RESOLUTION CC 2012-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDORA APPROVING MINOR TECHNICAL CHANGES AND A ONE YEAR TIME EXTENSIION TO A NEW EXPIRATION DATE OF DECEMBER 14, 2013 FOR TENTATIVE TRACT MAP NO. 66609 ON CERTAIN PROPERTY LOCATED BETWEEN SIERRA MADRE AVENUE AND THE RAILROAD RIGHT OF WAY AND BETWEEN THE GLENDORA/AZUSA CITY BOUNDARY AND BARRANCA AVENUE. (Modification SUB10-02).

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 to allow the modification of Subdivision (SUB 10-02) for Tentative Tract Map 66609 for minor technical changes relative to elevations, and the configuration of Milton Drive and a one year time extension for the Glendora Monrovia Nursery property pursuant to Title 20 of the Glendora Municipal Code and Government Code Section 66452.6; 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 the modification of Subdivision (SUB10-02) for Tentative Tract Map 66609 and a one year time extension to a new expiration date of December 14, 2013 to the City Council at a public hearing on September 4, 2012 after due notice was give 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 Modification Subdivision (SUB10-02) for Tentative Tract Map 66609:

1. The proposed modifications to the tentative tract map are consistent with applicable general and specific plans.

FACT: Tentative Tract Map No. 66609 was approved by the City Council on December 14, 2010. The applicant is requesting approval for minor technical changes to the tentative map to address updating the elevation benchmark datum, reconfiguration of some lots and reconfiguration of Milton Drive following one of the options provided in the Monrovia Nursery Specific Plan. These minor changes also required an amendment to the Monrovia Nursery Specific Plan (ZA12-01). A condition is recommended to make approval of the modification of Subdivision (SUB10-02) for Tentative Tract Map 66609 contingent upon approval of Zone Amendment (ZA12-01). With the amendment to the Specific Plan, the proposed minor changes to the tentative tract map will be consistent with the Specific Plan and the General Plan.

2. The design or improvement of the proposed subdivision map is consistent with applicable general or specific plans.

FACT: The Monrovia Nursery Specific Plan provides detailed direction for site design, lot layout, infrastructure requirements, street layout, grading scheme, street cross sections, and open space. Tentative Tract Map 66609 is consistent with the Specific Plan in all major respects. However, new technical information on more current elevation benchmark datum points has been recommended which requires revisions to the Specific Plan pad elevations. These changes do not change the relative elevations between proposed pads and surrounding developed properties. The TTM 66609 also revises Milton Drive to provide a double cul-de-sac access design, which was one of the options provided in the Monrovia Nursery Specific Plan. These changes are reflected in the modified TTM 66609 and also in the proposed zone amendment for the Monrovia Nursery Specific Plan. A condition is recommended to make approval of Modification Subdivision (SUB10-02) for TTM 66609 contingent upon approval of Zone Amendment (ZA12-02).

3. The site is physically suitable for the type of development.

FACT: Studies prepared for the Monrovia Nursery Specific Plan and original TTM 66609 provide detailed discussion of the improvements required to ensure the health and safety of residents in the future proposed development. Undesirable characteristics of the land include possible flood hazard, unsuitable soils, hazardous materials in the soil and inclusion of the site in a high fire hazard severity zone. Conditions of approval for the original SUB10-02 for TTM 66609 will remain in effect along with mitigation measures identified in the mitigated negative declaration adopted for the project. These conditions and mitigations require full exploration of these possible hazards prior to the recordation of the amp. Adequate conditions and mitigation measures are in place to protect development of the site against these potential hazards. These include completion of a final hydrology study and runoff management plan with debris flow analysis to ensure that the site is not impacted by off-site flood hazard, elimination of all unsafe soils and geologic conditions and recommendations for structural building designs and removal of hazardous soils contaminants that exceed levels identified to be harmful. The subdivision must also comply with the requirements of the Los Angeles County Fire Department and the California Building Code to ensure the project complies with building requirements for the Very High Fire Hazard Severity Zone. The proposed technical changes to elevation benchmark datum, minor increase in pad elevation in eight lots, and installation of stepped retaining walls rather than steep slopes are considered minor technical changes that will not impact any of the conditions adopted for the project. The inclusion of the debris basin and debris flow channel implements the requirements of the Specific Plan to ensure the suitability of the site for the proposed development.

4. The site is physically suitable for the proposed density of development.

FACT: Conditions and mitigation measures have been adopted to ensure the physical suitability of the site for the development. The site can adequately accommodate the proposed density of development which is proposed as approximately 0.8 dwelling units per acre. The General Plan allows a maximum of 3 dwelling units per acre for the Low Density Residential designation for the subject property.

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

FACT: Biological studies prepared for the development of the site do not indicate the presence of wildlife or habitat. The property has been utilized as a commercial nursery for several decades but is currently fallow. Conditions and mitigation measures include safeguards to protect birds during nesting season and provide a tree-replacement program.

6. The design of the subdivision map is not likely to cause serious public health problems.

FACT: Requirements for the development of the site include a requirement to reduce potentially harmful levels of arsenic to safe levels. Conditions and mitigation measures also require the implementation of measures to offset potential noise impacts during construction and reduce air quality impacts during construction from heavy equipment. No other issues have the potential to cause 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 map.

FACT: Approval of the proposed map would affect easements acquired by the public at large. The proposed map accounts for the easements which provide a means of public access to streets. The reconfiguration of Milton Drive as a double cul-de-sac street was considered a preferred alternative in the Monrovia Nursery Specific Plan as expressed by the public at the hearings for the Specific Plan. The Fire Department has approved the reconfiguration of Milton Drive which will provide access to new homes proposed by the subdivision as well as provide continued access to existing homes now served by Milton Drive.

SECTION 3. The City Council hereby approves the modification of Subdivision (SUB10-02) to allow minor technical changes and a time extension to a new expiration date of December 14, 2013 for Tentative Tract Map No. 66609 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
North, Tentative Tract 66608

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]

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.

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.

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