

RESOLUTION 2024-68

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, COUNTY OF LOS ANGELES, CERTIFYING THAT THE ENVIRONMENTAL IMPACT REPORT AND MITIGATION MONITORING AND REPORTING PROGRAM FOR GENERAL PLAN AMENDMENT 24-02, ZONE CHANGE 24-02 AND MUNICIPAL CODE TEXT AMENDMENT 24-07 FOR THE DOWNTOWN SPECIFIC PLAN IS ADEQUATE AND IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND ADOPT THE CEQA FINDINGS OF FACT, THE STATEMENT OF OVERRIDING CONSIDERATIONS WITH RESPECT TO A CERTAIN SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACT IDENTIFIED IN THE ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED MITIGATION MONITORING AND REPORTING PROGRAM.

WHEREAS, a General Plan Amendment, Zone Change and Municipal Code Text Amendment (Project Applications) have been duly initiated by the City of San Dimas for the creation of a Downtown Specific Plan (Project); and

WHEREAS, the Project Applications are required to amend the land use and zoning designations of various parcels within the boundaries of the Project and amend Title 18 to create a new Downtown Specific Plan chapter and amend Chapter 18.140 Creative Growth zone, and associated clean up items as required for the creation and implementation of the Project; and

WHEREAS, the Project Applications would affect all parcels located within the boundaries of the proposed Project; and

WHEREAS, the proposed Project 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 the 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 Environmental Impact Report (Draft EIR) was prepared in accordance with CEQA Guidelines to identify and evaluate potential environmental impacts of the proposed Project; and

WHEREAS, in accordance with CEQA Guidelines, a Notice of Preparation (NOP) was circulated for a 30-day public review starting on November 2, 2022 through December 2, 2022 to public agencies, organizations, and interested individuals; and

WHEREAS, on November 16, 2022, a scoping meeting was held to seek input from public agencies and the general public regarding the potential environmental impacts of the proposed Project. The City received no comments/questions with environmental concerns during the scoping meeting; and

WHEREAS, the Draft EIR was circulated for a 45-day public/responsible agency review on June 7, 2024 through July 22, 2024 and was also made available for review on the City's website at www.sandimasca.gov. At the beginning of the public review period, a Notice of Completion (NOC) was submitted to the State Clearinghouse (SCH No. 2022110018), and a Notice of Availability (NOA) was published in the inland Valley Daily Bulletin pursuant to CEQA Guidelines. During the review period, the City received two comment letters, and are included in the Response to Comments section of the Final Environmental Impact Report (Final EIR); and

WHEREAS, the City subsequently prepared a Final EIR pursuant to CEQA Guidelines Sections 15088 and 15132, which includes the Draft EIR, Response to Comments, Mitigation Monitoring Reporting Program, as well as appendices of the aforementioned documents. A complete copy of the Final EIR is on file and can be viewed in the Community Development Department at 245 E. Bonita Avenue, San Dimas, California, and on the City's website at www.sandimasca.gov; and

WHEREAS, pursuant to CEQA guidelines, no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rational for each finding; and

WHEREAS, the Final EIR has identified that impacts related to Air Quality would be significant and unavoidable with imposition of all feasible mitigation, and pursuant to CEQA Guideline Section 15091 the City has found that "specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR" (CEQA Finding). The CEQA Findings, attached hereto as Exhibit B, provide the rational for carrying out the Project; and

WHEREAS, pursuant to CEQA guidelines, a public agency is required to balance the benefits of a proposed project against the proposed project's significant and unavoidable adverse impacts in determining whether to approve the project. The San Dimas Downtown Specific Plan Project will result in environmental effects, which, although mitigated to the extent feasible by the implementation of mitigation measures required for the Project, will remain significant and unavoidable, as discussed in the Final EIR and CEQA Findings of Fact. These impacts are summarized in the Statement of Overriding Considerations, attached hereto as Exhibit C; and

WHEREAS, the Planning Commission, at a special and noticed public hearing on September 5, 2024, heard evidence and voted 5-0 recommending that the City Council certify the Final EIR and the Mitigation Monitoring and Reporting Program, and recommended approval to the City Council of General Plan Amendment 24-02, Zone Change 24-02, and Municipal Code Text Amendment 24-07; 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.

NOW, THEREFORE, in consideration of the evidence received at its hearing on September 24, 2024, and for the reasons discussed by the City Council at the hearing, and subject to the Conditions attached as Exhibit A to Resolution 2024-69 and Urgency Ordinance 1312

, approved separately, 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 Final EIR have been taken.
- C. A Final EIR attached hereto as Exhibit A has been prepared which includes the Draft EIR dated June 2024 and all related appendices, Response to Comments, and the Mitigation Monitoring Reporting Program. The Final EIR was prepared, in both substance and procedures, in compliance with CEQA Guidelines.
- D. Findings regarding project environmental effects determined to have no effect on the environment, or have a less than significant impact on the environment. The City Council adopts the statements and findings in the CEQA Findings of Facts attached hereto and incorporated herein by reference as Exhibit B to this resolution. The Project has certain environmental effects, identified in Exhibit B, that will have no impact or are less than significant, and therefore, do not require the imposition of Mitigation Measures.
- E. Findings regarding significant effects that can be mitigated to Less Than Significant. The City Council adopts the statements and findings in the CEQA Findings of Facts attached hereto and incorporated herein by reference as Exhibit B to this resolution. The Project has significant effects, which are identified in Exhibit B, that can be mitigated to a less than significant level through the implementation of mitigation measures.
- F. Findings regarding unavoidable significant impacts. The City Council adopts the statements and findings in the CEQA Findings of Facts attached hereto and incorporated herein by reference as Exhibit B to this resolution. The Project has significant effects that cannot be mitigated to a less than significant level through the implementation of mitigation measures. These significant effects are identified in Exhibit B.

Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR for the significant impacts identified in Exhibit B, including considerations based upon the findings in Exhibit B. Therefore, while the Project would result in impacts related to Air Quality, due to SCAG's methodology, the CEQA findings provides the rational for carrying out the Project.

- G. Alternatives. The City Council adopts the Statement of Findings on Project Alternatives in Exhibit B to this resolution, which is attached hereto and incorporated herein by reference.
- H. Findings regarding growth inducing impacts. Pursuant to Section 15126.2 (d) of the CEQA Guidelines, as amended, requires that a Final EIR include discussion of the potential growth-inducing impacts of a project. The City Council adopts the findings regarding growth inducing impacts in Exhibit B to this resolution, which is attached hereto and incorporated herein by reference.

- I. Statement of Overriding Considerations. The City Council adopts the Statement of Overriding Considerations in Exhibit C to this resolution, which is attached hereto and incorporated herein by reference. Each of the Significant and Unavoidable impacts identified in Exhibit C may be considered acceptable.
- J. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6 and CEQA Guidelines Section 15097, the mitigation monitoring and reporting program (MMRP) set forth in Exhibit D to this resolution, which is attached hereto and incorporated herein by reference. The MMRP which sets forth specific monitoring actions, timing requirements and monitoring/verification entities for each mitigation measure contained in the Final EIR is hereby adopted to ensure that all mitigation measures are fully implemented.
- K. Certification. Based on the above facts and findings, the City Council certifies the Final EIR in Exhibit A to this resolution, which is attached hereto and incorporated herein by reference.

NOW, THEREFORE, BE IT FURTHER RESOLVED, PURSUANT TO THE ABOVE FINDINGS, that the City Council certifies that the Final EIR in Exhibit A to this resolution, which is attached hereto and incorporated herein by reference for the proposed Project is adequate and in compliance with the California Environmental Quality Act (CEQA), and adoption of the CEQA findings of fact, the statement of overriding considerations with respect to certain significant adverse environmental impacts identified in the Final Environmental Impact Report, and the Mitigation Monitoring Program.

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 2024-68 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