

RESOLUTION NO. 7331

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, APPROVING MINOR USE PERMIT NO. MUP 20-04, MAJOR ADMINISTRATIVE MODIFICATION NO. MAJOR AM 20-11, ARCHITECTURAL DESIGN REVIEW NO. ADR 18-05, VESTING TENTATIVE TRACT MAP NO. TTM 19-01 (82734), AND A MITIGATED NEGATIVE DECLARATION FOR THE DEVELOPMENT OF A MIXED-USE PROJECT WITH 139 RESIDENTIAL UNITS AND 10,200 SQUARE FEET OF COMMERCIAL AREA LOCATED AT 117-129 E. HUNTINGTON DRIVE AND 124-134 WHEELER AVENUE

WHEREAS, applications were filed by New World International, LLC (“Property Owner”), for Minor Use Permit No. MUP 20-04, Major Administrative Modification No. Major AM 20-11, Architectural Design Review No. ADR 18-05, and Vesting Tentative Tract Map No. TTM 19-01 (82734), with a Mitigated Negative Declaration in accordance with the California Environmental Quality Act (“CEQA”), hereinafter individually and collectively referred to as the “Project”; and

WHEREAS, on April 23, 2020, the Initial Study/Mitigated Negative Declaration for the Project was circulated for public review and comment for 29 days from April 23, 2020 to May 22, 2020. Due to COVID-19, the IS/MND circulation period was extended from 20 days to 29 days to give additional time for comments because of the pandemic. During this time period, public agencies, organizations, and the public in general were afforded the opportunity to review the Draft IS/MND, and submit written comments regarding the documents and the Project; and

WHEREAS, the Initial Study/Mitigated Negative Declaration concluded that the implementation of the Project will have less-than significant impacts with mitigation

measures for the following categories: Geology & Soils, Hazards & Hazardous Materials, Noise, and Transportation/Traffic; and

WHEREAS, the City Council is considering adoption of Ordinance No. 2373, which would approve a Development Agreement that provides a means for the City to replace a City parking lot with the same amount of parking, facilitate the development of a major revitalization project for the Downtown, and realize economic benefit in receiving funds for the sale of City owned property; and

WHEREAS, on July 14, 2020, a duly noticed public hearing was held before the Planning Commission on said Applications, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, after the public hearing on July 14, 2020, the Planning Commission adopted Resolution No. 2057 with a 3-2 vote to recommend approval of the Project to the City Council; and

WHEREAS, on August 18, 2020, a duly noticed public hearing was held before the City Council on said application, at which time all interested persons were given full opportunity to be heard and to present evidence; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have been fulfilled.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The factual data submitted by the Community Development Division in the staff report dated August 18, 2020, are true and correct.

SECTION 2. This City Council finds that based upon the entire record, pursuant to Sections 9107.09.050, 9105.03.060 and 9107.050(B) of the City's Development Code, all of the following findings can be made:

Minor Use Permit

1. The proposed use is consistent with the General Plan and any applicable specific plan.

FACT: Approval of the Project would be consistent with the General Plan Land Use Designation of Commercial and Mixed Use, both of which allow a residential density of 80 units per acre, and a Floor Area Ratio of 1.0. Both land use designations allow mixed-use developments that encourage a strong pedestrian-oriented environment that takes advantage of easy access to transit. The proposed commercial uses integrate well with the proposed residential use and both will assist in increasing activity in the Downtown area. The Project will not adversely affect the comprehensive General Plan, and is consistent with the following General Plan goals and policies:

Land Use and Community Design Element

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City's land use and compatible with surrounding existing uses.
- Policy LU-1.8: Encourage development types that support transit and other alternative forms of transportation, including bicycling and walking.
- Policy LU-4.2: Encourage residential development that enhances the visual character, quality, and uniqueness of the City's neighborhoods and districts.
- Policy LU-4.3: Require the provision of adequate private and common open space for residential units. Require sufficient on-site recreational facilities to meet the daily needs of residents, if possible, commensurate with the size of the development.
- Policy LU-6.4: Encourage design approaches that create a cohesive, vibrant look and that minimize the appearance of expansive parking lots on major commercial corridors for new or redeveloped uses.

- Policy LU-6.5: Where mixed use is permitted, promote commercial uses that are complementary to adjacent residential uses.

2. The proposed use is allowed within the applicable zone, subject to the granting of a Minor Use Permit, and complies with all other applicable provisions of the Development Code and the Municipal Code.

FACT: The Project site is zoned Central Business District (“CBD”) and Downtown Mixed Use (“DMU”), which both allow mixed-use developments subject to the review and approval of a Minor Use Permit. The Project complies with all the development standards of the CBD and DMU zone. As required by the California Environmental Quality Act (“CEQA”), the Development Services Department prepared an Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Project, which determined that the Project, with mitigation measures, will have less-than-significant impacts. Lastly, the Project complies with all other applicable provisions of the Development Code and the Municipal Code.

3. The design, location, size, and operating characteristics of the proposed activity will be compatible with the existing and future land uses in the vicinity.

FACT: The subject site for the Project measures approximately 1.74 acres in lot area, and is located within the Central Business District (“CBD”) and Downtown Mixed Use (“DMU”) Zones. The site is located within the City’s Downtown area and is bounded by commercial uses to the west, east, north and south, across Huntington Drive. The Project will provide ground-floor commercial uses, which will be compatible with the existing and future land uses in the vicinity. The Project will also provide residential units, which will bring a much needed residential population to the Downtown area to support the commercial uses in the area. In addition, as part of the Project, and as required by CEQA,

an IS/MND was prepared for the proposed Project and it concluded that with implemented mitigation measures, the Project will have less-than-significant impacts. Therefore, the Project and operation of the Project will be compatible with the existing and future land uses in the vicinity.

4. The site is physically suitable in terms of:

a. Its design, location, shape, size, and operating characteristics of the proposed use in order to accommodate the use, and all fences, landscaping, loading, parking, spaces, walls, yards, and other features required to adjust the use with the land and uses in the neighborhood;

FACT: The Project site measures approximately 1.74 acres in lot area, and can physically support the proposed Project. The proposed commercial component of the Project will not exceed the Floor Area Ratio of 1.0 (proposed: 0.14), and the residential component will not exceed the maximum density of 80 units per acre (proposed at 79 du). In addition, the site is physically suitable to accommodate the 295 parking stalls required for the Project, and the 55 public parking spaces, as required by a Development Agreement. Lastly, the Code requires a minimum of 5% of the parking lot area to be landscaped. This requirement is only applicable to open parking lots and not parking structures. However, the Project proposes approximately 700 square feet of landscaped area provided throughout the residential common areas of the Project. Therefore, the site is adequate in size to accommodate the existing uses and the Project.

b. Streets and highways adequate in width and pavement type to accommodate public and emergency vehicle (e.g., fire and medical) access;

FACT: The Project site is located along Huntington Drive and Wheeler Avenue, both of which are designated and designed with the capacity to accommodate both public and emergency vehicles. The streets are adequate in width and pavement type to carry the traffic that would be generated by the Project, and to support emergency vehicle access. In addition, as part of the environmental review for the Project, a Traffic Impact Analysis was prepared. The analysis evaluated eight (8) intersections in the vicinity of the Project. The analysis concluded that the Project will not create significant traffic impacts at any of the studied intersections. Therefore, no traffic mitigation measures are required for the Project.

c. Public protection services (e.g., fire protection, police protection, etc.); and

FACT: The Project will be constructed on seven commercial parcels which will be subdivided as part of the proposed development. The existing commercial parcels are serviced by the Arcadia Fire and Police Departments. As part of the environmental review process, the IS/MND determined that Fire and Police protection services would not be impacted. The need for new or altered Fire or Police services is usually associated with substantial population growth. The Project is not anticipated to cause substantial population growth; therefore, no impacts to public protection services are anticipated.

d. The provision of utilities (e.g., potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.).

FACT: The Project will be located on seven commercial parcels which will be subdivided as part of the proposed Project and all are serviced by existing utilities. As part of the development, new utility connections, including connections for potable water and storm drainage, will be required. The IS/MND prepared for the Project determined that no

impacts to the provision of utilities would be created by the proposed mixed-use development.

5. The measure of site suitability shall be required to ensure that the type, density, and intensity of use being proposed will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and zone in which the property is located.

FACT: The Project is not expected to be detrimental to the public health or welfare, or the surrounding properties. The Project will be compatible with the surrounding commercial uses in the general area. The IS/MND prepared for the Project analyzed all the potential impacts and all the Project impacts are less than significant or can be reduced to less than significant level with the implementation of the recommended mitigation measures. Therefore, no impacts to the uses in the vicinity and zone in which the property is located are anticipated.

#### Vesting Tentative Map

6. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable specific plan, and the Subdivisions Division of the Development Code.

FACT: Approval of the Project with a vesting tentative map to subdivide the airspace is consistent with the Commercial and Mixed-Use Land Use designations. Both land uses are intended to accommodate mixed-use developments with a residential density of up to 80 units per acre, and a floor area ratio of 1.0. The proposed Project is located in the Downtown area and is in conformance with the City's General Plan,

Development Code, and the Subdivision Map Act. The site is physically suitable for this type of development, and the approval of the architectural design for the building is compatible with the scale and character of the existing neighborhood. The proposal will not adversely affect the comprehensive General Plan and is consistent with the following General Plan goals and policies:

Land Use and Community Design Element

- Policy LU-1.1: Promote new infill and redevelopment projects that are consistent with the City's land use and compatible with surrounding existing uses.
- Policy LU-1.8: Encourage development types that support transit and other alternative forms of transportation, including bicycling and walking.
- Policy LU-4.2: Encourage residential development that enhances the visual character, quality, and uniqueness of the City's neighborhoods and districts.
- Policy LU-4.3: Require the provision of adequate private and common open space for residential units. Require sufficient on-site recreational facilities to meet the daily needs of residents, if possible, commensurate with the size of the development.
- Policy LU-6.4: Encourage design approaches that create a cohesive, vibrant look and that minimize the appearance of expansive parking lots on major commercial corridors for new or redeveloped uses.
- Policy LU-6.5: Where mixed-use is permitted, promote commercial uses that are complementary to adjacent residential uses.

7. The site is physically suitable for the type and proposed density of development.

FACT: The subject site measures approximately 1.74 acres in lot size and is located within the Central Business District (“CBD”) and Downtown Mixed Use (“DMU”) zones. Both zones have a minimum residential density of 80 units per acre, and a floor area ratio of 1.0 for non-residential uses. The Project proposes a residential density of 79, and a commercial FAR of 0.14; therefore, the Project is in compliance with the Development Code and the site is physically suitable for the Project. In addition, there are no physical impediments to the development of this site for residential condominiums or the proposed commercial and parking airspace subdivision.

8. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

FACT: The proposed vesting tentative map to subdivide the air space for the Project is a minor subdivision of an infill site within an urbanized area; therefore, it will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

9. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems;

FACT: The proposed subdivision is to subdivide the air space of the proposed Project. The construction of the proposed Project will be done in compliance with Building and Fire Codes and all other applicable regulations. The proposed density will be below the maximum allowed by the Central Business District (“CBD”) and Downtown Mixed Use

("DMU") zones and the City's existing infrastructure will adequately serve the Project. In addition, the Project meets all health and safety requirements, and will not cause any public health or safety problems.

10. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision (This finding shall apply only to easements of record or to easements established by judgement of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision).

FACT: The Project will include the construction of a subterranean parking structure underneath a public alley. As part of the development, the alley will be vacated and an access easement will be provided to the City for public alley access purposes. Based on the vesting tentative map, there are no other easements on the subject properties.

11. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements specified by the California Regional Water Quality Control Board.

FACT: The Arcadia Public Works Services Department determined that the City's existing infrastructure will adequately serve the new development, and the requirements of the California Regional Water Quality Control Board will be satisfied.

12. The design of the subdivision provides, to the extent feasible, passive or natural heating and cooling opportunities.

FACT: The proposed vesting tentative map and Project have been reviewed by Building Services to ensure compliance with the California Building Code, which includes requirements associated with heating and cooling requirements.

13. The proposed subdivision, its design, density, and type of development and improvements conforms to the regulations of the City's Development Code and the regulations of any public agency having jurisdiction by law.

FACT: The proposed subdivision as conditioned complies with the density requirements of the City's Development Code, and all the improvements required for the site and each unit will comply with the regulations in the City's Development Code.

#### Major Administrative Modification

Section 9107.050(B) of the Development Code requires that for an Administrative Modification to be approved, the Review Authority must make at least one of the following findings:

- A. Promote uniformity of development;
- B. Prevent an unreasonable hardship; or
- C. Secure an appropriate improvement of a parcel

FACT: The Modification request is to provide tandem stalls that measure 9 feet in width in lieu of the 11 feet required by the City's Development Code, and parking stalls that face or are adjacent to a wall that measure 18 feet in depth in lieu of the 20 feet required by the City's Development Code. The Modification request would secure an appropriate improvement to the site in that the tandem parking spaces will be dedicated to the residential units only, it is a common parking style in urban-style developments as a space saving option for residential units, and tandem parking spaces will not be applied

to guest spaces, replacement public parking spaces, or commercial spaces. In terms of the reduction to the parking dimensions for the parking stalls, either tandem or standard, they are still functional parking spaces. The proposed dimensions are common in neighboring cities, and are considered standard size stalls in the parking industry. The additional width and/or length for these types of stalls are provided in the City's Development Code as a matter of convenience and to provide additional maneuvering space. If the modification is granted, it would still allow the property owner to utilize their property to the fullest, similar to the mixed-use project that was recently approved at the Le Meridien site with the same parking dimensions. Therefore, the proposed Project would secure an appropriate improvement to this site and for the mixed-use development.

SECTION 3. For the foregoing reasons the City Council approves the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program in accordance with the California Environmental Quality Act ("CEQA"), and approves Minor Use Permit No. MUP 20-04, Major Administrative Modification No. Major AM 20-11, Architectural Design Review No. ADR 18-05, and Vesting Tentative Tract Map No. TTM 19-01 (82734).

SECTION 4. The Secretary shall certify to the adoption of this Resolution.

[SIGNATURES ON NEXT PAGE]

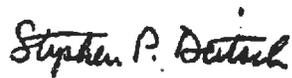
Passed, approved and adopted this 18th day of August, 2020.

/s/ Roger Chandler  
Mayor of the City of Arcadia

ATTEST:

/s/ Gene Glasco  
City Clerk

APPROVED AS TO FORM:



Stephen P. Deitsch  
City Attorney

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES ) SS:  
CITY OF ARCADIA            )

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Resolution No. 7331 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 18th day of August, 2020 and that said Resolution was adopted by the following vote, to wit:

AYES:       Beck, Cheng, Tay, and Chandler

NOES:       None

ABSENT:     None

Council Member Verlato was recused from the vote.

**/s/ Gene Glasco**  
City Clerk of the City of Arcadia

RESOLUTION NO. 7331

**Conditions of Approval**

1. The project shall be developed and maintained by the Owner/Applicant in a manner that is consistent with the plans approved by the City Council for MUP 20-04, Major AM 20-11, ADR 18-05, and TTM 19-01 (82734), and a Development Agreement, subject to the satisfaction of the Planning & Community Development Administrator or designee.
2. The Owner/Applicant shall submit a haul route map and construction staging plan to Planning Services prior to issuance of a grading permit.
3. The Owner/Applicant shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction related activities, including, but not limited to, the movement and/or delivery of equipment, materials, and soils to and/or from the site.
4. Prior to issuance of a building permit, the Owner/Applicant shall submit a parking management plan, which will include information on how the public parking spaces will be managed and which stalls will be allocated to each of the residential units. The Planning & Community Development Administrator, or designee, shall have the authority to approve revisions to the parking during plan-check, except to the 55 public parking spaces. The changes to the rest of the parking lot may include, but shall not be limited to, minor changes to the layout, reconfiguration, and/or the additions of mechanical parking lifts. Any of these changes may be handled administratively by the Planning & Community Development Administrator, or designee.
5. The Applicant/Owner shall prepare and record in the Office of the Los Angeles County Recorder the Development Agreement and the Access and Parking Easement Agreement. Such easement shall be in a form and substance approved by the City Attorney. The easement shall be approved prior to approval by the City and recordation of the Final Tract Map.
6. Prior to issuance of any permits from the City, the Owner/Applicant shall find and by means of lease make available 55 parking spaces within 1,000 feet of the subject site, on a temporary basis for the general public to use. The parking spaces shall be made available until the completion of the project. A copy of the tentative lease agreement shall be provided to Planning Services, and shall be subject to review and approval by the City Attorney, the Planning & Community Development Administrator and Deputy Development Services Director/City Engineer, prior to executing the lease agreement with the affected owners.
7. The outdoor plaza fronting on Huntington Drive shall be entirely hardscaped with no lawn area provided. The final layout and materials shall be reviewed and

approved by the Planning & Community Development Administrator, or designee, during the Building plan check review.

8. The plans submitted for Building Services for plan check shall comply with the latest adopted edition of the following codes as applicable:
  - a. California Building Code
  - b. California Electrical Code
  - c. California Mechanical Code
  - d. California Plumbing Code
  - e. California Energy Code
  - f. California Fire Code
  - g. California Green Building Standards Code
  - h. California Existing Building Code
9. The grading plans shall indicate all site improvements, and shall indicate complete drainage paths of all drainage water run-off.
10. The Owner/Applicant will be required to pay the City's Map and Final Approval Fee prior to approval of the Final Map
11. Prior to the recordation of the Final Map, the public alley must be formally vacated and a public access easement shall be retained in its place. The following steps shall be taken to formally vacate the alley:
  - a. All utilities shall be relocated out of the alley,
  - b. All utility companies shall be notified of the intend to vacate the alley and utility clearances shall be submitted to the City.
  - c. The land owner shall make application with the City to vacate the alley and pay the necessary fees.
  - d. The City shall conduct a formal street vacation process for the alley per the requirements of the California Streets and Highways Code
  - e. An access easement shall be retained by the City for public access across the alley alignment with a minimum height clearance of fifteen feet.
  - f. The alley Vacation Resolution shall be recorded and documented on the final map.
12. Prior to the recordation of the Final Map, the owner shall dedicate to the City a triangular portion of property in the northeast corner of the property adjacent to Wheeler Avenue and Indiana Street, measuring a minimum of 12-feet perpendicular to Indiana Street, for street and parking purposes.
13. Prior to approval of the Final Map or the issuance of a demolition permit, whichever comes first, the Owner/Applicant shall either construct or post security for all public improvements shown on the Vesting Tentative Map 82734 and the following item(s):

- a. Remove and replace existing sidewalk, curb, and gutter from property line to property line for all adjacent public right-of-way.
  - b. Coordinate with Public Works Services on replacement or protection of street trees.
  - c. Install new driveway per City Standard plans.
  - d. Improvements to alley shall be through the project and extend westerly to First Avenue. The improvement concept shall be in accordance with the City's alley improvement plan currently in design at the time of this action. This concept plan is intended to include enhancements like pavers, bollards lighting etc.
14. The Property Owner/Applicant shall be responsible for the repair of all damage to public improvements in the public right-of-way resulting from construction related activities, including, but not limited to, the movement and/or delivery of equipment, materials, and soils to and/or from the site. This shall be determined by the Planning & Community Development Administrator and Public Works Director during construction and up until issuance of a certificate of occupancy.
  15. The proposed development will require a Low Impact Development ("LID") plan for the permanent treatment of the stormwater runoff and a Stormwater Pollution Prevention Plan ("SWPPP") for the handling of stormwater runoff during construction. Plan requirements include using infiltration trenches, bioretention planter boxes, roof drains connected to a landscaped area, pervious concrete/paver, etc.
  16. The buildings on Huntington Drive and Wheeler Avenue shall have separate fire sprinkler systems and fire alarm systems.
  17. Class 1 standpipes shall be provided on all floors inside stairwells and shall extend to the roof.
  18. A minimum of one elevator capable of accommodating a 24-inch by 84-inch gurney shall be provided in each building.
  19. An emergency radio responder system shall be provided for both buildings.
  20. Number and placement of fire hydrants shall be determined once the final building areas and construction types have been determined. Hydrants may be required in alleyway.
  21. The ladder truck access road for each building shall be a minimum 26 feet in width, located at least 15 feet away but no farther than 30 feet away from the tallest roofline of the structure, and be clear to the sky.

22. The Owner/Applicant shall provide calculations to determine the maximum domestic demand, maximum commercial demand, and maximum fire demand in order to verify the required water service size required.
23. The Owner/Applicant shall provide separate water services and meters for each separate structure as well as designated services for specific residential, commercial, and irrigation uses.
24. The Owner/Applicant shall provide a separate landscape meter for common area landscape irrigation. The backflow preventer on the common area irrigation shall be Reduce Pressure Backflow Assembly as approved by the Public Works Services Department.
25. Domestic water service for residential condominiums for each building shall be provided by a common master meter installed within the public right-of-way. Approved back flow prevention devices shall be installed for meter services protection.
26. Fire protection requirements shall be as stipulated by the Arcadia Fire Department and shall be conformed to Arcadia Standard Plan. A separate fire service with Double Check Detector Assembly (“DCDA”) shall be installed for each fire service required.
27. A Water Meter Permit Application shall be submitted to the Public Works Services Department prior to final plan check approval.
28. New water service installations shall be by the Owner/Applicant. Installation shall be according to the specifications of the Public Works Services Department, Engineering Section. Abandonment of existing water services, if necessary, shall be by the Owner/Applicant, according to Public Works Services Department, Engineering Section specifications.
29. An 8-inch City sewer main is available in the alley between Wheeler Avenue and Huntington Drive. A portion of this sewer main will be under the proposed underground parking structure, which is not acceptable to the City. If a portion of this line is removed or abandoned to accommodate the proposed underground parking structure, the developer shall re-establish all affected services in the area.
30. If a connection to a City sewer main is proposed, the Owner/Applicant shall provide a Sewer Area Study to determine whether or not the existing City sewer system is capable of meeting all anticipated demands of the proposed improvements. If the developer connects directly to the County trunk line on First Avenue the Owner/Applicant shall coordinate with the County and obtain a “will serve” letter from the County.
31. If connecting to a City sewer main, the Owner/Applicant shall utilize existing sewer lateral(s) if possible.

32. If any drainage fixture elevation is lower than the elevation of the next upstream manhole cover, an approved backwater valve is required.
33. The Owner/Applicant shall contact Dave Thompson, or designee, from the Public Works Services Department prior to removal of any trees located within City-owned parking lot area.
34. Existing trees on Huntington Drive and Wheeler Avenue shall remain and be protected in place. Should any of those trees be damaged during construction, replacement trees may be required subject to review and approval by the Public Works Services Department.
35. The proposed project is subject to the State Water Resources Control Board's NPDES General Construction Permit requirements, including:
  - a. Applicant shall submit Notice of Intent along with applicable fees to the State.
  - b. Applicant to prepare a Stormwater Pollution Prevention Plan ("SWPP").
  - c. City will not issue a grading permit until Waste Discharge ID # can be furnished.
36. The trash enclosure area shall comply with the following:
  - a. Provide a minimum of 9'-7" space for each 3-yard bin.
  - b. Provide a minimum roof clearance to allow the bin lids to open completely.
  - c. Need to accommodate all required bins, including, but not limited to, trash, recycling, and organics recycling bins.
  - d. Provide a minimum of one (1) foot clearance around each required bin.
37. The project shall comply with the City's Water Efficient Landscaping Ordinance ("WELO"). The application shall be submitted with the plans for plan check in Building Services.
38. The Applicant/Owner shall comply with all City requirements regarding building safety, fire prevention, detection, suppression, emergency access, public right-of-way improvements, parking, water supply and water facilities, sewer facilities, trash reduction and recycling requirements, and National Pollutant Discharge Elimination System ("NPDES") measures to the satisfaction of the Building Official, Fire Marshal, Public Works Services Director, and Planning & Community Development Administrator, or their respective designees. Compliance with these requirements is to be determined by having fully detailed construction plans submitted for plan check review and approval by the foregoing City officials and employees.
39. The Owner/Applicant shall defend, indemnify, and hold harmless the City of Arcadia and its officials, officers, employees, and agents from and against any claim, action, or proceeding against the City of Arcadia, its officials, officers,

employees or agents to attack, set aside, void, or annul any approval or conditional approval of the City of Arcadia concerning this project and/or land use decision, including but not limited to any approval or conditional approval of the City Council, Planning Commission, or City Staff, which action is brought within the time period provided for in Government Code Section 66499.37 or other provision of law applicable to this project or decision. The City shall promptly notify the Applicant of any claim, action, or proceeding concerning the project and/or land use decision and the City shall cooperate fully in the defense of the matter. The City reserves the right, at its own option, to choose its own attorney to represent the City, its officials, officers, employees, and agents in the defense of the matter.

40. Approval of Minor Use Permit No. MUP 20-04, Major Administrative Modification No. Major AM 20-11, Architectural Design Review No. ADR 18-05, and Vesting Tentative Tract Map No. TTM 19-01 (82734) shall not be in effect unless the Property Owner and Applicant have executed and filed the Acceptance Form with the City on or before 30 calendar days after the City Council has adopted the Resolution. The Acceptance Form to the Development Services Department is to indicate awareness and acceptance of the conditions of approval.

### **Mitigation Measures as Conditions of Approval**

The following conditions are found in the Mitigation Monitoring and Reporting Program (“MMRP”). They are recorded here to facilitate review and implementation. More information on the timing and responsible parties for these mitigation measures is detailed in the MMRP.

41. **Geology & Soils – MM GEO-1** Prior to the issuance of a demolition permit, the Applicant shall submit the name and qualifications of a qualified paleontologist to the City of Arcadia Development Services Department for review and approval. Once approved, the qualified paleontologist shall be retained by the Applicant on an on-call basis to observe grading activities in the older Quaternary Alluvium on the Project site and to salvage and catalogue fossils as necessary. At the Project’s Pre-Grade Meeting, the paleontologist shall discuss the sensitivity of the sediment being graded and shall establish procedures for monitoring. Protocols must be developed and explained for temporarily halting or redirecting work to permit sampling, identification, and evaluation of any fossils discovered. If the fossils are deemed significant, the paleontologist shall determine appropriate actions, in cooperation with the City of Arcadia, to recover and treat the fossils and to prepare them to the point of identification. A final Paleontological Resources Monitoring Report shall include a catalogue and analysis of the fossils found; a summary of their significance; and the repository that will curate the fossils in perpetuity.
42. **Hazards & Hazardous Materials - MM HAZ-1** Prior to the issuance of a demolition permit, pre-demolition surveys for asbestos-containing materials (“ACMs”) and lead-based paint (“LBP”) shall be performed for the structures proposed for demolition. All surveys, inspections, and analyses shall be performed by fully

licensed and qualified individuals in accordance with all applicable federal, State, and local regulations. If the pre-demolition surveys/inspections do not identify ACMs or LBP, the Developer shall provide documentation to the City of the survey/inspection showing that no further abatement actions are required. If the pre-demolition surveys/inspections identify ACMs or LBP, all such materials shall be handled in accordance with applicable regulations, including, but not limited to 15 *United States Code* ("USC") Chapter 53 Toxic Substances Control; Division of Occupational Safety and Health ("Cal/OSHA") regulations (8 CCR Section 1529 [Asbestos] and Section 1532.1 [Lead]); and SCAQMD Rule 1403 (Asbestos Emissions from Demolition/Renovation Activities). After demolition, the Developer shall provide documentation to the City illustrating that abatement of any ACMs or LBP identified in the demolished structure has been completed in full compliance with applicable regulations.

43. **Noise MM NOI-1** The Developer shall require that all construction contractors restrict the operation of the following construction equipment to beyond the following distances from off-site buildings: (1) vibratory rollers and large bulldozers – 25 feet, and (2) loaded trucks and other large equipment (vehicle weight greater than 25,000 lbs.) – 15 feet. Any activities occurring within 5 feet of existing property line shall use non-vibration intensive methods such as use of concrete saws, universal processors, expansive agents for demolition.
  
44. **Transportation MM TRANS-1** Prior to the issuance of a grading permit, a Construction Management Plan shall be prepared by the Developer for the review and approval of the City of Arcadia and any other affected jurisdictions in accordance with the Manual on Uniform Traffic Control Devices ("MUTCD"). Construction activities shall comply with the approved plan to the satisfaction of the City of Arcadia. The Developer will begin coordination with the City on the Construction Management Plan as soon as practicable during the final design process and in advance of construction so that effective measures can be developed to avoid, minimize, and mitigate construction impacts to parking and circulation within the City of Arcadia downtown. At a minimum, the Construction Management Plan shall:
  - a. Describe the duration and location of lane closures (if any).
  - b. Address traffic control for any partial street closures, detours, or other disruption to traffic circulation during project construction, including as-needed use of flag persons and signage.
  - c. Identify the routes that construction vehicles would utilize for the delivery of construction materials to access the project site. Haul routes would follow the City's approved truck routes and avoid residential streets.
  - d. Identify the location of parking and materials storage for construction workers during all phases of construction. Parking for construction workers would be provided on-site or at additional off-site locations that are not on public streets.
  - e. Identify of emergency access points/routes.

- f. Specify the hours during which transport activities can occur and methods to mitigate construction-related impacts to adjacent streets.
  - g. Require the contractor to keep all haul routes clean and free of debris including but not limited to gravel and dirt as a result of its operations. The contractor shall clean adjacent streets, as directed by the City Engineer (or representative of the City Engineer), of any material, which may have been spilled, tracked, or blown onto adjacent streets or areas.
  - h. All hauling or transport of oversize loads would occur between the hours of 7:00 AM and 5:00 PM only, Monday through Friday, unless approved otherwise by the City Engineer. No hauling or transport shall be allowed during nighttime hours, weekends or Federal holidays.
  - i. Include details on the maintenance of bicycle and pedestrian facilities and connectivity through the Project to the satisfaction of the City Engineer.
  - j. Require that haul trucks entering or exiting public streets shall at all times yield to public traffic, pedestrians, bicyclists, and other users.
  - k. Provisions for the contractor to repair existing pavement, streets, curbs, sidewalks, and/or gutters that may be altered during project construction. The repairs shall be completed in consultation with and to the satisfaction of the City Engineer.
  - l. Require that all construction-related parking and staging of vehicles will be kept out of the adjacent public roadways and will occur either on-site or on designated off-site parcels that would not adversely affect access to or parking within the downtown.
  - m. Use of temporary fencing around the project site (e.g., temporary fencing with opaque material).
45. **Transportation MM TRANS-2** Technical Review: Prior to the issuance of a demolition permit for the Project, the Applicant shall submit written proof to the City that engineering drawings and calculations as well as construction work plans and methods including any crane placement and radius have been submitted to Metro for review. Approval from Metro shall not be required to proceed with the Project.
46. **Transportation MM TRANS-3** Overhead Catenary System (“OCS”): The Applicant shall take all necessary measures to protect the OCS from damage due to Project activities during and after construction. During construction, the Applicant shall post warning signage for equipment working around the OCS wires.
47. **Transportation MM TRANS-4** Construction Safety: The construction and operation of the Project shall not disrupt the operation and maintenance activities of the Metro Gold Line or the structural and systems integrity of Metro’s light rail infrastructure. Not later than one month before Project construction, the Applicant shall schedule a pre-construction meeting to discuss Project construction, communication protocols, and other related topics. The meeting would include the Applicant, key Project construction personnel, the City of Arcadia, and Metro staff, which may include staff from Real Estate, Construction Management, and Construction Safety staff. During Project construction, the Applicant shall

coordinate with Metro as needed to ensure that Metro infrastructure and operations are not compromised by construction activities or permanent build conditions. The Applicant shall notify Metro of any changes to construction activities that may impact the use of the ROW. The Applicant shall allow Metro staff to monitor demolition and/or construction activities to confirm no impacts have occurred to the Gold Line right-of-way.

---