

ATTACHMENT 3

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, 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; 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, 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.

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 24th day of September, 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 September 24, 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 14, 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 14, 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 ½" 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