RESOLUTION CC YYYY-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDORA APPROVING TENTATIVE TRACT MAP NO. 71945 MERGING APPROXIMATELY TWELVE PARCELS INTO ONE LOT ON CERTAIN PROPERTY LOCATED AT 121 AND 213 EAST ROUTE 66 AND 512, 518 AND 526 SOUTH GLENDORA AVENUE. (SUB12-04)

THE CITY COUNCIL
City of Glendora, California

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

WHEREAS, the applicants, AvalonBay Communities, Inc. and City Ventures have applied for approval of Subdivision (SUB12-04) for Tentative Tract Map No. 71945 pursuant to Chapter 20.12 and the Subdivision Map Act to merge 12 parcels on certain property located at 512, 518, and 526 South Glendora and 121 and 213 East Route 66, Glendora, CA; and

WHEREAS, the Planning Commission reviewed the project at a public workshop meeting on December 4, 2012 at which time comments on the project were provided; and

WHEREAS, a public hearing was held by the Planning Commission of the City of Glendora on January 15, 2013, 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, the Planning Commission recommended approval of Subdivision (SUB12-04) to the City Council; and

WHEREAS, a public hearing was held by the City Council of the City of Glendora on ----, 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 Commission and Planning Department staff 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 of the City of Glendora adopts a Mitigated Negative Declaration for the project pursuant to the California Environmental Quality Act (CEQA) certifying that all identified significant impacts can be mitigated to a level of less than significant.

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

<u>FINDINGS:</u>

1. The proposed map is consistent with applicable general and specific plans.

FACT: Tentative Tract Map No. 71945 is located on property at the northeast corner of Route 66 and Glendora Avenue identifies as 512, 518, and 526 South Glendora and 121 and 213 East

Route 66. The subject property has a General Plan land use designation of Route 66 Specific Plan with an implementing zone of Town Center Mixed Use (TCMU) District of the Route 66 Specific Plan. The land use and zoning for the property are consistent and provide for the consolidation of lots as requested for the proposed mixed use residential project.

2. The design or improvement of the proposed subdivision is consistent with applicable general or specific plans.
FACT: The project would allow consolidation of 12 lots which is consistent with the Route 66 Specific Plan. The Route 66 Specific Plan specifically encourages lot consolidation in order to facilitate high quality projects. The applicants are proposing a mixed use 260 unit residential apartment complex with 4,000 square feet of commercial space and a 444 space parking structure. The proposed mixed use project is consistent with the Route 66 Specific Plan. The following table outlines the project's compliance with the TCMU District standards of the Route 66 Specific Plan.

Development Feature	TCMU Standard	AvalonBay project	Comment
Dwelling Units per acre	Base 30; bonus incentives 25 For total of 55 DUA	54.86 DUA	Complies with approval of density bonuses
Front Setback	10 feet (maximum)	8 feet	Complies[1]
Side setback	0 feet	10 feet	Complies
Street Side setback	15 feet maximum	10 feet	Complies
Rear Setback	0 feet	30 feet to 110 feet	Complies
Minimum Street Frontage	150 feet	Route 66 420 ft Glendora Ave. 375 ft	Complies[2]
Maximum Height	Base: 45 ft/3 stories Bonus: 60 ft + 15 ft for arch. features/5 stories	Apartments – 54.75 ft Parking structure – 60 ft (65 ft. to elevator tower roof)	Complies with bonus incentive
Landscape	Follow guidelines	Landscape is provided	Staff to ensure compliance
Parking	Mixed Use 1 per bedroom and 0.1 for guest; 4/1000sf retail = 480 spaces	467 provided	Complies with Director approval[3]

3. The site is physically suitable for the type of development
FACT: The site encompasses approximately 4.739 acres at the northeast corner of Route 66 and Glendora Avenues (excluding the gas station immediately at the corner). The project would construct 260 apartment units in three to four story buildings with 4,000 square feet of commercial space surrounding a 444 space parking structure. Access is provided from both Route 66 and Glendora Avenue. The Fire Department has tentatively approved the proposed

1 The main portion of the building frontage is consistent with the 10 foot maximum. The entry steps back as provided in Section 21.10.220.C TCMU Design Guidelines.
2 Includes lot consolidation
3 Section 21.10.370.B.4 allows the Director to approve up to a 10% reduction in required parking for projects that provide a parking structure. The project provides a 444 space parking structure. The 13 space deficiency is 2.7% of the total requirement of 480 spaces and is eligible for the reduction.

emergency access for the project. As shown in Finding Number 2, the project is consistent with the TCMU development standards of the Route 66 Specific Plan.

4. The site is physically suitable for the proposed density of development.
FACT: The TCMU District of the Route 66 Specific Plan allows, with mixed use and lot consolidation incentives a maximum density of 55 dwelling units per acre. The TCMU District provides a base density of 30 dwelling units per acre. The project qualifies for two density bonuses: a mixed use density bonus of 10 dwelling units per acre and a lot consolidation bonus of 15 dwelling units per acre for a total density of 55 dwelling units per acre. The proposed density is 54.86 dwelling units per acre which is consistent with the allowed density including bonus incentives. Conditions are recommended to make approval of Subdivision (SUB12-04) contingent upon approval of density bonus incentives for the project.

5. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially injure wildlife or their habitats.

FACT: The Fire Department has approved the emergency access design for the project. A traffic study prepared for the project by KOA Corporation analyzed traffic impacts from the project and identified three mitigations to reduce traffic impacts: provide a dedicated westbound right turn on Route 66 at Glendora Avenue; extend the left turn west bound pocket at Route 66 and Glendora Avenue and provide a dedicated right turn lane for east bound traffic at Route 66 and Glendora Avenue. A noise study prepared by Eilar and Associates identified mitigation to reduce noise impacts to the residential project to allowable thresholds. A sewer study prepared by RBF Consulting indicates that there is sufficient sewer capacity to serve the project. Comments received from the California Department of Fish and Game indicated that there could be disturbance of nesting birds in the few large trees on the property. Mitigation was added to require the applicant to address this concern. The California Public Utilities Commission provided comments requiring a raised median for the first 100 feet south of the Glendora rail line crossing to prohibit left turns into the project which could cause queuing over the tracks. A mitigation was added to the project to address this comment. The Glendora Avenue access will only allow right turns in and right and left turns out. Other conditions and mitigations have been added to the project to ensure that the mixed use project is compatible with the surrounding community and zoning.

6. The design of the subdivision is not likely to cause serious public health problems.
FACT: The project would allow construction of a 260 unit mixed use apartment project with 4,000 square feet of commercial space and a 444 space parking structure. The project would include 8 parcels which were cleared in 2006 and received a clearance letter from LA County certifying the removal of all identified hazardous materials. The project also includes 4 developed parcels that will require the existing improvements to be demolished. A mitigation is identified to require a Phase I and Phase II Environmental review be prepared to certify that any discovered hazardous materials are safely removed prior to issuance of any grading or construction permits. The project will be required to comply with all necessary uniform building codes as part of the normal permitting process. Based on this information, the subdivision is not likely to cause serious public health problems.

7. The design of the improvements will not conflict with easements acquired by the public at large for access through or use of the property within the proposed subdivision.

FACT: There is an existing approximately 20 foot wide public access easement along the property frontage on Route 66. There are two public utility easements along the east property line. The identified easements will not be impacted by the proposed development.

SECTION 3. Subdivision (SUB12-04) for Tentative Tract Map No. 71945 to merge 12 parcels for a mixed use 260 unit apartment complex with 4,000 square feet of commercial space and a 444 space parking structure is hereby granted by the City Council of the City of Glendora on certain property located at 512, 518, and 526 South Glendora and 121 and 213 East Route 66, Glendora, California subject to the following conditions.

Conditions
Subdivision (SUB12-04); Conditional Use Permit (CUP12-06); Minor Conditional Use Permit (MCUP12-05); Development Plan Review (DPR12-04)

Standard Conditions

1. Subdivision (SUB12-04) for Tentative Tract Map No. 71945 approved by the City Council, with Resolution No. _____ allows consolidation of twelve lots in order to construct a 260 unit apartment building as modified by these conditions.

2. Conditional Use Permit (CUP12-06) approved by the City Council, with Resolution No. allows construction over three stories and more than 30,000 square feet as modified by these conditions.

3. Minor Conditional Use Permit (MCUP12-05) approved by the City Council, with Resolution No.___allows bonus incentives and mixed use development in the TCMU District of the Route 66 Specific Plan.

4. Development Plan Review (DPR12-04) approved by the City Council with Resolution No. allows multifamily development for a 260 unit apartment complex as modified by these conditions.

5. The approval of the project shall be contingent upon the approval of Subdivision (SUB12-04), Conditional Use Permit (CUP12-06), Minor Conditional Use Permit (MCUP12-05) and Development Plan Review (DPR12-04).

6. The subject property shall be developed in substantial conformance with EXHIBIT SUB12-04/CUP12-06/MCUP12-05/DPR12-04 dated January 15, 2013 as modified by conditions of approval.

7. Approval for Subdivision (SUB12-04) for Tentative Tract Map No. 71945 shall expire within 24 months of approval by the City Council 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. A subdivision improvement agreement and indemnity agreement including all off-site and utility and other infrastructure improvements as required by the Department of Public Works shall be approved by the City Council prior to issuance of any permits.

9. No building permits shall be issued until final map approval by the City Council and proof of recordation has been provided to the City.

10. No building permits shall be issued until existing structures have been demolished.

11. The applicant shall comply with standard conditions applicable to division of land as established in Ordinance No. 1364.

12. The City shall retain the right and the jurisdiction to review Subdivision (SUB12-04) /Conditional Use Permit (CUP12-06)/ Minor Conditional Use Permit (MCUP12-05) /Development Plan Review (DPR12-04) 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 Subdivision (SUB12-04) /Conditional Use Permit (CUP12-06)/ Minor Conditional Use Permit (MCUP12-05) /Development Plan Review (DPR12-04) or to modify the permit for any violation of the conditions imposed.

13. Construction shall commence within 12 months of approval of approval of the Final Map by the City Council and shall be carried on diligently to completion unless a time extension is granted as authorized by the Glendora Municipal Code.

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

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

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

17. 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.

18. 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.

19. The applicant shall submit a map detailing the route to be followed by vehicles making deliveries of equipment, materials, and soils to and from the site to the Department of Planning and Redevelopment for review and approval prior to the issuance of grading permits.

20. 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.

21. The applicant shall be responsible for the repair of all damages 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.

22. 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.

23. Soils shall be watered as necessary to minimize dust generation. Prior to the commencement of any work, the Developer shall provide a contact number for the public to call concerning dust complaints. The information shall be posted along with information concerning project noise.

24. A colors and materials board shall be submitted to the Planning Department for review and approval prior to the issuance of building permits.

25. A perimeter wall/fence plan shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. The approved fence/wall shall be installed prior to occupancy.

26. A landscape and irrigation plan shall be submitted to the Planning Department for review and approval subject to the requirements of Section 21.03.060 of the Glendora Municipal Code prior to the issuance of building permits. The landscape plan shall be revised to provide London Plane (Platanus acerifolia) trees, 36 inch minimum box size, along Route 66 and Glendora Avenue property frontage or as agreed to by the Planning Department. The Planning Department shall approve installed trees prior to final occupancy to determine their quality and health. If any tree is found not to be a healthy, vigorous specimen, the applicant shall replace the tree prior to final occupancy approval. Approved landscaping and irrigation shall be installed prior to final occupancy.

27. A exterior lighting and parking structure lighting plan and photometric study showing that light and glare will not exceed one foot-candle at any property line, shall be submitted to the Planning Department for review and approval prior to the issuance of building permits. The approved lighting shall be installed prior to final occupancy.

28. A Waste Management Plan shall be submitted to the Planning Department 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.

29. A security plan for the parking structure and all gated entries and exterior locked doors shall be submitted to the Planning Department and Police Department for review and approval prior to the issuance of building permits. The approved security plan shall be implemented prior to final occupancy.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. That the applicant shall cause to be submitted to the City of Glendora a digital graphics file containing the boundary, street centerline, right-of-way and lot/parcel line data necessary to facilitate transferring of the file into the City mapping system, if the applicant's surveyor or

engineer has the capability to provide such files. If the applicant's surveyor or engineer does not have this capability, the City will create such a graphics file for entry into its system and recover the cost through the map check process. The Basis of Bearings for the digital graphics file submitted to the City shall be the California Coordinate System (NAD 83), 1990 Adjustment or current adjustment as directed by the Director as established by the use of existing monuments, Global Positioning System surveys (GPS), or by astronomic observation. The digital graphics file shall be submitted to the Department of Planning & Redevelopment for review and approval prior to the recordation of the final map.

36. This language shall be added to the subdivision agreement: The subdivider shall defend, indemnify, and hold harmless the City of Glendora, or its agents, officers, and employees from any claim, action, or proceeding against the City of Glendora or its agents, officers, or employees to attack, set aside, void, or annul, an approval of the City of Glendora, the City of Glendora's advisory agency, Planning Commission and/or City Council concerning the subdivision, which action is brought within the time period provided for in Section 66499.37. The City of Glendora shall promptly notify the subdivider/applicant of any claim, action, or proceeding and the City of Glendora shall cooperate fully in the defense of the claim, action or proceeding."

Project Specific Conditions

37. Landscape: The applicant shall revise the plans to provide a parkway landscape area and tree wells along the Route 66 and Glendora Avenue frontages for the project. The applicant shall revise the landscape plans to provide London Plane (Platanus acerifolia) street trees or other species acceptable to the City, a minimum 36 inch box size. The proposed landscape and irrigation plans for both the project public right of way shall be submitted to the Planning Department and Community Services Departments for review and approval. The public right of way sidewalk plans shall be approved for ADA compliance by the Glendora Building Division. Landscape plans submitted for review must be approved prior to issuance of building permits for the project. The City Arborist shall approve the 36 inch box tree specimens prior to their installation to verify their excellent health and form. Approved plans shall be installed prior to final occupancy.

38. The applicant/property owner shall be responsible for the maintenance of the landscaping within the public right of way directly abutting the project along Glendora Avenue and Route 66. Any tree that dies or is deemed a hazard shall be replaced within one month upon notice and approval by the City.

39. The applicant/property owner shall maintain all landscape areas visible from public rights of way in excellent condition at all times. Landscape repairs shall be made within one month of written notification from the City. Any tree visible from any public right of way that dies shall be replaced within one month with the same species and a minimum box size of 36 inches.

40. Route 66 Median landscape: The extension of the left turn pocket may potentially impact existing trees in the median. The applicant shall include the median changes in the landscape plans for review and approval by the Community Services Department. Any trees

lost as part of the modifications shall be replaced on an inch per inch basis based on an arborist report prepared by the applicant. Minimum replacement box size shall be 36 inches. If the root systems of any remaining trees are damaged, from the improvements, resulting in the death of the tree, the applicant shall replace the tree with a species and box size approved by the Community Services Department.

41. The applicant shall provide plans for review and approval for a new bus stop on Glendora Avenue north of Route 66 by Planning and Public Works and Foothill Transit prior to issuance of building permits. The approved bus stop shall be installed prior to final occupancy.

42. Monument signs. One monument sign fronting Route 66 shall be allowed pursuant to GMC Section 21.10.390.A.1. No monument signs are allowed on Glendora Avenue per GMC Section 21.10.390.A.1.

43. The applicant shall revise the plans to provide a modern architectural façade along Glendora Avenue as shown in Exhibit SUB12-04/CUP12-06/MCUP12-05/DPR12-04 dated January 15, 2013 with a break in the elevation to provide an entry courtyard. The plans shall be revised to upgrade the parking structure north façade as provided in Exhibit SUB12-04/CUP12-06/MCUP12-05/DPR12-04 dated January 15, 2013.

44. The applicant shall comply with all mitigations identified in the mitigation monitoring program which is attached to these conditions and made a part thereof.

45. Balcony storage. Storage of bikes, toys, laundry, clothing or other types of storage are prohibited on any balcony visible from the public right of way. This requirement shall be included in the applicant's tenant lease agreements.

46. Satellite dishes cannot be placed where they are visible from public rights of way. This requirement shall be included in the applicant's tenant lease agreements.

47. Trash collection services shall be provided as often as necessary to ensure that there is no buildup of trash on the site or within the buildings. Trash placed outside of an authorized trash container is prohibited. Storage of trash bins or trash or recycling containers outside of the buildings for more than 24 hours is prohibited. The City Code Enforcement office shall monitor this condition.

48. Wall and fence plan. The applicant shall provide a decorative perimeter wall and fence plan consistent with the craftsman and modern architectural styles of the project for staff review and approval prior to issuance of building permits.

49. The Developer shall provide a bus turnout on Glendora Avenue. The applicant shall submit plans for the bus stop for review and approval by the City Engineer and Foothill Transit prior to issuance of building permits. Installation of the approved bus stop shall be completed prior to final occupancy.

Public Works Conditions

50. No on street parking will be allowed on Glendora Avenue or Route 66 frontage of the project.

51. Developer will be required to repave Glendora Avenue and Route 66 out to center line along the frontage of the project.

52. Developer will be required to replace the existing water lines 10" in Glendora Avenue and 8" in Route 66 fronting the property.

53. Final map review for technical accuracy will be performed by the City's contract Land Surveyor including any review of new easement legal & plats associated with this project. All fees associated with this review on the responsibility of the Developer. Title reports less than one year old will be required at the time of submittal.

54. Developer is required to comply with all requirements in the Route 66 Corridor Specific Plan that apply to this development including submitting payment for all "fair share" fees as determined by the Public Works Department.

55. Prior to the issuance of building permits, the subdivider shall pay any fees not in place at the time of approval for this tentative map which can meet the criteria for the payment of fees pursuant to Section 65961 of the California Government Code.

56. Prior to recordation of Final Map, the Developer is required to provide water rights to serve the project. Prior to issuance of building permits, if water rights are not available, an in lieu fee will be accepted as approved by the Director of Public Works.

57. Prior to issuance of certificate of use and occupancy, any existing survey monumentation/centerline ties removed or damaged during construction, shall be replaced by the Developer's Land Surveyor and corner records filed with the County Surveyor's office.

58. Building design and construction shall follow the design recommendations of the geotechnical review.

59. Prior to approval of the final map, the Developer shall prepare a project phasing/development infrastructure plan indicating the progression of the development of the site and general time frames of when the various phases of the site will develop. The plan shall be reviewed by the City for compliance with the provisions of the specific plan and approved mitigation measures for infrastructure an shall be used as a basis to install project landscaping and walls/fencing as indicated.

60. Developer will be required to make a dedication to the City of Glendora for street purposes along the frontage of the property of Glendora Avenue and Route 66.

61. Developer will be required to install a raised concrete median in the center of Glendora

Avenue south of the railroad tracks to prevent left turns into the development.

62. Developer will install a bus shelter at the bus stop at the existing bus stop just west of Glendora Avenue.

No.	Mitigation Measure	Mitigation Timing	Implementation Entity	Monitoring/Reporting Entity	Monitoring/Report Frequency
Air Quality					
A-1	1. Use of 2010 and newer diesel haul trucks. 2. Prohibit truck idling in excess of five minutes on and off-site. 3. Require use of electricity from power poles rather than temporary diesel or gasoline power generators. 4. Vehicles engines should be kept tuned according to manufacturer's specifications 5. Provide temporary traffic controls such as flag person, during all phases of construction to maintain smooth traffic flow. 6. Schedule construction activities that affect traffic flow on the arterial system to off-peak hour to the extent practicable.	During all grading and construction	Developer	Public Works Department	Throughout construction
Biological Resources					
B-1	1. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section10.13). Sections 3503, 3503.5, and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA). 2. Proposed project activities (including, but not limited to, staging and disturbances to native and nonnative vegetation, structures, and substrates) should occur outside of the avian breeding season which **generally runs from March 1-August 31 (as early as January 1 for some raptors)** to avoid take of birds or their eggs. Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86), and includes take of eggs and/or young resulting from disturbances which cause abandonment of active nests. Depending on the avian species present, a qualified biologist may determine that a change in the breeding season dates is warranted. 3. If avoidance of the avian breeding season is not feasible, the Department recommends that, beginning thirty days prior to the initiation of project activities, a qualified biologist with experience	Prior to issuance of grading permits	Developer	Planning Department	Weekly reports from the qualified biologist during all demolition, grading, and grubbing to verify compliance

	in conducting breeding bird surveys conduct weekly bird surveys to detect protected native birds occurring in suitable nesting habitat that is to be disturbed and (as access to adjacent areas allows) any other such habitat within 300 feet of the disturbance area (within 500 feet for raptors). The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of project activities. If a protected native bird is found, the project proponent should delay all project activities within 300 feet of on- and off-site suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, project activities within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and there is no evidence of a second attempt at nesting. Flagging, stakes, and/or construction fencing should be used to demarcate the inside boundary of the buffer of 300 feet (or 500 feet) between the project activities and the nest. Project personnel, including all contractors working on site, should be instructed on the sensitivity of the area. The project proponent should provide the [CEQA lead agency] the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds. If the biological monitor determines that a narrower buffer between the project activities and observed active nests is warranted, he/she should submit a written explanation as to why (*e.g.*, species-specific information; ambient conditions and birds' habituation to them; and the terrain, vegetation, and birds' lines of sight between the project activities and the nest and foraging areas) to the [CEQA lead agency] and, upon request, the Department. Based on the submitted information, the [CEQA lead agency] (and the Department, if the Department requests) will determine whether to allow a narrower buffer. 4. The biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (*i.e.*, outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and				

	to minimize the likelihood that active nests are abandoned or fail due to project activities. The biological monitor shall send weekly monitoring reports to the [CEQA lead agency] during the grubbing and clearing of vegetation, and shall notify the [CEQA lead agency] immediately if project activities damage active avian nests.				
Geology and Soils					
G-1	Phase I and Phase II Environmental Studies for the four additional properties would be required and any discovered soil contamination mitigated to the satisfaction of Los Angeles County Fire Department prior to issuance of any building permits for the project.	Prior to issuance of grading permits	Developer	Public Works and Planning Departments	Prior to issuance of permits
G-2	If required by the City Engineer, the applicant shall prepare a seismic report to determine any necessary construction techniques to address seismic hazard potential	Prior to issuance of grading permits	Developer	Public Works Department	Prior to issuance of permits
Hydrology and Water Quality, Utilities and Services Systems, Cumulative Impacts					
H-1	Consultation with the Los Angeles County Sanitation Districts to verify capacity. (note, this mitigation has been accomplished – there will be no impact to the sewer systems)	Prior to issuance of any permits	Developer	Planning and Public Works Departments	Prior to issuance of permits
Noise					
N-1	All windows and exterior glass doors shall have a minimum STC Rating of 28.	Prior to issuance of building permits	Developer	Planning and Public Works Departments	Prior to issuance of building permits and at final inspection
N-2	All exterior door installation shall include all-around weather-tight door stop seals and an improved threshold closure system. Additionally, it is imperative to seal and caulk between the rough opening and the finished door frame for all exterior doors by applying an acoustically resilient, non-skinning buytl caulking compound. Sealant application should be generous as needed to ensure effective sound barrier isolation. The OSI Green Series and the Pecora AC-20 FTR acoustic sound sealants are products specifically designed for this purposed.	Prior to issuance of building permits	Developer	Planning and Public Works Departments	Prior to issuance of building permits and at final inspection
N-3	Since interior noise levels would exceed 45 CNEL with windows open, mechanical ventilation is required for all units.	Prior to issuance of building permits	Developer	Planning and Public Works Departments	Prior to issuance of building permits and at final inspection
N-4	The study evaluated vibration impacts from the freight train operation on the adjacent rail line. The future Gold Line would	Prior to issuance of grading permits	Developer	Planning and Public Works	Prior to issuance of grading permits and at

	have a Federal maximum threshold of 72VdB due to the fact that operation would exceed 70 trans per day. The Gold Line vibration impact would be 72.6 VdB and must be mitigated. The operation of the freight line, operating only twice a day has a Federal vibration threshold of 80 VdB. Measured vibration from the freight train was determined to be 81.1 VdB and must be mitigated. Mitigation consists of a vibration absorption and insulation system for the building's foundation. The applicant shall provide a vibration absorption and insulation system such as a system provided by Fabreeka International Vibration Isolation Material (Regufoam) to control vibration down to 6Hz. Vibration isolation should be applied to any residential concrete foundation that is located within approximately 100 feet of the railroad tracks. It is important to isolate the entire slab, as any discontinuity in the vibration isolation will allow for alternative paths of vibration to enter into the structure. However, it is not necessary to isolate concrete slabs that do not extend within 100 feet of the railroad, nor is it necessary to isolate foundations that do not support residential structures such as the parking structure.			Departments	final inspection
N-5	Mitigation is recommended to limit exterior construction work to Mondays through Fridays. No exterior work allowed on Saturdays, Sundays or Federal holidays. Equipment shall be maintained in proper operating condition. Staging areas shall be placed at locations furthest from noise sensitive receptors.	Prior to issuance of any permits	Developer	Planning and Public Works Departments	Ongoing monitoring during construction
Public Services and Cumulative Impacts					
P-1	The following fair share fees have been identified as the project's fair share fees to address impacts to the City's infrastructure: Domestic Water System Improvement Costs $465,706 Strom Drainage Improvement Costs $10,446 Streetscape Improvement Fee $37,832 Sewer Monitoring Fee $199 Total $513,984	Prior to approval of Final Map	Developer	Planning and Public Works Department	Prior to Final Map approval
P-2	The parking structure will need a video camera monitoring system to ensure protection. In addition, knox boxes on all driveway gates must be provided. A security plan shall be	Prior to issuance of building permits	Developer	Planning and Police Departments	Prior to issuance of building permits and at final inspection

	submitted to the Police Department for review and approval prior to issuance of any permits.				
Transportation					
T-1	Glendora Avenue and Route 66 West Bound. Widen and restrip Route 66 east of Glendora Avenue to provide a right-turn only lane in the westbound approach. The resulting lane configuration for the westbound approach shall be one left-turn lane, two through lanes and one right-turn only lane. The sidewalk width on the north side of Route 66 and west of the proposed project driveway would be approximately 8 feet. In addition, the extension of the westbound left-turn pocket to approximately 230 feet plus a 90 foot taper is recommended in order to enhance traffic operations and safety on Route 66. The extension of the left-turn pocket would require modification of the existing raised median island and the relocation of the existing street light located east of Glendora Avenue. The eastbound approach on Route 66 west of Glendora Avenue shall be restriped to provide a right-turn only lane. The resulting lane configuration for the eastbound approach shall be one left-turn lane, two through lanes and one right-turn only lane. This mitigation is considered feasible and will reduce traffic impacts at Glendora Avenue and Route 66.	Prior to issuance of grading permits	Developer	Planning and Public Works Departments	Prior to issuance of grading permits and at final inspection
T-2	Unless the applicant receives approval otherwise from the California Public Utilities Commission, the applicant shall install a raised median of a minimum 100 feet south of the Glendora Avenue Rail line crossing to prevent queuing on tracks potentially caused by left turns into the project site.	Prior to issuance of grading permits	Developer	Planning and Public Works Departments	Prior to issuance of grading permits and at final inspection
T-3	Install continuous vandal resistant fencing (or other appropriate barriers) on the project area bordering the rail line track to prevent unauthorized entry into the railroad right-of-way and to minimize the potential noise impact caused by the train horns and traffic.	Prior to issuance of building permits	Developer	Planning and Public Works Departments	Prior to issuance of building permits and at final inspection
T-4	Install Americans with Disabilities Act (ADA) compliant standard detectable warning tactile strips on all pedestrian approaches to the crossing, either 12 feet away from the track or two (2) feet away from the Commission Standard 9 warning	Prior to issuance of grading permits	Developer and Planning Department	Planning and Public Works Departments	Prior to issuance of grading and at final inspection

	devices, whichever is further away from the track; and install two (2) edge-line strips for each sidewalk passage at the crossing. The City shall initiate meetings with CPUC and other necessary agencies for approval of any modifications of the Railroad right of way.				

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