

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 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, 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 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 157072(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, 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, on May 14, 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 voted 5-0 to continue the Project to the May 28, 2024 City Council meeting; 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 voted 5-0 to continue the Project to a date uncertain; and

WHEREAS, notice was duly given of the public hearing on the matter and that public hearing was held on September 24, 2024 at the hour of 7:00 p.m. with all testimony received being made part of the public record.

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.

In addition, the IS/MND includes a response to comments received during and after the public review period. One comment in particular received on May 28, 2024 from Lozeau Drury, an environmental firm, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER). SAFER hired Soil/Water/Air Protection Enterprise (SWAPE), an environmental consulting firm to review the MND. SAFER and SWAPE raised concerns that an Environmental Impact Report (EIR) should have been prepared instead of the MND. The City's environmental consultant, UltraSystems reviewed the letter and determined that the MND prepared for the project is adequate and in compliance with CEQA guidelines. Furthermore, as required by CEQA guidelines, UltraSystems prepared a response memo stating that the evidence and arguments presented by SAFER and SWAPE in the correspondence and reports dated May 24, 2024 do not constitute substantial evidence to support a fair argument the project may cause a significant impact on the environment related to Air Quality, Greenhouse Gases and Energy for the reasons set forth in the UltraSystems memo dated September 19, 2024.

- 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 24th day of September 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 September 24, 2024 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Debra Black, City Clerk