaration would be based. The City Council authorizes and directs the Director of Community Development, or designee, to execute and file with the Los Angeles County Clerk, within five business days of the adoption of a resolution approving the Mitigated Negative Declaration, a Notice of Determination that complies with CEQA Guidelines, section 15075.

PASSED, APPROVED AND ADOPTED, this 28th day of May 2024.

Emmett G. Badar, Mayor

ATTEST:

Debra Black, City Clerk

I, Debra Black, City Clerk, hereby certify that Resolution 2024-28 was adopted by the City Council of San Dimas at its regular meeting of May 28, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Black, City Clerk

ORDINANCE 1306

AN ORDINANCE OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, APPROVING ZONE CHANGE 21-0001, A REQUEST TO CHANGE THE ZONE FROM LIGHT AGRICULTURE (AL) TO LIGHT MANUFACTURING (M-1) FOR THE PROPERTIES LOCATED AT 309 W. ALLEN AVENUE, 917 N. CATARACT AVENUE, AND 929 N. CATARACT AVENUE (APN'S: 8392-016-008, -048, 047).

WHEREAS, a Zone Change has been duly initiated by:

Ignacio Crespo
OC Design & Engineering
7901 Crossway Drive
Pico Rivera, CA 90660

WHEREAS, the Zone Change is described as a request to change the zone from Light Agriculture (AL) to Light Manufacturing (M-1); and

WHEREAS, the Zone Change would affect the the following real properties located at 309 W. Allen Avenue, 917 N. Cataract Avenue, and 929 N. Cataract Avenue (APN'S: 8392-016-008, -048, 047); and

WHEREAS, the Zone Change implements the policies of the General Plan by providing an orderly, functional, and compatible land use pattern; and

WHEREAS, the proposed Zone Change is requested to provide consistency between the General Plan and Zoning Map; and

WHEREAS, on May 4, 2023, the Planning Commission held a public hearing, notice of said public hearing having been duly given as required by law to consider the Mitigated Negative Declaration and adopted Resolution PC-1666, recommending approval of the Zone Change to the City Council; and

WHEREAS, the downzoning of the three (3) residential properties leads to a reduction of three (3) lots zoned Light Agriculture (AL) which allows for one (1) single-family residence per lot, causing the No Net Loss provision, as required by Government Code section 66300, to come into effect. To satisfy this provision, Zone Change 22-0001, also approved by the City Council at their regular meeting on May 28, 2024, upzones two (2) properties in particular 327 E. Baseline Road (APN: 8661-017-010 and vacant lot APN: 8661-017-011) to create five (5) additional single-family parcels, meeting the No Net Loss provisions; and

WHEREAS, pursuant to and in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; herein referred to as "CEQA") the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the "CEQA Guidelines"), the City is the "lead agency" for the preparation and consideration of environmental documents for the Proposed Project; and

WHEREAS, a Draft Mitigated Negative Declaration was prepared in accordance with CEQA Guidelines to evaluate the physical environmental impacts of the Proposed Project. The Mitigated Negative Declaration was circulated for a 20-day public review on March 7, through

March 27, 2023 and was also made available for review on the City's website at www.sandimasca.gov. A complete copy of the Mitigated Negative Declaration is on file and can be viewed in the Planning Division at 245 E. Bonita Avenue, San Dimas, California; and

WHEREAS, the City gave notice of its intent to adopt the Mitigated Negative Declaration to (a) the public pursuant to Section 15072(b) of the CEQA Guidelines, (b) individuals and organizations, if any, that previously submitted written requests for notice pursuant to Section 15072(b) of the CEQA Guidelines, (c) responsible and trustee and other agencies with jurisdiction over resources that will be affected by the Proposed Project pursuant to Section 15073(c) of the CEQA Guidelines, and (d) the Clerk of the County of Los Angeles pursuant to Section 15072(a) of the CEQA Guidelines; and

WHEREAS, on May 28, 2024, the City Council held a public hearing, notice of said public hearing having been duly given as required by law to consider the Zone Change and to hear and consider evidence for and against the proposed Project and related actions and to investigate and make findings and recommendations in connection therewith; and

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the Commissioners at the hearing, the City Council now finds as follows:

- A. The proposed Zone Change will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

The Zone Change will allow the development of a 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building, which will be consistent with the existing light industrial buildings adjacent to the project area. The surrounding zoning to the north, east and west is currently Light Manufacturing (M-1). Additionally, the Zone Change is required pursuant to Government Code Section 65860 to provide consistency between the zoning and the General Plan Land Use designation. Therefore, the Zone Change will not adversely affect adjoining property as to value, precedent or be detrimental to the area.

- B. The proposed Zone Change will further the public health, safety and general welfare.

The Zone Change will allow the development of a new 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building being proposed in conjunction with this request. The affected parcels were occupied by nine (9) single-family residences. The Zone Change will facilitate the development of a new warehouse/office building, which will provide additional job opportunities for current residents. The new development will include new infrastructure throughout the project area to include, but not limited to, storm drain and sewer, and off-site improvements such as new sidewalks and the removal of several overhead utility lines. Therefore, the Zone Change will improve the overall area and will further the public health, safety and general welfare.

- C. The proposed Zone Change is consistent with the General Plan.

The proposed Zone Change from Light Agriculture (AL) to Light Manufacturing (M-1) will provide consistency between the zoning and General Plan Land Use designation, which is currently Industrial. Additionally, the Zone Change is required pursuant to Government Code Section 65860 to provide consistency between the zoning and the General Plan Land Use designation.

The proposed Zone Change is consistent with the General Plan Land Use Element as follows:

Land Use Element Goal L-4: *Plan and create an urban form that efficiently utilizes urban infrastructure and services. Plan for orderly growth rather than leap frog development.*

Objective 4.1: *Promote future land use and development patterns which reduce costs of infrastructure construction, encourages transit to make better use of existing facilities, and achieve a good match between future growth and phasing of existing facilities or expansion of new ones.*

The proposed Zone Change will be consistent with the uses to the north, west and east, and will allow for a contiguous area of M-1 zoning, eliminating an instance of leap frog development where industrial uses surrounded a residentially zoned area. The new zoning will also help to achieve a good match between the current industrial zoned properties and new industrial development on the properties to be rezoned.

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the City Council approves Zone Change 21-0001 changing the zoning classification for the subject properties as set forth on the Land Use Map in Exhibit "A" attached hereto.

SECTION 1. SEVERABILITY. If any section, subsection, subdivision, 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, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 2. CEQA DETERMINATION. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines.

SECTION 3. EFFECTIVE DATE AND PUBLICATION. This Ordinance shall take effect 30 days after its final passage. The City Clerk shall certify to the adoption of this Ordinance and cause the same to be posted at the duly designated posting places within the City and published once within 15 days after passage and adoption as may be required by law in a newspaper of general circulation in the City of San Dimas hereby designated for that purpose; or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and certified copy of the text of this Ordinance shall be posted in the Office of the City Clerk five days prior to the date of adoption of this Ordinance; and, within 15 days after adoption, the City Clerk shall cause to be published, the aforementioned summary and shall post a certified copy of this Ordinance, together with the vote for and against the same, in the Office of the City Clerk.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Dimas this 11th day of June, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Emmett G. Badar, Mayor

ATTEST:

APPROVED AS TO FORM:

Debra Black, City Clerk

Jeff Malawy, City Attorney

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1306 was introduced at a regular meeting of the City Council of the City of San Dimas on the 28th day of May, 2024, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 11th day of June, 2024.

Debra Black, City Clerk

Exhibit A

Existing Zoning Map

Proposed Zoning Map



DRY

RESOLUTION 2024-27

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, APPROVING LOT MERGER 21-0001, DEVELOPMENT PLAN REVIEW BOARD CASE NUMBER 21-0002, AND TREE REMOVAL PERMIT NUMBER 21-0004 FOR THE DEVELOPMENT OF A 63,749 SQUARE-FOOT CONCRETE TILT-UP WAREHOUSE/OFFICE MULTI-TENANT BUILDING FOR THE PROPERTIES LOCATED AT 309 W. ALLEN AVENUE, 917 N. CATARACT AVENUE, AND 929 N. CATARACT AVENUE (APN'S: 8392-016-008, -048, 047).

WHEREAS, an application was filed by:

Ignacio Crespo
OC Design & Engineering
7901 Crossway Drive
Pico Rivera, CA 90660

WHEREAS, the Applicant, Ignacio Crespo, submitted the following Project applications Lot Merger 21-0001, DPRB 21-0002, and TRP 21-0004 to merge three (3) contiguous lots together for the development of a 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building, and remove 17 mature trees in conjunction with the project; and

WHEREAS, the Project applies to the following described real properties:

309 W. ALLEN AVENUE, APN 8392-016-008
917 N. CATARACT AVENUE, APN 8392-016-048
929 N. CATARACT AVENUE, APN 8392-016-047

WHEREAS, On March 23, 2023, the Development Plan Review Board, at a regularly held and noticed meeting, heard evidence and recommended approval of Development Plan Review Board 21-0002 and Tree Removal Permit 21-0004 to the Planning Commission; and

WHEREAS, On May 4, 2023, the Planning Commission, at a regularly scheduled and noticed meeting, heard evidence and recommended approval to the City Council of Lot Merger 21-0001, Development Plan Review Board 21-0002 and Tree Removal Permit 21-0004; and

WHEREAS, the City Council has received the report and recommendation of such agencies as have submitted information including the written report and recommendation of Staff; and

WHEREAS, notice was duly given of the City Council public hearing on the matter and that public hearing was held on May 28, 2024, at the hour of 7:00 p.m., with all testimony received being made a part of the public record; and

WHEREAS, the application is a project pursuant to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") and an initial study was prepared to determine possible environmental impacts. On the basis of the initial study, which indicated that all potential environmental impacts from the Project were less than significant or could be mitigated to a level of insignificance, a Mitigated Negative Declaration was prepared pursuant to CEQA Guidelines; and

WHEREAS, a Draft Mitigated Negative Declaration was prepared in accordance with CEQA Guidelines to evaluate the physical environmental impacts of the Proposed Project. The Mitigated Negative Declaration was circulated for a 20-day public review on March 7, through March 27, 2023 and was also made available for review on the City's website at www.sandimasca.gov. A complete copy of the Mitigated Negative Declaration is on file and can be viewed in the Planning Division at 245 E. Bonita Avenue, San Dimas, California; and

NOW, THEREFORE, in consideration of the evidence received at the hearing, and for the reasons discussed by the City Council at the hearing, and subject to the Conditions attached as "Exhibit A", the City Council now finds as follows:

Development Plan Review Findings

- A. The development of the site in accordance with the development plan is suitable for the use or development intended.

The proposed development consists of a 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building, which will require a zone change, lot merger, removal of 17 mature trees, and approval of a development plan for site plan layout and architectural review of the new warehouse building. The proposed building will be located at the southeast corner of the site, and a new drive aisle with parking will wrap around the building along the west and north property lines and will be accessed from Allen Avenue and Cataract Street. A truck loading dock will be located along the west elevation of the building and will service both proposed units within the new warehouse building, and a trash enclosure will also be constructed adjacent to the drive aisle along the west property line. The building will have varying heights, including tower-like elements at various locations to break up the massing, and will have a total height of 41 feet. The design of the building incorporates various architectural elements to help break up the building mass and elevations. New landscaping, including replacement trees will be installed throughout the site. Therefore, the proposed project will be constructed in a manner that will be compatible with adjacent light manufacturing buildings, in compliance with the development standards of the proposed M-1 zone, subject to the conditions of approval.

- B. The total development is so arranged as to avoid traffic congestion, ensure the public health, safety and general welfare, prevent adverse effects on neighboring property.

The subject site is located within an established light manufacturing and warehousing corridor with similar developments. The building design is comparable to other existing light manufacturing buildings located within the same area along Allen Avenue. Therefore, the proposed concrete tilt-up warehouse/office building is not out of character with the existing neighborhood. The project requires a total of 54 parking spaces and four (4) motorcycle spaces, and the project is proposing 56 parking spaces and four (4) motorcycle spaces in compliance with the Code requirement. The project will be accessed via two (2) driveways located on Allen Avenue and Cataract Avenue. In an effort to reduce impacts to Allen Avenue, Condition of approval No. 69 has been included to require that truck ingress be limited to the Cataract Avenue driveway and that the Applicant also install signing and striping improvements to prevent truck ingress from Allen Avenue. A Mitigation Monitoring and Reporting Program will also be carried out throughout the duration of the project's construction to ensure that environmental impacts associated with the project are mitigated to less than significant in accordance with CEQA Guidelines. Therefore, the

project will comply with the development standards of the proposed M-1 zone to the extent physically possible and the Applicant's use of high-quality materials for the new building design will be done in a manner to ensure public health, general welfare, and prevent adverse effects on the neighboring properties.

- C. The development is consistent with all elements of the general plan and is in compliance with all applicable provisions of the zoning code and other ordinances and regulations of the city.

As part of the project and in compliance with Government Code Section 65860 the subject site will be rezoned from Light Agriculture (AL) to Light Manufacturing (M-1), which will provide consistency with the General Plan land use designation of Industrial. Therefore, the proposed project meets the intent of the General Plan land use designation of Industrial and will comply with all zoning standards of the proposed M-1 zone, including setbacks, height, etc. The proposed site improvements in conjunction with the development will enhance the existing streets and will be consistent with all of the elements of the General Plan, M-1 zone, and all other ordinances and regulations of the City, to the extent physically possible.

Tree Removal Findings

- D. It is reasonable to remove the trees because the continued existence at the location prevents the reasonable development of the subject property.

The 17 trees proposed for removal would prevent the reasonable development of the subject property. The trees to be removed are located within or adjacent to the proposed building pad location, and within the proposed drive aisle which warrants their removal. As required by the City's Tree Preservation ordinance, the Applicant will be required to plant 34 replacement trees. The conceptual landscape plan includes a total of 40 replacement trees, which will include the 34 required replacement tree.

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the City Council approves Lot Merger 21-0001, Development Plan Review Board 21-0002 and Tree Removal Permit 21-0004 subject to compliance with the Conditions in "Exhibit A" attached hereto and incorporated herein.

PASSED, APPROVED AND ADOPTED this 28th day of May, 2024.

Emmett G. Badar, Mayor

ATTEST:

Debra Black, City Clerk

I, Debra Black, City Clerk, hereby certify that Resolution 2024-27 was adopted by the City Council of San Dimas at its regular meeting of May 28, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Debra Black, City Clerk

EXHIBIT A

CONDITIONS OF APPROVAL

for

**ZC 21-0001, LM 21-0001, DPRB 21-0002, AND TRP 21-0004
Associated Case No. ACCELA PROJ-21-0006**

A request for a Zone Change from Light Agriculture to Light Manufacturing, a Lot Merger to consolidate 3 lots, a Tree Removal Permit to remove 17 mature trees, and a development of a new 63,749 square-foot concrete tilt-up warehouse/office multi-tenant building located at 309 W. Allen Avenue, 917 N. Cataract Avenue, and 929 N. Cataract Avenue (APN 8392-016-008, -048, and -047).

PLANNING DIVISION - (909) 394-6250

1. The Applicant/Developer agrees as a condition of approval of the Project, to defend, at the sole expense of the Applicant/Developer, any action brought against the City and the City Parties based upon or in any way connected to the approval of the Project, including but not limited to the accompanying CEQA environmental review and approvals, any fees related to the Project, and/or AB 1218/ Government Code Section 66300.6 replacement housing requirements and compliance. The Applicant/Developer shall reimburse the City for any costs and attorney's fees that the City and City Parties may be required to pay as a result of any such action, including those of an opposing party required to be paid by the City pursuant to any judgment, court order, or settlement and those incurred directly by the City in its own defense. The City will select the attorney or firm of its choosing to represent the City and City Parties in any such action. The City may, as its sole discretion, participate in the defense of such action, and such participation shall not relieve the Applicant/Developer of the above obligations.
2. The Applicant/Developer shall be responsible for any City Attorney costs incurred by the City for the project, including, but not limited to, consultations, and the preparation and/or review of legal documents. The applicant shall deposit funds with the City to cover these costs in an amount to be determined by the City.
3. Copies of the signed DPRB Conditions of Approval shall be included on the plans (full size). The sheet(s) are for information only to all parties involved in the construction/grading activities and are not required to be wet sealed/stamped by a licensed Engineer/Architect.
4. The Applicant/Developer shall comply with all requirements of the (M-1) Light Manufacturing Zone.
5. All Conditions are final unless appealed to the City Council within 14 days of the issuance of the Conditions in accordance with the provisions of Chapter 18.212 of the San Dimas Zoning Code.

6. The building permits for this project must be issued within one year from the date of approval or the approval will become invalid. A time extension may be granted under the provisions set forth in Chapter 18.12.070 F.
7. The Applicant/Developer shall sign an affidavit accepting all Conditions and all Standard Conditions before issuance of building permits.
8. The Applicant/Developer shall comply with all City of San Dimas Business License requirements and shall provide a list of all contractors and subcontractors that are subject to business license requirements.
9. The Applicant/Developer shall comply with all Conditions of Approval as approved by the Development Plan Review Board on March 23, 2023 and the City Council on May 28, 2024.
10. The entire site shall be kept free from trash and debris at all times and in no event shall trash and debris remain for more than 24 hours during construction.
11. During grading and construction phases, the construction manager shall serve as the contact person in the event that dust or noise levels become disruptive to local residents. A sign shall be posted at the project site with the contact phone number.
12. The Project is subject to AB 1218/ Government Code Section 66300.6, which in part requires that the City "not approve a development project that will require the demolition of occupied or vacant protected units, or that is located on a site where protected units were demolished in the previous five years" unless specified requirements are satisfied. Accordingly, the requirements of AB 1218 / Government Code Section 66300.6 are incorporated by reference into these conditions of approval and the Applicant shall ensure that all applicable AB 1218 / Government Code Section 66300.6 replacement housing requirements are met following the City's approval of the Project. For purposes of compliance with Government Code Section 66300.6(b)(2)(B), the required replacement housing shall be "developed prior to or concurrently with" the Project. All AB1218 / Government Code Section 66300.6 requirements must be met prior to final inspection or issuance of a certificate of occupancy for the Project. The Applicant/Developer shall indemnify, defend, and hold harmless, the City and all of its officers, employees and agents ("City Parties") against all claims, demands and causes of action arising out of or in connection with the Project, improvements constructed with the Project, or the Projects approvals including the environmental review and approvals and AB 1218/ Government Code Section 66300.6 replacement housing requirements and compliance.

DESIGN

13. Building architecture and site plan shall be consistent with plans presented to the Development Plan Review Board on March 23, 2023 and to the City Council on May 28, 2024, provided that the Director of Community Development is authorized to make revisions consistent with the San Dimas Municipal Code.
14. Plans for all exterior design features, including, but not limited to, doors, windows, mailboxes and architectural treatments, shall be submitted to the Planning Division for review and approval before issuance of building permits.

15. The lighting fixture design shall compliment the architectural program. Location and type of exterior lighting fixtures shall be submitted by the developer to the Planning Division for review and approval prior to installation.
16. Gas meters, backflow prevention devices and other ground-mounted mechanical or electrical equipment installed by the Applicant/Developer shall be inconspicuously located and screened, as approved by the Director of Community Development. Location of this equipment shall be clearly noted on landscape construction documents.
17. All exterior building colors shall match the color and material board on file with the Planning Division. Any revision to the approved building colors shall be submitted to the Planning Division for review and approval.
18. The Applicant/Developer shall ensure that all doors exiting to the drive-aisle/fire lane comply with all applicable codes.
19. The Applicant/Developer shall install decorative, recessed-lighting or ground-mounted up-lighting on the recessed alcoves on the South and East elevations. Lighting fixture design shall be submitted to the Planning Division for review and approval.
20. All future tenants' business operations, including but not limited to truck deliveries and hours of operation shall comply with the City's noise ordinance.

LANDSCAPE

21. The Applicant/Developer shall submit to the Planning Division, prior to the issuance of building permits, detailed landscaping and automatic irrigation plans prepared by a State registered Landscape Architect, in addition to a \$2,500 deposit for review of the plans. Installation of new landscape is subject to the Model Water Efficient Landscape Ordinance (MWELO). Water efficient landscapes shall be implemented in all new and rehabilitated landscaping in single-family and multi-family projects, and in private development projects that require a grading permit, building permit or use permit, as required by Chapter 18.14 of the San Dimas Municipal Code.
22. All landscaping and automatic irrigation shall be installed and functional prior to occupancy of the building(s), in accordance with the plans approved by the Planning Division.
23. The Applicant/Developer shall show all proposed transformers on the landscape plan. All transformers shall be screened with landscape treatment such as trellis work or block walls with climbing vines or City approved substitute.

TREE REMOVAL PERMIT 21-0004

24. The approval of the Development Plan Review Board is for the removal of 17 mature trees to be replaced with 34 replacement trees a minimum size of 24-inch box. The replacement trees shall be identified on the landscape plan.
25. All replacement trees shall have a minimum height of eight (8) feet measured from finished grade to the top of the canopy, and a minimum canopy width of three (3) feet.

26. The Owner/Applicant shall request an inspection by Staff to demonstrate that all trees have been planted and all conditions of approval related to the tree installation/plantings have been met.
27. Arborists or tree removal companies and any contractors or subcontractors shall have a valid City business license prior to performing any work in the City.
28. All other trees not identified for removal shall be preserved in-place and/or pruned in accordance with San Dimas Municipal Code Section 18.162.100 and proper arboricultural practices. The two mature trees not proposed for removal shall be protected in place during construction. If the tree are damaged or removed, replacement trees may be required.
29. The Owner/Applicant shall comply with all requirements of the City's Tree Preservation Ordinance.
30. All conditions are final unless appealed to the City Council within 14 days of the issuance of the Conditions in accordance with the provisions of Chapter 18.212 of the San Dimas Zoning Code.

BUILDING DIVISION – (909) 394-6260

31. The plans shall be prepared in compliance with the latest adopted edition of the codes as adopted by reference by the City of San Dimas: California Green Building Standards Code, California Building Code, California Mechanical Code, California Plumbing Code, and California Electrical Code.
32. The Applicant/Developer shall comply with the latest California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment and submit calculations at time of initial plan review.
33. The Applicant/Developer shall submit to the Building Division of the City of San Dimas plans to be forwarded for review by the Los Angeles County Fire Department. Plans may include access, fire sprinklers, mechanical ventilation, and any other applicable items regulated under the Fire Code.
34. The Applicant/Developer shall comply with the latest disabled access regulations as found in Title 24 of the California Code of Regulations and the Americans with Disabilities Act. Accessible items shall include, but not be limited to parking, accessible pedestrian routes, public/common use areas, etc.
35. All plans are required to be stamped by a California Registered Engineer or Architect unless specifically exempted by Sections 5537-5538 of the California Business & Professions Code.
36. Construction calculations, including lateral analysis, shall be required at the time plans are submitted for plan check.
37. Mechanical, Electrical and Plumbing plans are required to be submitted at time of initial plan submittal. Electrical schematic and load list and plumbing (drainage, water, gas) schematics will be required before issuance of electrical or plumbing permits.

38. The Applicant/Developer shall submit a Rough Grading Plan for the proposed development to be reviewed and approved by the City Engineer and the Director of Development Services. The Grading Plan shall conform to Appendix J of the California Building Code and shall utilize City standard notes and layout.
39. Building foundation inspections shall not be performed until a rough grading certification, survey stakes in place, and a final soils report has been filed with the City and approved. All drainage facilities must be operable.
40. Prior to the inspection of the foundation, the Applicant/Developer shall submit a footing bottom compaction certification by a licensed soils tech.
41. Fees shall be paid to Bonita School District in compliance with Government Code Section 65995.
42. The Applicant/Developer shall contact the Los Angeles County Public Works Department, Environmental Program Division for any required permit or clearance of industrial and hazardous waste disposal.
43. The Applicant/Developer shall contact the Los Angeles County Sanitation District for potential fees associated with annexation, connection, or change of occupancy.
44. Prior to removing any existing structures on the property, the Applicant/Developer shall obtain clearance from SCAQMD and obtain a Demolition Permit from the Building & Safety Division.
45. The Applicant/Developer shall submit an Electrical Distribution Plan for all proposed switchgear or transformers to the City for review as soon as possible.
46. Construction hours shall be limited to between 7:00 a.m. and 8:00 p.m., and shall be prohibited at any time on Sundays or public holidays, per San Dimas Municipal Code Section 8.36.100.
47. Phased occupancy shall not be granted until all improvements required as part of the approval have been completed in full for each phase, and approved or finalized by the appropriate department. A phasing plan shall be submitted for approval by the Director of Development Services prior to issuance of building permits.

ENGINEERING DIVISION – (909) 394-6240

48. Prior to the start of construction, a minimum five-foot (5') high fence composed of chain link or other approved material including a dark green or black view obscuring screen, shall totally enclose the perimeter of the development when vacant, under construction, or under demolition, and said fence shall remain until occupancy is granted.
49. Trash/Recycling enclosure(s) shall be constructed by the Applicant/Developer per City of San Dimas standard plan and shown on the construction plans. The exact location of the trash/recycling enclosure(s) shall be approved by the Planning Division and the Trash Company.
50. The Applicant/Developer shall underground all new utilities, and utility drops, and shall underground all existing overhead utilities to the closest power pole outside of property lines on Allen Avenue and Cataract Avenue.

- | Street Name | Curb & Gutter | A.C. Pavement | Side-walk | Drive Approach | Street Lights | Street Trees | Multi-use Trail | Median Island | Bike Trail | Other |
|-----------------|---|---------------|-----------|----------------|---------------|--------------|-----------------|---------------|------------|-------|
| Cataract Avenue | X | X | X | X | X | | | | | X |
| Allen Avenue | X | X | | X | X | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| Notes: | Cold plane and AC overlay from edge of gutter to centerline on Allen Avenue | | | | | | | | | |

	Reconstruct pavement section from edge of gutter to centerline on Cataract Avenue
	Remove all existing driveways and replace with curb & gutter and sidewalk
	Upgrade curb ramp and cross gutter
	Install sidewalk on Cataract Avenue

58. The Applicant/Developer shall install water and fire line improvements to the satisfaction of the City Engineer and Los Angeles County Fire Department.
59. Due to construction, the Applicant/Developer shall be responsible for any repairs within the limits of the development, including but not limited to streets and paving, curbs and gutters, sidewalks, and street lights as determined by the City Engineer and Public Works Director.
60. The Applicant/Developer shall obtain a Public Works permit for all work within or adjacent to the public right-of-way and shall be subject to review and approval of the Public Works Director and the work shall be in accordance with applicable standards of the City of San Dimas; i.e. Standard Specifications for Public Works Construction (Green Book) and the California Manual of Uniform Traffic Control Devices (CA MUTCD), and further that the construction equipment ingress and egress be controlled by a plan approved by Public Works.
61. For projects that disturb one (1) acre or greater of soil, or projects that disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, the project must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity, Construction General Permit Order 2012-0006-DWQ (as amended by all future adopted Construction General Permits). The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Developer must submit a Notice of Intent and Waste Discharger's Identification (WDID) number as evidence of having applied with the Construction General Permit before the City will issue a grading permit. The project proponent is ultimately responsible to comply with the requirements of Order No. 2012-0006-DWQ, however, the City shall have the authority to enter the project site, review the project SWPPP, and require modifications and subsequent implementations to the SWPPP in order to prevent polluted runoff from leaving the project site onto public or private property.
62. For all projects subject to Low Impact Development (LID) regulations, Applicant/Developer must submit a site-specific drainage concept and stormwater quality plan to implement LID design principles.
63. A fully executed "Maintenance Covenant for LID Requirements" shall be recorded with the L.A. County Registrar/Recorder and submitted to the Public Works Department prior to the Certificate of Occupancy. Covenant documents shall be required to include an exhibit that details the installed treatment control devices as well as any site design or source control Best Management Practices (BMPs) for post construction. The information to be provided on this exhibit shall include, but not be limited to:
- i. 8 1/2" x 11" exhibits with record property owner information.
 - ii. Types of BMPs (i.e., site design, source control and/or treatment control) to ensure modifications to the site are not conducted without the property owner being aware of the ramifications to BMP implementation.

- iii. Clear depiction of location of BMPs, especially those located below ground.
 - iv. A matrix depicting the types of BMPs, frequency of inspection, type of maintenance required, and if proprietary BMPs, the company information to perform the necessary maintenance.
 - v. Calculations to support the sizing of the BMPs employed on the project shall be included in the report. These calculations shall correlate directly with the minimum treatment requirements of the current MS4 permit. In the case of implementing infiltration BMPs, a percolation test of the affected soil shall be performed and submitted for review by the City Engineer.
 - vi. This document shall be reviewed by and concurred with Public Works to ensure the covenant complies with the MS4 Permit.
64. All site, grading, landscape & irrigation, and street improvement plans shall be coordinated for consistency prior to the issuance of any permits.
65. Construction parking and material storage shall be confined to the site. Construction related parking or material storage is not permitted on the surrounding streets. Street parking of construction vehicles may be permitted with the approval of the Director of Development Services on a limited basis depending on the confinements of the subject site relating to on-site parking.
66. A Lot Merger prepared by or under the direction of a Registered Civil Engineer or Licensed Land Surveyor must be processed through the City Engineer prior to being filed with the County Recorder.
67. The Applicant/Developer shall provide street lights to City and Southern California Edison standards within the limits of the development to the satisfaction of the City Engineer. Street Light locations shall be supported by a lighting photometric analysis.
68. The Applicant/Developer shall construct sidewalk on Cataract Avenue within the limits of the development. All existing driveways within the limits of the development shall be removed and replaced with curb & gutter and sidewalk. Any damaged sections shall be removed and replaced. All work to comply with city standards to the satisfaction of the City Engineer.
69. The Applicant/Developer shall reconstruct the existing curb ramp at the northwest corner of Allen Avenue and Cataract Avenue to current ADA standards and to the satisfaction of the City Engineer.
70. The Applicant/Developer shall reconstruct the existing cross gutter at the intersection of Allen Avenue and Cataract Avenue to City standards and to the satisfaction of the City Engineer.
71. The Applicant/Developer shall cold plane the north side of Allen Avenue from edge of gutter to centerline within the limits of development to a depth of 0.20' and install an AC overlay to the satisfaction of the City Engineer.
72. The Applicant/Developer shall reconstruct the existing pavement section on the west half of Cataract Avenue from edge of gutter to centerline within the limits of the development to the satisfaction of the City Engineer.

73. Truck ingress shall be limited to the Cataract Avenue driveway. The Applicant/Developer shall install signing and striping improvements to prevent truck ingress from Allen Avenue to the satisfaction of the City Engineer.
74. The Applicant/Developer shall treat stormwater from the loading bay prior to discharge. Treatment method shall be shown on submitted grading plans and approved by the City Engineer.
75. The Applicant/Developer shall provide protection for exterior doors that open into the parking area/driving aisle to the satisfaction of the City Engineer.

MITIGATION MEASURES

76. **BIOLOGICAL RESOURCES - MM BIO-1: Pre-Construction Breeding Bird Survey.** If construction is anticipated to commence during the nesting season (between January 1 and August 31 of any given year, or as determined by a local CDFW office), a qualified avian biologist shall conduct a preconstruction nesting bird survey no earlier than one week prior to construction.

To be in compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels:

- i. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, and burrows, during the breeding season would be a potentially significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15 but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.
- ii. If project activities cannot be avoided from February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.
- iii. If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required.

- iv. If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings, and a no-activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. The buffer zone will not be disturbed by construction or other activity until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.
- v. If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency.
- vi. Birds or their active nests will not be disturbed, captured, handled, or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist.

77. BIOLOGICAL RESOURCES - MM BIO-2: Mature Significant Tree Replacement Measure.

There are 19 trees on the project site that are designated as mature significant trees as per the City's tree preservation ordinance (City of San Dimas, 2006), 17 of which are proposed for removal. The following species and number per species of mature significant trees are proposed for removal: one bishop pine, eleven pepper trees, three white ash, one Mexican fan palm, and one carrotwood. Section 18.162.060 Conditions Imposed of the tree preservation ordinance state that mature significant trees must be replaced using a two-to-one ratio with trees that are 15-gallon box trees, or other replacement of equivalent value and size, or as the City deems appropriate. It further states that the replacement trees will be planted within the project site unless the City approves offsite planting. Thus, to replace the 17 mature significant trees that will be removed during the construction of the project, the project proponent will plant 34 fifteen-gallon box trees on the project site. All replacement trees need to be maintained by the project proponent for two years and all other monitoring and maintenance requirements of this section of the tree preservation ordinance must be followed. Furthermore, granting of the tree removal permit is contingent upon meeting the conditions of Section 18.162. 070 Required Findings, of the tree preservation ordinance.

78. CULTURAL RESOURCES - MM CUL-1: Prior to the commencement of grading or excavation, workers conducting construction activities and their foremen will receive Worker Environmental Awareness Program (WEAP) training from a qualified archaeologist regarding the potential for sensitive archaeological and paleontological resources to be unearthed during grading activities. The workers will be directed to report any unusual specimens of bone, stone, ceramics, or other archaeological artifacts or features observed during grading and/or other construction activities to their foremen and to cease grading activities in the

immediate vicinity of the discovery until a qualified archaeologist or Native American cultural monitor is notified of the discovery by the Superintendent of the project site and can assess their significance. The WEAP shall be implemented to educate all construction personnel on the area's environmental conditions and the environmental protection measures that must be adhered to by all workers throughout the duration of project construction.

Training materials shall be language-appropriate for all construction personnel. Upon completion of the WEAP, workers shall sign a form stating that they attend the program, understand all protection measures, and shall abide by all the rules of the WEAP. A record of all trained personnel shall be kept with the construction foreman at the project field construction office and shall be made available to any resource agency personnel. If new construction personnel is added to the project later, the construction foreman shall ensure that new personnel receives training before they start working. The archaeologist shall provide hard copies of the WEAP presentation to the construction foreman.

79. **CULTURAL RESOURCES - MM CUL-2:** If historical or unique archaeological resources are discovered during construction, the contractor shall halt construction activities in the immediate area and notify the City. An on-call qualified archaeologist shall be notified and afforded the necessary time to recover, analyze, and curate the find(s). The qualified archaeologist shall recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area and afford the necessary time and funds to recover, analyze, and curate the find(s). Construction activities may continue on other parts of the site while the evaluation and treatment of historical or unique archaeological resources take place.
80. **CULTURAL RESOURCES - MM CUL-3:** If human remains are encountered during excavations associated with this project, all work shall stop within a 30-foot radius of the discovery, and the San Bernardino County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are of recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the Native American Heritage Commission (NAHC). The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).
81. **GEOLOGY AND SOILS - MM GEO-1:** The project applicant shall retain a qualified paleontologist, prior to the issuance of building/grading permit, to remain on-call during project ground-disturbing activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities within 50 feet of the find and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover, analyze, and curate the find(s). The paleontologist shall curate the find(s) at an accredited repository for paleontological resources such as the Western Science Center near Hemet or the San Bernardino County Museum. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site.

82. **HAZARDOUS AND HAZARDOUS MATERIALS - MM HAZ-1:** In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the Los Angeles County Fire Department – Health Hazardous Materials Division. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant.
83. **HAZARDOUS AND HAZARDOUS MATERIALS - MM HAZ-2:** In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant, in coordination with the City of San Dimas, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future tenant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the lease agreement (signed by the future tenant) as mandatory measures required to be implemented by the future tenant.
84. **NOISE - MM N-1:** The construction contractor will use the following source controls when working within 600 feet of occupied residential buildings:
- i. Use of noise-producing equipment will be limited to the interval from 7:00 a.m. to 6:00 p.m. on weekdays, 8:00 a.m. to 5:00 p.m. on Saturdays, with no construction on Sundays.
 - ii. For all noise-producing equipment, use types and models that have the lowest horsepower and the lowest noise generating potential practical for their intended use.
 - iii. The construction contractor will ensure that all construction equipment, fixed or mobile, is properly operating (tuned-up) and lubricated, and that mufflers are working adequately.
 - iv. Have only necessary equipment onsite.
 - v. Use manually-adjustable or ambient-sensitive backup alarms.
85. **NOISE - MM N-2:** When working near adjacent residential uses, the construction contractor will also use the following path controls, except where not physically feasible, when needed:
- i. Install portable noise barriers, including solid structures and noise blankets, between the active noise sources and the nearest noise receivers.
 - ii. Temporarily enclose localized and stationary noise sources.
 - iii. Store and maintain equipment, building materials, and waste materials as far as practical from as many sensitive receivers as practical.

86. TRIBAL CULTURAL RESOURCES - MM TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities:

- i. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching into native soil and undocumented soils. The monitor(s) will continue their duties until it is determined through consultation with the permittee, City Planning, that monitoring is no longer warranted.
- ii. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- iii. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- iv. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.
- v. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and the City notified. Construction activities may continue in other areas outside of the designated protection zone, which shall be delineated with cones, flagging, or fencing. The designated Kizh monitor and/or Kizh archaeologist shall evaluate the significance of the find and determine whether the resource uncovered is a TCR. If it is determined that the potential resource is a TCR (as defined by PRC, Section 21074), tribes consulting under AB 52 would be provided a reasonable period of time, typically 5 days from the date of a new discovery is made, to conduct a site visit and make recommendations regarding future ground disturbance activities as well as the treatment of any discovered TCRs. The designated tribe

monitor/archaeologist shall implement a plan for the treatment and disposition of any discovered TCRs based on the nature of the resource and considering the recommendations of the tribe(s). Implementation of proposed recommendations will be made based on the determination of the City that the approach is reasonable and feasible. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose, the Tribe deems appropriate, including for educational, cultural, and/or historic purposes.

87. TRIBAL CULTURAL RESOURCES - MM TCR-2: Unanticipated Discovery of Human Remains and Associated Funerary Objects:

- i. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- ii. If Native American human remains and/or grave goods are discovered or recognized on the project site, then all construction activities shall immediately cease. Health and Safety Code Section 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and all ground-disturbing activities shall immediately halt and shall remain halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe they are Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission, and Public Resources Code Section 5097.98 shall be followed.
- iii. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- iv. Construction activities may resume in other parts of the project site at a minimum of 200 feet away from discovered human remains and/or burial goods, if the Kizh determines in its sole discretion that resuming construction activities at that distance is acceptable and provides the project manager express consent of that determination (along with any other mitigation measures the Kizh monitor and/or archaeologist deems necessary). (CEQA Guidelines Section 15064.5(f).)
- v. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods. Any historic archaeological material that is not Native American in origin (non-TCR) shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum if such an institution agrees to accept the material. If no institution accepts the archaeological material, it shall be offered to a local school or historical society in the area for educational purposes.
- vi. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

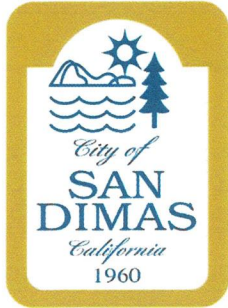
88. TRIBAL CULTURAL RESOURCES - MM TCR -3: Procedures for Burials and Funerary Remains:

- i. As the Most Likely Descendant ("MLD"), the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains.
- ii. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed.
- iii. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. Construction activities may continue in other areas outside of the designated protection zone, which shall be delineated with cones, flagging, or fencing.
- iv. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects, and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.
- v. The Tribe will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in advance by the Tribe. If any data recovery is performed, once complete, a final report shall be submitted to the applicant, the City, the South Central Coastal Information Center, the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

89. TRIBAL CULTURAL RESOURCES - MM TCR-4: Prior to the commencement of any ground-disturbing activity at the project site, the project applicant shall retain a Native American Monitor from a local culturally-affiliated Gabrielino (Tongva) tribe. A copy of the executed contract shall be submitted to the City of San Dimas Planning Division prior to the issuance of any permit necessary to commence a ground-disturbing activity.

90. **TRIBAL CULTURAL RESOURCES - MM TCR-5:** The Tribal monitor shall only be present on-site during the construction phases that involve ground-disturbing activities. Ground disturbing activities are defined by the Tribe as activities that may include but are not limited to, pavement removal, potholing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when all ground-disturbing activities on the Project Site are completed, or when the Tribal Representatives and Tribal Monitor have indicated that all upcoming ground-disturbing activities at the Project Site have little to no potential for impacting Tribal Cultural Resources.
91. **TRIBAL CULTURAL RESOURCES -MM TCR-6:** Upon discovery of a Tribal Cultural Resource, construction activities shall cease in the immediate vicinity of the find (not less than the surrounding 60 feet) until the find can be assessed. All Tribal Cultural Resources unearthed by project activities shall be evaluated by the qualified archaeologist and Tribal monitor as described in **MM TCR-4**. If the resources are Native American in origin, the monitoring Tribe may retain it/them in the form and/or manner the Tribe deems appropriate, for educational, cultural, and/or historic purposes.
92. **TRIBAL CULTURAL RESOURCES -MM TCR-7:** If human remains are encountered during excavations associated with this project, all work shall stop within a 60-foot radius of the discovery, and the Los Angeles County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are of recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLDS (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).

End of Conditions



CITY COUNCIL AND HOUSING AUTHORITY MEETING

ACTION MINUTES

**MAY 14, 2024, 7:00 PM
REGULAR MEETING**

Council Members Present: Mayor Emmett Badar, Mayor Pro Tem Ryan A. Vienna, Councilmember Rachel Bratakos, Councilmember Eric Nakano, Councilmember Eric Weber

Staff: City Manager Chris Constantin, Assistant City Manager Brad McKinney, Director of Public Works Shari Garwick, Director of Administrative Services Michael O'Brien, Director of Community Development Luis Torrico, Director of Parks and Recreation Scott Wasserman, City Attorney Jeff Malawy, City Clerk Debra Black, Recreation Supervisor Dominique Borba, Recreation Coordinator Orlando Soto

Call to Order: 7:02 PM

CONSENT ITEMS	COMMENTS/RECOMMENDATIONS
<ol style="list-style-type: none">1. Approve Resolution 2024-23, A Resolution of the City Council of the City of San Dimas, Approving Certain Demands for the Prepaid Warrant Register of April 30, 2024, in the Amount of \$1,315,827.20 and Warrant Register of May 15, 2024, in the amount of \$534,953.402. Approve Minutes of April 23, 2024, Study Session Meeting and April 23, 2024, Regular Meeting3. Adopt Resolution 2024-26 Authorizing and Accepting of a \$1.5 Million Manufactured Housing Opportunity and Revitalization Program Award from the California Department of Housing and Community Development4. Approve an Increased Budget Appropriation for Revenue Account 034.358.000 to \$20,000 and Expenditure Account 034.4802.020 to \$20,000 for the San Gabriel Valley Council of Governments (SGVCOG) Housing Solutions Fund (HSF)5. Approval of the Biennial Update to the City's Conflict of Interest Code	<p>MOTION: Motion by Councilmember Weber and seconded by Mayor Pro Tem Vienna. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>

<ol style="list-style-type: none"> 6. Approve Resolution 2024-25 Boards Commissions and Committee Handbook Update Implementing a Zero Term Policy 7. Approve the City Manager or Designee to Renew the Agenda Management Software Agreement with Granicus for 3-years in an Amount of \$31,315.52 with an Option for Annual Automatic Renewals Thereafter 8. Adopt Resolution 2024-31 to Continue the Public Access Fee for Fiscal Year 2024-25. 9. Approve Parcel Map No. 83411 309 E Gladstone Street (TPM 21-0003; PROJ-21-0071) for SB 9 Subdivision Purposes 10. Approve Parcel Map No. 83785 (TPM22-0001; PROJ-21-0038) 809 N Amelia Avenue for SB 9 Subdivision Purposes 11. Approve Property Owner's Request to Change Property Access for 200 W Baseline Road (Tract Map 62861, Lot 3) by Abandoning Access off Baseline Road and to Approve Access Off of Alford Street 12. Approve Resolution 2024-32 Authorizing the Acceptance of a \$200,000 Public Safety Grant from the San Gabriel Valley Council of Governments, Appropriate Revenue and Expenditures in the 2023-24 Operating and Capital Budget to Implement the Grant, and Authorize the City Manager to Execute All Necessary Documents and to Manage the Grant Funds and Performance of the Grant Agreement 	
PUBLIC HEARING ITEMS	COMMENTS/RECOMMENDATIONS
<ol style="list-style-type: none"> 1. Discussion, Consideration and Introduction of Ordinance 1307 - Municipal Code Text Amendment 22-0002, a Municipal Code Text Amendment to amend Title 18-Zoning of the San Dimas Municipal Code to Create Standards to Regulate Recycling Facilities, Donation Boxes and Non-US Postal Service Mailboxes, and Amend Title 18-Zoning, Chapter 18.08 Definitions to Reflect the Changes Associated with the Proposed Standards. Pursuant to CEQA guidelines Section 15061 (b)(3), CEQA does not apply to this item 	<p>The Mayor opened the public hearing and took the following testimony:</p> <p>Business Owner Markaryan spoke regarding the nontransferable business license for operating the recycling center.</p> <p>Alison Margolin representing the Markaryan's spoke in opposition to the item and asked Council to consider increasing the abatement time.</p>

<p><i>because there is no potential for causing a significant effect on the environment. Therefore, no additional environmental review is needed at this time</i></p>	<p>Speaker #3 spoke regarding traffic and public safety concerns in the neighborhood and the operations of the recycling center.</p> <p>Speaker #4 representing groups with a donation box spoke in support to the proposed ordinance.</p> <p>Resident Sean Gibson spoke regarding traffic issues in the neighborhood and the operations of the recycling center.</p> <p>Resident Robert Krane spoke regarding traffic issues and the operations of the recycling center.</p> <p>Samuel Amaya spoke regarding the noise and trash issues and the operations of the recycling center.</p> <p>Resident Amaya spoke regarding the noise, traffic, and public safety concerns of the recycling center.</p> <p>Resident Ken Sanchez spoke regarding the traffic and public safety.</p> <p>Teena Crain spoke regarding trash concerns the operations of the recycling center.</p> <p>Business Owner Marroquin's rebuttal included willing to work with residents to mitigate concerns but indicated that some issues are an overall result of the shopping center as a business.</p> <p>MOTION: Motion by Mayor Pro Tem Vienna and seconded by Councilmember Weber to Introduce Ordinance 1307. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p> <p>Recess: 7:52 pm – 8:09 pm</p>
<p>2. Discussion, Consideration and Introduction of Ordinance 1308 to Approve ZC 22-0001 and Approve</p>	<p>The Mayor opened the public hearing and took the following testimony:</p>

<p>Vesting Tentative Tract Map 22-0001, General Plan Amendment 23-0001, Development Plan Review Board 22-0015 and Tree Removal Permit 22-0029; PROJ-22-0051 A request to approve the subdivision of two (2) existing parcels into seven (7) new parcels (TTM 83304) to be developed with seven (7) detached single-family residences, amend the General Plan designation of the two (2) parcels from Single Family Very Low (0.2 – 3) to Single Family Low (3.1 – 6), change the Zoning of the two (2) parcels from SF-A 16,000 to S-F 7,500, and remove 11 mature protected trees for the properties located at 327 East Baseline Road and an unaddressed parcel (APNs 8661-017-010 & -011); and Amend the General Plan Land Use designation of 17 parcels from Single Family Very Low (0.2 – 3) and Commercial to Single Family Low (3.1 – 6), and change the Zoning designation of 17 parcels from SF-A 16,000 to S-F 7,500 for the properties located at 1102, 1108, 1114, 1120, 1126, 1132 & 1136 Cherokee Court, 315 E. Baseline Road and an unaddressed Parcel (APNs 8661-017-009 & -008), 245 E Baseline Road, and 1117, 1121, 1129, 1139, 1145, 1151 & 1150 N. Walnut Avenue and to adopt an Initial Study/Mitigated Negative Declaration (IS/MND).</p>	<p>Developer Stan Stringfellow spoke in support of the project.</p> <p>The Mayor closed the Public Hearing.</p> <p>Recess: 9:41 pm – 9:51 pm</p> <p>MOTION: Motion by Mayor Pro Tem Vienna seconded by Councilmember Weber to continue public hearing items 2 and 3 to May 28, 2024, City Council Meeting. Direction to staff to provide the minutes of the March 21, 2021, Study Session Meeting. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>
<p>3. Adopt Resolution 2024-27 and Introduce Ordinance 1306 Approving the Following Related Applications with a Mitigated Negative Declaration for the Development of a 63,749 Square Foot Warehouse/Office Multi-tenant Building on a 2.58-acre Site Located at the Northwest Corner of Cataract Avenue and Allen Avenue (309 W. Allen Avenue, 917 N. Cataract Avenue, And 929 N. Cataract Avenue) APN's 8392-016-008, -048, and -047.</p>	<p>Item to be continued to the May 28, 2024, City Council meeting.</p>

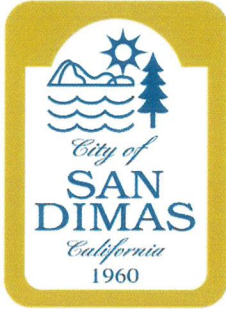
CITY REPORTS	COMMENTS/RECOMMENDATIONS
1. City Manager	None
2. City Attorney	None
3. Members of the City Council Reports on Meetings Attended AB 1234 (G.C. §53232.3(d))	Councilmember Nakano attended the Southern California Association Council of Governments Annual Meeting.
CITY COUNCIL REQUESTS FOR FUTURE ITEMS	COMMENTS/RECOMMENDATIONS
	None
CLOSED SESSION ITEMS	COMMENTS/RECOMMENDATIONS
1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): One case.	<p>City Attorney announced the City Council will return to the Study Session to complete items 1 and 2 on the agenda.</p> <p>City Attorney announced the closed session significant exposure related to clean of contaminated to the closed BKK landfill in West Covina.</p> <p>Following the closed session, the City Attorney made a public announcement that the City Council met and discussed the one closed session item listed on the agenda, that the City Council gave direction to staff on that item, and that no reportable action was taken.</p>

Adjourned: 12:15 AM

I, Debra Black, City Clerk attest that these minutes are accurate and reflective of the actions taken by the City Council.



Debra Black, City Clerk



CITY COUNCIL AND HOUSING AUTHORITY MEETING

ACTION MINUTES

**MAY 28, 2024 7:00 PM
REGULAR MEETING**

Council Members Present: Mayor Emmett Badar, Mayor Pro Tem Ryan A. Vienna, Councilmember Rachel Bratakos, Councilmember Eric Nakano, Councilmember Eric Weber

Staff: City Manager Chris Constantin, Assistant City Manager Brad McKinney, Director of Public Works Shari Garwick, Director of Administrative Services Michael O'Brien, Director of Community Development Luis Torrico, City Attorney Jeff Malawy, City Clerk Debra Black, Acting Planning Manager Marco Espinoza, Landscape Maintenance Manager Steven Farmer, Housing Manager Lily Flores

Call to Order: 7:00 PM

CONSENT ITEMS	COMMENTS/RECOMMENDATIONS
<ol style="list-style-type: none">1. Recognize Mosquito Awareness Week2. Adopt Resolution 2024-33, A Resolution of the City Council of the City of San Dimas, Approving the Warrant Register of May 30, 2024, in the amount of \$1,184,479.77.3. Approve the City Council Minutes of the May 14, 2024, Study Session and May 14, 2024, Regular Meeting4. Receive and File the April 2024 Investment Report5. Approve a Vendor Agreement with the San Dimas Chamber of Commerce to Provide Economic and Business Support Activities in an Amount not to Exceed \$16,8006. Receive and File the Revised Draft San Dimas Downtown Specific Plan That Will Be Considered at Future Public Hearings Before the Planning Commission and City Council7. Authorize the City Manager to Enter into Reimbursement Agreements with Bonita Unified School District (BUSD) to Reimburse the City of San Dimas for use of a Special Assignment Deputy in the	<p>Councilmember Nakano requested discussion for consent calendar item 7.</p> <p>MOTION: Motion by Mayor Pro Tem Vienna seconded by Councilmember Weber to approve the consent calendar items 1-8 excluding item 7. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p> <p>MOTION: Motion by councilmember Nakano seconded by Mayor Pro Tem Vienna to approve the consent calendar item 7. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>

<p>Amount of \$255,144 and a Crossing Guard in the Amount of \$9,100.</p> <p>8. Adoption of Ordinance 1307 - Municipal Code Text Amendment 22-0002, a Municipal Code Text Amendment to amend Title 18-Zoning of the San Dimas Municipal Code to Create Standards to Regulate Recycling Facilities, Donation Boxes and Non-US Postal Service Mailboxes, and Amend Title 18-Zoning, Chapter 18.08 Definitions to Reflect the Changes Associated with the Proposed Standards. Pursuant to CEQA guidelines Section 15061 (b)(3), CEQA does not apply to this item because there is no potential for causing a significant effect on the environment. Therefore, no additional environmental review is needed at this time.</p>	
HOUSING AUTHORITY ITEMS	COMMENTS/RECOMMENDATIONS
<p>1. Approve the Appropriation of Funds for the Camera Installation Project for Charter Oak Mobile Home Estates; and Approval of an Agreement with Netsync Network Solutions (Netsync) in an Amount not to exceed \$66,877.39 for the purchase and installation of equipment and cameras for the Charter Oak Mobile Home Estates</p>	<p>MOTION: Motion by Mayor Pro Tem Vienna seconded by Councilmember Weber to approve the appropriation of funds for the camera installation and approval of agreement with Netsync. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>
PUBLIC HEARING ITEMS	COMMENTS/RECOMMENDATIONS
<p>1. Adopt Resolution 2024-34 Setting the City-Wide Landscape Parcel Tax for Fiscal Year 2024-25</p>	<p>No public comments were received on this item.</p> <p>MOTION: Motion by Councilmember Weber seconded by Mayor Pro Tem Vienna to adopt Resolution 2024-34. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>
<p>2. Adopt Resolution 2024-36 Confirming the Assessment for Open Space Maintenance District No. 1, Annexation No. 3 (Tract 32841, Northwoods).</p>	<p>No public comments were received on this item.</p> <p>MOTION: Motion by Mayor Pro Tem Vienna seconded by Councilmember Weber to adopt Resolution 2024-36 with no increase.</p>

	<p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>
<p>3. Adopt Resolution 2024-37, Option 1 Confirming the Assessment for Open Space Maintenance District No. 1 (Tract 32818, Boulevard) with an increase for Consumer Price Index in the Amount of 3.4% or \$20.50/Parcel</p>	<p>No public comments were received on this item.</p> <p>MOTION: Motion by Mayor Pro Tem Vienna seconded by Councilmember Weber to adopt Resolution 2024-37, Option 1. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>
<p>4. Discussion, Consideration and Introduction of Ordinance 1308 to Approve ZC 22-0001 and Approve Vesting Tentative Tract Map 22-0001, General Plan Amendment 23-0001, Development Plan Review Board 22-0015 and Tree Removal Permit 22-0029; PROJ-22-0051 A request to approve the subdivision of two (2) existing parcels into seven (7) new parcels (TTM 83304) to be developed with seven (7) detached single-family residences, amend the General Plan designation of the two (2) parcels from Single Family Very Low (0.2 – 3) to Single Family Low (3.1 – 6), change the Zoning of the two (2) parcels from SF-A 16,000 to S-F 7,500, and remove 11 mature protected trees for the properties located at 327 East Baseline Road and an unaddressed parcel (APNs 8661-017-010 & -011); and Amend the General Plan Land Use designation of 17 parcels from Single Family Very Low (0.2 – 3) and Commercial to Single Family Low (3.1 – 6), and change the Zoning designation of 17 parcels from SF-A 16,000 to S-F 7,500 for the properties located at 1102, 1108, 1114, 1120, 1126, 1132 & 1136 Cherokee Court, 315 E. Baseline Road and an unaddressed Parcel (APNs 8661-017-009 & -008), 245</p>	<p>This item was taken out of order and heard first at the request of Mayor Pro Tem Vienna.</p> <p>City Attorney Malawy recommended to split the recommendations into two decisions.</p> <ul style="list-style-type: none"> Decision 1 approve or deny the entitlements and zoning of the 2 parcels along Cherokee Court owned by the Applicant. Decision 2 Deny the rezoning or continue the rezoning of the 17 parcels to the next council meeting. <p>MOTION: Motion by Mayor Pro Tem Vienna seconded by Councilmember Bratakos to approve the entitlements and zoning changes for two parcels and seven homes along Cherokee Court and deny the request to rezone the 17 parcels, bring back revised resolutions, and for the developer to prevent infringement on horse keeping for adjacent properties as much as possible. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>

E Baseline Road, and 1117, 1121, 1129, 1139, 1145, 1151 & 1150 N. Walnut Avenue and to adopt an Initial Study/Mitigated Negative Declaration (IS/MND).	
5. Adopt Resolution 2024-27 and Introduce Ordinance 1306 Approving the Following Related Applications with a Mitigated Negative Declaration for the Development of a 63,749 Square Foot Warehouse/Office Multi-tenant Building on a 2.58-acre Site Located at the Northwest Corner of Cataract Avenue and Allen Avenue (309 W. Allen Avenue, 917 N. Cataract Avenue, And 929 N. Cataract Avenue) APN's 8392-016-008, -048, and -047.	<p>The City Attorney announced that Public Hearing Item 4 was denied by Council and therefore item 5 cannot be approved and must be continued to a date uncertain.</p> <p>MOTION: Motion by Mayor Pro Tem Vienna seconded by Councilmember Weber to continue the public hearing to a date uncertain. Motion carried 5-0.</p> <p>Yes: Badar, Bratakos, Nakano, Vienna, Weber No: None Absent: None Abstain: None</p>
CITY REPORTS	COMMENTS/RECOMMENDATIONS
1. City Manager	None
2. City Attorney	None
3. Members of the City Council Reports on Meetings Attended AB 1234 (G.C. §53232.3(d))	All Councilmembers attended the California Contracts Cities Annual Seminar.
CITY COUNCIL REQUESTS FOR FUTURE ITEMS	COMMENTS/RECOMMENDATIONS
	Request by Councilmember Nakano and supported by Mayor Pro Tem Vienna to discuss adding the Planning Commission training budget during the city budget discussion at the next meeting.
CLOSED SESSION ITEMS	COMMENTS/RECOMMENDATIONS
1. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION Government Code Section 54956.9(d)(1) Name of case: City of Whittier, et al. v. Superior Court of the State of California, County of Los Angeles, et al., Orange County Superior Court Case No. 23STCP03579	Following the closed sessions, the City Attorney made a public announcement that the City Council met and discussed the two closed session items listed on the agenda, that the City Council gave direction to staff on those items, and that no reportable action was taken. Councilmember Vienna recused himself and did not participate in closed session item number 2, due to a conflict of interest resulting from the involvement of his employer, the County of Los Angeles, in the item.

<p>2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): One case.</p>	
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Adjourned: 9:25 PM

I, Debra Black, City Clerk attest that these minutes are accurate and reflective of the actions taken by the City Council.



Debra Black, City Clerk