RESOLUTION CC 2012-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDORA FOR ADOPTION OF A DEVELOPMENT PLAN REVIEW FOR TWO STORY RESIDENTIAL CONSTRUCTION AND CONSTRUCTION PHASING FOR THE CITY VENTURES MONROVIA NURSERY SPECIFIC PLAN DEVELOPMENT ON CERTAIN PROPERTY LOCATED BETWEEN SIERRA MADRE AVENUE AND THE RAILROAD RIGHT OF WAY AND BETWEEN THE GLENDORA/AZUSA CITY BOUNDARY AND BARRANCA AVENUE. (DPR12-01).

THE CITY COUNCIL
City of Glendora, California

THE CITY COUNCIL OF THE CITY OF GLENDORA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City Council has adopted the Monrovia Nursery Specific Plan to provide guidance and standards for future development of the vacated Monrovia Nursery property located between Sierra Madre Avenue and the Metro Railroad Right of way and between the Azusa-Glendora City boundary and Barranca Avenue (Glendora Monrovia Nursery property); and

WHEREAS, the applicants, CV Glendora 3, LLC. (City Ventures) have submitted an application for development plan review approval for two story new residential construction and project phasing for the Glendora Monrovia Nursery property pursuant to Section 21.13.410.C of the Glendora Municipal Code (The Monrovia Nursery Specific Plan); and

WHEREAS, the City Council of the City of Glendora adopted a mitigated negative declaration for the Monrovia Nursery Specific Plan and Tentative Tract Map 66608 and Tentative Tract Map 66609 at their public hearing of December 14, 2010; and

WHEREAS, the City Council of the City of Glendora adopted an addendum to the adopted mitigated negative declaration to expand the area to be annexed from Los Angeles County as part of the development of the Glendora Monrovia Nursery property at a public hearing held on December 13, 2011; and

WHEREAS, the City Council of the City of Glendora adopted a revised addendum to the previously adopted mitigated negative declaration at their meeting of September 25, 2012; and

WHEREAS, the Planning Commission of the City of Glendora recommended approval of a development plan review to allow two story construction and construction phasing for the new residential housing project located on the Glendora Monrovia Nursery property to the City Council at a public hearing on September 4, 2012 after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department staff of the City of Glendora; and

WHEREAS, a public hearing was held by the City Council of the City of Glendora on October 9, 2012 , after due notice was given as required by law, at which time oral and documentary evidence was introduced along with the recommendation of the Planning

Commission of the City of Glendora.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDORA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby affirms that the Revised Addendum for the previously adopted Mitigated Negative Declaration, which revised addendum was adopted by the City Council at their meeting of September 25, 2012, incorporates and addresses all CEQA issues related to this action based on findings pursuant to Section 15162 of the California Code of Regulations, Title 14, Chapter 3, CEQA Guidelines.

SECTION 2. The City Council hereby makes findings with facts, which findings with facts are hereby set forth in full:

FINDINGS Development Plan Review (DPR12-01):

1. The use is authorized by development plan review pursuant to the Zoning Code.

FACT: Approval of a development plan review to allow second story construction is authorized pursuant to Section 21.13.410.C and Section 21.02.040 of the Glendora Municipal Code. Approval of construction phasing is authorized pursuant to Section 21.13.410.C of the Glendora Municipal Code.

2. The use is consistent with the General Plan and other applicable plans.

FACT: The subject property is zoned Monrovia Nursery Specific Plan with a General Plan land use designation of Low Density Residential (1.1 – 3 dwelling units per acre). The project proposes a single family residential density of approximately 0.8 dwelling units an acre which does not exceed the maximum allowable land use density. The project proposes minimum lot sizes of 20,000+ square feet which is consistent with the Monrovia Nursery Specific Plan. A zone amendment is recommended to make minor technical changes to the Monrovia Nursery Specific Plan to change the benchmark elevation datum, and to make minor adjustments to the pad elevations of 8 lots of TTM 66608. The Specific Plan is also proposed to be modified to allow some stepped retaining walls rather than tall 2:1 manufactured slopes for lots 8, 9, 10, 12, 17, 18, 19, 20, and 21of TTM 66608. TTM 66608 would also be modified to incorporate a debris basin and debris flow channel as required by hydrology reports and LA County Flood Control staff. TTM 66609 would be adjusted to incorporate a double cul-de-sac for Milton Drive, one of the alternatives identified in the Monrovia Nursery Specific Plan. A condition is recommended to make approval of Development Plan Review (DPR12-02) contingent upon approval of Zone Amendment (ZA 12-01) to address these code modifications.

3. The site can accommodate the development standards of this title or as is otherwise required.

FACT: The applicants have proposed to construct 121 single family residential homes on 20,000+ square foot lots with all street access and public utility systems consistent with the Monrovia Nursery Specific Plan. Conditions of approval for the original tentative tract maps and modifications, and this development plan review identify infrastructure improvements to

accommodate the proposed 121 single family homes. See discussion in Fact 2 for modifications proposed for the Monrovia Nursery Specific Plan to address minor changes to accommodate the development. A condition is recommended to make approval of Development Plan Review (DPR12-01) contingent upon approval of Zone Amendment (ZA12-02) to address the code modifications.

4. The site is adequately served by streets, utilities and other services, facilities and improvements.

FACT: The applicants have proposed tentative tract maps 66608 and 66609 including the provision of all necessary streets and public utility systems and storm drainage systems to accommodate the development. All residential development shall be served by new private streets which meet City street standards. The applicant, City Ventures, is required to provide all utilities including gas, electricity, sewer, and storm drainage systems for each lot of the proposed Glendora Monrovia Nursery Project. Existing utilities are available for connection including Southern California Edison, The Gas Company, Verizon phone system, Glendora and Los Angeles Sanitation Services sewer system, and Los Angeles County storm drainage system. Trash collection and recycling services is provided by the exclusive franchise agreement between the City and Athens Services.

5. The use will not adversely affect the character and integrity of the area, the utility and value of properties in the area, and the health, safety and welfare of the public.

FACT: The proposed second story development is consistent with the Monrovia Nursery Specific Plan which incorporated standards and guidelines to preserve the character and integrity of the area and the utility and value of properties in the area. The proposed phasing is conditioned to require all infrastructure, storm drain systems and street improvements shall be installed prior to initiation of building construction. All construction must receive building permit and engineering permit approval. These requirements will insure that the health, safety and welfare of the public is protected.

SECTION 3. The City Council hereby approves a development plan review to allow new two story construction and project construction phasing on certain property known as the Glendora Monrovia Nursery property between Sierra Madre Avenue and the Metro Railroad right of way and the Glendora/Azusa city boundary and Barranca Avenue, subject to the following conditions.

<u>Conditions: DPR 12-01; Modification TTM 66608; and Modification TTM 66609</u>

Standard Conditions

1. Development Plan Review (DPR12-01) allows for the construction of two story homes in substantial conformance with EXHIBIT "DPR12-01, Modification SUB10-01; and Modification SUB10-02" Dated August 27, 2012 as modified by these conditions.

2. Development Plan Review (DPR12-01) allows for construction phasing for the Monrovia Nursery development as provided by these conditions of approval.

3. All conditions adopted by the City Council in Resolution 2010-46 for Tentative Tract Map 66608 and Resolution 2010-47 for Tentative Tract Map 66609 shall remain in full force and effect except as modified by these conditions.

4. The approval of Development Plan Review (DPR12-01) shall be contingent upon the approval of Zone Amendment (12-02).

5. The approval of Modification Subdivision (SUB10-01) for TTM 66608 shall be contingent upon the approval of Development Plan Review (DPR12-01) and Zone Amendment (ZA12-02).

6. The approval of Modification Subdivision (SUB10-01) for TTM 66609 shall be contingent upon the approval of Development Plan Review (DPR12-01) and Zone Amendment (ZA12-02).

7. Approval for Subdivision (SUB 10-01) for Tentative Tract Map No. 66608 shall be extended one year to expire on December 14, 2013, unless the Council approves the final map during that time period or unless the applicant requests an extension in writing to the Department of Planning and Redevelopment as authorized by the Subdivision Map Act prior to the expiration date. The request for extension must receive a recommendation from the Planning Commission and be approved by the City Council.

8. Approval for Subdivision (SUB10-02) for Tentative Tract Map No. 66609 shall be extended one year to expire on December 14, 2013, unless the Council approves the final map during that time period or unless the applicant requests an extension in writing to the Department of Planning and Redevelopment as authorized by the Subdivision Map Act prior to the expiration date. The request for extension must receive a recommendation from the Planning Commission and be approved by the City Council.

9. The City shall retain the right and the jurisdiction to review Development Plan Review (DPR12-01) in the event the use conducted herein is modified, changed in scope, or the owner or operator seeks to expand, alter, reconfigure, or change the use. This reservation of the right of review is in addition to, and not in lieu of, the right of the City to review and revoke Development Plan Review (DPR12-01) or to modify the permit for any violation of the conditions imposed.

10. Construction shall commence within 18 months of recordation of Final Maps for TTM 66608 and TTM 66609 as approved by the City Council and shall be carried on diligently to completion.

11. The applicant shall comply with the requirements of the National Pollutant Discharge Elimination System (NPDES).

12. The applicant shall comply with the Americans with Disabilities Act (ADA) prior to issuance of building permits.

13. The applicant shall comply with all applicable requirements of the City, County, State, and other responsible agencies.

14. The approval of this permit shall be contingent on approval by the Los Angeles County Fire Department. Any changes resulting from requirements of the Los Angeles County Fire Department shall be submitted to the Department of Planning and Redevelopment for review and approval prior to the commencement of construction.

15. The applicant shall sign a Height Certification form stating their awareness of the maximum height limit of 25 feet for a single family dwelling and return the form to the Department of Planning and Redevelopment prior to the issuance of building permits

16. At least two weeks prior to the proposed start of construction activity, including but not limited to clearing, demolition, grading, or the delivery of soils, equipment, or materials, the applicant shall mail or deliver written notice to all residents and businesses within 500 feet of the project site. The notice shall include a brief description of the project, the anticipated construction schedule, the City-imposed limits on hours of construction, and the name, phone number, and email of a representative of the applicant that the public can contact with any questions, concerns, or complaints about construction activity related to the project. The notice shall be approved by the Planning Department prior to mailing/delivery. The applicant shall provide a monthly report to the Planning Department regarding all complaints received during the prior month and what corrective action was taken to address each complaint, if applicable. If there are any substantive changes in the project schedule or scope of work, or a change in the contact name or information, the applicant shall immediately provide an updated notice in the manner described above.

17. Prior to the proposed start of construction activity, including but not limited to clearing, demolition, grading, or the delivery of soils, equipment, or materials, the applicant shall post signs on the project site in locations that are readily visible from all public rights-of-way. The dimensions and construction of the signs shall be consistent with the requirements for a large posted sign per Glendora Municipal Code Section 21.01.030. The signs shall include the project name or brief description, the anticipated construction schedule, the City-imposed limits on hours of construction, and the name, phone number, and email of a representative of the applicant that the public can contact with any questions, concerns, or complaints about construction activity related to the project. The sign copy shall be approved by the Planning Department prior to posting. Building permits for the signs are required. If there are any substantive changes in the project schedule or scope of work, or a change in the contact name or information, the applicant shall immediately update the content of the sign. The sign shall remain posted on the subject property until all construction activity has concluded, including but not limited to landscaping and irrigation.

18. The applicants shall make improvements necessary to ensure that the City is in compliance with the Congestion Management Plan (CMP) Deficiency Plan. In ensuring compliance, the applicants must provide improvements as described in the Countywide Deficiency Plan Toolbox of Strategies or other means approved by the Metropolitan Transit Authority (MTA), and as approved by the Departments of Public Works and Planning and Redevelopment. In implementing this condition, the applicant is not permitted to rely on credits generated by improvements not provided by the applicant.

19. The delivery of materials and equipment and the outdoor use of equipment, hammers, and power tools shall be limited to the hours between 7:00 a.m. and 6:00 p.m., Monday through Friday, with no work allowed on Saturdays, Sundays, or Federal holidays with the exception of interior work. Outdoor yard work is permitted as long as it does not involve heavy equipment or noise producing equipment.

20. The applicants shall comply with the colors and materials boards as approved by the City Council for DPR 12-01 and as revised by conditions of approval. All plans submitted for plan check shall reference the approved colors and materials. Approved colors and materials shall be installed prior to final occupancy for any building or landscape improvements.

21. The applicants shall comply with the approved perimeter wall/fence plan as approved by the City Council for DPR 12-01 as modified by conditions. The applicants shall obtain building permits for the approved fence/wall plans which shall be installed prior to occupancy of any construction phase and as described by these conditions.

22. A public areas street and landscape lighting plan shall be submitted to the Department of Planning and Department of Public Works for review and approval prior to the issuance of building permits. Street lighting shall be designed to reflect the design character outlined in the Monrovia Nursery Specific Plan and the approved architecture for the project. The approved lighting shall be installed prior to final occupancy following the phasing schedule.

23. A Waste Management Plan shall be submitted to the Department of Planning and Redevelopment for review and approval prior to issuance of any permits in compliance with the City's Construction and Demolition Ordinance No. 1811. The approved Waste Management Plan shall be implemented upon start of demolition, grading and construction and maintained throughout the project until final approval of the last unit. The City may review and amend the plan as needed. Guidelines are available from the recycling coordinator.

24. The City shall have the right of entry to inspect the premises to verify compliance with the conditions of approval and the Glendora Municipal Code.

25. The property owner shall pay the costs of any code enforcement activities, including attorney's fees, resulting from the violation of any conditions of approval or any provision of the Glendora Municipal Code.

26. Any violation of the Zoning Ordinance or any entitlement granted is considered a misdemeanor punishable by a fine not to exceed one thousand dollars ($1,000.00) and/or by imprisonment in the County jail for a period not exceed six (6) months. Each day or portion of a day during which any violation of the Zoning Ordinance occurs or continues constitutes a separate offense and shall be punishable as provided.

27. The applicant shall sign a statement indicating agreement with and acceptance of the adopted conditions of approval prior to issuance of permits and commencement of use. The signed

statement shall be returned to the Department of Planning & Redevelopment prior to the commencement of construction.

28. The applicant agrees as a condition of issuance of this entitlement to indemnify, protect, defend, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes or action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the issuance of this entitlement, any actions taken by the City related to this entitlement or the environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.*, for this entitlement and related actions.

Project Specific Conditions

29. The applicant shall submit landscape and irrigation plans for all public area landscape to the Planning Department for review and approval based on the approved conceptual landscape plans approved by the City Council and as modified by conditions. A water efficient landscape application package shall accompany the submittal of the landscape and irrigation plans submitted to the Planning Department as required by the State Water Conservation in Landscaping Act (AB1881). Approved landscaping and irrigation shall be installed following the project phasing schedule listed in these conditions.

    The applicant shall either (1) install landscaping for all front yard and steep slope and stepped retaining wall slopes on the privately owned lots as part of the landscape and irrigation plans submitted for City review and approval; or (2) include language in the CC&R's and Purchase and Sale Agreements to require each home owner to install front yard and any steep slope and stepped retaining wall landscaping within ***six months*** of close of escrow. The CC&R's shall require the homeowner to follow landscape guidelines outlined in the Monrovia Nursery Specific Plan and stepped retaining wall concepts approved by the Council. The CC&R's shall require all homeowner installed landscaping to submit a Water Efficient Landscape Plan application to the Planning Department for review and approval prior to installation of any landscape or irrigation.

    The applicant shall provide landscape, irrigation and fencing plans for the detention basin in Tract 66609 and the debris basin in Tract 66608 to the Planning Department and LA County for review and approval prior to issuance of any building permits. Approved landscape, irrigation and fencing shall be installed prior to final approval for those improvements.

    The wrought iron metal fence plans provided for the project indicate some fencing with decorative pilasters at 150 foot spacing and some fencing with no pilasters. In order to provide more continuity within the project, staff recommends that the applicant reduce the 150 foot spacing of pilasters along Sierra Madre Avenue to not less than 50 feet apart and require other wrought iron fencing for the project to incorporate decorative pilasters at minimum 30 feet apart for single family lots, detention basins and the west property line gap fencing.

30. The applicants shall work with staff to provide screening and a camouflage design consistent with LA County requirements for the debris flow channel identified for Tract 66608 prior to issuance of any permits for the debris basin. The approved design shall be installed as part of the construction of the debris basin for TTM 66608.

31. The applicant proposes the following lots to be constructed with a Floor Area Ratio of 35 percent. These lots cannot add additional covered living area unless either a minor modification is granted or existing living area is reduced.

TTM 66608 lots	***TTM 66609 lots***
28	37
30	39
42	40
43	42
45	43
46	44
	51
	52
	54

32. Construction Phasing Schedule. The following construction phasing schedules shall be followed unless a change is requested in writing and approved by the Planning Director:

Grading and Road Construction
No grading or road construction permits shall be issued until approval has been received from the City and LA County for final hydrological studies for TTM 66608 and 66609 ***and all toxic materials have been removed and all necessary clearance for the site has been provided by the State Department of Toxic Substance Control (DTSC).***

Off-site improvements
Off-site improvements including all streets, public utilities and storm drain systems shall be installed for both TTM 66608 and TTM 66609 prior to issuance of any building permits for the Tracts 66608 and 66609 ***or as approved by the City Engineer. This condition excludes permits for the model homes as part of TTM 66609. This exclusion does not exclude the requirement to receive DTSC clearance for toxic material removal/remediation prior to construction of model homes.***

Home construction phasing
<u>North, Tentative Tract 66608</u>
Phase 1 Lots 42 through 47
Phase 2 Lots 37 through 41
Phase 3 Lots 24 through 29
Phase 4 Lots 21 through 23 and Lots 30 through 33
Phase 5 Lots 18 through 20 and Lots 34 through 36
Phase 6 Lots 13 through 17
Phase 7 Lots 7 through 11

Phase 8 Lots 1 through 6

South, Tentative Tract 66609

Model Phase	Lots 5 through 9
Phase 1	Lots 57 through 60 and Lots 66 through 69
Phase 2	Lots 53 through 56 and Lots 70 through 74
Phase 3	Lots 43 through 48
Phase 4	Lots 39 through 42 and Lots 53 through 56
Phase 5	Lots 20 through 25
Phase 6	Lots 10 through 15
Phase 7	Lots 29 through 38
Phase 8	Lots 1 through 4 and Lots 26 through 28
Phase 9	Lots 61 through 65

Landscape installation phasing

1. All approved landscape and irrigation and amenities for the linear park shall be installed prior to final occupancy for Phase ~~1~~ 3 of Tract 66609.[1]
2. All street entry landscape for the project entries for Tract 66608 on Barranca Avenue and Sierra Madre Avenue and Tract 66609 on Barranca Avenue shall be installed prior to final occupancy for phase 1 for each Tract.
3. All new street landscape and irrigation improvements shall be installed prior to final occupancy for the ***final*** phase of each Tract. ***If*** the developer proposes to install front yard and steep slope landscaping on private lots, these landscape improvements must be installed prior to final occupancy for each phase. ***If the developer wishes to allow home owners to install front yard landscaping, the developer shall incorporate language into the CC&R's and purchase and sale agreements to require installation of City approved front yard landscaping within 6 months of close of escrow.***
4. All landscaping including planting and fencing of the detention basing for TTM 66609 shall be installed prior to final approval for these improvements.
5. All landscaping including planting and fencing of the debris basin and debris flow channel for TTM 66608 shall be installed prior to final approval for these improvements.
6. All landscaping along Sierra Madre Avenue and the slope below Sierra Madre Avenue shall be installed prior to final occupancy of Phase ~~1~~ 3 of Tract 66608.

7. All approved perimeter walls and fencing for individual lots shall be completed prior to final occupancy for each Phase in both tracts.

8. The fence/wall gap along the west side of the project in the vicinity of the Fairmount Cemetery shall be installed along the project western boundary between lots 66, 64 and 65 of Tract 66609 prior to final occupancy of Phase 5 of Tract 66609. The applicant shall obtain City approval for perimeter fence/wall gap design prior to issuance of permits for the work.

9. Fairmount Cemetery perimeter landscape, fencing and retaining wall/buttressing

The applicant shall ensure installation of all perimeter landscape and irrigation, cemetery fencing and cemetery retaining walls and buttressing prior to final occupancy approval of Phase 5 of Tract 66609. All proposed improvements shall receive grading and building permit approval from the City of Glendora and design approval from the Fairmount Cemetery Board of Trustees prior to issuance of permits for the work.

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1 Staff notes that this is consistent with the Arboreta Project which required completion of the Arboreta public linear park midway through the construction of the project.

10. Fairmount Cemetery Monument Sign
The applicant shall install a monument sign for the Cemetery as part of Phase 1 of Tract 66609. The monument sign shall not exceed 50 square feet in area. Exact location and design of the monument sign shall be approved by the City and Fairmount Cemetery Board prior to issuance of building permits for the sign.

33. The CC&R's prepared for the project shall incorporate language to require the Home Owners Association to maintain the drainage swales located on Lots 8, 9, 12, 17, 18, 19, 20, and 21 ***and lots 27 through 47*** of Tract 66608.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

APPROVED and **PASSED** this __ day of _____, 20__.

City Council of Glendora, California

BY: _____
GENE MURABITO, Mayor

APPROVED AS TO FORM:

_____
D. WAYNE LEECH, City Attorney

I, Kathleen R. Sessman, City Clerk of the City of Glendora, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Glendora at a regular meeting held on the ___ day of _____, 20__, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

Dated:

_____
KATHLEEN R. SESSMAN, City Clerk