MEMORANDUM

TO: City Council

FROM: Interim City Manager

DATE: November 7, 2019

SUBJECT: Comments on Agenda Items, Meeting of November 12, 2019

ITEM 3.B. City Council will be meeting in closed session regarding an existing rate case filed by California American Water company with the California Public Utilities Commission starting at 5:30 p.m.

ITEM 3.C. City Council will continue to meet in closed session to discuss possible exposure to litigation.

ITEM 3.D. City Council will continue to meet in closed session to discuss pending filed litigation.

ITEM 8.A. The Mayor's Youth Council will provide City Council with an update.

ITEM 8.B. City Council will recognize the members of the Duarte Ad Hoc Citizens Finance Committee.

ITEM 8.C. City Council will recognize Soyfoods of America, Inc. as a recipient of Los Angeles County Sanitation District's "2018 Good Corporate Citizen" award.

ITEM 8.D. Terina Keresoma with Los Angeles County will be giving a presentation of the new 2020 voting system.

ITEM 12. D. (Consent) As part of the Community Development Block Grant (CDBG) funding that Council approved for the City-wide ADA Ramps Improvement Project for 2019-20 fiscal year, this item requests approval of an award to Gentry Brothers, Inc. in the amount of $41,080.00 for the installation of nine accessible curb ramps within the public right-of-way at various locations throughout the City. The installation of these curb ramps will remove barriers and allow for more accessible and safer paths of travel for pedestrians.

ITEM 14. Staff is recommending that City Council adopt Resolution 19-R-29, which formalizes a policy for hearing, discussing and excusing Councilmember's absences.

ITEM 15. Staff is bringing this urgency ordinance at Council's request, based upon previous public comments regarding evictions being implemented within the City, in advance of State laws becoming effective on January 1, 2020. Like many cities in Los Angeles County, Duarte is experiencing a humanitarian crisis of homelessness that would be exacerbated by the displacement of renters. Evictions of senior or other vulnerable tenant populations will exacerbate the homelessness crisis in the region and the City seeks to stem the rise of such homelessness. This urgency ordinance would allow the City to help provide stability to current tenants facing non-fault evictions through the holidays in advance of the effective date of AB 1482.

ITEM 16.A. Staff is recommending that City Council approve the allocation of $148,698 in new FY 2020-21 Community Development Block Grant Program (CDBG) funding in addition to previously unspent CDBG funds in the amount of $72,726, for a total of approximately $221,424 to

remove architectural and material barriers to improve safe paths of travel for elderly and severely disabled adults and complete ADA-compliant improvements at City Hall. Staff is also asking that City Council approve the City Manager to execute all necessary contract documents in a form approved by the City Attorney and for the ability to make adjustments to the projects due to final funding allocations or as needed due to programmatic interpretations by the Los Angeles County Development Authority.

ITEM 16.B. & 16.C. Staff requests that Public Hearings B and C be held concurrently. This group of items before the City Council provides the path for development in the Duarte Station Specific Plan area. It includes an amendment to the Duarte Station Specific Plan, a Final Subsequent Environmental Impact Report; and a related Municipal Code Amendment and Zone Change. Please note that this Vesting Tentative Tract Map, two Site Plans and Design Review will allow the Phase 1 of buildout of the area. The Phase 1 buildout will have 619 luxury apartments in two residential buildings on the property where Woodward Aviation is currently located. There will be 344 units located at 1700 Business Center Drive and 275 units at 1750 Business Center Drive.

Respectfully submitted,



Manuel Enriquez
Interim City Manager

MINUTES

JOINT CITY COUNCIL/CITY COUNCIL AS SUCCESSOR AGENCY TO DISSOLVED REDEVELOPMENT AGENCY/HOUSING AUTHORITY/COMMUNITY FACILITIES FINANCING AUTHORITY OF THE CITY OF DUARTE REGULAR MEETING – OCTOBER 22, 2019

CALL TO ORDER	The City Council/City Council as Successor Agency to Dissolved Redevelopment Agency/Housing Authority/Community Facilities Financing Authority of the City of Duarte met in a regular meeting in the Council Chambers, 1600 Huntington Drive, Duarte, California. Mayor Pro Tem Kang called the meeting to order at 6:03 p.m.
RECORDATION OF ATTENDANCE	The following were in attendance: PRESENT: Fasana, Finlay, Kang, Lewis, Reilly ABSENT: Urias, Paras-Caracci ADMINISTRATIVE STAFF PRESENT: Interim Successor City Manager Enriquez, City Attorney Cosgrove
ADOPTION OF AGENDA	Kang moved, Reilly seconded to adopt the Agenda, as amended to adjourn in memory of Becky Evans and Deputy Charlie Tharp, and carried unanimously by those present.
CLOSED SESSION Public Employee Performance Evaluation – Interim Successor City Manager	City Attorney Cosgrove announced the Closed Session is pursuant to Government Code Section 54957(b)(1); Public Employee Performance Evaluation – Interim Successor City Manager. The Closed Session concluded at 6:57 p.m. City Council reconvened at 7:09 p.m., with five members present, and Urias and Paras-Caracci absent.
PLEDGE TO THE FLAG	Victor Benavides led the Pledge of Allegiance to the Flag.
MOMENT OF REFLECTION	Reilly provided a moment of reflection.
FITNESS/MENTAL WARM-UP	Lewis and Finlay provided the warm-up.
PUBLIC REPORT OF CLOSED SESSION ITEMS	City Attorney Cosgrove announced that City Council met in a Closed Session as stated above, and discussed goals and expectations, with no reportable action taken.
SPECIAL ITEMS Introduction – Promise Fellows	Recreation Supervisor Lupe Valerio welcomed the City's partners in the AmeriCorps Program, who introduced their Promise Fellows: Jadey Hernandez (VIP Fellow for Foothill Unity Center), Alan Melgoza-Calderson (VIP Fellow for City of Hope), Elyssa Santano (VIP Fellow for the Duarte Senior Center), and Daisy Perez (VIP Lead Fellow for the Parks and Recreation Department).
City Recognition by LAEDC "Most Business Friendly City" Finalist	Bob Machuca, Los Angeles Economic Development Corporation, congratulated the City of Duarte on being selected as an Eddy Award "2019 Most Business Friendly City in Los Angeles County" finalist in the category of 50,000 or less population,

	and presented City Council with a plaque from LAEDC and a scroll from Supervisor Barger.
Presentation – Cerrell Associates Duarte For All update	John Anderson, Cerrell Associates, presented information about "Duarte For All," the public education outreach program for the City, and showed a PowerPoint that included phased approach, program timeline, materials, sample presentation information, and next steps.
ANNOUNCEMENTS	Brenda Trainor, Duarte Chamber, announced upcoming events, programs, and seminars in October.
	Victor Benavides, City of Hope, announced Walk For Hope on Sunday, November 3, 2019.
	An unnamed speaker sang about the Dodgers.
	Joanna Gee, Duarte Library, announced upcoming programs, story times, events, and classes in October and November.
	Victoria Rocha announced upcoming community events, activities, and meetings in October and November.
ORAL COMMUNICATIONS	The following spoke on items not on the Agenda. Nancy Parry – Huntington Oaks, 60-day eviction moratorium. Andrew Raubitschek – Wildfire cameras, wilderness preserve.
	Finlay and Fasana asked that an item be agendized about a moratorium on 60-day eviction notices, similar to what the city of Los Angeles has adopted, with possible action that can be taken.
CONSENT CALENDAR	Fasana moved, Finlay seconded to approve the Consent Calendar as follows, and carried unanimously by those present. Approve Items A, B, C. Remove Item D.
ITEM REMOVED Item D – Conference Attendance Meeting with Sheriff Villanueva	Enriquez stated the Sheriff's Department is requesting that two City Councilmembers be designated to attend the meeting with Sheriff Alex Villanueva on October 30, 2019, in Temple City.
ITEM D – APPROVED	Finlay moved, Kang seconded to designate Councilmembers Lewis and Fasana as the attendees, and to approve Item D, and carried unanimously by those present.
RESOLUTION Council Bill 19-R-23 Stop Sign Policy	Council Bill 19-R-23 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ADOPTING THE STOP SIGN POLICY
	Amanda Hamilton, Public Works Manager, presented the staff report about the proposed resolution, and introduced Walter Okitsu from KOA Corporation, who described the proposed stop sign policy, showed diagrams of a variety of intersections, and answered questions from Councilmembers.
RESOLUTION NO. 19-23	Fasana moved, Finlay seconded to adopt Resolution No. 19-23, and carried unanimously by those present.

BUSINESS ITEMS
Installation of stop signs
KOA Corp. recommendations
(Considered out of sequence)

Mayor Pro Tem Kang stated Item D would be considered at this time.

Reilly stated this would increase spending, and suggested it be postponed until next year, and included in the budget.

Steve Hernandez stated even during a fiscal emergency, public safety has to come first, and he is in full agreement with this.

Fasana moved, Finlay seconded to approve the traffic engineering recommendations from KOA Corporation for the installation of stop signs at the intersections of Bloomdale Street/Bradbury Avenue, Brycedale Avenue/Maynard Drive, Greenbank Avenue/ Deerlane Drive, and Oakhaven Drive/Random Lane, per staff recommendation, and carried by the following Roll Call vote:
AYES: Fasana, Lewis, Finlay, Reilly, Kang
NOES: None
ABSENT: Urias, Paras-Caracci

Duarte Ad Hoc Finance Committee – Final Report

Kristen Petersen presented the Duarte Ad Hoc Finance Committee's final report, provided details about recommendations for revenue enhancements and/or cost containment ideas, and answered questions from Councilmembers.

Steve Hernandez discussed his experience serving on the Committee, stated he feels youth and senior services should not be reduced, and he supports employees and would not want to see any of them let go.

City Council expressed appreciation to the Committee for the valuable information, and asked that the members be invited to a future Council Meeting for recognition.

Fasana moved, Finlay seconded to receive and file the Duarte Ad Hoc Finance Committee Final Report, and that members of the Committee be invited to a future Council Meeting for recognition, and carried unanimously by those present.

Award of contract – Commercial Waterproofing Systems, Inc.
Senior Center Roof Replacement

Enriquez presented the staff report about the item, and answered questions pertaining to warranty, damage, capital improvement fund, and concrete tiles.

Steve Hernandez stated during the rainy season, water dripped through the lighting and on the inside wall, and stated this is a good idea to get this done before the next rain.

Fasana moved, Kang seconded to award the contract to Commercial Waterproofing Systems, Inc., in the amount of $199,831 for the Roof Replacement Senior Center Building Project, and to approve a budget amendment in the amount of $199,831 from the General Fund, per staff recommendation, and carried unanimously by those present.

FM3 Research
Contract Amendment
(Continued from 10/8/19)

Kristen Petersen presented the staff report, and introduced John Anderson from Cerrell Associates, who provided additional information.

There was discussion about survey questions, the possibility of doing this in-house or using UC Irvine to conduct the survey, cost, and information received being a marketing tool.

Finlay moved, Kang seconded to approve the amendment to the contract with FM3 Research.

Steve Hernandez stated with regard to the number of voters, a survey with 250 results is a small percentage, he thinks we need another survey, and it is worth spending money on.

Finlay called for the question. The motion to approve the amendment to the contract with FM3 Research carried by the following Roll Call vote:
AYES: Fasana, Finlay, Kang
NOES: Lewis, Reilly
ABSENT: Urias, Paras-Caracci

REPORTS/COMMUNICATIONS FROM COUNCIL/MANAGER/ ATTORNEY

ENRIQUEZ: Congratulated City departments and staff for Arbor Day, Family Feud, floating pumpkin patch, and completion of audit events.

COSGROVE: Stated he received a status report from the recruiter, and the work is proceeding at pace.

REILLY: Stated she is concerned about the lack of information regarding the health of the Mayor, asked about her status, since she serves on intergovernmental organizations, alternates may need to attend the meetings, stated she received the yellow advisory about buses and thinks it should have said why, thanked the hosts of the Family Feud event, she saw the new voting machines that will be used by L.A. County, and asked if a presentation can be made about them.

FINLAY: Thanked all who participated in the Duarte Education Foundation dinner, she will be making a presentation at Rotary tomorrow, congratulated the new member of the Duarte School District Board, and stated she visited with the Mayor and she is doing well.

LEWIS: Stated at the League conference, the first resolution to be voted upon was pulled and the second one passed, thanked coaches, principal, and District Supervisor for letting him lead the Duarte High School team on the filed for Homecoming, and stated he hopes the Mayor gets better soon.

FASANA: Stated one of the bills signed by the Governor relates to accessory dwelling units and parking replacements, asked for a report back in the next few months as to how this affects our

residential single family zoning and what we need to do to make those changes, referred to the Government Code section about Councilmember absences, stated the Mayor is well within the requirements, and wished her well in her recovery.

MEETINGS AND EVENTS ATTENDED

In addition to the meetings/events reported on the Agenda, the following attendance events were announced:
Reilly – Arbor Day event.
Finlay – JPIA symposium, League meeting.
Lewis – League conference.

ADJOURNMENT

The meeting was adjourned at 9:55 p.m. in memory of Becky Evans and Deputy Charlie Tharp.

_____
Mayor

ATTEST:

_____
City Clerk

City of Duarte

Council Warrant Register by Account
By Fund

Payment Dates 102319 - 111219

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 100 - GENERAL FUND					
100-1005-7642	U.S. BANK	Margaret Finlay Santa Teresita	251		200.00
100-1005-7642	MARGARET FINLAY	Council Vehicle Allowance	213773		75.00
100-1005-7646	TZEITEL PARAS-CARACCI	Council Vehicle Allowance	213802		75.00
100-1005-7646	FSP DESIGNS	Duarte Merch-Hat & Shirt (Par	213775		30.81
100-1005-7648	SAMUEL KANG	Council Vehicle Allowance	213782		75.00
100-1005-7649	BRYAN URIAS	Council Vehicle Allowance	213823		75.00
100-1005-7650	U.S. BANK	Toney Lewis League Conf Hot	251		592.54
100-1005-7650	TONEY LEWIS	Council Vehicle Allowance	213787		75.00
100-1010-7610	U.S. BANK	City Manger Lunch 9/25/19 (C	252		47.41
100-1010-7614	U.S. BANK	Graphics Software (Canva)	251		119.40
100-1010-7650	WEX BANK	Fuel-City Manager 9/1/19 - 9/	EFT08788		30.01
100-1010-7650	U.S. BANK	FasTrack Replenish	251		40.00
100-1010-7650	CITY OF MONROVIA	Fuel-City Manager 9/2019	213796		215.00
100-1010-7685	GRANICUS INC	CC Agendas/Minutes/Videos	213776		1,677.93
100-1010-7685	GRANICUS INC	CC Agendas/Minutes/Videos	213776		2,777.91
100-1010-7980	U.S. BANK	Get Well Delivery to Councilm	251		111.99
100-1010-7980	U.S. BANK	Closed Session 10/8/19 Choco	251		21.18
100-1010-7980	U.S. BANK	Closed Session 10/8/19 (Swee	251		55.00
100-1010-7980	U.S. BANK	Closed Session 10/8/19 (B Ma	251		206.18
100-1010-7980	U.S. BANK	Closed Session 9/24/19 (Dicke	251		209.26
100-1010-7980	U.S. BANK	Closed Session 10/22/19 (Old	251		208.55
100-1010-7980	BOTANICA FLORIST	Condolence Flowers Becky Ev	213703		75.70
100-1015-7680	RUTAN & TUCKER LLP	General City Attorney (Retain	213810		12,288.47
100-1015-7684	SILVER & WRIGHT LLP	Arberry Legal 9/2019	213816		43.60
100-1015-7684	SILVER & WRIGHT LLP	2026 Broadland Legal 9/2019	213816		43.60
100-1015-7684	SILVER & WRIGHT LLP	1939 Wardell Legal 9/2019	213816		1,417.00
100-1015-7684	SILVER & WRIGHT LLP	1001 Las Lomas Legal 9/2019	213816		5,482.78
100-1015-7686	RUTAN & TUCKER LLP	Enviro/Stormwater Litigation (	213810		30,413.84
100-1015-7686	RUTAN & TUCKER LLP	Cal Am Litigation 8/2019	213810		1,536.00
100-1015-7686	RUTAN & TUCKER LLP	Telecommunications Legal 8/2	213810		494.50
100-1015-7686	RUTAN & TUCKER LLP	City of Hope Legal 8/2019	213810		448.00
100-1015-7686	RUTAN & TUCKER LLP	D & Design (Trademark) Legal	213810		254.00
100-1020-7710	LUDECKE PROPERTY MANAGE	Chamber Lease 11/2019	213791		1,600.00
100-1020-7711	U.S. BANK	Employee Appreciation Invita	251		137.20
100-1020-7712	U.S. BANK	Facebook Ads	252		48.72
100-1020-7716	U.S. BANK	Mayors Prayer Breakfast Pape	251		154.79
100-1020-7716	U.S. BANK	Clean Air Day Food 10/2/19 (S	251	202016-Comm Event-Coalitio	250.00
100-1020-7716	CALIFORNIANS ORGANIZED F	Veterans Day Expense	213751		100.00
100-1020-7716	THE SAUCE CREATIVE SERVICE	Veterans Day Banner Update	213811		24.64
100-1020-7716	FSP DESIGNS	Mayors Prayer Breakfast Bann	213775		45.00
100-1020-7717	U.S. BANK	Rte 66 Parade 2019 Insurance	251		245.00
100-1020-7717	TRIPEPI SMITH & ASSOCIATES	2019 Route 66 Parade & City	213822		765.00
100-1020-7722	U.S. BANK	Hootsuite 10/2/19 - 11/1/19	251		14.99
100-1020-7724	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		115.00
100-1020-7726	U.S. BANK	Adobe Creative Cloud	251		34.99
100-1020-7726	LEVON YOTNAKHPARIAN	CC Cablecast 8/2019 - 10/201	213826		3,300.00
100-1205-7610	LARRY BRECEDA	Emergency Mgr's Conferrence	213704		251.57
100-1205-7610	U.S. BANK	Aida Torres CalVPN Conferenc	253		75.00
100-1205-7610	LARRY BRECEDA	Emergency Managers Confere	213704		162.61
100-1205-7614	U.S. BANK	Computer Mouse (Target)	253		16.41
100-1205-7615	U.S. BANK	EOC Tablet Cases & Adapters (	253		162.70
100-1205-7615	U.S. BANK	EOC Mobile Command Tablets	253		1,593.79
100-1205-7636	TOM'S CLOTHING & UNIFOR	CSO F Alioto Uniforms	213821		91.98

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
100-1205-7636	FSP DESIGNS	Uniforms-Tony Hadloc	213775		49.44
100-1205-7650	CITY OF MONROVIA	Fuel-Public Safety 9/2019	213796		1,077.85
100-1205-7655	T-MOBILE	Emergency Asset Tracking 9/2	213730		12.75
100-1205-7655	THOMSON REUTERS-WEST PU	Emergency Software 9/1/19 -	213729		158.93
100-1205-7655	EVERBRIDGE INC	Nixle Engage 9/28/19 - 9/27/2	213772		4,000.00
100-1205-7761	DATA TICKET INC	Parking Citation Processing 1/	213761		565.19
100-1205-7779	AIDA TORRES	Reb Ribbon Week/Mentoring	213731		630.62
100-1205-7779	BOYS & GIRLS CLUBS OF THE F	Cal VIP CBO Srvcs 9/1/19 - 9/3	213745	201914-Youth Programs-Cal V	9,955.38
100-1205-7779	ROTARY CLUB OF DUARTE	A-Team Snow Cone Booth (Cit	213808		78.00
100-1205-7779	U.S. BANK	Dart Officer Movie Trip Popco	253		47.94
100-1205-7779	U.S. BANK	Dart Officer Movie Trip 10/2/	253		179.89
100-1205-7779	U.S. BANK	A-Team Skyzone Field Trip 10/	253		81.00
100-1205-7779	U.S. BANK	Dart Officer Movie Trip Dinner	253		88.29
100-1205-7779	U.S. BANK	A Team Field Trip Snacks 10/1	253		98.22
100-1205-7779	U.S. BANK	A-Team Movie Trip 9/24/19 (S	253		138.00
100-1205-7779	U.S. BANK	Dart Youth Trip 11/8/19 (Azus	253		156.00
100-1205-7779	U.S. BANK	A-Team Movie Trip 10/8/19 (S	253		175.50
100-1205-7779	U.S. BANK	A-Team Movie Trip Dinner 9/2	253		189.71
100-1205-7779	U.S. BANK	DART Meeting Snacks (Target)	253		60.49
100-1205-7779	U.S. BANK	PS Intern Staff Lunch 10/17/9	253		14.67
100-1205-7779	U.S. BANK	A Team Field Trip 10/14/19 (K	253		978.10
100-1205-7779	U.S. BANK	Club Pilates Refund	253		-79.71
100-1205-7779	U.S. BANK	Youth Staff Dinner 9/26/19 (S	253		35.25
100-1205-7779	U.S. BANK	Red Ribbon Week Craft Suppli	253		32.15
100-1205-7780	HOME DEPOT CREDIT SERVIC	Animal Control Supplies	EFT08789		26.23
100-1205-7781	CITY OF MONROVIA	Fuel-Sheriff's Dept 9/2019	213796		4,577.91
100-1205-7781	LOS ANGELES COUNTY SHERIF	Sheriff Contract 8/2019	213790		335,706.92
100-1205-7781	LOS ANGELES COUNTY SHERIF	Sheriff Contract 8/2019	213790	201914-Sheriff Contract-Cal VI	17,381.12
100-1205-7781	LOS ANGELES COUNTY SHERIF	Tobacco Enforcement 7/23/1	213790	201904-Contract Law-Tobacco	532.13
100-1205-7782	DATA TICKET INC	Admin Citation Processing 9/2	213761		578.59
100-1205-7782	DATA TICKET INC	DUI Processing 9/2019	213761		17.00
100-1205-7782	DATA TICKET INC	Parking Citation Processing 9/	213761		1,633.32
100-1205-7782	ALL CITY MANAGEMENT SERV	Crossing Guard Services 9/22/	213742		4,934.16
100-1205-7782	ALL CITY MANAGEMENT SERV	Crossing Guard Services 10/6/	213742		4,411.23
100-1205-7783	COUNTY OF LOS ANGELES PR	PIP Program DPO Abernathy 7	213759	201914-GAPP-Cal VIP	24,488.24
100-1205-7787	MVP, LLC	Public Safety Lease	213798		12,142.00
100-1205-7980	WALMART COMMUNITY/RFCS	Route 66 Parade Staff & Volun	213734		93.12
100-1205-7980	U.S. BANK	Rt 66 Parade Staff/Volunteer L	253		351.79
100-1205-7980	U.S. BANK	Tobacco Decoy Operation 9/2	253		156.59
100-1205-7980	U.S. BANK	Tobacco Decoy Operation 9/2	253		100.00
100-1205-7980	U.S. BANK	CSO Interview Panel Lunch (M	253		38.03
100-1205-7980	U.S. BANK	PS/DART Event Water (DS Ser	253		70.34
100-1205-7980	U.S. BANK	Adobe Creative Cloud	253		39.99
100-1205-7980	SMART & FINAL	South Yard Breakroom Suppli	249		53.94
100-1405-7610	U.S. BANK	Amanda Hamilton MSA Conf	250		501.96
100-1405-7610	U.S. BANK	Craig Hensley League Conf Par	250		15.00
100-1405-7610	U.S. BANK	Coffee for Interviews 9/30/19	250		17.95
100-1405-7610	U.S. BANK	Interview Panel Lunch 9/30/1	250		170.61
100-1405-7610	U.S. BANK	Food for Interviews 9/30/19 (	250		10.47
100-1405-7612	U.S. BANK	Adobe Creative Cloud	251		76.45
100-1405-7612	LORMAN EDUCATION SERVIC	Nick Baldwin Online Training	213788		53.12
100-1405-7613	U.S. BANK	Lg Data Format Transfer (High	250		15.99
100-1405-7614	U.S. BANK	Office Supplies (Rediform Inc)	250		83.19
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	213818		152.98
100-1405-7614	STAPLES ADVANTAGE	Credit for Invoice #342774404	213818		-27.36
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	213818		60.31
100-1405-7614	STAPLES ADVANTAGE	Office Supplies	213818		159.25
100-1405-7650	WEX BANK	Fuel-Cmty Develop 9/1/19 - 9	EFT08788		49.62
100-1405-7801	COUNTY OF LOS ANGELES DEP	Industrial Waste Inspections 9	213758		2,505.15
100-1405-7965	MOORE IACOFANO GOLTSMA	Contract Planner 8/2019	213797		5,752.50

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
100-1405-7965	LAND DESIGN CONSULTANTS I	Melcanyon Debris Basin-CalO	213785		1,031.86
100-1405-7965	LDM ASSOCIATES INC	FY20 CDBG Federal Grant Ad	213786		400.00
100-1405-7967	RKA CONSULTING GROUP	Public Works Inspections 8/20	213807		3,160.00
100-1405-7967	CHARLES ABBOTT ASSOCIATES	Public Works Inspections 9/20	213754		776.00
100-1405-7969	RKA CONSULTING GROUP	City Engineer 8/2019	213807		4,200.00
100-1405-7969	RKA CONSULTING GROUP	Engineering Services 8/2019	213807		1,520.00
100-1405-7969	RKA CONSULTING GROUP	ATP Cycle 4 Ped Access/Bike S	213807		9,943.75
100-1410-7610	U.S. BANK	Gerard Batista MSA Conf Hote	250		741.28
100-1410-7621	HOME DEPOT CREDIT SERVIC	Temp No Parking Supplies	EFT08789		59.04
100-1410-7650	WEX BANK	Fuel-CNG 9/1/19 - 9/30/19	EFT08788		161.17
100-1410-7650	CITY OF MONROVIA	Fuel-Field Services 9/2019	213796		1,517.26
100-1410-7650	EAN SERVICES LLC	Field Srvc Vehicle Rental	213769		345.70
100-1410-7810	A1 MAINTENANCE SERVICES	Las Brisas Street Sweeping 10	213738		58.00
100-1410-7810	A1 MAINTENANCE SERVICES	Las Posadas Sweeping 10/201	213738		58.00
100-1410-7980	HOME DEPOT CREDIT SERVIC	Yard Supplies	EFT08789		103.89
100-1410-7980	SMART & FINAL	South Yard Breakroom Suppli	249		53.94
100-1415-7916	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		1,430.00
100-1500	MARGARET DIAMOND	Advance-SC Lobby Christmas	213709		1,300.00
100-1500	VICTOR VALENZUELA	Advance-USA Boxing Nat'l Ch	213699		240.00
100-1605-7650	WARD SERVICE	Vehicle 17 Service/Inspection	213824		95.84
100-1605-7650	CITY OF MONROVIA	Fuel-Parks & Recreation 9/20	213796		94.92
100-1605-7728	SMART & FINAL	AmeriCorps Make A Differenc	249	202009- Duarte's Promise - A	30.83
100-1605-7728	CALIFORNIA STATE DEPARTME	Fingerprint Apps 9/2019	213750	202009- Duarte's Promise - A	15.00
100-1605-7730	WALMART COMMUNITY/RFCS	Halloween Howl Prize Giveaw	213734		57.21
100-1605-7730	DUARTE RECREATION PETTY C	Pumkpin Event Glue	213710		4.24
100-1605-7730	DUARTE RECREATION PETTY C	Pumpkin Event Cupcakes	213710		26.86
100-1605-7730	DUARTE RECREATION PETTY C	Floating Pumpkin Patch Gift C	213710		20.00
100-1605-7730	MAGIC JUMP RENTALS INC	Halloween Howl 2019 Inflatab	213698		1,956.60
100-1605-7730	CURO MANAGED PRINT PROD	Halloween Pictures	213760		472.50
100-1605-7730	SMART & FINAL	Floating Pumpkin Juice Boxes/	249		50.96
100-1605-7732	DOLPHIN RENTS INC	City Picnic Equipment Rental	213764		13,712.85
100-1605-7732	WALMART COMMUNITY/RFCS	City Picnic Supplies	213734		34.82
100-1605-7732	WALMART COMMUNITY/RFCS	City Picnic Supplies	213734		54.99
100-1605-7732	WALMART COMMUNITY/RFCS	City Picnic Supplies	213734		47.57
100-1605-7732	WALMART COMMUNITY/RFCS	City Picnic Supplies	213734		66.99
100-1605-7733	U.S. BANK	SC Netflix	251		8.75
100-1605-7733	DUARTE RECREATION PETTY C	Senior Ctr Supplies	213710		28.40
100-1605-7733	DUARTE RECREATION PETTY C	SC Guitar Class Supplies	213710		28.44
100-1605-7733	DUARTE RECREATION PETTY C	SC Halloween Supplies	213710		67.37
100-1605-7733	DUARTE RECREATION PETTY C	SC Birthday Cake	213710		10.99
100-1605-7733	DUARTE RECREATION PETTY C	SC Sympathy Cards	213710		6.57
100-1605-7733	THEODORE SIEGEL	SC 'Psycho' Movie Screening/	213814		150.00
100-1605-7733	DUARTE PETTY CASH/BINGO	SC Bingo Prize Money	213697		100.00
100-1605-7733	BEN RUSHING	SC Entertainment	213809		125.00
100-1605-7733	DR BRICE HARRIS JR	SC Great Decision 'State of Di	213777		50.00
100-1605-7733	NATIONAL PEN CORPORATIO	SC 2020 Pocket Planners (Gift	213719		180.38
100-1605-7733	RALPHS GROCERY COMPANY	Senior Ctr Supplies	213805		29.13
100-1605-7733	SMART & FINAL	SC Favor Candy (Halloween)	249		104.86
100-1605-7733	DUARTE PIZZA COMPANY	Community Yard Sale Volunte	213767		56.26
100-1605-7733	SMART & FINAL	SC Halloween Supplies	249		43.48
100-1605-7733	SMART & FINAL	Senior Ctr Supplies	249		15.47
100-1605-7733	SMART & FINAL	SC Lunch Program Supplies	249		12.77
100-1605-7733	SMART & FINAL	SC Boo Bunco Supplies	249		139.58
100-1605-7733	SMART & FINAL	SC End of Softball Supplies	249		144.57
100-1605-7735	WALMART COMMUNITY/RFCS	TC Kid Cave Supplies	213734		8.63
100-1605-7735	WALMART COMMUNITY/RFCS	TC Kid Cave Supplies	213734		46.65
100-1605-7735	WALMART COMMUNITY/RFCS	TC Kid Care Supplies	213734		135.79
100-1605-7735	WALMART COMMUNITY/RFCS	TC Kid Cave Supplies	213734		122.03
100-1605-7735	U.S. BANK	TC Netflix	251		12.99
100-1605-7735	DUARTE RECREATION PETTY C	Teen Ctr Decorations	213710		21.77

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
100-1605-7735	DUARTE CHAMBER OF COMM	TC Studio Movie Grill Passes	213766		135.00
100-1605-7735	SMART & FINAL	TC Family Feud Event Supplies	249		71.06
100-1605-7735	FSP DESIGNS	TC Unity March T-Shirts	213775		1,693.61
100-1605-7735	SMART & FINAL	TC Snack Bar Supplies	249		147.90
100-1605-7736	SIGMA CODING LLC	Instructor Fee-Sigma Coding/	213815		280.00
100-1605-7736	AMERICASIA	Instructor Fee-Golf	213701		136.50
100-1605-7736	AGI ACADEMY	Instructor Fees-SC Intro to Co	213700		136.50
100-1605-7736	AGI ACADEMY	Instructor Fees-Critical Readin	213700		165.90
100-1605-7736	MARIE CATHEY ROSS	Instructor Fee-Jr Chef	213725		448.00
100-1605-7736	ALEJANDRO FUENTES	Instructor Fee-Circus Gymnas	213711		315.00
100-1605-7737	THE CHRISTMAS HOUSE INN	Balance-Afternoon Tea	213755		1,660.00
100-1605-7738	DUARTE RECREATION PETTY C	TC Excursion Parking	213710		12.00
100-1605-7741	DUARTE RECREATION PETTY C	Volleyball Tools/Supplies	213710		12.72
100-1605-7741	DUARTE RECREATION PETTY C	Youth Sports Pizza	213710		42.00
100-1605-7741	CHALLENGER TEAMWEAR	LAS Trophies	213753		414.74
100-1605-7741	ZEENI INC	Soccer Jerseys	213827		26.28
100-1605-7741	MINUTEMAN PRESS OF RANC	Youth Sports Feather Flags w/	213795		224.66
100-1605-7744	ELAYSSA AQUINO	Teen Nutrition Council	213702		100.00
100-1605-7744	OLGALIVIER GARCIA	Teen Nutrition Council	213714		100.00
100-1605-7744	SAMANTHA MARTINEZ	Teen Nutrition Council	213718		100.00
100-1605-7744	SARAH DOWIRI	Teen Nutrition Council	213765		100.00
100-1605-7744	BRYAN GARCIA	Teen Nutrition Council	213713		100.00
100-1605-7744	PEDRO RODRIGUEZ	Teen Nutrition Council	213723		100.00
100-1605-7744	DALYLAH SANDOVAL	Teen Nutrition Council	213726		100.00
100-1605-7744	YVETTE RODRIGUEZ	Teen Nutrition Council	213724		100.00
100-1605-7745	DELONG UNLIMITED SCREEN	TC Boxing Program T-Shirts	213762	201914-Boxing Prgm-Cal VIP	637.25
100-1605-7750	INLAND EMPIRE STAGES LTC	Avocado Festival Transportati	213780		1,484.50
100-1605-7980	WALMART COMMUNITY/RFCS	Vehicle 16 Stool	213734		15.80
100-1605-7980	SHAFFER AWARDS	Recreation Staff Badges	213812		194.03
100-1610-7617	FULLER ENGINEERING INC	Pool Chemicals	213712		773.51
100-1610-7617	FULLER ENGINEERING INC	Pool Chemicals	213712		407.07
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		8.72
100-1610-7618	WALMART COMMUNITY/RFCS	Council Photos	213734		12.83
100-1610-7618	WALMART COMMUNITY/RFCS	Council Photos	213734		20.16
100-1610-7618	PROPET DISTRIBUTORS INC	Dog Bags/Liners	213721		268.00
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		28.46
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		14.14
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		74.01
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		163.81
100-1610-7618	KULLY SUPPLY INC	Beardslee Park Drinking Fount	213784		130.88
100-1610-7618	HOME DEPOT CREDIT SERVIC	Spider Box Adapter (Special E	EFT08789		98.29
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		46.20
100-1610-7618	MAINTEX INC	Janitorial Supplies	213794		70.03
100-1610-7618	MAINTEX INC	Janitorial Supplies	213794		70.03
100-1610-7618	MAINTEX INC	Janitorial Supplies	213794		280.19
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		73.22
100-1610-7618	WAXIE SANITARY SUPPLY	Janitorial Supplies	213735		216.38
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		165.50
100-1610-7618	HOME DEPOT CREDIT SERVIC	Building Maintenance Supplie	EFT08789		378.63
100-1610-7636	CINTAS CORPORATION #693	Facility Maint Uniforms	213756		34.79
100-1610-7636	CINTAS CORPORATION #693	Facility Maint Uniforms	213756		35.00
100-1610-7650	AUTOZONE	Truck 20 Wiper Blades	213743		37.21
100-1610-7652	OMNI BUILDING SERVICES IN	Teen Ctr Window Cleaning &	213801		2,100.00
100-1610-7652	PROSURFACE INC	Pickleball Line Install	213804		2,200.00
100-1610-7652	AIR-TRO INC	South Yard HVAC Service/Rep	213740		136.00
100-1610-7652	AIR-TRO INC	ROP Bldg HVAC Service/Repai	213740		368.00
100-1610-7652	AIR-TRO INC	Duarte Pk Bldg HVAC Service/	213740		136.00
100-1610-7652	AIR-TRO INC	Public Safety HVAC Service	213740		88.00
100-1610-7652	CINTAS CORPORATION #693	Logo Mats	213756		20.68
100-1610-7652	ALBERTOS PLUMBING	SC Drinking Fountain Installati	213741		1,750.00

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
100-1610-7652	ALBERTOS PLUMBING	City Hall Kitchen Drain Unclog	213741		110.00
100-1610-7652	ALBERTOS PLUMBING	PS Water Heater Installation	213741		2,995.05
100-1610-7652	ACCO ENGINEERED SYSTEMS	HVAC Maintenance-CH/CC/SC	213739		3,296.75
100-1610-7652	ACCO ENGINEERED SYSTEMS	HVAC Maintenance-Teen Ctr (	213739		1,001.50
100-1610-7652	WESTERN EXTERMINATOR CO	Pest Control Srvcs-Cmty Ctr 9/	213736		60.00
100-1610-7652	WESTERN EXTERMINATOR CO	Pest Control Srvcs-City Hall 9/	213736		60.00
100-1610-7652	WESTERN EXTERMINATOR CO	Pest Control Srvcs-Fitness Ctr/	213736		60.00
100-1610-7652	WESTERN EXTERMINATOR CO	Pest Control Srvcs-Senior Ctr	213736		60.00
100-1610-7652	WESTERN EXTERMINATOR CO	Pest Control Srvcs-Teen Ctr 9/	213736		60.00
100-1610-7652	JOSEPH A MARTINEZ	TC Carpet & Vinyl Remove/Re	213717		350.00
100-1610-8100	CLIMATEC LLC	Infrastructure Modernization	213757	202017-Infrastructure Moder	70,000.00
100-1805-7610	KRISTEN PETERSEN	JPIA Conference Expense Rei	213803		129.92
100-1805-7610	U.S. BANK	Kristen Petersen JPIA Conf Ho	251		827.47
100-1805-7614	OFFICE SOLUTIONS INC	Printer Toner/Highlighters	213800		532.20
100-1805-7965	MACLEOD WATTS INC	GASB 75 FY19 Report	213792		5,600.00
100-1805-7980	U.S. BANK	Microsoft 365 9/27/19 - 10/2	251		12.00
100-1805-7980	U.S. BANK	AdHoc Meeting 9/26/19 (Swe	251		60.00
100-1810-7614	OFFICE SOLUTIONS INC	File Folders-HR	213800		32.49
100-1810-7660	CALIFORNIA STATE DEPARTME	Fingerprint Apps 9/2019	213750		224.00
100-1810-7980	NAVIA BENEFIT SOLUTIONS	FSA Processing Fee 10/2019	213799		55.00
100-1815-7632	U.S. BANK	HR/Michelle-Adobe Acropro	251		14.99
100-1815-7632	U.S. BANK	Adobe Creative Cloud	251		314.91
100-1815-7632	U.S. BANK	accessduarte.com Domain 3 y	251		119.97
100-1815-7821	THE TECHNOLOGY DEPOT INC	VITA Mgmt 11/2019	213820		553.00
100-1815-7830	U.S. BANK	SC Elevator 911-Vonage	251		20.02
100-1815-7830	THE TECHNOLOGY DEPOT INC	Telephone Cloud Services 11/	213820		564.00
100-1815-7830	THE TECHNOLOGY DEPOT INC	Mitel Maintenance 11/2019	213820		422.00
100-1815-7830	THE TECHNOLOGY DEPOT INC	SD Wan w/VELO Cloud Conne	213820		567.60
100-1815-7965	MAXTREME INC	IT Helpdesk 10/2019	248		8,700.00
100-1815-7980	MAXTREME INC	Crash Plan Recovery 10/2019	248		200.00
100-1825-7613	CANON SOLUTIONS AMERICA	Copier Paper	213752		536.61
100-1825-7613	CANON SOLUTIONS AMERICA	Copier Paper	213752		321.97
100-1825-7614	HOLIDAY SIGNS LLC	Holiday Signs	213779		120.95
100-1825-7630	CANON FINANCIAL SERVICES I	PC Copier Lease 10/1/19 - 10/	213706		399.67
100-1825-7630	CANON FINANCIAL SERVICES I	CH(2)/Sc/TC Copier Lease 10/	213706		869.55
100-1825-7630	MAILFINANCE	Postage Machine Lease 11/23	213793		703.67
100-1825-7631	CANON FINANCIAL SERVICES I	PC Copier Maintenance 9/1/1	213706		157.91
100-1825-7631	CANON SOLUTIONS AMERICA	CH(2) Copier Maintenance 9/	213752		773.04
100-1825-7631	CANON SOLUTIONS AMERICA	SC Copier Maintenance 9/16/	213752		65.99
100-1825-7631	CANON SOLUTIONS AMERICA	TC Copier Maintenance 9/16/	213752		96.86
100-1825-7674	STEVE ESBENSHADE	Health Insurance Reimbursem	213771		218.00
100-1825-7674	JIM KIRCHNER	Health Insurance Reimbursem	213783		435.00
100-1825-7674	CATHERINE BRATTA	Health Insurance Reimbursem	213746		435.00
100-1825-7674	LINDA HENDERSON	Health Insurance Reimbursem	213778		435.00
100-1825-7674	GINNY JOYCE BELBA	Health Insurance Reimbursem	213744		218.00
100-1825-7674	JACQUELINE BURCKHARD	Health Insurance Reimbursem	213748		218.00
100-1825-7945	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747	250016-Oper of Acq Prop-122	41.67
100-1825-7980	SHRED-IT USA LLC	Document Shredding	213813		56.83
100-2120	LUZ VIVERO	CC Rent Deposit Refund	213733		500.00
100-2120	DIPTI PATEL	ROP Bldg Rent Deposit Refun	213720		150.00
100-2120	ARSHO BRISENO	ROP Bldg Rent Deposit Refun	213705		150.00
100-2120	MICHELLE RICE	TC Rent Deposit Refund	213722		300.00
100-2120	IVAN VILLEGAS	TC Rent Deposit Refund	213732		300.00
100-2120	DANIELE DEETS	Pool Rent Deposit Refund	213708		200.00
100-2120	JESSICA SHCHEGLOV	CC Rent Deposit Refund	213727		500.00
100-2121	COUNTY OF LOS ANGELES DEP	Connected Corridors Project (	213758	202015-Caltrans Reimb/Conn	20,378.30
100-2122	DIVISION OF THE STATE ARCHI	Disability Access Fee Q3 2019	213763		115.60
100-2123	U.S. BANK	Special Event Insurance 7/1/1	251		648.00
100-2124	HAZEL GONZALEZ	Gazebo Rent Deposit Refund	213715		50.00
100-2125	REGIONAL TAP SERVICE CENT	TAP cArds Sales 9/2019	213806		170.20

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
100-2126	KAREN ZHOU	Construction & Demo Deposit	213737		1,862.78
100-2127	CLIMATEC LLC	Retention	213757		-3,500.00
100-4302	DANIEL SOLORZANO	Citation Dismissed	213728		10.00
100-4402	EDWIN MACARAIG	CC Rent Deposit Cancellation	213716		100.00
100-4408	DUARTE UNIFIED SCHOOL DIS	Nextel Lease 10/2019	213768	250004 - Property Rent - Next	1,645.10
100-4408	DUARTE UNIFIED SCHOOL DIS	Nextel Lease 11/2019	213768	250004 - Property Rent - Next	1,693.35
100-4806	LETICIA CUELLAR-MUNGUIA	Laughlin Excursion Refund	213707		159.80
				Fund 100 - GENERAL FUND Total:	**697,549.41**

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 220 - GAS TAX FUN					
220-2220-7980	JCL TRAFFIC SERVICES	'Cool Parks' Sign	213781		59.83
220-2225-8100	ELIE FARAH INC	Design Work FY20 Street Reha	213770		5,225.00
				Fund 220 - GAS TAX FUN Total:	**5,284.83**

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 240 - LIGHTING AND LANDSCAPE DISTRICT FUND					
240-2405-7877	STATE OF CALIFORNIA DEPT O	Signal Maintenance 7/2019 -	213819		597.11
240-2405-7888	HOME DEPOT CREDIT SERVIC	Citywide Light Repairs	EFT08789		100.89
240-2405-7890	COUNTY OF LOS ANGELES DEP	Traffic Signal Maintenance 9/	213758		121.81
240-2405-7890	COUNTY OF LOS ANGELES DEP	Traffic Signal Repairs 9/2019	213758		7,453.55
240-2410-7888	SITEONE LANDSCAPE SUPPLY	Parks Irrigation Repairs	213817		647.92
240-2410-7906	WEST COAST ARBORISTS INC	Citywide Tree Removal	213825		7,850.00
240-2410-7915	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		7,500.00
240-2410-7917	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		485.00
240-2410-7917	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		4,845.00
240-2420-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		345.16
240-2421-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		1,300.00
240-2422-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		480.58
240-2423-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		900.00
240-2424-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		550.00
240-2425-7887	SITEONE LANDSCAPE SUPPLY	Hearthstone Irrigation Repairs	213817		90.36
240-2425-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		400.00
240-2426-7810	A1 MAINTENANCE SERVICES	Grocery Outlet Ctr Sweeping	213738		747.00
240-2426-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		180.00
240-2427-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		630.33
240-2431-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		800.00
240-2432-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		835.00
240-2433-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		530.00
240-2434-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		355.00
240-2435-7914	BRIGHTVIEW LANDSCAPE SER	Landscape Maintenance 10/2	213747		500.00
				Fund 240 - LIGHTING AND LANDSCAPE DISTRICT FUND Total:	**38,244.71**

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)					
260-2605-8061	LDM ASSOCIATES INC	FY19/20 ADA Curb Ramp Adm	213786	202010-ADA Curb Ramps & (C	1,000.00
260-4501	LOS ANGELES COUNTY DEVEL	Extra Retention Pymt FY19 (A	213789	201912-Revenue-ADA Curb R	1,590.00
				Fund 260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) Total:	**2,590.00**

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 290 - SUPPLEMENTAL LAW ENFORCEMENT FUND					
290-2905-7781	LOS ANGELES COUNTY SHERIF	Sheriff Contract 8/2019	213790		10,000.00
			Fund 290 - SUPPLEMENTAL LAW ENFORCEMENT FUND Total:		**10,000.00**

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 440 - PROPOSITION A TRANSIT FUND					
440-4405-7619	CITY OF MONROVIA	Fuel-Transportation Dept 9/2	213796		285.58
440-4405-7960	FOOTHILL TRANSIT	Duarte Local Bus Operating C	213774		23,377.22
440-4405-7980	SMART & FINAL	South Yard Breakroom Suppli	249		53.94
440-4405-8013	FOOTHILL TRANSIT	7th Installment of 3rd Bus 10/	213774		4,523.11
				Fund 440 - PROPOSITION A TRANSIT FUND Total:	**28,239.85**

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 460 - PROPOSITION C TRANSIT FUND					
460-4605-7960	FOOTHILL TRANSIT	Duarte Local Bus Operating C	213774		19,126.81
460-4605-8013	FOOTHILL TRANSIT	7th Installment of 3rd Bus 10/	213774		2,544.25
				Fund 460 - PROPOSITION C TRANSIT FUND Total:	**21,671.06**

Account Number	Vendor Name	Description (Item)	Payment Number	Project Account Key	Amount
Fund: 470 - MEASURE R LR TRANSIT FUND					
470-4705-7915	CAL BLEND SOILS INC	Las Lomas Sidewalk Project	213749		219.00
				Fund 470 - MEASURE R LR TRANSIT FUND Total:	**219.00**
				Grand Total:	**803,798.86**

Report Summary

Fund Summary

Fund	Payment Amount
100 - GENERAL FUND	697,549.41
220 - GAS TAX FUN	5,284.83
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	38,244.71
260 - COMMUNITY DEVELOPMENT BLOCK GRANT (CDB	2,590.00
290 - SUPPLEMENTAL LAW ENFORCEMENT FUND	10,000.00
440 - PROPOSITION A TRANSIT FUND	28,239.85
460 - PROPOSITION C TRANSIT FUND	21,671.06
470 - MEASURE R LR TRANSIT FUND	219.00
Grand Total:	**803,798.86**

Account Summary

Account Number	Account Name	Payment Amount
100-1005-7642	Travel & Exp - Finlay	275.00
100-1005-7646	Travel & Exp - Paras	105.81
100-1005-7648	Travel & Exp - Kang	75.00
100-1005-7649	Travel & Exp - Urias	75.00
100-1005-7650	Travel & Exp - Lewis	667.54
100-1010-7610	Travel, Mtgs & Conf	47.41
100-1010-7614	Office Supplies	119.40
100-1010-7650	Vehicle Maintenance	285.01
100-1010-7685	Content Delivery, Netwo	4,455.84
100-1010-7980	Other Expenses	887.86
100-1015-7680	City Attorney Legal	12,288.47
100-1015-7684	Code Enforcement Legal	6,986.98
100-1015-7686	Other Legal Services	33,146.34
100-1020-7710	Chamber Of Commerce	1,600.00
100-1020-7711	Employee Recognition C	137.20
100-1020-7712	Community Information	48.72
100-1020-7716	Special Community Even	574.43
100-1020-7717	Route 66 Parade	1,010.00
100-1020-7722	City Web Site	14.99
100-1020-7724	Post Office Parking	115.00
100-1020-7726	Council Cablecasting	3,334.99
100-1205-7610	Travel, Mtgs & Conf	489.18
100-1205-7614	Office Supplies	16.41
100-1205-7615	Emergency Supplies	1,756.49
100-1205-7636	Uniforms	141.42
100-1205-7650	Vehicle Maintenance	1,077.85
100-1205-7655	Emergency Services	4,171.68
100-1205-7761	Parking Ticket Collect	565.19
100-1205-7779	Youth Programs	12,859.50
100-1205-7780	Animal Control	26.23
100-1205-7781	Contract Law Enforceme	358,198.08
100-1205-7782	Crossing Guard Contract	11,574.30
100-1205-7783	GAPP Program	24,488.24
100-1205-7787	Public Safety Cntr Lease	12,142.00
100-1205-7980	Other Expenses	903.80
100-1405-7610	Travel, Mtgs & Conf	715.99
100-1405-7612	Publications and Dues	129.57
100-1405-7613	Duplications And Photos	15.99
100-1405-7614	Office Supplies	428.37
100-1405-7650	Vehicle Maintenance	49.62
100-1405-7801	Industrial Waste Inspecti	2,505.15
100-1405-7965	Professional Services	7,184.36
100-1405-7967	Public Works Inspection	3,936.00
100-1405-7969	City Engineer	15,663.75
100-1410-7610	Travel, Mtgs & Conf	741.28

Account Summary

Account Number	Account Name	Payment Amount
100-1410-7621	Other Supplies	59.04
100-1410-7650	Vehicle Maintenance	2,024.13
100-1410-7810	Street Sweeping	116.00
100-1410-7980	Other Expenses	157.83
100-1415-7916	Landscape-Sport Park	1,430.00
100-1500	Advances	1,540.00
100-1605-7650	Vehicle Maintenance	190.76
100-1605-7728	Americorp's VIP Progra	45.83
100-1605-7730	Special Events	2,588.37
100-1605-7732	City Picnic	13,917.22
100-1605-7733	Senior Center	1,302.02
100-1605-7735	Teen Center	2,395.43
100-1605-7736	Recreation Classes	1,481.90
100-1605-7737	Adult Excursions	1,660.00
100-1605-7738	Teen Excursions	12.00
100-1605-7741	Sports/Playground Progr	720.40
100-1605-7744	Nutrition Program Costs	800.00
100-1605-7745	Boxing Program	637.25
100-1605-7750	Bus Rentals	1,484.50
100-1605-7980	Other Expenses	209.83
100-1610-7617	Pool Chemicals	1,180.58
100-1610-7618	Building Supplies	2,119.48
100-1610-7636	Uniforms	69.79
100-1610-7650	Vehicle Maintenance	37.21
100-1610-7652	Building Maint Services	14,851.98
100-1610-8100	Other Capital Improvem	70,000.00
100-1805-7610	Travel, Mtgs & Conf	957.39
100-1805-7614	Office Supplies	532.20
100-1805-7965	Professional Services	5,600.00
100-1805-7980	Other Expenses	72.00
100-1810-7614	Office Supplies	32.49
100-1810-7660	Other Services	224.00
100-1810-7980	Other Expenses	55.00
100-1815-7632	Software Maintenance	449.87
100-1815-7821	Personal Computer Supp	553.00
100-1815-7830	Telephones	1,573.62
100-1815-7965	Professional Services	8,700.00
100-1815-7980	Other Expenses	200.00
100-1825-7613	Duplications And Photos	858.58
100-1825-7614	Office Supplies	120.95
100-1825-7630	Equipment Lease	1,972.89
100-1825-7631	Equipment Maintenance	1,093.80
100-1825-7674	Retiree Health Insurance	1,959.00
100-1825-7945	Operation Of Acq Prop	41.67
100-1825-7980	Other Expenses	56.83
100-2120	Refundable Deposits	2,100.00
100-2121	Pass Through Deposits	20,378.30
100-2122	Disability Access & Educ	115.60
100-2123	Special Event Insurance (	648.00
100-2124	Gazebo Refundable Dep	50.00
100-2125	Metro Pass Through (TA	170.20
100-2126	Construction and Demol	1,862.78
100-2127	Retention Payable	-3,500.00
100-4302	Parking Citations	10.00
100-4402	Community Center Rent	100.00
100-4408	Property Rental	3,338.45
100-4806	Excursion Fees	159.80
220-2220-7980	Other Expenses	59.83

Account Summary

Account Number	Account Name	Payment Amount
220-2225-8100	Other Capital Improvem	5,225.00
240-2405-7877	Electric-Traffic Signal	597.11
240-2405-7888	Repairs-Citywide	100.89
240-2405-7890	Repairs-Traffic Signal	7,575.36
240-2410-7888	Repairs-Citywide	647.92
240-2410-7906	Tree Trim-Citywide	7,850.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	5,330.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7887	Repairs & Replacements	90.36
240-2425-7914	Landscape Maintenance	400.00
240-2426-7810	Street Sweeping	747.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7914	Landscape Maintenance	355.00
240-2435-7914	Landscape Maintenance	500.00
260-2605-8061	ADA Curb Ramps (Capita	1,000.00
260-4501	Com Develop Block Grnt	1,590.00
290-2905-7781	Contract Law Enforceme	10,000.00
440-4405-7619	Fuel And Oil	285.58
440-4405-7960	Foothill Transit Operatio	23,377.22
440-4405-7980	Other Expenses	53.94
440-4405-8013	Vehicles (Capital)	4,523.11
460-4605-7960	Foothill Tranist Operatio	19,126.81
460-4605-8013	Vehicles	2,544.25
470-4705-7915	Landscape-Citywide Sid	219.00
	Grand Total:	**803,798.86**

Project Account Summary

Project Account Key	Payment Amount
None	654,160.49
201904-Contract Law-Tobacco Grant	532.13
201912-Revenue-ADA Curb Ramp Project	1,590.00
201914-Boxing Prgm-Cal VIP	637.25
201914-GAPP-Cal VIP	24,488.24
201914-Sheriff Contract-Cal VIP	17,381.12
201914-Youth Programs-Cal VIP	9,955.38
202009- Duarte's Promise - America's Promise Exp	45.83
202010-ADA Curb Ramps & (Construction)	1,000.00
202015-Caltrans Reimb/Connected Corridors Project	20,378.30
202016-Comm Event-Coalition for Clean Air Event	250.00
202017-Infrastructure Modernization Program	70,000.00
250004 - Property Rent - Nextel Rent (Otis Gordon)	3,338.45
250016-Oper of Acq Prop-1229 Pops Road	41.67
Grand Total:	**803,798.86**

City of Duarte

Council Warrant Register Over $5000
By Payment Number

Payment Dates 102319 - 111219

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Account Number	Project Account Key	Payment Amount Item Amount
248	11/12/2019	4286	MAXTREME INC			8,900.00
	13432	IT Helpdesk 10/2019		100-1815-7965		8,700.00
	13432	Crash Plan Recovery 10/2019		100-1815-7980		200.00
213742	11/12/2019	6117	ALL CITY MANAGEMENT SERVICE INC			9,345.39
	63898	Crossing Guard Services 9/22/19 - 10		100-1205-7782		4,934.16
	64303	Crossing Guard Services 10/6/19 - 10		100-1205-7782		4,411.23
213745	11/12/2019	5155	BOYS & GIRLS CLUBS OF THE FOOTHILLS			9,955.38
	10102019	Cal VIP CBO Srvcs 9/1/19 - 9/30/19		100-1205-7779	201914-Youth Programs-Cal	9,955.38
213747	11/12/2019	3889	BRIGHTVIEW LANDSCAPE SERVICES INC			22,222.74
	6526216	Landscape Maintenance 10/2019		100-1020-7724		115.00
	6526216	Landscape Maintenance 10/2019		100-1415-7916		1,430.00
	6526216	Landscape Maintenance 10/2019		100-1825-7945	250016-Oper of Acq Prop-12	41.67
	6526216	Landscape Maintenance 10/2019		240-2410-7915		7,500.00
	6526216	Landscape Maintenance 10/2019		240-2410-7917		485.00
	6526216	Landscape Maintenance 10/2019		240-2410-7917		4,845.00
	6526216	Landscape Maintenance 10/2019		240-2420-7914		345.16
	6526216	Landscape Maintenance 10/2019		240-2421-7914		1,300.00
	6526216	Landscape Maintenance 10/2019		240-2422-7914		480.58
	6526216	Landscape Maintenance 10/2019		240-2423-7914		900.00
	6526216	Landscape Maintenance 10/2019		240-2424-7914		550.00
	6526216	Landscape Maintenance 10/2019		240-2425-7914		400.00
	6526216	Landscape Maintenance 10/2019		240-2426-7914		180.00
	6526216	Landscape Maintenance 10/2019		240-2427-7914		630.33
	6526216	Landscape Maintenance 10/2019		240-2431-7914		800.00
	6526216	Landscape Maintenance 10/2019		240-2432-7914		835.00
	6526216	Landscape Maintenance 10/2019		240-2433-7914		530.00
	6526216	Landscape Maintenance 10/2019		240-2434-7914		355.00
	6526216	Landscape Maintenance 10/2019		240-2435-7914		500.00
213757	11/12/2019	6123	CLIMATEC LLC			66,500.00
	1	Infrastructure Modernization Project-		100-1610-8100	202017-Infrastructure Mode	70,000.00
	1	Retention		100-2127		-3,500.00
213758	11/12/2019	2028	COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS			30,458.81
	19100701474	Industrial Waste Inspections 9/2019		100-1405-7801		2,505.15
	19100701517	Traffic Signal Maintenance 9/2019		240-2405-7890		121.81
	19100701536	Connected Corridors Project (Caltrans		100-2121	202015-Caltrans Reimb/Con	20,378.30
	19100701782	Traffic Signal Repairs 9/2019		240-2405-7890		7,453.55
213759	11/12/2019	1117	COUNTY OF LOS ANGELES PROBATION DEPARTMENT			24,488.24
	DUA1920-01	PIP Program DPO Abernathy 7/1/19 -		100-1205-7783	201914-GAPP-Cal VIP	24,488.24
213764	11/12/2019	1381	DOLPHIN RENTS INC			13,712.85
	01-198005-09	City Picnic Equipment Rental		100-1605-7732		13,712.85
213770	11/12/2019	5873	ELIE FARAH INC			5,225.00
	DUA 19-28 # 2	Design Work FY20 Street Rehab		220-2225-8100		5,225.00
213774	11/12/2019	3192	FOOTHILL TRANSIT			49,571.39
	F2802-102019	7th Installment of 3rd Bus 10/2019		440-4405-8013		4,523.11
	F2802-102019	7th Installment of 3rd Bus 10/2019		460-4605-8013		2,544.25
	SI006953	Duarte Local Bus Operating Costs 8/2		440-4405-7960		23,377.22
	SI006953	Duarte Local Bus Operating Costs 8/2		460-4605-7960		19,126.81

Payment Number	Payment Date Payable Number	Vendor # Description	Vendor Name	Account Number	Project Account Key	Payment Amount Item Amount
213790	11/12/2019	0056	LOS ANGELES COUNTY SHERIFF'S DEPARTMENT			363,620.17
	200335AL	Sheriff Contract 8/2019		100-1205-7781	201914-Sheriff Contract-Cal	17,381.12
	200335AL	Sheriff Contract 8/2019		100-1205-7781		335,706.92
	200335AL	Sheriff Contract 8/2019		290-2905-7781		10,000.00
	200470AL	Tobacco Enforcement 7/23/19 - 7/26		100-1205-7781	201904-Contract Law-Tobacc	532.13
213792	11/12/2019	6122	MACLEOD WATTS INC			5,600.00
	191018Duart	GASB 75 FY19 Report		100-1805-7965		5,600.00
213796	11/12/2019	0903	CITY OF MONROVIA			7,768.52
	2000871	Fuel-City Manager 9/2019		100-1010-7650		215.00
	2000872	Fuel-Field Services 9/2019		100-1410-7650		1,517.26
	2000873	Fuel-Parks & Recreation 9/2019		100-1605-7650		94.92
	2000874	Fuel-Public Safety 9/2019		100-1205-7650		1,077.85
	2000875	Fuel-Sheriff's Dept 9/2019		100-1205-7781		4,577.91
	2000876	Fuel-Transportation Dept 9/2019		440-4405-7619		285.58
213797	11/12/2019	5454	MOORE IACOFANO GOLTSMAN INC			5,752.50
	0060724R	Contract Planner 8/2019		100-1405-7965		5,752.50
213798	11/12/2019	2461	MVP, LLC			12,142.00
	11/2019	Public Safety Lease		100-1205-7787		12,142.00
213807	11/12/2019	0904	RKA CONSULTING GROUP			18,823.75
	29227	Public Works Inspections 8/2019		100-1405-7967		3,160.00
	29228	City Engineer 8/2019		100-1405-7969		4,200.00
	29229	Engineering Services 8/2019		100-1405-7969		1,520.00
	29266	ATP Cycle 4 Ped Access/Bike Safety 8/		100-1405-7969		9,943.75
213810	11/12/2019	0196	RUTAN & TUCKER LLP			45,434.81
	847789	Enviro/Stormwater Litigation (NPDES)		100-1015-7686		30,413.84
	848110	General City Attorney (Retainer) 8/20		100-1015-7680		12,288.47
	848111	Cal Am Litigation 8/2019		100-1015-7686		1,536.00
	848112	Telecommunications Legal 8/2019		100-1015-7686		494.50
	848116	City of Hope Legal 8/2019		100-1015-7686		448.00
	848121	D & Design (Trademark) Legal 8/2019		100-1015-7686		254.00
213816	11/12/2019	5441	SILVER & WRIGHT LLP			6,986.98
	25964	2026 Broadland Legal 9/2019		100-1015-7684		43.60
	25964	1939 Wardell Legal 9/2019		100-1015-7684		1,417.00
	25964	1001 Las Lomas Legal 9/2019		100-1015-7684		5,482.78
	25964	Arberry Legal 9/2019		100-1015-7684		43.60
213825	11/12/2019	1521	WEST COAST ARBORISTS INC			7,850.00
	153110	Citywide Tree Removal		240-2410-7906		7,850.00
					Payment Total:	**714,358.53**

Report Summary

Fund Summary

Fund	Payment Amount
100 - GENERAL FUND	613,215.13
220 - GAS TAX FUN	5,225.00
240 - LIGHTING AND LANDSCAPE DISTRICT FUND	36,061.43
290 - SUPPLEMENTAL LAW ENFORCEMENT FUND	10,000.00
440 - PROPOSITION A TRANSIT FUND	28,185.91
460 - PROPOSITION C TRANSIT FUND	21,671.06
Grand Total:	**714,358.53**

Account Summary

Account Number	Account Name	Payment Amount
100-1010-7650	Vehicle Maintenance	215.00
100-1015-7680	City Attorney Legal	12,288.47
100-1015-7684	Code Enforcement Legal	6,986.98
100-1015-7686	Other Legal Services	33,146.34
100-1020-7724	Post Office Parking	115.00
100-1205-7650	Vehicle Maintenance	1,077.85
100-1205-7779	Youth Programs	9,955.38
100-1205-7781	Contract Law Enforceme	358,198.08
100-1205-7782	Crossing Guard Contract	9,345.39
100-1205-7783	GAPP Program	24,488.24
100-1205-7787	Public Safety Cntr Lease	12,142.00
100-1405-7801	Industrial Waste Inspecti	2,505.15
100-1405-7965	Professional Services	5,752.50
100-1405-7967	Public Works Inspection	3,160.00
100-1405-7969	City Engineer	15,663.75
100-1410-7650	Vehicle Maintenance	1,517.26
100-1415-7916	Landscape-Sport Park	1,430.00
100-1605-7650	Vehicle Maintenance	94.92
100-1605-7732	City Picnic	13,712.85
100-1610-8100	Other Capital Improvem	70,000.00
100-1805-7965	Professional Services	5,600.00
100-1815-7965	Professional Services	8,700.00
100-1815-7980	Other Expenses	200.00
100-1825-7945	Operation Of Acq Prop	41.67
100-2121	Pass Through Deposits	20,378.30
100-2127	Retention Payable	-3,500.00
220-2225-8100	Other Capital Improvem	5,225.00
240-2405-7890	Repairs-Traffic Signal	7,575.36
240-2410-7906	Tree Trim-Citywide	7,850.00
240-2410-7915	Landscape-Citywide	7,500.00
240-2410-7917	Landscape-Medians	5,330.00
240-2420-7914	Landscape Maintenance	345.16
240-2421-7914	Landscape Maintenance	1,300.00
240-2422-7914	Landscape Maintenance	480.58
240-2423-7914	Landscape Maintenance	900.00
240-2424-7914	Landscape Maintenance	550.00
240-2425-7914	Landscape Maintenance	400.00
240-2426-7914	Landscape Maintenance	180.00
240-2427-7914	Landscape Maintenance	630.33
240-2431-7914	Landscape Maintenance	800.00
240-2432-7914	Landscape Maintenance	835.00
240-2433-7914	Landscape Maintenance	530.00
240-2434-7914	Landscape Maintenance	355.00
240-2435-7914	Landscape Maintenance	500.00
290-2905-7781	Contract Law Enforceme	10,000.00
440-4405-7619	Fuel And Oil	285.58
440-4405-7960	Foothill Transit Operatio	23,377.22

Account Summary

Account Number	Account Name	Payment Amount
440-4405-8013	Vehicles (Capital)	4,523.11
460-4605-7960	Foothill Tranist Operatio	19,126.81
460-4605-8013	Vehicles	2,544.25
	Grand Total:	**714,358.53**

Project Account Summary

Project Account Key	Payment Amount
None	571,581.69
201904-Contract Law-Tobacco Grant	532.13
201914-GAPP-Cal VIP	24,488.24
201914-Sheriff Contract-Cal VIP	17,381.12
201914-Youth Programs-Cal VIP	9,955.38
202015-Caltrans Reimb/Connected Corridors Project	20,378.30
202017-Infrastructure Modernization Program	70,000.00
250016-Oper of Acq Prop-1229 Pops Road	41.67
Grand Total:	**714,358.53**

MEMORANDUM

To: **Mayor and City Council**

From: **Teresa Renteria, Assistant Civil Engineer**

Date: **November 12, 2019**

Subject: **Bid Results and Award of Contract for Removal of Architectural Barriers for ADA Improvements FY 2019-20, CDBG # 602094-19**

RECOMMENDED ACTION

Staff recommends that the City Council award the Removal of Architectural Barriers for ADA Improvements FY 2019-20 contract to Gentry Brothers, Inc. at 384 E. Live Oak Ave, Irwindale, CA 91706, in the amount of $41,080.00.

BACKGROUND

The City Council approved Community Development Block Grant (CDBG) funding for the Citywide ADA Ramps Improvement Project for FY2019-20. The Project will allow for the installation of nine accessible curb ramps within the public right-of-way. Installation of accessible curb ramps will remove barriers to allow for a more accessible and safer path of travel for all pedestrians including the elderly and/or severely disabled.

The project consists of the removal of non-ADA compliant existing ramps and obstructions, grading, forming and installation of new Portland cement concrete curb ramp with detectable warning surfaces for compliance with the Americans with Disabilities Act along various locations within the City. See Attachment A for locations.

The specifications for the Project were made available and the Project was published in accordance with the Duarte Municipal Code (DMC) Section 2.36.060.

On October 29, 2019, the bids were submitted electronically. The results of the bid opening are as follow:

Contractor	Total Bid
Gentry Brothers, Inc.	$41,080.00
Martinez Concrete, Inc.	$49,479.00
Alfaro Communications Construction, Inc.	$88,445.00

The funding source for this project consists of Community Development Block Grant (CDBG) funds from the City of Duarte.

ANALYSIS

The lowest responsible and responsive bidder, Gentry Brothers, Inc. successfully completed work in the past for the City of Duarte and their federal and state license status has been verified by staff.

CONCLUSION

Staff recommends that the City Council award the Removal of Architectural Barriers for ADA Improvements FY 2019-20 contract to Gentry Brothers, Inc. at 384 E. Live Oak Ave, Irwindale, CA 91706, in the amount of $41,080.00.

ATTACHMENT A

ITEM LOCATIONS

ITEM NO.	ITEM DESCRIPTION	LOC.	TYPE
1	Duarte Rd at Broadland	SE	C
2	Duarte Rd at Broadland	SW	C
3	Broadland at Galen	NE	C
4	Broadland at Galen	NW	G
5	Duarte Rd at Delford Ave	SW	C
6	Huntington at Cotter	NW	C
7	Huntington at Cotter	NE	C
8	Cotter at 3rd	NW	C
9	Cotter at 3rd	SW	C

MEMORANDUM

TO: Manuel Enriquez, Interim City Manager

FROM: Kristen Petersen, Assistant City Manager

DATE: November 5, 2019

SUBJECT: **RESOLUTION ESTABLISHING A POLICY FOR HEARING, DISCUSSING, AND EXCUSING COUNCILMEMBERS' ABSENCES**

Background

Currently, when Duarte City Councilmembers are unable to attend a City Council meeting, they traditionally contact the City Manager, who then informs the Mayor or Mayor Pro Tem prior to the actual meeting. The Mayor or Mayor Pro Tem announces the absence towards the beginning of the meeting, but whether or not this is excusing the absence is left unclear.

This resolution will formalize the process in that the City Manager, or his/her official designee, shall report on any contacts received about a City Councilmember's absence after the Call To Order on the agenda of the respective City Council meeting. At that time, the City Council may discuss and take action to excuse the absence. An excused absence would require a City Council motion, a second and a majority vote. If excused, Government Code 36513(a), which refers to a councilmember who is absent without permission and the statutory vacation of office due to unexcused absences would no longer apply.

Recommendation

It is recommended that the City Council approve Resolution No. 19-29 establishing a policy for hearing, discussing, and excusing Councilmembers' absences.

RESOLUTION NO. 19-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE SETTING A POLICY FOR HEARING, DISCUSSING, AND EXCUSING COUNCILMEMBERS' ABSENCES

WHEREAS, the City of Duarte is a general law city incorporated on August 22, 1957; and

WHEREAS, Government Code 36513(a) refers to a Councilmember who is absent without permission and the statutory vacation of office due to unexcused absences; and

WHEREAS, the City Council desires to establish a formal policy for hearing, discussing, and excusing Councilmembers' absences so as to avoid the unnecessary or unintentional invocation of section 36513(a).

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

Section 1. It shall be the policy of the City Council of the City of Duarte that Councilmembers will make every effort possible to attend City Council meetings.

Section 2. The City Council understands and appreciates that absences will take place due to conflicting schedules and emergencies. It shall be the policy of the City Council that Councilmembers will make every effort possible to contact the City Manager in advance of a meeting that they will be unable to attend.

Section 3. It shall be the policy of the City Council that the City Manager, or his/her official designee, shall report on any contacts received about a City Councilmember's absence after the Call To Order on the agenda of the respective City Council meeting. At that time, the City Council shall discuss the communication and reason for an absence, and may take action to excuse the absence.

Section 4. The City Clerk shall certify to the adoption of this Resolution and this Resolution shall take effect upon its adoption.

PASSED, APPROVED, AND ADOPTED this 12th day of November, 2019.

_____

Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution No. 19-29 was adopted by the City Council of the City of Duarte at a regular meeting of said Council held on the 12th day of November, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____

City Clerk Marla Akana
City of Duarte, California

Agenda Memo
City Manager's Office

To: Mayor and Members of the Duarte City Council

From: David Cosgrove, City Attorney

Date: November 12, 2019

Re: **Approval of Urgency Ordinance Prohibiting No-Fault 60-Day Eviction Notices Effective Until December 31, 2019**

RECOMMENDATION: Consider approval of an Urgency Ordinance to temporarily prohibit the termination of certain residential tenancies without "just cause" through December 31, 2019.

BACKGROUND: On October 8, 2019, the California legislature passed the Tenant Protection Action of 2019, Assembly Bill 1482 ("AB 1482"), which adds Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code. Effective January 1, 2020, AB 1482 will, subject to certain exceptions: (1) limit rent increases over the course of any 12-month period to 5% plus the "percentage change in the cost of living" (as defined), or 10%, whichever is lower (the "Rent Control Provisions"); and (2) prohibit an "owner" (as defined) of "residential real property" (as defined) from terminating a tenancy without "just cause" (as defined) (the "Eviction Control Provisions"). Although AB 1482 does not take effect until January 1, 2020, its Rent Control Provisions apply to rental increases occurring on or after March 15, 2019 (Civ. Code, § 1947.12(h)); however, AB 1482's Rent Control Provisions do not limit rental increases if a unit is vacant (Civ. Code, § 1947.12(b)). Until January 1, 2020, existing State law generally allows owners to terminate a tenancy without just cause, provided the owner gives proper notice (Civ. Code, §§ 1946 & 1946.1); as a result, owners may take advantage of AB 1482's exception for vacant rentals by evicting tenants ahead of January 1st.

Pursuant to Government Code Sections 36934 and 36937, a city may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety. The Draft Urgency No Fault Evictions Ordinance seeks to protect renters from no-fault evictions through December 31, 2019 (i.e., the effective date of AB 1482) to prevent further homelessness and displacement.

Like many cities in Los Angeles County, Duarte is experiencing a humanitarian crisis of homelessness that would be exacerbated by the displacement of renters. In advance of the effective date of AB 1482, the Los Angeles County region has seen an increase in the amount of no-fault eviction notices and threats of eviction. In response to such threats and notices, other Los Angeles County cities, including the Cities of Los Angeles, Long Beach, and Pomona, have adopted urgency ordinances or are actively considering urgency ordinances.

DISCUSSION: Staff's brings this this urgency ordinance at Council's request, based upon public comments regarding evictions being implemented within the City, in advance of State laws becoming effective on January 1, 2020, limiting same. Evictions of senior or other vulnerable tenant populations will exacerbate the homelessness crisis in the region and the resulting social, economic, and environmental impacts of such crisis. The City seeks to stem the rise of such homelessness.

Because the effective date of AB 1482 is January 1, 2020, residents in Duarte and the Los Angeles County region have seen an increase in threats of eviction or actual eviction by landlords seeking to vacate a unit prior to the effective date of the protections in AB 1482. This gap in the law presents a threat to exacerbate the homelessness crisis in the City. Without adopting this urgency ordinance, the tenants most in need of the safeguards outlined in AB 1482, and those most exposed to homelessness, would be unprotected. The urgency ordinance would allow the City to help provide stability to current tenants facing non-fault evictions through the holiday in advance of the effective date of AB 1482.

The ordinance presented for Council's consideration finds that adopting this ordinance on an urgency basis is valid and necessary to protect the public peace, health, or safety of the residents of the City. If this ordinance is not adopted under an urgency basis, the same gaps and exposure caused in State law by AB 1482's delayed effective date will apply in Duarte, and will place Duarte tenants at equal risk with other Los Angeles area regional tenants, and provide the same danger of contribution to regional homelessness issues.

FISCAL IMPACT: No fiscal impact analysis has been conducted due to the urgent nature of this ordinance.

ENVIRONMENTAL IMPACT: The City Council hereby finds that it can be seen with certainty that there is no possibility that the adoption and implementation of this Interim Ordinance may have a significant effect on the environment. This Interim Ordinance is therefore exempt from the environmental review requirements of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations. In addition, this ordinance relates to the City's regulatory actions, and is therefore also exempt under Section 15321 of Title 14 of the California Code of Regulations.

Attachment – Ordinance No. 19-O-06: Urgency Ordinance Prohibiting The Termination Of Certain Residential Tenancies Without "Just Cause" Through December 31, 2019.

ORDINANCE NO.

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ENACTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTIONS 36934 AND 36937 TEMPORARILY PROHIBITING THE TERMINATION OF CERTAIN RESIDENTIAL TENANCIES WITHOUT "JUST CAUSE" THROUGH DECEMBER 31, 2019

WHEREAS, on October 8, 2019, the California legislature passed the Tenant Protection Action of 2019, Assembly Bill 1482 ("AB 1482"), which adds Sections 1946.2, 1947.12, and 1947.13 to the California Civil Code; and

WHEREAS, effective January 1, 2020, AB 1482 will, subject to certain exceptions: (1) limit rent increases over the course of any 12-month period to 5% plus the "percentage change in the cost of living" (as defined), or 10%, whichever is lower (the "Rent Control Provisions"); and (2) prohibit an "owner" (as defined) of "residential real property" (as defined) from terminating a tenancy without "just cause" (as defined) (the "Eviction Control Provisions"); and

WHEREAS, although AB 1482 does not take effect until January 1, 2020, its Rent Control Provisions apply to rental increases occurring on or after March 15, 2019 (Civ. Code, § 1947.12(h)); however, AB 1482's Rent Control Provisions do not limit rental increases if a unit is vacant (Civ. Code, § 1947.12(b)); and

WHEREAS, until January 1, 2020, existing State law generally allows owners to terminate a tenancy without just cause, provided the owner gives proper notice (Civ. Code, §§ 1946 & 1946.1); as a result, owners may take advantage of AB 1482's exception for vacant rentals by evicting tenants ahead of January 1st; and

WHEREAS, like many cities in Los Angeles County, the City of Duarte is experiencing a humanitarian crisis of homelessness that would be exacerbated by the displacement of renters; and

WHEREAS, in advance of the effective date of AB 1482, the Los Angeles County region has seen an increase in the amount of no-fault eviction notices and/or threats of eviction; and

WHEREAS, pursuant to Government Code Sections 36934 and 36937, a city may adopt an urgency ordinance for the immediate preservation of the public peace, health, or safety; and

WHEREAS, as set forth in more detail in the declaration of the facts constituting the urgency in Section 3 below, the threatened displacement of renters at unprecedented levels poses numerous threats to the public peace, health, or safety; and

WHEREAS, protecting renters from no-fault evictions through December 31, 2019 (i.e., the effective date of AB 1482) will prevent further homelessness and displacement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals

The above recitals are true and correct and are incorporated herein.

SECTION 2. Environmental Review

The City Council finds and determines that the adoption of this Urgency Ordinance is exempt from the California Environmental Quality Act (CEQA) under State CEQA Guidelines Section 15060(c)(2), in that the adoption of this Ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment, and is further and independently exempt from the California Environmental Quality Act under State CEQA Guidelines Section 15061(b)(3), in that it can be seen with certainty there is no possibility the adoption of this Ordinance will have a significant effect on the environment.

SECTION 3. Declaration of Facts Constituting Urgency

The adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, or safety as those terms are used in Government Code Section 36937, subdivision (b) in at least the following respects:

A. The City of Duarte is experiencing a housing affordability crisis, which is driving homelessness and displacement of residents to an unprecedented scale.

B. When a household spends more than 30 percent of its income on housing costs (i.e., is "rent burdened"), it has less disposable income for other necessities such as health care. In the event of unexpected circumstances, such as loss of employment or health problems, lower income households with a burdensome housing cost are more likely to become homeless. Homeowners with a housing cost burden have the option of selling the homes and becoming renters. Renters, on the other hand, are vulnerable and subject to constant changes in the housing market. Sixty-two percent of renter-households in Duarte use more than 30 percent of their incomes to cover housing costs.. (City of Duarte Housing Strategy (August 2018).)

C. As the cost of housing in Southern California continues to rise, homelessness has continued to be an issue in the City of Duarte. "While Duarte saw a decrease in its homeless population from 60 in 2016 to 33 in 2017, the decrease was primarily the result of the loss of 37 shelter beds for households with children. The 2017 Point-in-Time Count shows that all Duarte's homeless residents are unsheltered with 47% living on the streets, 47% in RVs/campers and vans, and 6% in makeshift shelters." (*Cities of Duarte and Irwindale Plan to Prevent and Combat Homelessness* (July 2018), p. 6, retrieved at https://www.accessduarte.com/ civicax/filebank/blobdload.aspx?blobid=26099.) In the 2018 Greater Los Angeles Homeless Street Count, 15 homeless individuals were counted in Duarte. (Los Angeles Homeless Services Authority, retrieved at https://www.lahsa.org/data ?id=13-2019-homeless-count-by-community-city.) That number increased to 29 individuals in 2019.

D. The Greater Los Angeles Homeless Street Counts do not include individuals who live with relatives or friends, in nearby hotels, or in other transitional housing. During the 2017/18 school year, the Duarte Unified School District reported there were 217 children that fit into the latter category (although the School District includes some neighborhoods outside Duarte). (Education Data Partnership, retrieved at http://www.ed-data.org/district/Los-Angeles/Duarte-Unified.)

E. One of the most effective ways to address the homeless crisis is to prevent individuals and families from becoming homeless in the first place. To that end, the City has programs to assist families threatened with homelessness as outlined in the Cities of Duarte and Irwindale Plan to Prevent and Combat Homelessness (July 2018) retrieved at https://www.accessduarte.com/civicax/filebank/blobdload. aspx?blobid=26099.

F. On October 8, 2019, the California Legislature passed AB 1482, the Tenant Protections Act of 2019, to address a key cause of California's affordable housing crisis by preventing rent gouging and arbitrary evictions. AB 1482 becomes effective on January 1, 2020. However, in the weeks prior to January 1st, AB 1482 may have the unintended consequence of an increase in no-fault evictions. Rapidly escalating real estate values provide an incentive to landlords to evict long-term, lower-income tenants, without cause, to raise rents and attract wealthier tenants before AB 1482 becomes effective.

G. The City has determined, both through a direct resident tenant complaint within a senior housing project, and through information available on a regional basis, that tenants throughout the Los Angeles County region have already reported experiencing a surge of no-fault eviction notices and threats of eviction. In response to such threats and notices, other Los Angeles County cities, including the Cities of Los Angeles, Long Beach, and Pomona, have adopted urgency ordinances or are actively considering urgency ordinances.

H. An increase in no-fault evictions within Duarte in advance of AB 1482's effective date poses an immediate threat to the public peace, health, or safety, in that it would displace some of Duarte's most vulnerable residents, increase housing costs, and likely increase homelessness. The City does not want to be a contributing factor to either a local or regional homelessness crises nor the accompanying economic, social, and environmental impacts of homelessness. Therefore, it is imperative that the City implement temporary strategies to keep people housed.

SECTION 4. Temporary Prohibition.

A. Purpose.

This Urgency Ordinance temporarily prohibits evictions without cause through December 31, 2019, for residential real property that will be subject to AB 1482 (to be codified at Civil Code §§ 1946.2, 1947.12, and 1947.13) beginning on January 1, 2020.

B. Temporary Prohibition on Terminating Certain Residential Tenancies Without Just Cause.

Subject to the limitations set forth in subdivisions C and G below, through December 31, 2019, the owner of residential rental property shall not terminate a tenancy without just cause, which just cause shall be stated in the written notice to terminate tenancy.

C. Tenancies Subject to Temporary Prohibition.

As in Section 2 of AB 1482 (to be codified at Civil Code § 1946.2(a)), this temporary prohibition only applies if a tenant has continuously and lawfully occupied a residential real property for at least 12 months. If any additional adult tenants are added to a lease before an existing tenant has continuously and lawfully occupied the residential real property for 24 months, then this temporary prohibition shall only apply if either of the following are satisfied:

1. All of the tenants have continuously and lawfully occupied the residential real property for 12 months or more; or

2. One or more tenants have continuously and lawfully occupied the residential real property for 24 months or more.

D. Just Cause to Terminate a Tenancy.

As in Section 2 of AB 1482 (to be codified at Civil Code § 1946.2(b)), "just cause" includes the following:

1. **At-fault just cause**, which is any of the following:

    a. Default in the payment of rent.

    b. A breach of a material term of the lease, as described in paragraph (3) of Section 1161 of the Code of Civil Procedure, including, but not limited to, violation of a provision of the lease after being issued a written notice to correct the violation.

    c. Maintaining, committing, or permitting the maintenance or commission of a nuisance as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

    d. Committing waste as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

    e. The tenant had a written lease that terminated on or after the effective date of this Urgency Ordinance, and after a written request or demand from the owner, the tenant has refused to execute a written extension or renewal of

the lease for an additional term of similar duration with similar provisions, provided that those terms do not violate this section or any other provision of law.

f. Criminal activity by the tenant on the residential real property, including any common areas, or any criminal activity or criminal threat, as defined in subdivision (a) of Section 422 of the Penal Code, on or off the residential real property, that is directed at any owner or agent of the owner of the residential real property.

g. Assigning or subletting the premises in violation of the tenant's lease, as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

h. The tenant's refusal to allow the owner to enter the residential real property as authorized by Sections 1101.5 and 1954 of the Civil Code, and Sections 13113.7 and 17926.1 of the Health and Safety Code.

i. Using the premises for an unlawful purpose as described in paragraph (4) of Section 1161 of the Code of Civil Procedure.

j. The employee, agent, or licensee's failure to vacate after their termination as an employee, agent, or a licensee as described in paragraph (1) of Section 1161 of the Code of Civil Procedure.

k. When the tenant fails to deliver possession of the residential real property after providing the owner written notice as provided in Section 1946 of the tenant's intention to terminate the hiring of the real property, or makes a written offer to surrender that is accepted in writing by the landlord, but fails to deliver possession at the time specified in that written notice as described in paragraph (5) of Section 1161 of the Code of Civil Procedure.

2. **No-fault just cause**, which includes any of the following:

a. Intent to occupy the residential real property by the owner or their spouse, domestic partner, children, grandchildren, parents, or grandparents.

b. Withdrawal of the residential real property from the rental market.

c. (i) The owner complying with any of the following:
(I) An order issued by a government agency or court relating to habitability that necessitates vacating the residential real property.
(II) An order issued by a government agency or court to vacate the residential real property.
(III) A local ordinance that necessitates vacating the residential real property.

(ii) If it is determined by any government agency or court that the tenant is at fault for the condition or conditions triggering the order or need to vacate under clause (i), the tenant shall not be entitled to relocation assistance as outlined in subdivision F below.

d. (i) Intent to demolish or to substantially remodel the residential real property.

(ii) For purposes of this subparagraph, "substantially remodel" means the replacement or substantial modification of any structural, electrical, plumbing, or mechanical system that requires a permit from a governmental agency, or the abatement of hazardous materials, including lead-based paint, mold, or asbestos, in accordance with applicable federal, state, and local laws, that cannot be reasonably accomplished in a safe manner with the tenant in place and that requires the tenant to vacate the residential real property for at least 30 days. Cosmetic improvements alone, including painting, decorating, and minor repairs, or other work that can be performed safely without having the residential real property vacated, do not qualify as substantial rehabilitation.

E. Notice & Opportunity to Cure Lease Violation.

As in Section 2 of AB 1482 (to be codified at Civil Code § 1946.2(c)), before an owner of residential real property issues a notice to terminate a tenancy for just cause that is a curable lease violation, the owner shall first give notice of the violation to the tenant with an opportunity to cure the violation pursuant to paragraph (3) of Section 1161 of the Code of Civil Procedure. If the violation is not cured within the time period set forth in the notice, a three-day notice to quit without an opportunity to cure may thereafter be served to terminate the tenancy.

F. Relocation Assistance.

1. As in Section 2 of AB 1482 (to be codified at Civil Code § 1946.2(d)), for a tenancy for which just cause is required to terminate the tenancy under subsection C above, if an owner of residential real property issues a termination notice based on a no-fault just cause described in paragraph 2 of subdivision D above, the owner shall, regardless of the tenant's income, at the owner's option, do one of the following:

    a. Assist the tenant to relocate by providing a direct payment to the tenant as described in paragraph 3 below; or

    b. Waive in writing the payment of rent for the final month of the tenancy, prior to the rent becoming due.

2. If an owner issues a notice to terminate a tenancy for no-fault just cause, the owner shall notify the tenant of the tenant's right to relocation assistance or rent waiver pursuant to this section. If the owner elects to waive the rent for the final month of the tenancy as provided in subparagraph b of paragraph 1 above, the notice shall state the amount of rent waived and that no rent is due for the final month of the tenancy.

3. a. The amount of relocation assistance or rent waiver shall be equal to one month of the tenant's rent that was in effect when the owner issued the notice to terminate the tenancy. Any relocation assistance shall be provided within 15 calendar days of service of the notice.

   b. If a tenant fails to vacate after the expiration of the notice to terminate the tenancy, the actual amount of any relocation assistance or rent waiver provided pursuant to this subdivision shall be recoverable as damages in an action to recover possession.

   c. The relocation assistance or rent waiver required by this subdivision shall be credited against any other relocation assistance required by any other law.

4. An owner's failure to strictly comply with this subdivision shall render the notice of termination void.

G. Exclusions.

As in Section 2 of AB 1482 (to be codified at Civil Code § 1946.2(e)), this temporary prohibition shall not apply to the following types of residential real properties or residential circumstances:

1. Transient and tourist hotel occupancy as defined in subdivision (b) of Section 1940.

2. Housing accommodations in a nonprofit hospital, religious facility, extended care facility, licensed residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or an adult residential facility, as defined in Chapter 6 of Division 6 of Title 22 of the Manual of Policies and Procedures published by the State Department of Social Services.

3. Dormitories owned and operated by an institution of higher education or a kindergarten and grades 1 to 12, inclusive, school.

4. Housing accommodations in which the tenant shares bathroom or kitchen facilities with the owner who maintains their principal residence at the residential real property.

5. Single-family owner-occupied residences, including a residence in which the owner-occupant rents or leases no more than two units or bedrooms, including, but not limited to, an accessory dwelling unit or a junior accessory dwelling unit.

6. A duplex in which the owner occupied one of the units as the owner's principal place of residence at the beginning of the tenancy, so long as the owner continues in occupancy.

7. Housing that has been issued a certificate of occupancy within the previous 15 years.

8. Residential real property that is alienable separate from the title to any other dwelling unit, provided that both of the following apply:

    a. The owner is not any of the following:

    (i) A real estate investment trust, as defined in Section 856 of the Internal Revenue Code.

    (ii) A corporation.

    (iii) A limited liability company in which at least one member is a corporation.

    b. (i) The tenants have been provided written notice that the residential property is exempt from this section using the following statement:

    > "This property is not subject to the rent limits imposed by Section 1947.12 of the Civil Code and is not subject to the just cause requirements of Section 1946.2 of the Civil Code. This property meets the requirements of Sections 1947.12 (d)(5) and 1946.2 (e)(8) of the Civil Code and the owner is not any of the following: (1) a real estate investment trust, as defined by Section 856 of the Internal Revenue Code; (2) a corporation; or (3) a limited liability company in which at least one member is a corporation."

    The notice required under clause (i) may, but is not required to, be provided in the rental agreement.

    (ii) Addition of a provision containing the notice required under clause (i) to any new or renewed rental agreement or fixed-term lease constitutes a similar provision for the purposes of subparagraph e of paragraph 1 of subdivision D above.

9. Housing restricted by deed, regulatory restriction contained in an agreement with a government agency, or other recorded document as affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code, or subject to an agreement that provides housing subsidies for affordable housing for persons and families of very low, low, or moderate income, as defined in Section 50093 of the Health and Safety Code or comparable federal statutes.

H. Definitions

As in Section 2 of AB 1482 (to be codified at Civil Code § 1946.2(i)), for the purposes of this Urgency Ordinance, the following definitions shall apply:

1. "Owner" and "residential real property" have the same meaning as those terms are defined in Civil Code Section 1954.51.

2. "Tenancy" means the lawful occupation of residential real property and includes a lease or sublease.

SECTION 5. Application.

This ordinance shall only apply to tenancies: (1) where the tenant remains in possession; and (2) the period of notice required for notices of termination under California Civil Code section 1946.1 has not expired as of the effective date of this ordinance.

SECTION 6. Enforcement & Penalties.

An owner's failure to comply with this Urgency Ordinance shall render any notice of termination of tenancy issued prior to January 1, 2020 void. An owner's failure to comply with this article does not constitute a criminal offense. All penalties that are set forth in State Law and the Duarte Municipal Code (including, without limitation, Chapters 1.12 and 1.14) shall apply to violations of the provisions of this Urgency Ordinance.

SECTION 7. Effective Date.

This Ordinance is declared to be an Urgency Ordinance by authority conferred on the City Council of the City of Duarte by Government Code Sections 36934 and 36937 and shall be in full force and effect immediately upon its adoption by a four-fifths vote of the City Council.

SECTION 8. Term of Urgency Ordinance.

This Urgency Ordinance shall automatically expire and be of no further force and effect at 11:59 p.m. on December 31, 2019.

SECTION 9. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase, or portion of this Urgency Ordinance is, for any reason, held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Urgency Ordinance or any part thereof. The City Council hereby declares that it would have adopted this Urgency Ordinance and each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Urgency Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end, the provisions of this Urgency Ordinance are declared to be severable.

SECTION 10. Posting of Ordinance.

The Mayor shall sign this Urgency Ordinance and the City Clerk shall attest and certify to its passage and adoption. The City Clerk shall cause this Urgency Ordinance to be published or posted as required by law.

PASSED, APPROVED AND ADOPTED this __ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Urgency Ordinance No. _____ was adopted by the City Council of the City of Duarte at a regular meeting of said Council held on the _____ day of _____, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

Duartean and Duartean Dispatch
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626-962-8811 ext. 40891

(Space below for use of County Clerk Only)

5007700

CITY OF DUARTE
1600 E. HUNTINGTON DRIVE
DUARTE, CA 91010

FILE NO. CDBG

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States, and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of DUARTEAN and DUARTEAN DISPATCH, a newspaper of general circulation printed and published weekly in the City of Duarte, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of July 6, 1948, Case Number POMO C986. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

10/26/2019

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Monrovia, LA Co. California
On this 28th day of October, 2019.

Mark Bustner

Signature

Legal No. **0011327220**

CITY OF DUARTE
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Duarte will conduct a public hearing on Tuesday, November 12, 2019 at 7:00 p.m. in the City Hall Council Chamber, 1600 Huntington Drive, Duarte, California.

The City Council will solicit public input regarding the proposed use of the City of Duarte's federal Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding allocation for Fiscal Year 2020-2021 (July 1, 2020 – June 30, 2021). The City anticipates receiving an allocation of approximately $148,698 in federal CDBG funds through its participation in the Los Angeles Urban County's CDBG Program. Fiscal Year 2020-2021 CDBG funds of approximately $148,698 plus previously unallocated CDBG funds in the amount of $72,726 for a total of approximately $221,424 will be used to remove architectural and/or material barriers to improve safe paths of travel for elderly and/or severely disabled adults through the installation of Americans with Disabilities Act-Compliant (ADA) accessible improvements at City Hall.

Any interested party may appear in person, or by agent, and be heard. If this matter is challenged in Court, there will be a limit to only those issues that were raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Council at, or prior to, the Public Hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, 1600 Huntington Drive, Duarte, CA 91010. Further information may be obtained from the Community Development Department at (626) 357-7931. Si usted quiere hacer un comentario o quiere mas información sobre esta noticia, usted pueder llamar al numero (626) 357-7931.

Marla Akana
City Clerk

PUBLISHED: **Duartean, Saturday, October 26, 2019**
POSTED: Duarte City Hall
Duarte Public Safety Office
City Website

DUARTEAN Highlander **Ad#11327220**

MEMORANDUM

To: Honorable Mayor and Members of the City Council

From: Craig Hensley, Community Development Director

Date: November 12, 2019

Subject: Community Development Block Grant Program (CDBG) Proposed Project and Budget for Fiscal Year 2020-2021 (July 1, 2020 – June 30, 2021)

RECOMMENDATION

Staff recommends that the City Council:

1. Allocate $148,698 in new FY 2020-2021 CDBG funding and allocate previously unspent CDBG funds from prior years in the amount of $72,726 for a total of approximately $221,424 to remove architectural and/or material barriers to improve safe paths of travel for elderly and/or severely disabled adults through the installation of Americans with Disabilities Act-Compliant (ADA) accessible improvements at City Hall;

2. Authorize the City Manager to execute all necessary contract documents in a form approved by the City Attorney; and,

3. Authorize staff the ability to make adjustments to projects due to final funding allocations and/or as needed due to programmatic interpretations by the Los Angeles County Development Authority (LACDA).

BACKGROUND

Duarte has been a participating city in the Los Angeles County Development Authority's (LACDA) federal Community Development Block Grant (CDBG) Program for many years. The City's annual allocation of federal CDBG funds previously supported the successful construction of American with Disabilities Act (ADA) compliant improvements to city sidewalks and curb ramps. The mission of the CDBG Program is to principally benefit low and moderate income persons, aid in the prevention of neighborhood deterioration and meet other urgent community development needs.

The Los Angeles County Development Authority (LACDA) requires participating cities to submit the proposed use of their annual CDBG allocation by February 1, 2020, including general project descriptions, budgets, and documentation of Council action and proof of public meeting notification. For purposes of budgeting, staff estimates that the Fiscal Year (FY) 2020-2021 CDBG allocation will be approximately $148,698. The City's final FY 2020-2021 CDBG allocation will be announced by LACDA in spring 2020, and may

vary within two to five percent of the proposed $148,698. Additionally, previously unspent CDBG funds from prior years, in the amount of $72,726, may be allocated to new FY 2020-2021 CDBG projects, for a total of approximately $221,424 available in CDBG funding.

ANALYSIS

During the current Fiscal Year 2019-2020, CDBG funds are being used to remove approximately ten (10) obsolete concrete curb ramps at various city intersections. These obsolete concrete ramps pose an obstruction to the safe path of travel for elderly and severely disabled residents. CDBG funds support the removal and replacement of the non-compliant curb ramps with Americans with Disabilities Act (ADA) compliant curb ramps.

For the upcoming FY 2020-2021, staff recommends that CDBG funds be used to complete ADA-compliant improvements at City Hall. The proposed project includes removing architectural barriers that impede elderly and severely disabled residents' safe paths of travel to City Hall from Huntington Drive, the City Hall parking lot, within the City Hall Courtyard area, and replace with ADA-compliant ramps, hand railings, and directional signage. CDBG funds will be used for construction costs and project administration costs including compliance with federal labor standards. Project design, engineering and project management will be the responsibility of City staff and/or outside consultants.

The City will continue to use LDM Associates, Inc., a qualified consulting firm, to provide professional CDBG Program administration and federal labor standards compliance services to ensure that federal CDBG Program requirements are met.

Table 1 below shows the proposed use of FY 2020-2021 and prior year unallocated CDBG funds:

Table 1 - Proposed CDBG Projects and Budgets for FY 2020-2021	
Project: Removal of Architectural Barriers at City Hall	**$148,698**
Prior Years' CDBG Funds	**$72,726**
***Total CDBG Program Funding Available for Programming**	**$221,424**
***Note:** Staff requests that the City Council's recommendation include language giving staff the ability to make adjustments to projects, due to programmatic interpretations by LACDAC and final funding allocations.	

CONCLUSION

The proposed FY 2020-2021 project will benefit the community by promoting CDBG national objectives; continue to remove architectural barriers (ADA improvements) that impede residents' mobility and accessibility; and, enhance the quality of life for Duarte's residents.

Thus, staff recommends that the City Council conduct a public hearing; review and approve the recommended CDBG project and budget for FY 2020-2021 as described in Table 1 above. Following City Council action, the proposed FY 2020-2021 CDBG project and budget application will be submitted to LACDA for review and approval.

Duartean and Duartean Dispatch
Affiliated with SGV Newspaper Group
605 E. Huntington Dr., Suite 100
Monrovia, CA 91016
626-962-8811 ext. 40891

(Space below for use of County Clerk Only)

5007700

CITY OF DUARTE
1600 E. HUNTINGTON DRIVE
DUARTE, CA 91010

Legal No. **0011330224**

FILE NO. GPA 19-01

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States, and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of DUARTEAN and DUARTEAN DISPATCH, a newspaper of general circulation printed and published weekly in the City of Duarte, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of July 6, 1948, Case Number POMO C986. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/02/2019

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Monrovia, LA Co. California
On this 4th day of November, 2019.

Mark Bertner

Signature

DUARTE CITY COUNCIL
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to State Law, the City Council of the City of Duarte will hold a Public Hearing at 7:00 p.m., on Tuesday, November 12, 2019 in Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following projects:

- **General Plan Amendment 19-01:** revisions to the Land Use Element allowing a modification to the buildout, mix and density of land uses;
- **Zone Change 19-01:** an amendment to the current Duarte Station Specific Plan (DSSP) revising the mix and density of land uses, development standards, design guidelines, mobility provisions, infrastructure & services plans, administrative and implementation language, amongst other topics; and
- **Municipal Code Amendment 19-01:** modifying Chapter 19.22 (Specific Plan Zones), Table 2-15 of the Duarte Development Code to update previously adopted Specific Plans, and include Duarte Station Specific Plan.
- **Subsequent Draft Environmental Impact Report (DEIR) including:** comments received during the 45-day review period and proposed Mitigation Monitoring Program.

On October 21, 2019, the Planning Commission unanimously approved Planning Commission Resolution 19-06, 19-07, 19-08 and 19-09, recommending the City Council adopt the project's Subsequent Environmental Impact Report, General Plan Amendment 19-01, the amended Duarte Station Specific Plan (Zone Change 19-01), and Municipal Code Amendment 19-02.

The City of Duarte is proposing to revise the Duarte Station Specific Plan (DSSP) for the entire 19.08-acre site, located north of the Gold Line station, and is comprised of four properties, three industrial parcels and the Metro parking area. The site is, generally, at the northwest corner of Duarte Road and Highland Avenue.

The approved 2013 DSSP studied the possible environmental impacts of the Specific Plan, an ultimate build-out of up to 475 high density residential units, 250 hotel rooms, 400,000 square feet of office, and 12,000 square feet of commercial uses was considered, replacing the existing industrial uses. The DSSP was written to also allow current uses and buildings to remain, expand and rebuild, but incentivizes the change to a TOD through enhanced value by developing their property to the Specific Plan's guidelines and increased densities/intensities.

The proposed revision to the specific plan changes the mix of uses and the overall project density. The amended plan would allow: 90 units per acre (the EIR evaluates up to 1,400 units), 100,000 square feet of new office and 12,000 square feet of commercial. The plan would also provide specific standards to allow existing industrial buildings to be renovated into creative office, R & D, biotech and other office use, often called adaptive reuse. The specific plan also continues to allow hospitality as a conditional use.

The City Council will also be considering, as separate items, Tentative Tract Map 19-01 and two Site Plan and Design Review cases (SPDR 19-37 & 19-38) for a two-building residential development consisting of 619 dwelling units, and associated parking structures and open space.

Environmental Determination
Pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162, no subsequent or supplemental EIR is required to a previously certified EIR unless one of the events listed in section 15162, subdivision (a)(1) occurs. In this circumstance, because the City has concluded that the revised project may have the potential to result in new significant adverse effects not analyzed in the previously approved EIR, a Subsequent Environmental Impact Report (SEIR) has been found to be required. The previous EIR had already comprehensively analyzed all potential impacts relating to the creation of a vibrant, mixed-use "transit village", which included 475 high density residential units, 250 hotel rooms, 400,000 square feet of office, and 12,000 square feet of commercial uses on 19.08 acres. The City has decided to prepare a SEIR (SCH # 2013041032) to analyze the proposed changes to the land use plan, the mix of uses, and the overall project density that were evaluated in the previous EIR.

The SEIR has analyzed the potential environmental impacts that may result from the proposed changes to the Duarte Station Specific Plan project. These issues are: land use, aesthetics, population and housing, traffic, air quality, greenhouse gas emissions and energy, noise, hazards and hazardous materials, hydrology, drainage, and water quality, fire protection, police protection, schools, parks, water, wastewater, and solid waste. The SEIR has evaluated the potentially significant direct, indirect, and cumulative environmental impacts associated with construction and implementation of the proposed project. Mitigation measures will be recommended, where appropriate, to avoid or substantially reduce significant adverse environmental effects of the

proposed changes. The SEIR analysis determined that the proposed project, with implementation of mitigation measures, would result in significant environmental impacts in the areas of air quality, noise, and traffic; and because of this, the SEIR will require the City Council to approve a Statement of Overriding Considerations.

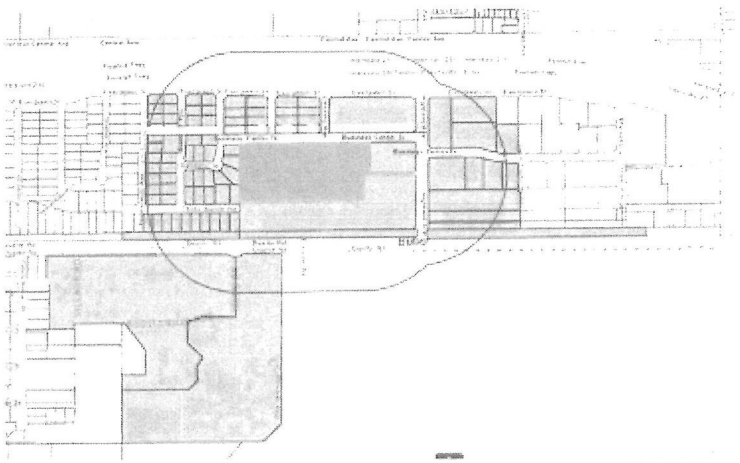
The Notice of Availability for the SEIR for the Specific Plan was released for public comment on August 27, 2019 and concluded on October 10, 2019.

Any interested party may appear in person or by agent and be heard. If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, 1600 Huntington Drive, Duarte, CA, 91010.

Additional information on the proposed Plan, maps and downloadable versions of the Duarte Station Specific Plan and SEIR are available on the City's website or by accessing https://www.duartestationplan.com/ For further information regarding this application, please contact Mr. Jason Golding, Planning Division Manager, Monday through Thursday between the hours of 7:30 a.m. and 6:00 p.m. at (626) 357-7931, goldingj@accessduarte.com or by visiting City Hall, Community Development Department, 1600 Huntington Drive, Duarte, CA, 91010.

Marla Akana, City Clerk

MAIL/POST: October 31, 2019 – Duarte City Hall, Duarte Library, Duarte Office of Public Safety



Published: November 2, 2019 Duartean-Highlander Ad#11330224

CITY COUNCIL STAFF REPORT

Date: November 12, 2019

To: Mayor and City Council

Subject: Amendment to the Duarte Station Specific Plan (Zone Change 19-01) to provide new development requirements in the Specific Plan area and to adjust the buildout density; Final Subsequent Environmental Impact Report (SEIR); General Plan Amendment 19-01 to Revise the Land Use Element to address the Specific Plan changes; and Municipal Code Amendment 19-02 to Chapter 19.22 of the Duarte Development Code to update the Specific Plan table.

Applicant: City Initiated in Partnership with Duarte Partners LLC

SUMMARY

The group of cases before the City Council this evening provides the path for development in the Duarte Station Specific Plan area. Development of this area as a high-quality, transit-oriented development has been a City goal for many years. The proposed changes to the specific plan will allow an increase in the number of residential units in the specific plan area. The standards included in the amended plan ensure a very high quality of development. By increasing the amount of residential allowed in this area, the City will be: responding to the State's desire to encourage increased housing production; addressing current and future regional housing needs responsibilities; and providing high quality housing needs for the community. Approval of the items included in this application package will allow Phase 1 of this project to move forward and will pave the way for future development with a creative and flexible specific plan.

The items before the Council that are included in this report are: an amendment to the current Duarte Station Specific Plan (DSSP); a Final Subsequent Environmental Impact Report to the former EIR for this specific plan area; a General Plan Amendment for revisions to the Land Use Element; and a Code Amendment to the Development Code to adjust Table 2-15 adding recent specific plans to the list of specific plans.

Also, associated with these cases, but separate items, are Vesting Tentative Tract Map #82518 and two Site Plan and Design Review cases (19-37 & 19-38) for two residential buildings with 344 and 275 units.

The original DSSP was adopted by the City Council in 2013 and provided for the development of up to 475 high-density residential uses, 250 hotel rooms, 400,000 square feet of office, and

12,000 square feet of commercial uses. At the time, the proposed development limits were optimistic, considering the market. Since the time of the adoption of the specific plan, market and other conditions have changed, including: the opening of the Duarte/City of Hope Gold Line station directly to the south of the project area, a rapidly expanding housing market, a declining office market, an increased focus on housing production at a State level and the desire of one of the major land owners to sell its property for development.

The 19.08-acre, Duarte Station Specific Plan area is directly to north of the Gold Line station, and is comprised of four properties, three industrial parcels and the Metro parking area. The site is, generally, at the northwest corner of Duarte Road and Highland Avenue (Figure 1).

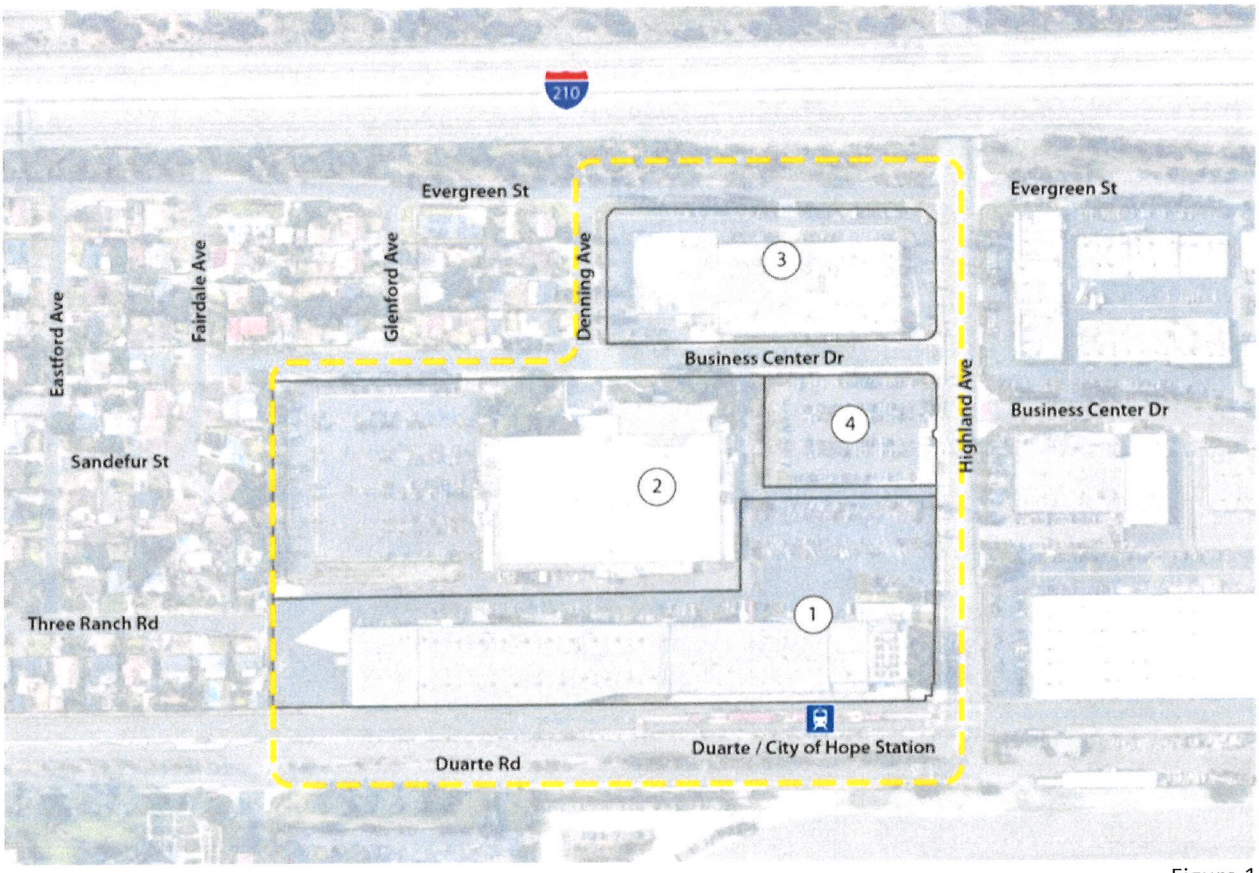


Figure 1

There has been little physical change in the DSSP since its original adoption with only the addition of the Metro parking lot and the related improvement of the Woodward parking lot.

In mid-2018, Woodward Aviation, one of the main landowners in the plan area, went through a proposal process to select a developer that it would work with, in partnership with the City, to develop its property and any adjacent property with property owner interest. Duarte Partners, LLC was chosen to move the project forward. Duarte Partners, LLC and the City have met with the other two property owners in the plan area, Metro and the owner of the two other

industrial buildings in the plan area, to gain cooperation on an amendment to the specific plan that would create a more feasible development density for the plan area both in the short term and the long term.

The proposed revision to the specific plan changes the mix of uses and the overall project density. The amended plan would allow: 90 units per acre (the SEIR evaluates up to 1,400 units), and would also allow office and commercial uses (the SEIR evaluates 100,000 square feet of new office and 12,500 square feet of commercial). The plan would also provide specific standards to allow existing industrial buildings to be renovated into creative office, R & D, biotech and other office use, often called adaptive reuse. The specific plan also continues to allow hospitality as a conditional use.

This project also includes a Subsequent EIR to the EIR prepared for the 2013 project. This SEIR evaluates the project with these new development thresholds. It also includes mitigation measures for significant impacts identified through the environmental analysis, in addition to providing a list of unavoidable significant impacts that must be considered by the approval bodies.

Development of Phase 1a of the project site is also a part of the project being considered this evening, which includes a Tentative Tract Map to split the 7.75 acre parcel that is the current location on 1700 Business Center Drive into two lots (Figure 1 – Lot 2); and two separate Site Plan and Design Review Cases, one from MBK Homes for a 344 unit residential project and the other from Mill Creek Residential for a 275 residential units.

Phase 1b is not submitted for the approval process at this time as the City, Duarte Partners and the developer, Jamboree Housing, are working with Metro on a proposal to integrate the current parking into a parking structure that would also serve as an intergenerational, subsidized housing project of between 60 and 70 units.

The Planning Commission held a public hearing on this project at its October 21, 2019 meeting and recommended approval.

ANALYSIS

The proposed general plan amendment and amendments to the specific plan will allow the plan area to develop in a different way that under the current plan while still maintaining the goal of a transit village. Since the plan adoption in 2013, the development market has changed significantly. The need for residential has increased and the market for office had reduced, State housing policy has placed a greater responsibility on cities to meet housing needs, the Gold Line Station has opened and plans are in process to extend the Gold Line east from Azusa to Claremont, the Town Center Specific Plan has been approved directly to the north of the plan

area, and the City of Hope Specific Plan was adopted allowing a significant build out of its campus.

Specific Plan Amendment (Zone Change 19-01)

The draft specific plan amendment uses a similar format to the original specific plan but adds several elements to address development of the site. The most significant difference between the existing specific plan and the amended plan is the mix and density of uses. The specific plan would allow up to 90 units per acre of residential development, it also allows office, R&D, biotech and commercial (the SEIR evaluates 100,000 square feet of new office and 12,000 square feet of commercial). First phase development proposes residential and the specific plan is written to allow flexibility as the balance of the area builds out. The plan also proposed a creative approach to public space by planning an approximately 25-30' wide pedestrian promenade along the west side of Highland Avenue. This idea has been in the works for some time and the City has already received a Measure M competitive grant that would fund some of the improvement of this area.

Another highlight of the amended plan is its approach of the portions of the plan area that will not be part of early phase development. The plan provides options for these current industrial buildings in the short term if transition to residential is not the desire. The plan allows adaptive reuse of industrial buildings as creative office, R & D, biotech, general office and commercial as long as it is accompanied by aesthetic upgrades such as façade and landscape improvements. Adaptive reuse is a term that defines a process of taking an old building and using it for a different use that it was originally designed for. Chapter 3.5.5 sets forth specific designs standards for adaptive reuse of industrial buildings. A transition in use along with aesthetic upgrades to industrial buildings in the area would be a significant advantage to the area, so the process has been designed to promote this type of development.

The focus of the plan is to create a transit village that has a focus on mixed use, residential development. To accomplish this, the plan creates several elements to guide building layout and design. These include, for example: frontage standards (3.4.2) that require that new buildings follow four basic types for building frontage (shopfront, flex, forecourt or frontyard/porch); building setback standards that focus on a pedestrian environment (Table 3-4 in specific plan); a focus on the Highland Frontage and the front door for the development (3.4.1.A); and incentives for creative design, such as an incentive for rooftop open space.

The proposed plan maintains its strong focus on design with a detailed set of design guidelines and well thought out development standards to ensure quality growth of the area. The plan revisions also create very flexible standards that are intended to allow changes over time.

This plan has been developer to creatively address many development related issues. Because of its proximity to the Gold Line and its transit-oriented theme, the plan provides flexible parking requirements with lower requirements than for other development in the city. The proposed parking rates are: Studio/1-Bedroom: 1 per unit; 2-Bedroom: 1.8 per unit; and 3-Bedroom: 2 per unit. Guest space requirements have also been addressed: projects over 150 units: 0.15 per unit; projects 149 units or less: 0.2 per unit. To ensure that parking will not be a problem that spills out into area streets, all projects will be required to have a Parking Management Plan that is approved by the City that ensures that parking is well managed and that there are no more resident vehicles than spaces provided in the project.

The plan also implements a public art component (5.3.2) that will require each development project to either pay a public art fee equal to one quarter of one percent (0.25%) of the building valuation for public art or to provide a piece of public art. The primary intent of this art would be to further improve the Highland Promenade. Section 5.3.1 creates the ability for the creation of a maintenance district to maintain amenity spaces such as the Highland Promenade.

Subsequent EIR

The Subsequent EIR process is used when there are substantial changes to a project that necessitate a new evaluation of the possible impacts. The properties impacted by the specific plan have not changed but the development scenario has changed. The table on the next page provides an overview of the existing conditions, existing specific plan and the proposed amended specific plan.

The proposed Subsequent EIR addresses the proposed impacts of the development scenario that may be possible with the proposed specific plan amendment. The development scenario that was chosen was done so because it is the preferred condition but also since it represents a conservative level of analysis.

Development Scenario Analyzed

Land Use	Residential (DU)	Non-Residential (SF)
Existing		
Warehouse/Industrial		313,955
Original Approved Specific Plan		
Retail		12,000
Office		400,000
Hotel		250 rooms
High Density Residential	475	
Proposed		
Retail/Restaurant		12,500
Office		100,000
High Density Residential	1,400	
TOTAL PROPOSED	**1,400**	**112,000**

The SEIR is organized into the following sections: Executive Summary, Introduction and Purpose, Project Description, Cumulative Analysis, Environmental Analysis, Alternatives, Other CEQA Considerations, Effects Found Not to be Significant, Significant Environmental Effects, and References.

The main substantive change between the existing specific plan and the proposed amendment is the potential build out in the plan area. The 2013 EIR addressed a proposed buildout of: 475 residential units, 400,000 square feet of office, 250 hotel rooms and 12,000 square feet of commercial. This Subsequent EIR addresses a buildout of up to 1,400 residential units, 100,000 square feet of new office, and 12,500 square feet of commercial (split 50% restaurant and 50% retail). The overall trip generation of the new buildout scenario is less than the trip generation with the 2013 analysis. Table 5.4-11 addresses forecasted trip generation and indicates 6,209 daily trips. The 2013 EIR indicated 7,259 daily trips. So, the traffic impacts of the new proposed buildout results in 1,050 fewer average daily trips. Even with the reduced trips, mitigation is still warranted and there are still significant unavoidable impacts as there were with the 2013 EIR.

Section 5.0 of this SEIR provides a description of the potential environmental impacts of the proposed project scenario and recommends mitigation measures to reduce impacts to a less than significant level, where possible. After implementation of mitigation measures, most of the potentially significant impacts associated with the proposed project would be reduced to less than significant levels.

The SEIR must also describe any significant impacts that can be mitigated but not reduced to a level of insignificance. The impacts listed below could not be feasibly mitigated and would result in a significant unavoidable impact if the Duarte Station Specific Plan were approved.

TRAFFIC

- Project and cumulative project impacts at the following intersections:
  - Buena Vista Street/Duarte Road

AIR QUALITY

- Plan Consistency - exceedance of growth assumptions in the SCAQMD *2016 AQMP*

NOISE

- Project short-term construction noise impacts

Although the SEIR identifies certain significant environmental effects that will result if the project is implemented, all significant effects that can feasibly be avoided or mitigated will be by the imposition of conditions and/or mitigation measures. Based on current State Law, unavoidable Air Quality impacts are common with even moderate sized projects such as the proposed DSSP amendment.

The significant impacts of the DSSP that have not been reduced to a level of insignificance will have been substantially reduced in their impacts by the imposition of mitigation measures. The process to address this is for the City Council to find that the significant unavoidable adverse impacts of the DSSP are clearly outweighed by the economic, social and other benefits of the project and adopt a Statement of Facts and Findings and Statement of Overriding Considerations.

The 45 day comment period for the SEIR ended on October 10 and the City received six comment letters. The Final SEIR includes the responses to comments (attached Exhibit). The City's environmental consultant prepared the response to comments that provides detailed answers to the questions raised and supports the adequacy of the SEIR. The City Attorney's office has also reviewed the response to comments that supports the position that the SEIR is legally adequate.

The mitigation monitoring and reporting program is included with the Final SEIR resolution and lists all mitigations and sets forth the agreed to process for long term monitoring of mitigations measures.

General Plan Amendment 19-01

In the 2007 General Plan, the concept of a Gold Line Specific Plan was included. At that time, the thought was that the project would include 120 units of multiple-family residential, 100,000 s.f. office space, and up to 500 parking stalls for the Gold Line. This was an extremely low buildout for a 19-acre area and probably some of the reason there was not development at the time.

The 2013 adoption of the first Duarte Station specific plan was accompanied by a General Plan amendment that allowed 475 high-density residential uses, 250 hotel rooms, 400,000 square feet of office, and 12,000 square feet of commercial uses.

This general plan amendment adjusts the buildout estimate to 90 units per acre (the EIR evaluates up to 1,400 units), 100,000 square feet of new office, and 12,000 square feet of commercial.

The proposed changes are as follow to the Duarte General Plan, Land Use Element text:

Specific Plan Areas
(remove=strikeout; new=bold)

2. Duarte Station TOD Area Specific Plan:

The first policy vision of a future Transit-Oriented Development (TOD) for the area adjacent to the Duarte Goldline Station was conceptualized in the 2007 adoption of the Duarte General Plan 2005-2020, in which the City Council approved the Gold Line Station Area Development Specific Plan land use designation, envisioning the construction of up to: 120 units of multiple-family residential, 100,000 s.f. office space, and up to 500 parking stalls for the Goldline Station. General Plan Amendment 13-1 and the related Duarte Station Specific Plan Environmental Impact Report amended the land use designation from Gold Line Station Area Development Specific Plan to Duarte Station Specific Plan (DSSP) for the three parcels identified in the Plan Area and located immediately north of the Duarte Gold Line Station. ***The area was again amended in 2019 by General Plan Amendment 19-01.***

~~*Many things have changed since the 2007 General Plan and General Plan Amendment 13-1 was necessary for several reasons.*~~ *Since 2007, changes in the market and overall economy created a new reality in the types and concentrations of uses that can succeed in the Plan Area. The City and region in general have been exposed to TOD concepts and the new economic reality from the last economic downturn, making many of the TOD land use projections from 2007 unrealistic. For instance, the creation of up to 120 residential units is far too small of a development on 19 acres and is economically unfeasible due to property acquisition and construction costs. Furthermore, the significant retail component sought by the IBI study is unlikely at the Duarte Station due to its proximity to freeways and a large population base, as well as changes to the retail landscape from 2008. Secondly, the City has approved two revised Housing Elements and is anticipating an additional revision by February 2014. In context of the DSSP, the Housing Element provides potential housing opportunity sites that must comply with the Regional Housing Needs Assessment, including those units that may be produced through implementation of the DSSP.*

The City's 2007 General Plan designated the 19.08 acre parcels (3) as the Gold Line Station Area Development Specific Plan land use designation. The DSSP project required that ***a*** *General Plan Amendment* ~~*13-1*~~ *be adopted to reflect the community's commitment to a vibrant, mixed-use transit village near the light rail station.* ~~*General Plan Amendment 13-1 amended the land use designation from Gold Line Station Area Development Specific Plan to Duarte Station Specific Plan for the three parcels identified in the Plan Area. The DSSP would permit the maximum development potential of up to 475 high-density residential uses, 250 hotel rooms, 400,000 square feet of office, and 12,000 square feet of commercial uses.*~~ ***The Amended Duarte Station Specific Plan provides the development potential of up to 90 d.u./acre, 100,000 square feet of***

new office development and 12,000 square feet of commercial development on the plan area properties.

Municipal Code Amendment 19-02

Chapter 19.22 of the Duarte Development Code addresses Specific Plan Zones. More specifically, Table 2-15 provides a listing of all adopted Specific Plans. In adopting this amended specific plan, the table needs to be updated, but it also requires an update from the last few specific plans that have been adopted. The proposed changes, noted in Bold, will bring the Table up to date.

TABLE 2-15 SPECIFIC PLANS		
No.	**Specific Plan**	**Adoption Date (Adoption Mechanism)**
1	Huntington/Highland	7/27/1982 (Res. No. 82-26)
2	Las Lomas	10/26/1982 (Res. No. 82-41)
3	Huntington/Buena Vista	7/11/1989 (Per City Council)
4	Highland Avenue	12/12/1989 (Per City Council)
5	Westminster Gardens	11/27/1990 (Ord. No. 675)
6	Mountain/Evergreen	11/27/1990 (Ord. No. 676)
7	Rancho Verde	10/27/1992 (Ord. No. 695)
8	Las Brisas	12/13/1994 (Ord. No. 714)
9	Las Posadas	12/10/1996 (Ord. No. 729)
10	Buena Vista Villas	8/12/1997 (Ord. No. 732)
11	Encanto Parkway	4/14/1998 (Ord. No. 735)
12	Citrus Collection at Duarte II	Preliminary 1/26/1999[1]
13	Spanish Oaks Villas	7/16/2001 (Ord. No. 758)
14	Andres Duarte Terrace	5/27/2003 (Ord. No. 769)
15	Duarte Gardens	6/27/2006 (Ord. No. 784)
16	Mountain/Central	10/14/2008 (Ord. No. 811)
17	**Rose Garden at Santa Teresita**	**6/28/2011 (Ord. 829)**
18	**Duarte Station**	**12/10/2013 (Ord. 843)** **11/12/2019 (Ord. 893) - 2019 Amendment**
19	**Town Center**	**9/27/2016 (Ord. 868)**
20	**City of Hope**	**10/23/2018 (Ord. 885)**

Note: 1. Citrus Collection at Duarte II was not formally adopted; however draft Ordinance 98-0-7 provides preliminary standards.

Related Issues

A proposed Tentative Map and site plan and design review cases for two buildings, 344 and 275 units are will also be considered by the Commission at this meeting. This is the part of the first phase of development and is located on Parcel 2 (Figure 1). The balance of the first phase, is located on Parcel 4 (Figure 1).

Staff also recommends that the City Council consider the renaming of Business Center Drive west of Highland, since the site is the only property west of Highland that is addressed as Business Center Drive. If Council desires, this item can be brought back to a future Council meeting for discussion.

RECOMMENDATION

The proposed specific plan amendment and subsequent EIR will create the framework for a development project that will be a significant advantage to the Duarte. It assists the City in meeting its regional housing needs, provides quality housing options near regional transit and local employment centers and creates standards to ensure that development in the areas is quality. The specific plan ensures that any development in the plan area will have a sense of place and that the development will blend into the existing local development fabric.

Staff recommends the City Council review and comment on the proposed project, gather public testimony and approve the following actions:

1. Resolution 19-R-24 recommending certification of the project's Final Subsequent Environmental Impact Report, Statement of Overriding Considerations, Findings of Fact, and Mitigation Monitoring and Reporting Program;
2. Resolution 19-R-25 - General Plan Amendment 19-01;
3. Ordinance 19-O-04 - Zone Change 19-01 (Amendment to the Duarte Station Specific Plan); and
4. Ordinance 19-O-05 - Municipal Code Amendment 19-02.

Respectfully Submitted,

Craig Hensley, AICP
Community Development Director

Jason Golding
Planning Manager

EXHIBITS

A. Draft Duarte Station Specific Plan Link: https://www.duartestationplan.com/
B. Final Subsequent Environmental Impact Report (via thumb drive to Council)
C. Resolution 19-R-24 recommending certification of the project's Final Subsequent Environmental Impact Report, Statement of Overriding Considerations, Findings of Fact, and Mitigation Monitoring and Reporting Program;
D. Resolution 19-R-25 - General Plan Amendment 19-01;
E. Ordinance 19-O-04 - Zone Change 19-01 (Amendment to the Duarte Station Specific Plan); and
F. Ordinance 19-O-05 - Municipal Code Amendment 19-02.

RESOLUTION NO.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE DUARTE STATION SPECIFIC PLAN AND ITS RELATED IMPLEMENTING ACTIONS AS ADEQUATE AND COMPLETE, APPROVING CERTAIN FINDINGS RELATED THERETO, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, in connection with the preparation of the proposed Duarte Station Specific Plan ("DSSP") and its implementing actions — a corresponding General Plan Amendment (G.P.A. 19-01), Amended Duarte Station Specific Plan, Zone Change (ZC 19-01), Municipal Code Amendment 19-01, Vesting Tentative Tract Map 82518, and Site Plan and Design Review Cases 19-37 and 19-38 — (collectively, the "Project") the City worked with professional environmental consultants to prepare a Draft Subsequent Environmental Impact (State Clearinghouse No. 2013041032) (the "Draft SEIR"); and

WHEREAS, the Draft SEIR for the proposed DSSP provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the DSSP, and has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines); and

WHEREAS, an electronic copy of the Draft SEIR is available on the City's website (www.duartestationplan.com) and printed copies are available at City Hall, the Duarte Public Library and the City of Duarte Public Safety Office; and

WHEREAS, a Notice of Availability of the Draft SEIR was provided to responsible agencies, organizations, members of the public and interested parties on August 27, 2019; and

WHEREAS, pursuant to the requirements of CEQA, the Draft SEIR was circulated for review and comment from the public and other public agencies during a 45-day public review period, which began on August 27, 2019 and ended on October 10, 2019; and

WHEREAS, on October 21, 2019, the Planning Commission of the City of Duarte ("Planning Commission") held a duly noticed public hearing on the Draft SEIR and the corresponding Project, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department of the City of Duarte, and the Planning Commission received public testimony; and

WHEREAS, notice of public hearing before the Planning Commission concerning the adequacy and completeness of the Draft SEIR was given in accordance with the laws, including CEQA, and policies of the City; and

WHEREAS, the Draft SEIR was independently reviewed by the Planning Commission, and the Planning Commission's recommendations reflect the independent judgment of the Commission; and

WHEREAS, after the duly noticed public hearing on October 21st, the Planning Commission adopted Resolution No. 19-06 recommending the City Council adopt and approve the Draft SEIR and certify a proposed Final Subsequent Environmental Impact for the Project ("Final SEIR"); and

WHEREAS, the proposed Final SEIR, dated November 2019, provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the Project, and has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA"), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines"); and

WHEREAS, responses to the comments received during the public review period were generated, and those responses, and the underlying comments have been included as part of the Final SEIR in accordance with CEQA; and

WHEREAS, copies of the proposed DSSP and Final SEIR, as presented to the City Council, are on file with the Community Development Department at City Hall, 1600 Huntington Drive, Duarte, California 91010, additional printed copies are also posted at the Duarte Public Library and the City of Duarte Public Safety Office, and electronic copies of these documents are provided on the City's website; and

WHEREAS, the proposed "Findings of Fact and Statement of Overriding Considerations" with respect to environmental impacts, including environmental impacts identified in the Final SEIR as potentially significant, are described in Exhibit "A" to this Resolution; and

WHEREAS, the proposed Mitigation Monitoring and Reporting Program ("MMRP") sets forth the mitigation measures to which the City shall bind itself in connection with this Project and is included in in Exhibit "B" to this Resolution (and is also part of the Final SEIR); and

WHEREAS, notice of a public hearing of the City Council on the Project and Final SEIR was given in accordance with applicable law; and

WHEREAS, on November 12, 2019, the City Council of the City of Duarte held a duly noticed public hearing on the Project and the Final SEIR; and

WHEREAS, at the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, the Final SEIR was independently reviewed by the City Council, and the City Council's determinations reflect the independent judgment of the Council.

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

Section 1. The Recitals above are true and correct, based on substantial evidence in the record including the Final SEIR, and incorporated herein by this reference.

Section 2. The City Council hereby confirms that the Final SEIR, as certified by this Resolution, is composed of the following:

a. Final SEIR (dated November 2019)
   i. Draft SEIR (dated August 2019)
   ii. Draft SEIR Technical Appendices
   iii. Mitigation Monitoring and Reporting Program
   iv. Comments and Responses
   v. A list of persons commenting on the Draft SEIR

Section 3. The facts set forth in the Statement of Facts and Findings and Statement of Overriding Considerations Regarding the Environmental Effects for the City of Hope Specific Plan Environmental Impact Report set forth in Exhibit "A" (the "Findings of Fact and Statement of Overriding Considerations"), attached to this Resolution, are true and correct and based upon substantial evidence in the record, including the Final SEIR, and are hereby incorporated herein by this reference.

Section 4. All significant effects of the Project that can feasibly be avoided or mitigated will be avoided or mitigated by the imposition of mitigation measures as set forth in the MMRP, which is attached as Exhibit "B" to this Resolution and incorporated herein by this reference.

Section 5. Based upon substantial evidence presented to the City Council during the public hearing, including written staff reports and verbal testimony, the City Council hereby finds and determines:

1. The Draft SEIR fully complies with all requirements of CEQA and the CEQA Guidelines relating thereto.

2. The Final SEIR fully complies with the requirements of CEQA and the CEQA Guidelines relating thereto.

3. The Final SEIR addresses all environmental effects of the proposed Project.

4. The Final SEIR has identified all significant environmental effects of the proposed Project, and there are no known potentially significant environmental impacts that are not addressed in the Final SEIR.

5. The MMRP (Exhibit "B" to this Resolution and part of the Final SEIR) is designed to ensure that, during the implementation of the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the MMRP.

6. All significant environmental effects of the Project that are not mitigated to a level of insignificance are adequately addressed in the Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution).

7. Although the Final SEIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects that can feasibly be avoided or mitigated will be avoided or mitigated to the maximum extent feasible by the imposition of conditions on the approved Project and the imposition of mitigation measures as set forth in the Final SEIR, the Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution), and the MMRP (Exhibit "B" to this Resolution and part of the Final SEIR).

8. Potential mitigation measures and alternatives not incorporated into the Project were rejected as infeasible, based upon specific economic, social, and other considerations as set forth in the Final SEIR and Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution).

9. The significant impacts of the Project that have not been reduced to a level of insignificance will have been substantially reduced in their impacts by the imposition of mitigation measures. The City Council finds that the significant unavoidable adverse impacts of the Project are clearly outweighed by the economic, social and other benefits of the Project, as set forth in the Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution).

10. The Final SEIR has described a reasonable range of alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when those alternatives might impede the attainment of Project objectives and might be more costly.

11. A good faith effort has been made to seek out and incorporate all points of view in the preparation of the Final SEIR as indicated by the public record for the Project and the Final SEIR.

12. As of November 12, 2019, the City has not received any comments or additional information that produced substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines section 15088.5.

Section 6. The City Council, as lead agency under CEQA for the Project, hereby certifies that (1) the Final SEIR has been prepared, processed, and noticed in accordance with CEQA and the State CEQA Guidelines; (2) the Final SEIR was presented to the City Council and the City Council has reviewed and considered the information contained in the Final SEIR prior to considering adoption of the Project, and (3) the Final SEIR reflects the independent judgment and analysis of the City Council and is deemed adequate for the purposes of making decisions on the merits of the Project.

Section 7. The City Council hereby approves the Findings of Fact and Statement of Overriding Considerations for the Project, as set forth in Exhibit "A" attached hereto.

Section 8. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project, as set forth in Exhibit "B" attached hereto.

Section 9. The City Council, as lead agency under CEQA for the Project, hereby certifies that the Final SEIR for the Project, on file with the Community Development Department and in the form presented to the City Council at the time of the adoption of this Resolution, is adequate and complete in that it addresses all environmental effects of the Project and fully complies with the requirements of CEQA and the CEQA Guidelines.

Section 10. The documents and materials that constitute the record of proceedings on which the "Findings of Fact and Statement of Overriding Considerations" in Exhibit "A" of this Resolution have been based are located at 1600 Huntington Drive, Duarte, CA 91010. The custodian for these records is the Director of Community Development.

Section 11. The City Clerk is hereby directed to deliver and publish, in accordance with applicable law, notices of the City Council's determination to certify the Final SEIR as provided herein, including without limitation filing a Notice of Determination with the County of Los Angeles within five (5) working days of final Project approval.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____

Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-24 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

Attachments:

- Exhibit "A" - Findings of Fact and Statement of Overriding Considerations
- Exhibit "B" - Mitigation Monitoring and Reporting Program

CITY COUNCIL RESOLUTION NO. 19-R-24

EXHIBIT "A-1"

STATEMENT OF FACTS AND FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS FOR THE AMENDED DUARTE STATION SPECIFIC PLAN

SCH NO. 2013041032

Lead Agency:

CITY OF DUARTE
1600 Huntington Drive
Duarte, CA 91010

Contact: Mr. Jason Golding
626.357.7931

November 1, 2019

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1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that would generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three potential findings for each impact, and explains the reasoning behind the agency's findings.

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA) and Public Resources Code Section 21081. CEQA Guidelines Section 15091 (a) provides that:

> *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.*

The three finding categories available for the Statement of Facts and Findings pursuant to CEQA Guidelines Section 15091.

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Statement of Overriding Considerations is the second set of findings. Where a project would cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects and approves the project. These findings in the Statement of Overriding Considerations are presented in Section 7.0.

The City of Duarte (City), the CEQA Lead Agency, finds and declares that the Duarte Station Specific Plan Subsequent Environmental Impact Report (SEIR) has been completed in compliance with *CEQA* and the *CEQA Guidelines*. The City finds and certifies that the SEIR was reviewed and information contained in the SEIR was considered prior to approving the amended Duarte Station Specific Plan herein referred to as the "project."

Based upon its review of the SEIR, the Lead Agency finds that the SEIR is an adequate assessment of the potentially significant environmental impacts of the proposed project, represents the independent judgment of the City, and sets forth an adequate range of alternatives to this project.

The Final Subsequent EIR is composed of the following elements:

- Draft Subsequent Environmental Impact Report for the Duarte Station Specific Plan including Technical Appendices
- A list of persons commenting on the Draft SEIR, Comments, and Responses
- Errata for Final SEIR
- Mitigation Monitoring and Reporting Program (MMRP)

2.0 PROJECT SUMMARY

2.1 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

BACKGROUND

Beginning in 2005, the Metro Gold Line Foothill Extension Construction Authority (Authority) began working with the City of Duarte to review the preliminary construction plans for light rail transit (LRT). At that time, the Authority introduced the idea of Transit Oriented Development (TOD) to cities along the LRT corridor and the benefits it may present to communities. The idea of TOD resonated with the City Council, and the City began to contemplate the integration of TOD into the City's land use documents. In August 2007, the City Council adopted a comprehensively updated General Plan that included the re-designation of the approximately 19 acres of industrial land uses near the future Gold Line Station into the Gold Line Station Area Development Specific Plan designation. In 2007 and 2008, the City participated in a Caltrans Community Based Transportation Grant. The grant was sponsored by the San Gabriel Valley Council of Governments and produced a TOD visioning study for the project site based upon significant public outreach, a joint City Council and Planning Commission workshop with over 150 residents in attendance, and a summary presentation before the City Council in April 2008. All of these efforts have served as a catalyst for both the City Council and the community to realize a TOD development at the project site.

Since 2008, the City has entertained multiple development teams that have shown interest in initiating a TOD development at the project site. The City had received a preliminary application for a development project, and because the Duarte City Council is committed to the realization of development in the area, it supported City Staff in submitting a Metro TOD Planning Grant. The City was awarded the grant which led to efforts to create the original Duarte Station Specific Plan to replace the Gold Line Station Specific Plan. The existing Duarte Station Specific Plan was adopted and the EIR certified by the City Council on December 10, 2013.

This proposed project represents a comprehensive amendment and update to the adopted Duarte Station Specific Plan. The City has also received a new preliminary application for a development

within the amended Duarte Station Specific Plan area, The Residences at Duarte Station, on parcels 8528-011-025 and 8528-011-906. This development is described in greater detail below.

DESCRIPTION OF PROJECT

The project is the adoption and long-term implementation of the update Duarte Station Specific Plan. The updated Duarte Station Specific Plan identifies the long-term vision and objectives for private development and public improvements within the plan area. The Specific Plan update establishes the general type, parameters, and character of the development aimed at creating an integrated, vibrant, mixed-use transit village that allows for residential uses, office, hospitality uses, supporting commercial uses (such as retail and services), and urban open spaces. The Metro Gold Line transit station on the project's southern edge acts as the gateway to the area. A strong emphasis is placed on walkability through a pleasant sidewalk environment where buildings frame the street.

The Duarte Station Specific Plan allows for a flexible mix of uses near transit, facilitating economic development in Duarte. A major goal of the planning effort is to achieve a coordinated, cohesive environment and character in the plan area using form-based code approaches and recommended streetscape design improvements.

Additionally, the updated Specific Plan reorganizes the existing Specific Plan to structure its provisions in a way that can be more effectively communicated by City staff and accessible to a wider audience. This reorganization consists of consolidating *Section 3 - Land Use and Development Standards* and *Section 5 - Design Guidelines* into one section and replacing existing Section 3, thus moving *Infrastructure and Services* to Section 4 of the Specific Plan.

The updated Duarte Station Area Specific Plan is organized as follows:

Section 1 – Introduction

Section 2 – Development Plan

Section 3 – Development Standards and Design Guidelines

Section 4 – Infrastructure and Services

Section 5 – Administration

Section 6 – Appendices

As used in this EIR, the terms "Duarte Station Specific Plan," "Specific Plan," "Plan" (when specifically distinguished from another plan), and "project" are synonymous and refer to all aspects of the Duarte Station Specific Plan update.

Proposed Development Project Located within the Specific Plan Area

The Residences at Duarte Station

The City has received a preliminary application for a development project on parcels 8528-011-025, called The Residences at Duarte Station. The development comprises a two-building residential development on parcel 8528-011-025 consisting of 619 dwelling units, 1,082 parking spaces (located in two parking structures), and 157,195 square feet of open space, much of which

is in the form of a linear park that doubles as a north-south pedestrian connector. The total proposed net square footage of the project is 454,148 square feet and the proposed maximum building height is 66 feet. Height to top of parking structures is 74 feet; height to top of roof deck amenity parapets, including the clubhouse and fitness spaces, is 86 feet. On-site amenities are to include the linear park, pocket parks, adventure play areas, fitness and pool facilities, and rooftop decks.

The western edge of the project site is buffered from existing single-family residential uses with a driveway fire lane/buffer indicated on the plans. Landscaping throughout the site is demonstrated in the landscaping plan and includes lawn courts for community gathering and trees within courtyards and along frontages. The leasing office and primary access would occur via an entry court located on Business Center Drive.

Circulation within the site is through a network of pedestrian paths. Parking is centralized within two large parking structures that are wrapped by five-story residential structures. Several access drives and the fire lane/buffer connect the parking structures to Business Center Drive. A private drive is proposed to encircle the project site, with both ends linking with Business Center Drive.

The plan set for this development are shown in Appendix J of the SEIR.

Duarte Intergenerational Housing Project on Parcel 8528-011-906

The City has also received a second preliminary application for the Duarte Intergenerational Housing Project to build an affordable housing development on parcel 8528-011-906 that would comprise a mixed-use building, with ground-floor commercial use, and up to 80 units of rent-restricted affordable housing. Conceptual plans for this development are shown in Appendix K of the SEIR.

GROWTH OVER EXISTING CONDITIONS

As shown in *Table 1, Growth Relative to Existing Conditions*, the anticipated growth in residential and non-residential uses beyond existing year 2019 conditions within the plan area is:

- Addition of 1,400 dwelling units
- Reduction of 313,955 square feet industrial uses
- Addition of 100,000 square feet of nonresidential (office) uses
- Addition of 12,500 square feet of retail/restaurant uses

Table 1
Growth Relative to Existing Conditions

Land Use	Residential (units)	Non-Residential (square feet)
Existing		
Warehouse/Industrial		313,955
Total		***313,955***
Proposed Specific Plan		
Retail/Restaurant		12,500
Office		100,000
High Density Residential	1,400	
Total	***1,400***	***112,500***
Difference Between Existing Conditions and Specific Plan Assumptions	**+1,400**	**-201,455**

GENERAL PLAN AMENDMENT

The project will include a General Plan Amendment to revise the text of the current General Plan to match anticipated buildout consistent with the amended Duarte Station Specific Plan.

PROJECT PHASING

To address development interest and market conditions, an amended phasing approach is presented in Section 2 – Development Plan of the Specific Plan. This updated approach adjusts the scope, scale, and area of Phase I and combines the remaining phases outlined in the existing plan into a single Future Phase. This amendment also necessitates amendments to Section 5 – Administration (formerly Section 6), where the existing phasing strategy is presented in a matrix.

PERMITS, AND APPROVALS

The City of Duarte is the Lead Agency for the project and has discretionary authority over the project which includes, but is not limited to, the following:

- Certification of the Final EIR
- Adoption of a Mitigation Monitoring and Reporting Program (MMRP)
- Adoption of the amendment to the Duarte Station Specific Plan
- Approval of a Vesting Tentative Tract Map for The Residences at Duarte Station, for condominium purposes
- Adoption of a General Plan Amendment consisting of text changes to the Land Use Element to be consistent with the updated Duarte Station Specific Plan

- Discretionary review as necessary, including any applicable CEQA review, for other current and future individual public and private development proposals in the planning area, such as the Duarte Intergenerational Housing Project

Future individual public and private development proposals in the Specific Plan area would be expected to also require review or approvals from other jurisdictional agencies, including, but not limited to:

- California Department of Toxic Substances Control (DTSC)
- California Department of Transportation (Caltrans)
- County of Los Angeles
- Duarte Unified School District
- Los Angeles County Fire Department
- Los Angeles County Sheriff's Department
- County Sanitation Districts of Los Angeles County (LASCD)
- Los Angeles County Metropolitan Transportation Authority (METRO)
- South Coast Air Quality Management District (SCAQMD)
- Los Angeles Regional Water Quality Control Board (RWQCB)
- California Public Utilities Commission (CPUC)

2.2 STATEMENT OF OBJECTIVES

The proposed updated Duarte Station Specific Plan looks to achieve the following goals and objectives consistent with General Plan land use policy direction:

1. GOAL: A MIXTURE OF LAND USES

a. *Objective*: Develop a flexible mixed-use land use pattern that incorporates residential opportunities with options for retail, office, research and development, and hospitality, and that will effectively complement each other and provide maximum land use efficiency, while providing economic and social benefits to all users.

b. *Objective*: Program retail uses that are neighborhood and transit station serving.

2. GOAL: AN ECONOMICALLY FEASIBLE DEVELOPMENT

a. *Objective*: Provide opportunities for adaptive reuse of existing buildings, and design new non-residential spaces with flexibility to allow for shifts in market demand and allow options throughout various economic cycles and scenarios.

b. *Objective*: Create a range of residential unit types that will be accessible to residents of all income levels.

c. *Objective*: Provide residential opportunities to assist the City of Duarte in meeting its Regional Housing Needs Allocation (RHNA) objectives.

d. *Objective*: Encourage the development of a hotel to create local jobs, support City of Hope lodging needs, provide community meeting space, and increase tax revenues within the community.

3. GOAL: PEDESTRIAN-ORIENTED DEVELOPMENT

a. *Objective*: Create a development pattern that effectively provides for efficient and comfortable pedestrian movement and connectivity throughout the site.

b. *Objective*: Give precedence to pedestrians and foster multimodal transportation with bicycle, pedestrian, and transit access.

c. *Objective*: Provide supportive commercial uses and an active street frontage on Highland Avenue that facilitates a pedestrian friendly experience and links to other centers in the city.

4. GOAL: SUPERIOR URBAN DESIGN

a. *Objective*: Allow for building types that will achieve desired density ranges to establish a critical mass of residents and employees to support the transit station, maximize transit ridership, and support retail spaces and local employment centers.

b. *Objective*: Minimize setbacks to allow buildings to frame and activate the street.

c. *Objective*: Use trees, shrubs and other landscape and hardscape materials along streets to provide shading, screening, and human scale.

d. *Objective*: Promote high quality architectural design to establish a contemporary design character that creates an identity in the Duarte Station Specific Plan area.

e. *Objective*: Establish context-based standards and guidelines that address specific design concerns while also allowing for creativity and flexibility in development projects.

5. GOAL: OUTDOOR SPACES

a. *Objective*: Provide outdoor spaces—such as an urban green space, public plaza, promenade, or linear park—that provide a transition between the station and the surrounding transit village uses and facilitates pedestrian movement and/or public gathering.

b. *Objective:* Encourage rooftop open space areas to increase the amount and the quality of open space while taking advantage of quality views from the site.

c. *Objective:* Program outdoor space(s) to accommodate the needs of various user groups, such as residents, employees, commuters, and visitors.

6. GOAL: AWARENESS OF SURROUNDING DEVELOPMENT

a. *Objective*: Provide opportunities for new goods and services uses to support surrounding residents, students, and employees within and around the Duarte Station Specific Plan area.

b. *Objective*: Provide for appropriate transitions with adjacent existing lower-intensity residential uses through height limits, articulation and modulation requirements, design guidelines, and landscape requirements.

c. *Objective:* Upgrade the existing streetscape infrastructure and solidify pedestrian connections between the Plan Area, Duarte Station, and critical areas of interest around the site.

d. *Objective*: Consider the future needs of the City of Hope as part of land use planning.

7. GOAL: SUSTAINABLE DEVELOPMENT PRACTICES

a. *Objective:* Encourage transit-oriented development that supports multimodal opportunities and adhere to Levels of Sustainable Development Practices as prescribed in Chapter 19.52 of the City's Development Code.

b. *Objective:* Ensure that construction and demolition waste is disposed of in accordance with all City regulations and standards.

c. *Objective:* Consider building layout, siting, and building design to not preclude alternative energy production on-site.

d. *Objective:* Maximize energy efficiency through local and state standards, indoor environmental quality, energy-efficient lighting, building orientation, shading, and implementation of LEED principles (or similar) and/or attaining LEED Certification.

e. *Objective:* Reduce heat island effect through site planning and selection of landscape and hardscape materials.

f. *Objective:* Incorporate water-efficient design features such as permeable surfaces, collection devices, biofiltration devices, green rooftops, cisterns, berms and swales, and/or green rooftops.

g. *Objective:* Include drought-tolerant and climate-appropriate landscape within the Specific Plan area.

3.0 ENVIRONMENTAL REVIEW/ PUBLIC PARTICIPATION

The City of Duarte conducted an extensive review of this project, which included a Draft SEIR and a Final SEIR, including technical reports, along with a public review and comment period. The following is a summary of the City's environment review of this project:

- Pursuant to the provision of CEQA Guidelines Section 15082, as amended, the City of Duarte circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse on March 18, 2019, with the 30-day review period ending on April 16, 2019.

- The NOP public review period ran for 30 days. The City received seven comment letters from State, regional and local public agencies, and the public. The scope of the issues identified in the comments included potential impacts associated with a variety of topical areas.

- The Draft EIR was distributed for public review and a Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse on August 27, 2019, for a 45-day review period, which concluded on October 10, 2019.

- The City received a total of seven comment letters from public agencies and the public. Additionally, one verbal question on loading dock locations was received on the Draft SEIR during the Planning Commission hearing of October 21, 2019. The City prepared responses to all written comments. The comments and responses are contained in the Final SEIR.

- In accordance with Public Resources Code Section 21092.5, the City provided written responses to public agencies that commented on the Draft SEIR.

4.0 INDEPENDENT JUDGMENT AND FINDING

The City solicited proposals from independent consultants to prepare the amendment to the Duarte Station Specific Plan and the SEIR. Subsequently, the City selected and retained MIG, Inc. (MIG) to prepare the amended Duarte Station Specific Plan and SEIR. MIG prepared the SEIR under the supervision and direction of the City of Duarte staff. All findings set forth herein are based on substantial evidence in the record as indicated with respect to each specific finding.

FINDING:

The SEIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the SEIR. The City has independently reviewed and analyzed the SEIR and accompanying studies and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the project and the SEIR, including, but not limited to, the Final SEIR and its supporting studies, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the City Council finds that with respect to each environmental impact identified in the review process, the impact: (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to a less than significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigable but would be, to the extent feasible, lessened by implementation of identified mitigation measures.

The EIR identifies certain significant adverse environmental effects of the project which cannot be avoided or substantially lessened. Prior to approving this project the City Council also adopts a Statement of Overriding Considerations which finds, based on specific reasons and substantial evidence in the record (as specified in Section 7.0), that certain identified economic, social, or other benefits of the project outweigh such unavoidable adverse environmental effects.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY

The City of Duarte Community Development Department conducted an Initial Study in April 2013 to determine significant effects of the original Duarte Station Specific Plan. In the course of this evaluation, certain impacts of the project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant and were not analyzed in the SEIR.

FINDING:

The City Council finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, will be less than significant.

AESTHETICS

- Have a substantial adverse effect on a scenic vista
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway

AGRICULTURAL RESOURCES

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use
- Conflict with existing zoning for agricultural use, or a Williamson Act contract
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])
- Result in the loss of forest land or conversion of forest land to non-forest use
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use

BIOLOGICAL RESOURCES

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

CULTURAL RESOURCES

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature
- Disturb any human remains, including those interred outside of formal cemeteries

GEOLOGY AND SOILS

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
    - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42
    - Strong seismic ground shaking
    - Seismic-related ground failure, including liquefaction
    - Landslides
- Result in substantial soil erosion or the loss of topsoil
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater

HAZARDS AND HAZARDOUS MATERIALS

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

HYDROLOGY AND WATER QUALITY

- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam
- Inundation by seiche, tsunami, or mudflow

LAND USE AND PLANNING

- Physically divide an established community

- Conflict with any applicable habitat conservation plan or natural community conservation plan

MINERAL RESOURCES

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan

NOISE

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels

POPULATION AND HOUSING

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere

TRANSPORTATION/TRAFFIC

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks
- Result in inadequate emergency access

MANDATORY FINDINGS OF SIGNIFICANCE

- Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory

5.2 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE EIR

The Duarte Station Specific Plan SEIR found that the proposed project would have a less than significant impact with respect to the environmental topic areas listed below. A less than significant environmental impact determination was made for each of the following topic areas listed below. A detailed analysis of the topic areas is provided within the SEIR.

FINDING:

The City of Duarte finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, will be less than significant.

LAND USE

- Implementation of the proposed project could conflict with a Duarte General Plan land use plan or policy.
- Implementation of the proposed project could conflict with the Duarte Municipal Code standards and regulations.
- Development associated with implementation of the proposed project and other related cumulative projects could conflict with applicable land use plans, policies, or regulations.

AESTHETICS

- Implementation of the proposed project could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings' visual character/quality.

POPULATION AND HOUSING

- Implementation of the proposed project could induce substantial population growth in the City.
- Development associated with implementation of the proposed project and other related cumulative projects could induce substantial population and housing growth in the area.

TRAFFIC

- Implementation of the proposed project could result in a decrease of the performance or safety of public transit, bicycle, or pedestrian facilities as a result of a conflict with adopted policies, plans, or programs.

AIR QUALITY

- Implementation of the proposed project could result in emissions (such as those leading to odor) adversely affecting a substantial number of people.

GREENHOUSE GAS EMISSIONS

- Greenhouse gas emissions generated by development associated with implementation of the proposed project could have a significant impact on global climate change.
- Implementation of the proposed project could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.
- Development facilitated under implementation of the proposed project could energy in a wasteful, inefficient, or necessary way.
- Greenhouse gas emissions generated by implementation of the proposed project and other related cumulative projects could have a significant impact on global climate change.

- Energy consumed by the implementation of the proposed project could be wasteful, inefficient, or unnecessary.

NOISE

- Traffic generated by the proposed project could significantly contribute to existing traffic noise in the area or exceed the City's established standards.
- Implementation of the proposed project could expose on-site receptors to excessive groundborne vibration from metro gold line operations.

HAZARDS AND HAZARDOUS MATERIALS

- Development associated with implementation of the proposed project site could be located on a hazardous materials site per Government Code Section 65962.5 and could create a significant hazard to the public or the environment.

HYDROLOGY, DRAINAGE, AND WATER QUALITY

- Grading, excavation, and construction activities associated with implementation of the proposed project could significantly impact water quality.
- Implementation of the proposed project could result in the depletion of groundwater supplies or interference with groundwater recharge.
- Implementation of the proposed project could result in:
    - Placement of housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map;
    - Placement of structures within a 100-year flood hazard area which would impede or redirect flood flows;
    - Exposure if people or structures to a significant risk of loss, injury or death involving flooding including flooding as a result of the failure of a levee or dam; or
    - Exposure of people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.

POLICE PROTECTION

- Implementation of the proposed project could result in impacts to police services.
- Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts to police services.

PARKS

- Implementation of the proposed project could increase the use of existing parks and recreational facilities creating the potential for physical deterioration of facilities.
- Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts to parks and recreation facilities in the City.

WATER

- Implementation of the proposed project could create demand for water that exceeds available water supplies from existing entitlements and resources.

SOLID WASTE

- Implementation of the proposed project would generate solid waste that could incrementally decrease the capacity and lifespan of landfills.
- Development associated with implementation of the proposed project and other related cumulative development could result in cumulatively considerable impacts related to solid waste disposal services and landfill capacity.

5.3 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The City of Duarte having reviewed and considered the information contained in the SEIR, the Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(1) and CEQA Guidelines 15091 (a)(1), that changes or alterations have been required in, or incorporated into, the proposed project, which would avoid or substantially lessen to below a level of significance potentially significant environmental effects identified in the SEIR. The potentially significant adverse environmental impacts that can be mitigated are listed below. The City of Duarte finds that these potentially significant adverse impacts can be mitigated to a level that is considered less than significant after implementation of mitigation measures identified in the SEIR.

AESTHETICS

The project's potential impacts on aesthetics that can be mitigated or are otherwise less than significant are discussed in Section 5.2, Aesthetics, of the SEIR. Identified impacts include short-term visual character/quality, light and glare, and cumulative impacts.

A. CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN SIGNIFICANT IMPACTS RELATED TO TEMPORARY DEGRADATION OF THE VISUAL CHARACTER/QUALITY OF THE SITE AND ITS SURROUNDINGS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term visual character/quality impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the SEIR.

Mitigation Measure:

AES-1 Prior to the issuance of a building permit, each project applicant shall submit a Construction Management Plan for review and approval by the City of Duarte Community Development Director. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s). Staging areas shall be screened from view from residential properties. Construction worker parking may be located off-site with prior approval by the City; however on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A NEW SOURCE OF LIGHT AND/OR GLARE, WHICH COULD AFFECT DAYTIME AND/OR NIGHTTIME VIEWS IN THE AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential light and glare impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

AES-2 Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans.

AES-3 All construction-related lighting shall include shielding in order to direct lighting down and away from adjacent hotel and residential uses and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City for review concurrent with Grading Permit application.

AES-4 As part of Site Plan and Design Review, site access locations shall be reviewed to ensure that vehicle access locations are not sited in a manner that would result in vehicle headlights directly shining onto residential uses. If siting of vehicle access locations would result in headlights directly shining onto residential uses, the project applicant shall implement screening, consistent with the Duarte Station Specific Plan, to reduce lighting impacts.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE AESTHETICS IMPACTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative aesthetic impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure AES-1 through AES-4.

TRAFFIC

The project's potential impacts on traffic that can be mitigated or are otherwise less than significant are discussed in Section 5.4, Traffic, of the SEIR. Identified impacts include impacts to the function of state-controlled intersections in the project area and hazardous traffic conditions.

A. IMPLEMENTATION OF THE PROPOSED PROJECT RESULT IN A HAZARDOUS TRAFFIC CONDITION ASSOCIATED WITH NEIGHBORHOOD PASS-THROUGH TRAFFIC.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential for hazardous traffic conditions have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

TRF-3 When deemed necessary by the City Community Development Director and/or City Engineer, the project applicant(s) shall prepare, implement, and fund a Neighborhood Traffic Management Plan (NTMP), which shall include three components: education, enforcement, and enhancement.

The educational component of the NTMP shall provide the community with a means of understanding traffic management tools and processes and also increase public awareness of the impact that traffic will have on the neighborhood. Educational efforts that could be implemented as part of the NTMP include, but are not limited to, the following:

- Coordination of neighborhood NTMP meetings
- Coordination of a speed watch program
- Coordination of the placement of temporary NTMP yard signs with volunteers
- Design and distribution of NTMP brochures
- Coordination of applicant and/or staff presentations to neighborhood groups

The enforcement component of the NTMP entails focusing law enforcement efforts to acknowledge areas of concern. Enforcement efforts that could be implemented as part of the NTMP include, but are not limited to, the following:

- Increased enforcement
- Real-time speed feedback signs
- Signage ("Entering residential neighborhood...")

The enhancement component of the NTMP consists of non-physical and physical transportation system improvements. Numerous traffic-calming devices may be selected by a neighborhood for placement on a street. Potential improvements that could be implemented by the applicant and/or City of Duarte as part of the NTMP include, but are not limited to, the following:

- Pavement marking/lane narrowing
- Temporary speed tables
- Neckdowns/bulbouts (extensions of curbs/corner sidewalks at an intersection)
- Choker/Chicane (chokers are build-outs added to a road to narrow it, while chicanes are sequences of tight serpentine curves designed to slow roadway traffic)
- Turn movement restrictions
- Diagonal intersection diverters
- Median barrier through intersection
- Forced turn island

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS RELATED TO TRAFFIC AND CIRCULATION

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential for cumulative impacts has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures TRF1 through TRF-3.

AIR QUALITY

The project's potential impacts in air quality that can be mitigated or are otherwise less than significant are discussed in Section 5.5, Air Quality, of the SEIR. Identified impacts include impacts from short-term construction air emissions and cumulative short-term construction air emissions.

A. IMPLEMENTATION OF THE PROPOSED SPECIFIC PLAN COULD RESULT IN A CUMULATIVELY CONSIDREABLE INCREASE IN NON-ATTAINMENT CRITERIA AIR POLLUTANTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts associated with non-attainment criteria air pollutants have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

AIR-2A The City shall require applicants comply with South Coast Air Quality Management District Rule 1113 to reduce VOC emissions from architectural coating applications. Prior to the issuance of a building permit for the Project, the Applicant shall submit, to the satisfaction of the Planning Division, a Coating Restriction Plan (CRP), consistent with South Coast Air Quality Management District (SCAQMD) guidelines. The applicant shall include in any construction contracts and/or subcontracts a requirement that project contractors adhere to the requirements of the CRP. The CRP shall include

a requirement that all interior and exterior residential and non-residential architectural coatings used in project construction meet the SCAQMD "super compliant" coating VOC content standard of less than 10 grams of VOC per liter of coating. The CRP shall also specify the use of high-volume, low pressure spray guns during coating applications to reduce coating waste.

AIR-2B The City shall require all apartment buildings in the plan area be constructed such that no more than 60 percent of units in the structure have fireplaces (natural gas or otherwise). This requirement shall be included in all engineering diagrams and any construction contracts and/or subcontracts. The City Building Department shall review all plans sets to ensure all apartment structures are designed to this specification.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT EXPOSE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

AIR-3 For all new residential units in the project area, the developer shall install, and owner maintain, HVAC systems with air filters that meet or exceed a Minimum Efficiency Rating Value (MERV) of 13 as determined by ASHRAE Standard 52.2 (a Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size). The owner and/or occupant or other designated representative of the residential unit shall maintain and replace air filters according to the manufacturer's specifications.

C. SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN AIR POLLUTANT EMISSION IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact associated with short-term construction air emissions has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure AIR-2A.

D. IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN SIGNIFICANT IMPACTS PERTAINING TO OPERATIONAL AIR EMISSIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact associated with long-term construction air emissions has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure AIR-2B.

NOISE

The project's potential noise impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.7, Noise, of the SEIR. Identified impacts include long-term stationary noise and cumulative short-term construction noise.

A. THE PROPOSED PROJECT COULD RESULT IN LAND USES THAT MAY BE INCOMPATIBLE WITH THE PROJECT AREA'S EXISTING AMBIENT NOISE ENVIRONMENT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term stationary ambient noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

N-2 Prior to the issuance of a building permit for any development in the project area, the City shall review and approve an acoustical analysis, prepared by or on behalf of the project applicant, and based on the final project design, that:

1) Identifies the exterior noise levels at:
   a. Exterior building facades that face Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW; and
   b. Exterior recreation areas, including patios, that face and have a line of sight to Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW.
2) Identifies the final site and building design features that would:
   a. Attenuate exterior building façade noise levels to interior levels that do not exceed 45 CNEL in habitat rooms and 50 dBA Leq (1-hour) in other occupied rooms. Potential noise insulation site and building design features capable of achieving this requirement may include, but are not limited to:
      - Sound barriers
      - Enhanced exterior wall construction/noise insulation design
      - Use of enhanced window, door, and roof assemblies with above average sound transmission class or outdoor/indoor transmission class values
      - Use of mechanical, forced air ventilation systems to permit a window closed condition in residential units.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN A SIGNIFICANT INCREASE IN LONG-TERM STATIONARY AMBIENT NOISE LEVELS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term stationary ambient noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

N-3 Prior to issuance of building permits, a noise assessment shall be prepared for residential, office, commercial, and enclosed parking garage uses to ensure that any loading dock and/or outdoor mechanical equipment (e.g., heating, ventilation, and air conditioning equipment, dock material lifts, garage fresh air supply and exhaust fans, etc.) would not exceed the City's noise limits identified in *Municipal Code* Section 9.68.050. The noise assessment shall identify any noise control measures necessary to comply with the *Municipal Code* Noise Regulations. Individual project applicants shall implement all noise control measures identified in the assessment.

N-4 Prior to site plan approval, the Community Development Director shall confirm that all applicable building plans and specifications include a closed design (i.e., a solid wall) for the walls of parking structures that are within 75 feet of residences. The closed design is only required for walls that face residences.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN SIGNIFICANT SHORT-TERM NOISE IMPACTS TO NEARBY NOISE SENSITIVE RECEIVERS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term cumulative construction noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure N-1 (see Section 5.4 below).

HAZARDS AND HAZARDOUS MATERIALS

The project's potential impacts associated with hazards and hazardous materials that can be mitigated or are otherwise less than significant are discussed in Section 5.8, Hazards and Hazardous Materials, of the SEIR. Identified impacts include impacts related to construction and operational release of hazardous materials and cumulative exposure of hazardous materials.

A. SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term constructed-related hazards impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and Cal OSHA certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.

HAZ-2 If paint is separated from building materials, chemically or physically, during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist before any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City's Building Department.

HAZ-3 An environmental professional with Phase II/site characterization experience shall conduct an inspection of existing on-site structures before building renovation/ demolition activities. The inspection shall determine whether or not testing is required to confirm the presence or absence of hazardous substances in building materials (i.e., sinks, drains, piping, flooring, walls, ceiling tiles, etc.). Should testing be required and results determine that hazardous substances are present in on-site building materials, the Phase II/site characterization specialist shall determine appropriate prevention/remediation measures that are required and/or the methods for proper disposal of hazardous waste at an approved landfill facility, if required.

HAZ-4 As applicable, each project applicant shall obtain appropriate permits from the Los Angeles County Fire Department Health Hazard Management Division (HHMD), before removing any existing USTs, per the Underground Storage Tank Program. The applicant shall conduct soil/groundwater testing, as requested by the HHMD. Should

contamination be present above regulatory thresholds, then the project applicant shall remediate appropriately, as required by the HHMD. Should the HHMD refer the case to any other regulatory agency (e.g., the Department of Toxic Substances Control, or Regional Water Quality Control Board, etc.), then the applicant shall comply with that agency's requirements as well.

HAZ-5 Prior to issuance of a grading permit, soil sampling shall occur within the portions of the project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified Phase II/site characterization specialist. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary. Should further site characterization/remedial activities be required, these activities shall be conducted per the applicable regulatory agency requirements, as directed by the Los Angeles County Fire Department Health Hazard Management Division (HHMD).

HAZ-6 Prior to issuance of a grading permit, an environmental consultant with Phase II/site characterization experience shall conduct sampling in order to confirm whether or not contaminated soil/groundwater underlies the project site. Should contamination above established regulatory levels be identified, the environmental consultant shall recommend remedial activities appropriate for the proposed future development at the site, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD) and/or other applicable agencies.

HAZ-7 Prior to issuance of a grading permit, a Phase II/site characterization specialist shall conduct appropriate sampling along the southern boundary of the project site (Parcel 1) in order to determine whether or not contaminated soil is present. Should contaminated soil be present, the Phase II/site characterization specialist shall recommend appropriate remediation/safety measures in order to ensure worker safety during construction and public health during proposed project operations.

HAZ-8 Prior to issuance of a grading permit, the project applicant shall submit a Worker Safety Plan for site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and Los Angeles County Fire Department Health Hazard Management Division (HHMD). The Worker Safety Plan shall include safety precautions (e.g., personal protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous materials, including potential contaminated groundwater.

HAZ-9 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the City Engineer of the City of Duarte;
- Secure the area as directed by the City Engineer; and

- Notify the Los Angeles County Fire Department Health Hazard Management Division's (HHMD) Hazardous Waste/Materials Coordinator (or another appropriate agency specified by the City Engineer). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD DURING USE OPERATIONS TO THE PUBLIC OR ENVIRONMENT THROUGH THE HANDLING, STORAGE, AND/OR USE OF HAZARDOUS MATERIALS, AS WELL AS ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential operational-related impacts associated with hazards and hazardous materials have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

HAZ-10 Prior to issuance of building permits, vapor intrusion investigations shall be conducted by a qualified Environmental Professional, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD). Should the Environmental Professional determine that proposed buildings could be impacted by vapor intrusion, the Environmental Professional, in consultation with the HHMD and/or other applicable regulatory agencies, shall recommend specific design measures to be incorporated into the buildings' design that would reduce these indoor air quality concentrations to below regulatory thresholds.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD INCREASE THE EXPOSURE OF HAZARDOUS SUBSTANCES TO THE PUBLIC OR THE ENVIRONMENT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts associated with hazards and hazardous materials have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures HAZ-4, HAZ-6, and HAZ-10.

HYDROLOGY, DRAINAGE, AND WATER QUALITY

The project's potential hydrology, drainage, and water quality impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.9, Hydrology, Drainage, and Water Quality, of the Final EIR. Identified impacts include construction, operational, and cumulative hydrology, drainage, and water quality impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN SIGNIFICANT IMPACTS RELATED TO INCREASED RUN-OFF AMOUNTS AND DEGRADED WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term operational impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

HYD-1 Concurrent with Site Plan Review or issuance of a grading permit, whichever comes first, a hydrology review shall be conducted by a Registered Civil Engineer for each development phase to ensure that runoff values for each phase remain at or below existing runoff values in compliance with current State law or other applicable statutes.

B. IMPLEMENTATION OF THE PROPOSED PROJECT ALONG WITH OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS RELATED TO INCREASED RUNOFF AND DEGRADED WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative hydrology, drainage, and water quality impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure HYD-1.

FIRE PROTECTION

The project's potential impacts to fire services can be mitigated or are otherwise less than significant are discussed in Section 5.10, Fire Protection, of the SEIR. Identified impacts include those related to fire services and cumulative fire services.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN IMPACTS TO FIRE SERVICES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to fire services have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

FS-1 Adequate access to all buildings on the project site shall be provided and properly maintained for emergency vehicles during the building construction process to the satisfaction of the Los Angeles County Fire Department.

FS-2 Adequate water availability shall be provided to service construction activities.

FS-3 Prior to issuance of building permits, a will-serve letter from the California American Water Company shall be obtained by the project applicant, which states that the Water Company can adequately meet water flow requirements.

FS-4 The Los Angeles County Fire Department shall review and comment on each individual site plan submitted, prior to approval by the City of Duarte. Any conditions required by the Los Angeles County Fire Department shall be complied with by the project applicant.

FS-5 Prior to the issuance of building permits, the project applicant shall provide verification that the project complies with all fire prevention provisions required by the Los Angeles County Fire Department.

FS-6 All new structures shall have automatic fire sprinkler systems.

FS-7 A supervised fire alarm system that meets requirements of the California Fire Code shall be placed in an accessible location with an annunciator.

FS-8 Access to and around structures shall meet Los Angeles County Fire Department and California Fire Code requirements.

FS-9 A water supply system shall be in place to supply fire hydrants and automatic fire sprinkler systems.

FS-10 All traffic signals on public access ways shall include the installation of optical preemption devices.

FS-11 All electric gates within the project shall install emergency opening devices approved by the Los Angeles County Fire Department.

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO FIRE SERVICES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative fire services impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures FP-1 through FP-11.

SCHOOLS

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN IMPACTS TO EXISTING SCHOOL FACILITIES WITHIN THE DUARTE UNIFIED SCHOOL DISTRICT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential impact to school facilities has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

SCH-1 Individual project applicants shall pay all applicable Development Impact Fees to the Duarte Unified School District prior to issuance of building permits. Proof of fee payment shall be provided to the City of Duarte.

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO SCHOOL FACILITIES WITHIN THE DUARTE UNIFIED SCHOOL DISTRICT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact to school facilities has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure SCH-1.

WATER

The project's potential impacts to water that can be mitigated or are otherwise less than significant are discussed in Section 5.14, Water, of the SEIR. Identified impacts include those associated with project and cumulative water demand and facilities.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential increased demand for water supplies and infrastructure have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

WAT-1 Prior to approval of building permits, individual project applicants shall conduct a hydraulic analysis in coordination with CAW to determine flow capacity, pumping, and storage requirements to provide water service to the proposed development. The project applicant shall implement the improvements or pay a fair share of an in-lieu fee for those improvements in accordance with CAW requirements. Such payment shall be made prior to issuance of occupancy permits.

WAT-2 Prior to approval of building permits, individual project applicants shall submit site plans to the Los Angeles County Fire Department to obtain fire flow and storage volume requirements for the proposed development. The project applicant shall submit the fire flow and storage volume requirements to the CAW to determine if adequate fire flow and storage capacity exists to serve the proposed development. If fire flow and storage capacity is found to be inadequate, the project applicant shall design and bond for necessary improvements prior to the issuance of building permits and complete all necessary improvements or pay a fair share of an in-lieu fee for those improvements prior to issuance of occupancy permits.

WAT-3 Prior to issuance of occupancy permits, individual project applicants shall pay their fair share of an in-lieu fee by CAW to implement water supply infrastructure improvements determined to be necessary in a capacity study for projected buildout within CAW's Duarte water service area.

B. DEVELOPMENT ASSOCIATED WITH THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO WATER SUPPLIES AND FACILITIES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts to water supplies and facilities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures WAT-1, WAT-2, and WAT-3.

WASTEWATER

The project's potential wastewater impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.15, Wastewater, of the SEIR. Identified impacts include increased demand on wastewater conveyance and treatment facilities as a result of the proposed project and cumulative impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD GENERATE WASTEWATER THAT EXCEEDS THE CAPACITY OF CONVEYANCE AND TREATMENT FACILITIES SERVING THE PROJECT AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to wastewater conveyance and treatment facilities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

WW-1 Each development project shall conduct a sewer flow monitoring study and submit the study to the City Engineer for review and approval prior to approval of building permits. The study shall review flows at selected off-site manholes, both upstream and downstream of the point of connection, to determine the capacity of the local and regional system to accept project-related flows. The project applicant shall be responsible to implement the recommendations in the study to ensure that off-site systems operate in accordance with the Los Angeles County Department of Public Works and County Sanitation Districts of Los Angeles County standards.

WW-2 Each development project shall design and construct on-site and off-site sewer lines in compliance with the Los Angeles County Public Works Department and County Sanitation Districts of Los Angeles County standards.

5.4 ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

The City of Duarte, having reviewed and considered the information contained in the SEIR, Technical Appendices and the administrative record, finds, pursuant to Public Resources Code 21081(a)(3) and CEQA Guidelines 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the SEIR and, therefore, the project would cause significant unavoidable impacts in the categories of Traffic (project and cumulative project intersection operations); Air Quality (consistency with the South Coast Air Quality Management District [SCAQMD AQMP]); and Noise (short-term construction noise).

TRAFFIC

Project and Cumulative Project Intersection Operations. Implementation of the proposed project could cause a significant increase in traffic at study intersections under existing plus project conditions when compared to the traffic capacity of the street system.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the SEIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

The addition of project-generated trips is forecast to result in a significant traffic impact at the following City study intersection for forecast existing with project conditions:

- Buena Vista Street and Duarte Road (PM peak hours)

The addition of project-generated trips to existing conditions is also forecast to result in a significant traffic impact at the following unsignalized study intersections:

- Interstate-210 westbound (I-210 WB) Off-ramp & Central Avenue (AM peak hours)
- Village Road & Duarte Road (PM peak hours)

A mitigation measure was analyzed for the intersection of Buena Vista Street and Duarte Road involving a modification to the northbound approach on Buena Vista Street to add a right-turn lane. This mitigation would require the widening of the northbound leg to accommodate the additional lane. However, applying this mitigation measure would still not reduce impacts to less than significant levels, as shown in *Table 5.4-14, Mitigated Existing Year (2018) With Project Conditions AM and PM Peak Hour All Study Intersection Level of Service*. In addition, this

measure would require modifications of the road right-of- way, which contains the Metro Gold Line tracks to the north and private property to the south. Therefore, this measure was deemed infeasible. Impacts would remain significant and unavoidable.

As stated in the Traffic Impact Analysis for the project, contained in Appendix D of the SEIR and incorporated herein by reference (Fehr and Peers 2019), the City of Hope is implementing the following road improvements as part of a Specific Plan to construct a new hospital:

- I-210 westbound off-ramp and Central Avenue – Install a traffic signal per the design specifications of the City Engineer. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.

- Village Road & Duarte Road – Install a traffic signal per the design specifications of the City Engineer. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.

With implementation of these improvements, impacts of the proposed project on these two intersections would be reduced to less than significant levels.

Furthermore, the City of Duarte wants to ensure that freeway on- and off-ramp impacts associated with future development within the plan area remain consistent with these conclusions, and as such, Mitigation Measure TRF-1 requires that future project applicants prepare traffic studies for proposed development within the Duarte Station Specific Plan Area pursuant to CEQA and the CEQA Guidelines.

As under Existing Plus Project conditions, the proposed project would result in a significant impact on Future Year 2025 Plus Project Conditions at the same intersections discussed above. The proposed project would result in a significant impact on Future Year 2025 Plus Project Conditions at the following additional intersection:

- Highland Avenue/Huntington Drive (PM peak hour only)

Mitigation Measure TRF-2 would address the future significant traffic impacts at this intersection and reduce impacts to less than significant levels.

In summary, impacts on the intersection of Buena Vista Street and Duarte Road remain significant and unavoidable under existing and future year 2025 conditions because mitigation measures are not feasible at this intersection. All other significant traffic impacts can be mitigated to less than significant levels.

Mitigation Measures:

TRF-1 All project applicants within the Duarte Station Specific Plan Area shall prepare and submit at their time of their development application to the Community Development

Department a traffic study that: 1) documents the project-related trips and provides a comparative review with the analysis in this EIR, and 2) uses the Highway Capacity Manual (HCM) intersection analysis methodology to determine whether the individual project increases the average delay per vehicle intersections having an existing unacceptable level of service without project traffic.

TRF-2 Highland Avenue and Huntington Drive – Modify the northbound approach and southbound approach signal on Highland Avenue by adding an overlap phase for both right-turn approaches. This mitigation will require a modification to the lane geometry through the striping of northbound and southbound right-turn lanes. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.

AIR QUALITY

Consistency with the SCAQMD AQMP. Implementation of the proposed project could conflict with the South Coast Air Quality Management District's (SCAQMD) 2016 Air Quality Management Plan (AQMP).

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in SEIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. Although the proposed Specific Plan would not exceed the SCAQMD's regional significance thresholds and Localized Significance Thresholds (LSTs) after the implementation of Mitigation Measures AIR-2A and AIR-2B, the overall growth facilitated under buildout conditions would exceed those accounted for in the AQMP. Impacts would remain significant and unavoidable.

Facts in Support of Findings

Implementation of the proposed project, along with other City projects that have been approved, would exceed the growth assumptions contained in AQMP. As such, the proposed amended Specific Plan would result in growth in the City that is inconsistent with the underlying assumptions used to develop strategies in the AQMP to bring the South Coast Air Basin (SCAB) into attainment for criteria air pollutants. As such, implementation of the proposed Specific Plan would conflict with the SCAQMD 2016 AQMP.

Buildout of the amended Specific Plan would not result in the emission of criteria air pollutants that would exceed SCAQMD regional or (LSTs) after the implementation of Mitigation Measure AIR-2A and AIR-2B. In developing its CEQA significance thresholds, the SCAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable. Since the proposed Specific Plan would not exceed the SCAQMD regional or LST thresholds, the

project would not increase the frequency or severity of an air quality standards violation or cause a new one.

Although the proposed Specific Plan would not exceed the SCAQMD's regional and LST significance thresholds after the implementation of Mitigation Measures AIR-2A and AIR-2B, the overall growth facilitated under buildout conditions would exceed those accounted for in the AQMP. Since buildout of the Specific Plan would ultimately increase the total mass emission of criteria air pollutants in the SCAB, the project would conflict with the implementation of the SCAQMD 2016 AQMP. This impact would be significant and unavoidable even with the incorporation of feasible mitigation measures.

NOISE

Short-Term Construction Noise. Grading and construction associated with implementation of the proposed project could result in significant temporary noise impacts to nearby noise sensitive receivers.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. However, even after implementation of mitigation measures contained in the SEIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

Construction noise impacts generally occur when construction activities occur in areas immediately adjoining noise-sensitive land uses, during noise-sensitive times of the day, or when construction durations last over extended periods of time. Construction activities associated with the proposed project would occur in multiple phases and may last several years in total. The closest that construction activities could occur to nearby sensitive receptors would be:

- Approximately 25 feet from single family residences on Three Ranch Road, directly adjacent to the Planning Area's western boundary. A six-foot-tall concrete block wall separates these residences from the project sire.
- Approximately 25 feet from single family residences on Denning Avenue, Glenford Avenue, and Business Center Drive, directly adjacent to the site's northern boundary.

The above distances are measured from the edge of the project boundary to the closest sensitive receptor locations (i.e., houses); however, the majority of potential construction activities would occur at distances of 100 to 400 feet or more from the nearest sensitive receptors and would not be expected to interfere with normal residential activities.

The demolition, site preparation, and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. The worst-case Leq and Lmax noise levels associated with the

operation of a dozer, excavator, scraper, etc., are predicted to be approximately 87 and 91 dBA, respectively, at a distance of 25 feet from the equipment operating area. At an active construction site, it is not uncommon for two or more pieces of construction equipment to operate at the same time and in close proximity. The concurrent operation of two or more pieces of construction equipment would result in noise levels of approximately 90 to 94 dBA at a distance of 25 feet from equipment operating areas.

The magnitude of each individual future project's temporary and periodic increase in ambient noise levels would be dependent upon a number of project-specific factors that are not known at this time, including: the amount and type of equipment being used; the distance between the area where equipment is being operated and the location of the specific land use, receptor, etc. where noise levels are being evaluated; the time of day construction activities are occurring; the presence or absence of any walls, buildings, or other barriers that may absorb or reflect sound waves, the total duration of the construction activities, and the existing ambient noise levels near construction areas. For example, a noise level of 94 dBA Lmax would be similar to typical Lmax levels measured in and near the planning area, but sustained Leq levels of 90 dBA would be approximately 19 to 36 dBA above daytime ambient conditions in and near the planning area.

The implementation of Mitigation Measure N-1 would reduce construction noise associated with future development by requiring the preparation of a construction noise management plan that would include limiting construction to the less noise sensitive periods of the day (i.e., between the hours of 7:00 AM and 10:00 PM per *Municipal Code* Section 9.68.120) and ensuring that proper operating procedures are followed during construction so that nearby sensitive receptors are not adversely affected by noise and vibration. However, the specific details (e.g., timing/duration, sequencing, grading volumes, and exact proximity to receptors, etc.) of future construction activities are not known at this time. As a result, construction has the potential to occur in close proximity to existing sensitive receptors to the west and north. Therefore, despite the implementation of Mitigation Measure N-1, construction noise impacts would remain significant and unavoidable.

Mitigation Measures:

N-1 Individual project applicants shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses and schools) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. These measures shall include, but not be limited to the following:

- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust.
- The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions.
- Stationary equipment shall be placed to maintain the greatest possible distance to the sensitive receptors.
- All equipment servicing shall be performed to maintain the greatest possible distance to the sensitive receptors.

- During construction, electrical hook-ups shall be provided in work areas to avoid the use of stationary, diesel- or other alternatively fueled power generators
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Select demolition methods to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers).
- Construction truck traffic, including soil hauling, equipment deliveries, potential concrete deliveries, and other vendor deliveries shall follow designated delivery routes prepared for the project, which are anticipated to include Duarte Road and Highland Avenue. The use of Evergreen Avenue and Business Center Drive for deliveries shall be avoided when feasible.
- Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section *9.68.120* (7:00 AM and 10:00 PM).
- Each project applicant shall provide, to the satisfaction of the City of Duarte Planning Department, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the compliant, as deemed acceptable by the Duarte Planning Department. Notices shall be sent to residential units immediately surrounding the construction site. The notices that are sent and the signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

5.5 ALTERNATIVES TO THE PROPOSED PROJECT

The Draft SEIR addresses the environmental effects of alternatives to the proposed project. A description of these alternatives, a comparison of their environmental impacts to the proposed project, and the City's findings are listed below. These alternatives are compared against the project relative to the identified project impacts, summarized in the sections above, to the project objectives, as stated in Section 3.0, Project Description, of the Draft SEIR.

In making the following alternatives findings, the City of Duarte certifies that it has independently reviewed and considered the information on alternatives provided in the Draft SEIR, including the information provided in the comments on the Draft SEIR and the responses thereto.

ALTERNATIVE ONE – EXISTING ZONING (NO PROJECT)

This scenario assumes that the amended Duarte Station Specific Plan would not be implemented. Instead, development would be governed by the existing Duarte Station Specific Plan, which

allows up to 475 residential units, 400,000 square feet (sf) of office space, 12,000 sf of retail, and a 250-room hotel.

Under this alternative, no current development application would be in place. Existing on-site industrial uses would continue to operate as they do currently until such time as property owners choose to redevelop their properties in conformance with the existing adopted Duarte Station Specific Plan.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Compared to the proposed project, the Existing Zoning alternative results in fewer impacts relative to traffic, greenhouse gas emissions, noise, and hazards and hazardous materials. Greater impacts would be anticipated for land use, population and housing, and public services and utilities. Impacts associated with aesthetics, air quality, and hydrology, drainage, and water quality would be equivalent. Significant unavoidable impacts related to traffic, air quality, and noise impacts would also occur with this alternative.

The Existing Zoning would not fully implement the overarching goals of the proposed project to provide a mixture of land use, an economically feasible development, traditional pedestrian-oriented street pattern, and awareness of surrounding development. The goals of superior urban design, outdoor spaces, and sustainable development practices could be achieved.

ALTERNATIVE TWO – ALL RESIDENTIAL

Alternative Two would include only high-density residential development at a density of up to 90 dwelling units per acre, yielding 1,700 dwelling units. It is assumed that this alternative would have similar acreages for recreation/open space and roads as the proposed project.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Compared to the proposed project, the All Residential alternative would result in similar impacts relative to aesthetics and hydrology, drainage, and water quality. The All Residential alternative results in fewer impacts to traffic, air quality, greenhouse gas emissions, noise, and hazardous materials. Greater impacts would be anticipated for land use, population and housing, and public

services and utilities. Significant unavoidable impacts related to traffic and noise would be reduced, but not eliminated, and impacts related to air quality would remain the same.

The All Residential alternative meets Goals 4, 5, and 7 and does not fully meet Goals 1, 2, 3, and 6.

ALTERNATIVE THREE – ADAPTIVE REUSE

Alternative Three would involve the adaptive reuse, or repurposing, of a portion (approximately half) of the existing 313,955 square feet of industrial and warehouse space with office and commercial space, along with construction of 700 new residential units and hospitality uses, including a 250-room hotel. It is assumed that building heights would be the same as existing conditions for the adaptive reuse portions of the site (thus lower than the proposed project) but consistent with heights associated with the proposed project for new construction.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Compared to the proposed project, the Adaptive Reuse alternative would result in similar impacts relative to aesthetics, hazards, and hydrology, drainage, and water quality. The Adaptive Reuse Alternative would result in fewer impacts to air quality, greenhouse gas emissions, noise, and public utilities and services. Greater impacts would be anticipated for land use, population and housing, and traffic. Significant unavoidable impacts related to traffic, air quality, and noise impacts would also occur with this alternative.

The Adaptive Reuse Alternative meets Goals 1, 2, and 5 but does not fully meet Goals 3, 4, 6, and 7.

6.0 CERTIFICATION OF THE FINAL EIR

The City Council declares that no new significant information, as defined by the CEQA Guidelines Section 15088.5, has been received by the City Council after circulation of the SEIR that would require recirculation.

The City Council certifies the Subsequent Environmental Impact Report based on the following findings and conclusions.

6.1 FINDINGS

The project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the SEIR and will require mitigation as set

forth in the Findings. Significant adverse impacts which cannot be mitigated to a level of insignificance after mitigation include traffic, air quality, and noise.

6.2 CONCLUSIONS

1. Except as to those impacts stated above relating to traffic, air quality, and noise, all other significant environmental impacts from the implementation of the proposed project have been identified in the SEIR and, with implementation of the mitigation measures identified, will be mitigated to less than significant levels.

2. Alternatives to the proposed project which could potentially achieve the basic objectives of the proposed project have been considered and rejected in favor of the proposed project. The All Residential alternative would have greater impacts on land use and population and housing, as it would not provide for a flexible mix of land uses within the plan area, which is identified as a clear goal in the Land Use Element and would not provide new employment opportunities. The All Residential alternative does not fully meet project Objectives 1a and 1b, Objectives 2a and 2d, Objective 3c, or Objective 6a for a mixture of land uses including commercial uses; there would be no provision for retail uses to support either the surrounding neighborhood or the Gold Line Station. The Adaptive Reuse alternative would allow less housing at the project site than the proposed project. Therefore, impacts on land use and population and housing would be greater under this alternative and this alternative would less effectively meet project objectives to provide housing in the area. The Existing Zoning (No Project) alternative would provide for significantly less housing than the proposed project and would not fully implement the overarching goals of the proposed project to provide a mixture of land uses, an economically feasible development, a traditional pedestrian-oriented street pattern, and awareness of surrounding development. Greater traffic impacts would also be anticipated with the Adaptive Reuse Alternative. The proposed project is the Environmentally Superior Alternative, as no feasible alternative exists that both would provide all of the benefits to the public of the project and reduce environmental impacts when compared to the proposed project.

3. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed project, as further discussed in Section 7.0, override and make infeasible any alternatives to the proposed project or further mitigation measures beyond those incorporated into the proposed project.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

7.1 INTRODUCTION

The City of Duarte (the "City") is the Lead Agency under CEQA for preparation, review, and certification of the SEIR for the Duarte Station Specific Plan (the "project"). As the Lead Agency,

the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether to approve the proposed project. In making this determination the City is guided by CEQA Guidelines Section 15093, which provides as follows:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the CEQA Guidelines Section 15093, the City has balanced the benefits of the project against the following unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the project, none of which both meet the project objectives and is environmentally preferable to the project for the reasons discussed in the Statement of Facts and Findings (above).

The City Council, having reviewed and considered the information contained in the amended Duarte Station Specific Plan, the Final Subsequent EIR, Responses to Comments, and the public record in its entirety, adopts the following Statement of Overriding Considerations that have been balanced against the unavoidable adverse impacts in reaching a decision on this project.

7.2 SIGNIFICANT UNAVOIDABLE IMPACTS

Although all potential project impacts have been substantially avoided or mitigated as described in the preceding findings, there is no complete mitigation for the following project impacts:

- Traffic: Project and Cumulative Project Intersection Operations (Buena Vista Street/Duarte Road)
- Air Quality: Consistency with the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP)
- Noise: Short-Term Construction Noise

Details of these significant unavoidable adverse impacts were discussed in the SEIR and are summarized or were otherwise provided in the Statement of Facts and Findings (above).

7.3 OVERRIDING CONSIDERATIONS

To the extent that the significant effects of the project are not avoided or substantially lessened to below a level of significance, the City Council, having reviewed and considered the information contained in the SEIR and the public record, and having balanced the benefits of the project against the unavoidable effects which remain, finds such unmitigated effects to be acceptable in view of the following overriding economic, social and other considerations, each of which the City Council finds is individually sufficient to justify issuance of a Statement of Overriding Considerations:

1. The City Council finds that each of the specific economic, legal, social, technological, environmental, and other considerations, and the benefits of the project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval of the project. The remaining significant adverse impacts identified in Section 7.2, above are acceptable in light of each of these overriding considerations, and the substantial evidence that supports the enumerated benefits of the project can be found in the Statement of Facts and Findings herein, the Final Subsequent EIR, the project itself, and the record of all proceedings in connection with the approval of the project. In the event that any court decision or regulatory action results in a determination that there are additional remaining significant impacts resulting from the City's approval of the project that cannot be avoided even with the incorporation of all feasible mitigation measures into the project, the Statement of Facts and Findings and Statement of Overriding Considerations herein shall be deemed to apply to such additional remaining significant impacts.

2. The project establishes various objectives that will improve the project site and provide a benefit to the community, namely:

    - Develop a flexible mixed-use land use pattern that incorporates retail, office, and residential opportunities that will effectively complement each other and provide maximum land use efficiency, while providing economic and social benefits to all users.
    - Program retail uses that are neighborhood- and transit-station serving.

- Provide flexible non-residential spaces that can be adjusted to respond to shifts in market demand and allow options throughout various economic cycles and scenarios.
- Create a range of residential unit types that will be accessible to residents of all income levels.
- Provide residential opportunities to assist the City of Duarte in meeting its Regional Housing Needs Allocation (RHNA) objectives.
- Encourage the development of retail land uses to create local jobs and increase tax revenues within the community.
- Give precedence to pedestrians while keeping streets narrow to foster multimodal transportation with bicycle, pedestrian, and transit access.
- Allow for building types that will achieve desired density ranges to establish a critical mass of residents and employees to support the transit station, maximize transit ridership, and support retail spaces and local employment centers.
- Minimize setbacks to allow buildings to frame and activate the street.
- Use trees, shrubs and other landscape and hardscape materials along streets to provide shading, screening, and human scale.
- Promote quality architectural design to establish a consistent contemporary design character that creates an identity in the Duarte Station Specific Plan area.
- Provide singular or multiple outdoor spaces, such as an urban green space or public plaza that provides a transition between the station and the surrounding transit village uses in order to provide a public gathering space.
- Program outdoor space(s) to accommodate the needs of various user groups, such as residents, employees, commuters, and visitors.
- Create a center that provides desired goods and services to surrounding residents, students, and employees within and surrounding the Duarte Station Specific Plan area.
- Provide specific setbacks, height limitations, upper story step-backs, and landscape requirements to afford adjacent residences privacy and separation from larger buildings.
- Consider the future needs of the City of Hope as part of land use planning.
- Identify the level of development proposed within the Specific Plan area and adhere to Levels of Sustainable Development Practices as prescribed in Chapter 19.52 of the City's Development Code.
- Ensure that construction and demolition waste is disposed of in accordance with all City regulations and standards.
- Consider building layout, siting, and building design to not preclude alternative energy production on-site.
- Maximize energy efficiency through local and state standards, indoor environmental quality, energy-efficient lighting, building orientation, shading, and implementation of LEED principles and/or attaining LEED Certification.
- Reduce heat island effect through site planning and selection of landscape and hardscape materials.
- Incorporate water-efficient design features such as permeable surfaces, collection devices, biofiltration devices, green rooftops, cisterns, berms and swales, and/or green rooftops.
- Include climate-adapted landscape within the Specific Plan area.

3. The proposed Specific Plan establishes the general type, parameters, and character of the development in order to develop an integrated Transit Oriented Development (TOD) that is compatible with the surrounding area.

4. The amended Specific Plan provides flexibility for property owners to respond to market conditions and create a transit village that focuses on residential uses with opportunity sites for job-intensive office uses, retail, and urban green space.

5. The project will enhance the aesthetic environment by replacing existing industrial uses with new buildings and providing increased and improved landscaping and open space areas. The project will provide pedestrian connections to Metro's Gold Line Station.

6. The project will positively contribute to the economic vitality and revitalization in the City by developing a project that supports a market driven economy, creates a mixed-use environment, and redevelops an underutilized site with the highest and best use.

7. The project integrates public transportation and residential and non-residential development, increasing pedestrian activity within the area and reducing automobile use. The TOD supports the goal of reducing traffic and greenhouse gas emissions from cars. The project would include connective walkways and pedestrian routes between and among future uses, including Metro's Gold Line Station, so as to minimize the need for residents to use a car.

8. The project incorporates objectives and visioning efforts for the area and reflects the intent of the TOD Corridor Development Assessment and Duarte Gold Line Station Areas Vision studies. Furthermore, the project is intended to implement the City of Duarte's General Plan.

9. The project involves TOD in a Transit Priority Area (TPA) identified in the Southern California Association of Governments (SCAG's) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Therefore, the Duarte City Council, having reviewed and considered all information contained in the SEIR and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.

MITIGATION MONITORING AND REPORTING PROGRAM
DUARTE STATION SPECIFIC PLAN
Exhibit B-1
Approved by City Council on XXXX, 2019

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
Aesthetics			
AES-1 Prior to the issuance of a building permit, each project applicant shall submit a Construction Management Plan for review and approval by the City of Duarte Community Development Director. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s). Staging areas shall be screened from view from residential properties. Construction worker parking may be located off-site with prior approval by the City; however, on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.	Plan Check & Site Inspection	Prior to Issuance of Building Permits & During Construction	Applicant & Construction Contractor
AES-2 Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans.	Plan Check & Site Inspection	Prior to Issuance of Grading Permits & During Construction	Applicant & Construction Contractor
AES-3 All construction-related lighting shall include shielding to direct lighting down and away from adjacent hotel and residential uses and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City for review concurrent with Grading Permit application.	Plan Check & Site Inspection	Prior to Issuance of Grading Permits & During Construction	Applicant & Construction Contractor
AES-4 As part of Site Plan and Design Review, site access locations shall be reviewed to ensure that vehicle access locations are not sited in a manner that would result in vehicle headlights directly shining onto residential uses. If siting of vehicle access locations would result in headlights directly shining onto residential uses, the project applicant shall implement screening, consistent with the Duarte Station Specific Plan, to reduce lighting impacts.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval	Applicant
Traffic			
TRF-1 All project applicants within the Duarte Station Specific Plan Area shall prepare and submit at their time of their development application to the Community Development Department a traffic study that: 1) documents the project-related trips and provides a comparative review with the analysis in this EIR, and 2) uses the Highway Capacity Manual (HCM) intersection analysis methodology to determine whether the individual project increases the average delay per vehicle intersections having an existing unacceptable level of service without project traffic.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval	Applicant
TRF-2 Highland Avenue and Huntington Drive – Modify the northbound approach and southbound	Site Inspection	Prior to Issuance of	Applicant; Director

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
approach signal on Highland Avenue by adding an overlap phase for both right-turn approaches. This mitigation will require a modification to the lane geometry through the striping of northbound and southbound right-turn lanes. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.		Occupancy Permits for First Approved Project	for any cost-sharing arrangements
TRF-3 When deemed necessary by the City Community Development Director and/or City Engineer, the project applicant(s) shall prepare, implement, and fund a Neighborhood Traffic Management Plan (NTMP), which shall include three components: education, enforcement, and enhancement. The educational component of the NTMP shall provide the community with a means of understanding traffic management tools and processes and also increase public awareness of the impact that traffic will have on the neighborhood. Educational efforts that could be implemented as part of the NTMP include, but are not limited to, the following: • Coordination of neighborhood NTMP meetings • Coordination of a speed watch program • Coordination of the placement of temporary NTMP yard signs with volunteers • Design and distribution of NTMP brochures • Coordination of applicant and/or staff presentations to neighborhood groups The enforcement component of the NTMP entails focusing law enforcement efforts to acknowledge areas of concern. Enforcement efforts that could be implemented as part of the NTMP include, but are not limited to, the following: • Increased enforcement • Real-time speed feedback signs • Signage ("Entering residential neighborhood...") The enhancement component of the NTMP consists of non-physical and physical transportation system improvements. Numerous traffic-calming devices may be selected by a neighborhood for placement on a street. Potential improvements that could be implemented by the applicant and/or City of Duarte as part of the NTMP include, but are not limited to, the following: • Pavement marking/lane narrowing • Temporary speed tables • Neckdowns/bulbouts (extensions of curbs/corner sidewalks at an intersection) • Choker/Chicane (chokers are build-outs added to a road to narrow it, while chicanes are sequences of tight serpentine curves designed to slow roadway traffic) • Turn movement restrictions	Based on Public Complaint or Ongoing Observation by City Staff	Ongoing	Applicant, under the direction of City staff

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
• Diagonal intersection diverters • Median barrier through intersection • Forced turn island			
Air Quality			
AIR-2A The City shall require applicants comply with South Coast Air Quality Management District Rule 1113 to reduce VOC emissions from architectural coating applications. Prior to the issuance of a building permit for the Project, the Applicant shall submit, to the satisfaction of the Planning Division, a Coating Restriction Plan (CRP), consistent with South Coast Air Quality Management District (SCAQMD) guidelines. The applicant shall include in any construction contracts and/or subcontracts a requirement that project contractors adhere to the requirements of the CRP. The CRP shall include a requirement that all interior and exterior residential and non-residential architectural coatings used in project construction meet the SCAQMD "super compliant" coating VOC content standard of less than 10 grams of VOC per liter of coating. The CRP shall also specify the use of high-volume, low pressure spray guns during coating applications to reduce coating waste.	Plan Check & Site Inspection	Prior to Issuance of Building Permits & during Construction	Applicant & Construction Contractor
AIR-2B The City shall require all apartment buildings in the plan area be constructed such that no more than 60 percent of units in the structure have fireplaces (natural gas or otherwise). This requirement shall be included in all engineering diagrams and any construction contracts and/or subcontracts. The City Building Department shall review all plans sets to ensure all apartment structures are designed to this specification.	Plan Check & Site Inspections	Prior to Issuance of Building Permits & during Construction	Applicant & Construction Contractor
AIR-3 For all new residential units in the project area, the developer shall install, and owner maintain, HVAC systems with air filters that meet or exceed a Minimum Efficiency Rating Value (MERV) of 13 as determined by ASHRAE Standard 52.2 (a Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size). The owner and/or occupant or other designated representative of the residential unit shall maintain and replace air filters according to the manufacturer's specifications. This measure shall be printed on construction drawings and included as a requirement of the construction contract for new residential buildings. This measure shall also be recorded in a Notice to Property Owner for the Duarte Station Specific Plan units and for each new residential property within the Project area. City Planning staff shall confirm that HVAC units and MERV-13 filters (or better) are installed in accordance with this measure prior to final sign off on construction for all new residential units. City Planning staff shall also review and approve of the Notice to Property Owner language and ensure recordation prior to final sign-off on construction of new residential units in the project area.	Plan Check & Site Inspections	Prior to Issuance of Building Permits, during Construction, & Prior to Issuance of Occupancy Permits	Applicant & Construction Contractor
Noise			
N-1 Individual project applicants shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses and schools) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. These measures shall	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
include, but not be limited to the following: • All construction equipment shall All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust. • The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions. • Stationary equipment shall be placed to maintain the greatest possible distance to the sensitive receptors. • All equipment servicing shall be performed to maintain the greatest possible distance to the sensitive receptors. • During construction, electrical hook-ups shall be provided in work areas to avoid the use of stationary, diesel- or other alternatively fueled power generators • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. • Select demolition methods to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers). • Construction truck traffic, including soil hauling, equipment deliveries, potential concrete deliveries, and other vendor deliveries shall follow designated delivery routes prepared for the project, which are anticipated to include Duarte Road and Highland Avenue. The use of Evergreen Avenue and Business Center Drive for deliveries shall be avoided when feasible. • Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section 9.68.120 (7:00 AM and 10:00 PM). Each project applicant shall provide, to the satisfaction of the City of Duarte Planning Department, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the compliant, as deemed acceptable by the Duarte Planning Department. Notices shall be sent to residential units immediately surrounding the construction site. The notices that are sent and the signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.			
N-2 Prior to the issuance of a building permit for any development in the project area, the City shall review and approve an acoustical analysis, prepared by or on behalf of the project applicant, and	Plan Check & Site Inspection	Prior to the Issuance of Building Permits &	Applicant & Construction

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
based on the final project design, that: 1) Identifies the exterior noise levels at: a) Exterior building facades that face Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW; and b) Exterior recreation areas, including patios, that face and have a line of sight to Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW. 2) Identifies the final site and building design features that would: a) Attenuate exterior building façade noise levels to interior levels that do not exceed 45 CNEL in habitat rooms and 50 dBA Leq (1-hour) in other occupied rooms. Potential noise insulation site and building design features capable of achieving this requirement may include, but are not limited to: 1) Sound barriers 2) Enhanced exterior wall construction/noise insulation design 3) Use of enhanced window, door, and roof assemblies with above average sound transmission class or outdoor/indoor transmission class values 4) Use of mechanical, forced air ventilation systems to permit a window closed condition in residential units		During Construction	Contractor
N-3 Prior to issuance of building permits, a noise assessment shall be prepared for residential, office, commercial, and enclosed parking garage uses to ensure that any loading dock and/or outdoor mechanical equipment (e.g., heating, ventilation, and air conditioning equipment, dock material lifts, garage fresh air supply and exhaust fans, etc.) would not exceed the City's noise limits identified in Municipal Code Section 9.68.050. The noise assessment shall identify any noise control measures necessary to comply with the Municipal Code Noise Regulations. Individual project applicants shall implement all noise control measures identified in the assessment.	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor
N-4 Prior to site plan approval, the Community Development Director shall confirm that all applicable building plans and specifications include a closed design (i.e., a solid wall) for the walls of parking structures that are within 75 feet of residences. The closed design is only required for walls that face residences.	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor
Hazards and Hazardous Materials			
HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and Cal OSHA certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor
HAZ-2 If paint is separated from building materials, chemically or physically, during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified environmental professional. If lead-based paint is found, abatement shall be completed by a qualified lead specialist before any activities that would create lead dust or fume hazard. Lead-based paint	Site Inspection	During Construction	Applicant & Construction Contractor

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City's Building Department.			
HAZ-3 An environmental professional with Phase II/site characterization experience shall conduct an inspection of existing on-site structures before building renovation/ demolition activities. The inspection shall determine whether or not testing is required to confirm the presence or absence of hazardous substances in building materials (i.e., sinks, drains, piping, flooring, walls, ceiling tiles, etc.). Should testing be required and results determine that hazardous substances are present in on-site building materials, the Phase II/site characterization specialist shall determine appropriate prevention/remediation measures that are required and/or the methods for proper disposal of hazardous waste at an approved landfill facility, if required.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-4 As applicable, each project applicant shall obtain appropriate permits from the Los Angeles County Fire Department Health Hazard Management Division (HHMD), before removing any existing USTs, per the Underground Storage Tank Program. The applicant shall conduct soil/groundwater testing, as requested by the HHMD. Should contamination be present above regulatory thresholds, then the project applicant shall remediate appropriately, as required by the HHMD. Should the HHMD refer the case to any other regulatory agency (e.g., the Department of Toxic Substances Control, or Regional Water Quality Control Board, etc.), then the applicant shall comply with that agency's requirements as well.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-5 Prior to issuance of a grading permit, soil sampling shall occur within the portions of the project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified Phase II/site characterization specialist. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary. Should further site characterization/remedial activities be required, these activities shall be conducted per the applicable regulatory agency requirements, as directed by the Los Angeles County Fire Department Health Hazard Management Division (HHMD).	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-6 Prior to issuance of a grading permit, an environmental consultant with Phase II/site characterization experience shall conduct sampling to confirm whether or not contaminated soil/soil vapor/groundwater underlies the project site. Should contamination above established regulatory levels be identified, the environmental consultant shall recommend remedial activities appropriate for the proposed future development at the site, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD) and/or other applicable agencies.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-7 Prior to issuance of a grading permit, a Phase II/site characterization specialist shall conduct appropriate sampling along the southern boundary of the project site (Parcel 1) in order to determine whether or not contaminated soil is present. Should contaminated soil be present, the Phase II/site characterization specialist shall recommend appropriate remediation/safety measures in order to ensure worker safety during construction and public health during proposed project operations.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-8 Prior to issuance of a grading permit, the project applicant shall submit a Worker Safety Plan	Plan Check	Prior to Issuance of	Applicant

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
for site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and Los Angeles County Fire Department Health Hazard Management Division (HHMD). The Worker Safety Plan shall include safety precautions (e.g., personal protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous materials, including potential contaminated groundwater.		Grading and Building Permits	
HAZ-9 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following: ▪ Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; ▪ Notify the City Engineer of the City of Duarte; ▪ Secure the area as directed by the City Engineer; and ▪ Notify the Los Angeles County Fire Department Health Hazard Management Division's (HHMD) Hazardous Waste/Materials Coordinator (or another appropriate agency specified by the City Engineer). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.	Site Inspection	During Construction	Applicant & Construction Contractor
HAZ-10 Prior to issuance of building permits, vapor intrusion investigations shall be conducted by a qualified Environmental Professional, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD). Should the environmental professional determine that proposed buildings could be impacted by vapor intrusion, the environmental professional, in consultation with the HHMD and/or other applicable regulatory agencies, shall recommend specific design measures to be incorporated into the buildings' design that would reduce these indoor air quality concentrations to below regulatory thresholds.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
Hydrology and Water Quality			
HYD-1 Concurrent with Site Plan Review or issuance of a grading permit, whichever comes first, a hydrology review shall be conducted by a Registered Civil Engineer for each development phase to ensure that runoff values for each phase remain at or below existing runoff values in compliance with current State law or other applicable statutes.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval or other Entitlement	Applicant
Fire Protection			
FP-1 Adequate access to all buildings on the project site shall be provided and properly maintained for emergency vehicles during the building construction process to the satisfaction of the Los Angeles County Fire Department.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-2 Adequate water availability shall be provided to service construction activities.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-3 Prior to issuance of building permits, a will-serve letter from the California American Water Company shall be obtained by the project applicant, which states that the Water Company can adequately meet water flow requirements.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-4 The Los Angeles County Fire Department shall review and comment on each individual site plan submitted, prior to approval by the City of Duarte. Any conditions required by the Los Angeles County Fire Department shall be complied with by the project applicant.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval or	Applicant

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
		other Entitlement	
FP5 Prior to the issuance of building permits, the project applicant shall provide verification that the project complies with all fire prevention provisions required by the Los Angeles County Fire Department.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-6 All new structures shall have automatic fire sprinkler systems.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-7 A supervised fire alarm system that meets requirements of the California Fire Code shall be placed in an accessible location with an annunciator.	Plan Check	Prior to Issuance of Occupancy Permits	Applicant
FP-8 Access to and around structures shall meet Los Angeles County Fire Department and California Fire Code requirements.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-9 A water supply system shall be in place to supply fire hydrants and automatic fire sprinkler systems.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-10 All traffic signals on public access ways shall include the installation of optical preemption devices.	Plan Check	Prior to Issuance of Occupancy	Applicant
FP-11 All electric gates within the project shall install emergency opening devices approved by the Los Angeles County Fire Department.	Plan Check	Prior to Issuance of Occupancy	Applicant
Schools			
SCH-1 Individual project applicants shall pay all applicable Development Impact Fees to the Duarte Unified School District prior to issuance of building permits. Proof of fee payment shall be provided to the City of Duarte.	Plan Check	Prior to Issuance of Building Permits	Applicant
Water			
WAT-1 Prior to approval of building permits, individual project applicants shall conduct a hydraulic analysis in coordination with CAW to determine flow capacity, pumping, and storage requirements to provide water service to the proposed development. The project applicant shall implement the improvements or pay their fair share of an in-lieu fee for those improvements in accordance with CAW requirements, prior to final inspection.	Plan Check	Prior to Issuance of Building Permits	Applicant
WAT-2 Prior to approval of building permits, individual project applicants shall submit site plans to the Los Angeles County Fire Department to obtain fire flow and storage volume requirements for the proposed development. The project applicant shall submit the fire flow and storage volume requirements to the CAW to determine if adequate fire flow and storage capacity exists to serve the proposed development. If fire flow and storage capacity is found to be inadequate, the project applicant shall design and bond for necessary improvements prior to the issuance of building permits and complete all necessary improvements prior to final inspection or pay their fair share of an in-lieu fee for those improvements prior to final inspection.	Plan Check	Prior to Issuance of Building Permits	Applicant
WAT-3 Prior to final inspection, individual project applicants shall pay their fair share of an in-lieu fee by CAW to implement water supply infrastructure improvements determined to be necessary in a capacity study for projected buildout within CAW's Duarte water service area.	Site Inspection	Prior to Final Site Inspection	Applicant
Wastewater			
WW-1 Each development project shall conduct a sewer flow monitoring study and submit to the City Engineer for review and approval prior to approval of building permits. The study shall review flows at	Plan Check	Prior to Issuance of Building Permits	Applicant

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
selected off-site manholes, both upstream and downstream of the point of connection, to determine the capacity of the local and regional system to accept project-related flows. The project applicant shall be responsible to implement the recommendations in the study to ensure that off-site systems operate in accordance with the Los Angeles County Department of Public Works and County Sanitation Districts of Los Angeles County standards.			
Cultural Resources (Avoidance and Minimization Measures)			
CULT-1 Conduct Archaeological Sensitivity Training for Construction Personnel. The applicant shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards to conduct an archaeological sensitivity training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resource professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session will include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation, if one is necessary.	Site Inspection	During Construction	Applicant
CULT-2 Conduct Periodic Archaeological Resources Spot Checks during Grading and Earth-moving Activities in Younger Alluvial Sediments. The applicant shall retain a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards to conduct periodic Archaeological Spot Checks beginning at depths below two (2) feet to determine if construction excavations have exposed or have a high probability of exposing archaeological resources. After the initial Archaeological Spot Check, further periodic checks will be conducted at the discretion of the qualified archaeologist. If the qualified archaeologist determines that construction excavations have exposed or have a high probability of exposing archaeological artifacts, construction monitoring for archaeological resources will be required. The applicant shall retain a qualified archaeological monitor, who will work under the guidance and direction of a professional archaeologist, who meets the qualifications set forth by the U.S. Secretary of the Interior's Professional Qualifications and Standards. The archaeological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into non-fill younger Pleistocene alluvial sediments. Multiple earth-moving construction activities may require multiple archaeological monitors. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils), the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the project archaeologist.	Site Inspection	During Construction	Applicant
CULT-3 Prepare Report Upon Completion of Monitoring Services. The archaeological monitor, under the direction of a qualified professional archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards, shall prepare a final report at the conclusion of archaeological monitoring (if required). The report shall be submitted to the applicant, the South Central Coastal Information Center, the City, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register and CEQA, and treatment of the resources.	Site Inspection	During Construction	Applicant

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING THE LAND USE ELEMENT OF THE CITY'S GENERAL PLAN (G.P.A. 19-01) TO ADDRESS CHANGES IN THE DUARTE STATION SPECIFIC PLAN RELATED TO A CHANGE IN BUILDOUT DENSITY

WHEREAS, the City Council of the City of Duarte has considered the Amended Duarte Station Specific Plan ("DSSP") and also has considered a revision to the City's General Plan Land Use Element to define the City's land use goals for the specific plan area; and

WHEREAS, the Duarte Planning Commission heard this item at its October 21, 2019 meeting and recommended approval to the City Council; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the Code amendment, whereupon the City Council received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, after careful study and the public hearing held on November 12, 2019, the City Council approved General Plan Amendment 19-01

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

NOW THEREFORE, IN LIGHT OF ALL OF THE FOREGOING, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Based upon substantial evidence presented to the City Council during the public hearing, including written staff reports and verbal testimony, the City Council hereby finds and determines:

1. The proposed changes to revise the Land Use Element of the Duarte General Plan is intended to encourage the highest and best use for the subject property and to be in the best interests and welfare of the City and its residents.

2. The proposed General Plan Amendment is internally consistent with all other provisions of the General Plan. The Land Use Element of the General Plan

promotes several goals that support the adoption of the DSSP and associated entitlements. Land Use Element Goal 2 seeks compatible and harmonious land use by providing a mix of uses consistent with projected future social, environmental and economic conditions. Land Use Element Goal 3 provides policy direction to provide unique areas to better serve the needs of Duarte residents and businesses. If adopted, the proposed General Plan Amendment would implement the proposed Duarte Station Specific Plan, which implements goals set forth in the General Plan.

3. The proposed General Plan Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The purpose of the proposed General Plan Amendment is to amend the Duarte Station Specific Plan, which provides a comprehensive framework to create a transit village that has a focus on mixed use, residential development, and to integrate a detailed set of design guidelines and well thought out development standards to ensure quality growth of the area.

4. The affected properties are physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The City studied the physical suitability of the project area and adjacent environs as part of the preparation for the amended Duarte Station Specific Plan and associated Final Subsequent Environmental Impact Report.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council hereby recommends the City Council adopt and approve the proposed General Plan Amendment 19-01, Section 2 of the Land Use Element, shall be removed and replaced as follows:

2. Duarte Station TOD Area Specific Plan:

The first policy vision of a future Transit-Oriented Development (TOD) for the area adjacent to the Duarte Goldline Station was conceptualized in the 2007 adoption of the Duarte General Plan 2005-2020, in which the City Council approved the Gold Line Station Area Development Specific Plan land use designation, envisioning the construction of up to: 120 units of multiple-family residential, 100,000 s.f. office space, and up to 500 parking stalls for the Goldline Station. General Plan Amendment 13-1 and the related Duarte Station Specific Plan Environmental Impact Report amended the land use designation from Gold Line Station Area Development Specific Plan to Duarte Station Specific Plan (DSSP) for the three parcels identified in the Plan Area and located

immediately north of the Duarte Gold Line Station. The area was again amended in 2019 by General Plan Amendment 19-1.

Since 2007, changes in the market and overall economy created a new reality in the types and concentrations of uses that can succeed in the Plan Area. The City and region in general have been exposed to TOD concepts and the new economic reality from the last economic downturn, making many of the TOD land use projections from 2007 unrealistic. For instance, the creation of up to 120 residential units is far too small of a development on 19 acres and is economically unfeasible due to property acquisition and construction costs. Furthermore, the significant retail component sought by the IBI study is unlikely at the Duarte Station due to its proximity to freeways and a large population base, as well as changes to the retail landscape from 2008. Secondly, the City has approved two revised Housing Elements and is anticipating an additional revision by February 2014. In context of the DSSP, the Housing Element provides potential housing opportunity sites that must comply with the Regional Housing Needs Assessment, including those units that may be produced through implementation of the DSSP.

The City's 2007 General Plan designated the 19.08 acre parcels (3) as the Gold Line Station Area Development Specific Plan land use designation. The DSSP project required that **a** General Plan Amendment be adopted to reflect the community's commitment to a vibrant, mixed-use transit village near the light rail station. The Amended Duarte Station Specific Plan provides the development potential of up to 90 d.u./acre, 100,000 square feet of new office development and 12,000 square feet of commercial development on the plan area properties.

SECTION 4. In approval of this General Plan Amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines) because an Subsequent Environmental Impact Report and Mitigation Monitoring Program for the DSSP has been prepared and circulated for public review and comment.

SECTION 5: The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____

Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-25 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AND ADOPTING THE AMENDED DUARTE STATION SPECIFIC PLAN, DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE, AND DEPICTING THE CONCEPTUAL DEVELOPMENT SCENARIO FOR THE PLAN AREA, GENERALLY LOCATED AT THE NORTHWEST CORNER OF DUARTE ROAD AND HIGHLAND AVENUE (1801 HIGHLAND AVENUE, 1700 BUSINESS CENTER DRIVE, AND 1716 EVERGREEN STREET) (ZONE CHANGE 19-01)

WHEREAS, Chapter 19.150 of the Duarte Development Code provides a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time; and

WHEREAS, the City Council of the City of Duarte has considered the Amended Duarte Station Specific Plan ("DSSP") with all proposed changes; and

WHEREAS, the Duarte Planning Commission heard this item at its October 21, 2019 meeting and recommended approval to the City Council; and there have been no substantial modifications to the DSSP since that time;

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the Code amendment, whereupon the City Council received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, after careful study and the public hearing held on November 12, 2019, the City Council approved the Duarte Station Specific Plan (ZC 19-01), as provided in attached Exhibit A.

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council determines that the proposed amendment to the Duarte Station Specific Plan is the highest and best use for the subject property.

SECTION 3. The City Council finds and determines that the proposed amendment to the DSSP is in the best interests and welfare of the City and its residents.

SECTION 4. The City Council finds and determines that the proposed amendment to the DSSP is consistent with the City's General Plan, and is hereby recommended for adoption by the City Council.

SECTION 5. In adoption of this Code amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines) because a Subsequent Environmental Impact Report and Mitigation Monitoring Program for the DSSP, including a water supply assessment, has been prepared and circulated among the public and required public agencies for public review and comment .

SECTION 6: The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING MUNICIPAL CODE AMENDMENT 19-02, AMENDING CHAPTER 19.22 OF THE DUARTE DEVELOPMENT CODE, TABLE 2-15, WHICH IDENTIFIES ADOPTED SPECIFIC PLANS

WHEREAS, the City Council of the City of Duarte has considered the Amended Duarte Station Specific Plan ("DSSP") and also has considered an update of Table 2-15 in Chapter 19.22 of the Duarte Development Code to list the: Rose Garden at Santa Teresita Specific Plan, Duarte Station Specific Plan, Town Center Specific Plan and the City of Hope Specific Plan; and

WHEREAS, the Duarte Planning Commission heard this item at its October 21, 2019 meeting and recommended approval to the City Council; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the Code amendment, whereupon the City Council received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, after careful study and the public hearing held on November 12, 2019, the City Council approved Municipal Code Amendment 19-02, which amends Chapter 19.22, Table 2-15 of the Duarte Development Code.

NOW THEREFORE, IN LIGHT OF ALL OF THE FOREGOING, DOES HEREBY ORDAIN AS FOLLOWS: AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines that the proposed Code amendment is in the best interests and welfare of the City and its residents.

SECTION 3. The City Council finds and determines that the proposed Code amendment to the DSSP is consistent with the City's General Plan, particularly in light of Resolutions 19-R-27 and 19-R-28 adopted in conjunction herewith, and is appropriate for adoption by the City Council.

SECTION 4. The City Council hereby amends Chapter 19.22, Table 2-15 as follows:

TABLE 2-15 SPECIFIC PLANS		
No.	**Specific Plan**	**Adoption Date (Adoption Mechanism)**
1	Huntington/Highland	7/27/1982 (Res. No. 82-26)
2	Las Lomas	10/26/1982 (Res. No. 82-41)
3	Huntington/Buena Vista	7/11/1989 (Per City Council)
4	Highland Avenue	12/12/1989 (Per City Council)
5	Westminster Gardens	11/27/1990 (Ord. No. 675)
6	Mountain/Evergreen	11/27/1990 (Ord. No. 676)
7	Rancho Verde	10/27/1992 (Ord. No. 695)
8	Las Brisas	12/13/1994 (Ord. No. 714)
9	Las Posadas	12/10/1996 (Ord. No. 729)
10	Buena Vista Villas	8/12/1997 (Ord. No. 732)
11	Encanto Parkway	4/14/1998 (Ord. No. 735)
12	Citrus Collection at Duarte II	Preliminary 1/26/1999[1]
13	Spanish Oaks Villas	7/16/2001 (Ord. No. 758)
14	Andres Duarte Terrace	5/27/2003 (Ord. No. 769)
15	Duarte Gardens	6/27/2006 (Ord. No. 784)
16	Mountain/Central	10/14/2008 (Ord. No. 811)
17	**Rose Garden at Santa Teresita**	**6/28/2011 (Ord. 829)**
18	**Duarte Station Specific Plan**	**12/10/2013 (Ord. 843)** **11/12/2019 (Ord. 893) - 2019 Amendment**
19	**Town Center Specific Plan**	**9/27/16 (Ord. 868)**
20	**City of Hope Specific Plan**	**10/23/2018 (Ord. 885)**

Note: 1. Citrus Collection at Duarte II was not formally adopted; however draft Ordinance 98-0-7 provides preliminary standards.

SECTION 5. In adoption of this Code amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq*. (CEQA Guidelines) because an Subsequent Environmental Impact Report and Mitigation Monitoring Program for the DSSP has been prepared and circulated for public review and comment, and has been certified in conjunction with this Code amendment. .

SECTION 6: The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this_____ day of _____, 2019.

_____

Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No.____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

RESOLUTION NO.

A RESOLUTION OF CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, CERTIFYING THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR THE DUARTE STATION SPECIFIC PLAN AND ITS RELATED IMPLEMENTING ACTIONS AS ADEQUATE AND COMPLETE, APPROVING CERTAIN FINDINGS RELATED THERETO, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, in connection with the preparation of the proposed Duarte Station Specific Plan ("DSSP") and its implementing actions — a corresponding General Plan Amendment (G.P.A. 19-01), Amended Duarte Station Specific Plan, Zone Change (ZC 19-01), Municipal Code Amendment 19-01, Vesting Tentative Tract Map 82518, and Site Plan and Design Review Cases 19-37 and 19-38 — (collectively, the "Project") the City worked with professional environmental consultants to prepare a Draft Subsequent Environmental Impact (State Clearinghouse No. 2013041032) (the "Draft SEIR"); and

WHEREAS, the Draft SEIR for the proposed DSSP provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the DSSP, and has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines); and

WHEREAS, an electronic copy of the Draft SEIR is available on the City's website (www.duartestationplan.com) and printed copies are available at City Hall, the Duarte Public Library and the City of Duarte Public Safety Office; and

WHEREAS, a Notice of Availability of the Draft SEIR was provided to responsible agencies, organizations, members of the public and interested parties on August 27, 2019; and

WHEREAS, pursuant to the requirements of CEQA, the Draft SEIR was circulated for review and comment from the public and other public agencies during a 45-day public review period, which began on August 27, 2019 and ended on October 10, 2019; and

WHEREAS, on October 21, 2019, the Planning Commission of the City of Duarte ("Planning Commission") held a duly noticed public hearing on the Draft SEIR and the corresponding Project, at which time oral and documentary evidence was introduced along with the written recommendation of the Planning Department of the City of Duarte, and the Planning Commission received public testimony; and

WHEREAS, notice of public hearing before the Planning Commission concerning the adequacy and completeness of the Draft SEIR was given in accordance with the laws, including CEQA, and policies of the City; and

WHEREAS, the Draft SEIR was independently reviewed by the Planning Commission, and the Planning Commission's recommendations reflect the independent judgment of the Commission; and

WHEREAS, after the duly noticed public hearing on October 21st, the Planning Commission adopted Resolution No. 19-06 recommending the City Council adopt and approve the Draft SEIR and certify a proposed Final Subsequent Environmental Impact for the Project ("Final SEIR"); and

WHEREAS, the proposed Final SEIR, dated November 2019, provides an assessment of the environmental impacts, alternatives, and mitigation measures associated with the Project, and has been prepared in accordance with the California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* ("CEQA"), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* ("CEQA Guidelines"); and

WHEREAS, responses to the comments received during the public review period were generated, and those responses, and the underlying comments have been included as part of the Final SEIR in accordance with CEQA; and

WHEREAS, copies of the proposed DSSP and Final SEIR, as presented to the City Council, are on file with the Community Development Department at City Hall, 1600 Huntington Drive, Duarte, California 91010, additional printed copies are also posted at the Duarte Public Library and the City of Duarte Public Safety Office, and electronic copies of these documents are provided on the City's website; and

WHEREAS, the proposed "Findings of Fact and Statement of Overriding Considerations" with respect to environmental impacts, including environmental impacts identified in the Final SEIR as potentially significant, are described in Exhibit "A" to this Resolution; and

WHEREAS, the proposed Mitigation Monitoring and Reporting Program ("MMRP") sets forth the mitigation measures to which the City shall bind itself in connection with this Project and is included in in Exhibit "B" to this Resolution (and is also part of the Final SEIR); and

WHEREAS, notice of a public hearing of the City Council on the Project and Final SEIR was given in accordance with applicable law; and

WHEREAS, on November 12, 2019, the City Council of the City of Duarte held a duly noticed public hearing on the Project and the Final SEIR; and

WHEREAS, at the public hearing the City Council received and independently considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, the Final SEIR was independently reviewed by the City Council, and the City Council's determinations reflect the independent judgment of the Council.

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

Section 1. The Recitals above are true and correct, based on substantial evidence in the record including the Final SEIR, and incorporated herein by this reference.

Section 2. The City Council hereby confirms that the Final SEIR, as certified by this Resolution, is composed of the following:

a. Final SEIR (dated November 2019)
   i. Draft SEIR (dated August 2019)
   ii. Draft SEIR Technical Appendices
   iii. Mitigation Monitoring and Reporting Program
   iv. Comments and Responses
   v. A list of persons commenting on the Draft SEIR

Section 3. The facts set forth in the Statement of Facts and Findings and Statement of Overriding Considerations Regarding the Environmental Effects for the City of Hope Specific Plan Environmental Impact Report set forth in Exhibit "A" (the "Findings of Fact and Statement of Overriding Considerations"), attached to this Resolution, are true and correct and based upon substantial evidence in the record, including the Final SEIR, and are hereby incorporated herein by this reference.

Section 4. All significant effects of the Project that can feasibly be avoided or mitigated will be avoided or mitigated by the imposition of mitigation measures as set forth in the MMRP, which is attached as Exhibit "B" to this Resolution and incorporated herein by this reference.

Section 5. Based upon substantial evidence presented to the City Council during the public hearing, including written staff reports and verbal testimony, the City Council hereby finds and determines:

1. The Draft SEIR fully complies with all requirements of CEQA and the CEQA Guidelines relating thereto.

2. The Final SEIR fully complies with the requirements of CEQA and the CEQA Guidelines relating thereto.

3. The Final SEIR addresses all environmental effects of the proposed Project.

4. The Final SEIR has identified all significant environmental effects of the proposed Project, and there are no known potentially significant environmental impacts that are not addressed in the Final SEIR.

5. The MMRP (Exhibit "B" to this Resolution and part of the Final SEIR) is designed to ensure that, during the implementation of the Project, the City and any other responsible parties implement the components of the Project and comply with the mitigation measures identified in the MMRP.

6. All significant environmental effects of the Project that are not mitigated to a level of insignificance are adequately addressed in the Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution).

7. Although the Final SEIR identifies certain significant environmental effects that will result if the Project is approved, all significant effects that can feasibly be avoided or mitigated will be avoided or mitigated to the maximum extent feasible by the imposition of conditions on the approved Project and the imposition of mitigation measures as set forth in the Final SEIR, the Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution), and the MMRP (Exhibit "B" to this Resolution and part of the Final SEIR).

8. Potential mitigation measures and alternatives not incorporated into the Project were rejected as infeasible, based upon specific economic, social, and other considerations as set forth in the Final SEIR and Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution).

9. The significant impacts of the Project that have not been reduced to a level of insignificance will have been substantially reduced in their impacts by the imposition of mitigation measures. The City Council finds that the significant unavoidable adverse impacts of the Project are clearly outweighed by the economic, social and other benefits of the Project, as set forth in the Findings of Fact and Statement of Overriding Considerations (Exhibit "A" to this Resolution).

10. The Final SEIR has described a reasonable range of alternatives to the Project that could feasibly obtain the basic objectives of the Project, even when those alternatives might impede the attainment of Project objectives and might be more costly.

11. A good faith effort has been made to seek out and incorporate all points of view in the preparation of the Final SEIR as indicated by the public record for the Project and the Final SEIR.

12. As of November 12, 2019, the City has not received any comments or additional information that produced substantial new information requiring recirculation or additional environmental review under Public Resources Code sections 21166 and 21092.1 and State CEQA Guidelines section 15088.5.

Section 6. The City Council, as lead agency under CEQA for the Project, hereby certifies that (1) the Final SEIR has been prepared, processed, and noticed in accordance with CEQA and the State CEQA Guidelines; (2) the Final SEIR was presented to the City Council and the City Council has reviewed and considered the information contained in the Final SEIR prior to considering adoption of the Project, and (3) the Final SEIR reflects the independent judgment and analysis of the City Council and is deemed adequate for the purposes of making decisions on the merits of the Project.

Section 7. The City Council hereby approves the Findings of Fact and Statement of Overriding Considerations for the Project, as set forth in Exhibit "A" attached hereto.

Section 8. The City Council hereby adopts the Mitigation Monitoring and Reporting Program for the Project, as set forth in Exhibit "B" attached hereto.

Section 9. The City Council, as lead agency under CEQA for the Project, hereby certifies that the Final SEIR for the Project, on file with the Community Development Department and in the form presented to the City Council at the time of the adoption of this Resolution, is adequate and complete in that it addresses all environmental effects of the Project and fully complies with the requirements of CEQA and the CEQA Guidelines.

Section 10. The documents and materials that constitute the record of proceedings on which the "Findings of Fact and Statement of Overriding Considerations" in Exhibit "A" of this Resolution have been based are located at 1600 Huntington Drive, Duarte, CA 91010. The custodian for these records is the Director of Community Development.

Section 11. The City Clerk is hereby directed to deliver and publish, in accordance with applicable law, notices of the City Council's determination to certify the Final SEIR as provided herein, including without limitation filing a Notice of Determination with the County of Los Angeles within five (5) working days of final Project approval.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____

Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-24 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

Attachments:

- Exhibit "A" - Findings of Fact and Statement of Overriding Considerations
- Exhibit "B" - Mitigation Monitoring and Reporting Program

CITY COUNCIL RESOLUTION NO. 19-R-24

EXHIBIT "A-1"

STATEMENT OF FACTS AND FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL EFFECTS FOR THE AMENDED DUARTE STATION SPECIFIC PLAN

SCH NO. 2013041032

Lead Agency:

CITY OF DUARTE
1600 Huntington Drive
Duarte, CA 91010

Contact: Mr. Jason Golding
626.357.7931

November 1, 2019

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1.0 STATEMENT OF FACTS AND FINDINGS

1.1 INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that would generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three potential findings for each impact, and explains the reasoning behind the agency's findings.

The following statement of facts and findings has been prepared in accordance with the California Environmental Quality Act (CEQA) and Public Resources Code Section 21081. CEQA Guidelines Section 15091 (a) provides that:

> *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.*

The three finding categories available for the Statement of Facts and Findings pursuant to CEQA Guidelines Section 15091.

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The Statement of Overriding Considerations is the second set of findings. Where a project would cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects and approves the project. These findings in the Statement of Overriding Considerations are presented in Section 7.0.

The City of Duarte (City), the CEQA Lead Agency, finds and declares that the Duarte Station Specific Plan Subsequent Environmental Impact Report (SEIR) has been completed in compliance with *CEQA* and the *CEQA Guidelines*. The City finds and certifies that the SEIR was reviewed and information contained in the SEIR was considered prior to approving the amended Duarte Station Specific Plan herein referred to as the "project."

Based upon its review of the SEIR, the Lead Agency finds that the SEIR is an adequate assessment of the potentially significant environmental impacts of the proposed project, represents the independent judgment of the City, and sets forth an adequate range of alternatives to this project.

The Final Subsequent EIR is composed of the following elements:

- Draft Subsequent Environmental Impact Report for the Duarte Station Specific Plan including Technical Appendices
- A list of persons commenting on the Draft SEIR, Comments, and Responses
- Errata for Final SEIR
- Mitigation Monitoring and Reporting Program (MMRP)

2.0 PROJECT SUMMARY

2.1 DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

BACKGROUND

Beginning in 2005, the Metro Gold Line Foothill Extension Construction Authority (Authority) began working with the City of Duarte to review the preliminary construction plans for light rail transit (LRT). At that time, the Authority introduced the idea of Transit Oriented Development (TOD) to cities along the LRT corridor and the benefits it may present to communities. The idea of TOD resonated with the City Council, and the City began to contemplate the integration of TOD into the City's land use documents. In August 2007, the City Council adopted a comprehensively updated General Plan that included the re-designation of the approximately 19 acres of industrial land uses near the future Gold Line Station into the Gold Line Station Area Development Specific Plan designation. In 2007 and 2008, the City participated in a Caltrans Community Based Transportation Grant. The grant was sponsored by the San Gabriel Valley Council of Governments and produced a TOD visioning study for the project site based upon significant public outreach, a joint City Council and Planning Commission workshop with over 150 residents in attendance, and a summary presentation before the City Council in April 2008. All of these efforts have served as a catalyst for both the City Council and the community to realize a TOD development at the project site.

Since 2008, the City has entertained multiple development teams that have shown interest in initiating a TOD development at the project site. The City had received a preliminary application for a development project, and because the Duarte City Council is committed to the realization of development in the area, it supported City Staff in submitting a Metro TOD Planning Grant. The City was awarded the grant which led to efforts to create the original Duarte Station Specific Plan to replace the Gold Line Station Specific Plan. The existing Duarte Station Specific Plan was adopted and the EIR certified by the City Council on December 10, 2013.

This proposed project represents a comprehensive amendment and update to the adopted Duarte Station Specific Plan. The City has also received a new preliminary application for a development

within the amended Duarte Station Specific Plan area, The Residences at Duarte Station, on parcels 8528-011-025 and 8528-011-906. This development is described in greater detail below.

DESCRIPTION OF PROJECT

The project is the adoption and long-term implementation of the update Duarte Station Specific Plan. The updated Duarte Station Specific Plan identifies the long-term vision and objectives for private development and public improvements within the plan area. The Specific Plan update establishes the general type, parameters, and character of the development aimed at creating an integrated, vibrant, mixed-use transit village that allows for residential uses, office, hospitality uses, supporting commercial uses (such as retail and services), and urban open spaces. The Metro Gold Line transit station on the project's southern edge acts as the gateway to the area. A strong emphasis is placed on walkability through a pleasant sidewalk environment where buildings frame the street.

The Duarte Station Specific Plan allows for a flexible mix of uses near transit, facilitating economic development in Duarte. A major goal of the planning effort is to achieve a coordinated, cohesive environment and character in the plan area using form-based code approaches and recommended streetscape design improvements.

Additionally, the updated Specific Plan reorganizes the existing Specific Plan to structure its provisions in a way that can be more effectively communicated by City staff and accessible to a wider audience. This reorganization consists of consolidating *Section 3 - Land Use and Development Standards* and *Section 5 - Design Guidelines* into one section and replacing existing Section 3, thus moving *Infrastructure and Services* to Section 4 of the Specific Plan.

The updated Duarte Station Area Specific Plan is organized as follows:

Section 1 – Introduction

Section 2 – Development Plan

Section 3 – Development Standards and Design Guidelines

Section 4 – Infrastructure and Services

Section 5 – Administration

Section 6 – Appendices

As used in this EIR, the terms "Duarte Station Specific Plan," "Specific Plan," "Plan" (when specifically distinguished from another plan), and "project" are synonymous and refer to all aspects of the Duarte Station Specific Plan update.

Proposed Development Project Located within the Specific Plan Area

The Residences at Duarte Station

The City has received a preliminary application for a development project on parcels 8528-011-025, called The Residences at Duarte Station. The development comprises a two-building residential development on parcel 8528-011-025 consisting of 619 dwelling units, 1,082 parking spaces (located in two parking structures), and 157,195 square feet of open space, much of which

is in the form of a linear park that doubles as a north-south pedestrian connector. The total proposed net square footage of the project is 454,148 square feet and the proposed maximum building height is 66 feet. Height to top of parking structures is 74 feet; height to top of roof deck amenity parapets, including the clubhouse and fitness spaces, is 86 feet. On-site amenities are to include the linear park, pocket parks, adventure play areas, fitness and pool facilities, and rooftop decks.

The western edge of the project site is buffered from existing single-family residential uses with a driveway fire lane/buffer indicated on the plans. Landscaping throughout the site is demonstrated in the landscaping plan and includes lawn courts for community gathering and trees within courtyards and along frontages. The leasing office and primary access would occur via an entry court located on Business Center Drive.

Circulation within the site is through a network of pedestrian paths. Parking is centralized within two large parking structures that are wrapped by five-story residential structures. Several access drives and the fire lane/buffer connect the parking structures to Business Center Drive. A private drive is proposed to encircle the project site, with both ends linking with Business Center Drive.

The plan set for this development are shown in Appendix J of the SEIR.

Duarte Intergenerational Housing Project on Parcel 8528-011-906

The City has also received a second preliminary application for the Duarte Intergenerational Housing Project to build an affordable housing development on parcel 8528-011-906 that would comprise a mixed-use building, with ground-floor commercial use, and up to 80 units of rent-restricted affordable housing. Conceptual plans for this development are shown in Appendix K of the SEIR.

GROWTH OVER EXISTING CONDITIONS

As shown in *Table 1, Growth Relative to Existing Conditions*, the anticipated growth in residential and non-residential uses beyond existing year 2019 conditions within the plan area is:

- Addition of 1,400 dwelling units
- Reduction of 313,955 square feet industrial uses
- Addition of 100,000 square feet of nonresidential (office) uses
- Addition of 12,500 square feet of retail/restaurant uses

Table 1
Growth Relative to Existing Conditions

Land Use	Residential (units)	Non-Residential (square feet)
Existing		
Warehouse/Industrial		313,955
Total		***313,955***
Proposed Specific Plan		
Retail/Restaurant		12,500
Office		100,000
High Density Residential	1,400	
Total	***1,400***	***112,500***
Difference Between Existing Conditions and Specific Plan Assumptions	**+1,400**	**-201,455**

GENERAL PLAN AMENDMENT

The project will include a General Plan Amendment to revise the text of the current General Plan to match anticipated buildout consistent with the amended Duarte Station Specific Plan.

PROJECT PHASING

To address development interest and market conditions, an amended phasing approach is presented in Section 2 – Development Plan of the Specific Plan. This updated approach adjusts the scope, scale, and area of Phase I and combines the remaining phases outlined in the existing plan into a single Future Phase. This amendment also necessitates amendments to Section 5 – Administration (formerly Section 6), where the existing phasing strategy is presented in a matrix.

PERMITS, AND APPROVALS

The City of Duarte is the Lead Agency for the project and has discretionary authority over the project which includes, but is not limited to, the following:

- Certification of the Final EIR
- Adoption of a Mitigation Monitoring and Reporting Program (MMRP)
- Adoption of the amendment to the Duarte Station Specific Plan
- Approval of a Vesting Tentative Tract Map for The Residences at Duarte Station, for condominium purposes
- Adoption of a General Plan Amendment consisting of text changes to the Land Use Element to be consistent with the updated Duarte Station Specific Plan

- Discretionary review as necessary, including any applicable CEQA review, for other current and future individual public and private development proposals in the planning area, such as the Duarte Intergenerational Housing Project

Future individual public and private development proposals in the Specific Plan area would be expected to also require review or approvals from other jurisdictional agencies, including, but not limited to:

- California Department of Toxic Substances Control (DTSC)
- California Department of Transportation (Caltrans)
- County of Los Angeles
- Duarte Unified School District
- Los Angeles County Fire Department
- Los Angeles County Sheriff's Department
- County Sanitation Districts of Los Angeles County (LASCD)
- Los Angeles County Metropolitan Transportation Authority (METRO)
- South Coast Air Quality Management District (SCAQMD)
- Los Angeles Regional Water Quality Control Board (RWQCB)
- California Public Utilities Commission (CPUC)

2.2 STATEMENT OF OBJECTIVES

The proposed updated Duarte Station Specific Plan looks to achieve the following goals and objectives consistent with General Plan land use policy direction:

1. GOAL: A MIXTURE OF LAND USES

a. *Objective*: Develop a flexible mixed-use land use pattern that incorporates residential opportunities with options for retail, office, research and development, and hospitality, and that will effectively complement each other and provide maximum land use efficiency, while providing economic and social benefits to all users.

b. *Objective*: Program retail uses that are neighborhood and transit station serving.

2. GOAL: AN ECONOMICALLY FEASIBLE DEVELOPMENT

a. *Objective*: Provide opportunities for adaptive reuse of existing buildings, and design new non-residential spaces with flexibility to allow for shifts in market demand and allow options throughout various economic cycles and scenarios.

b. *Objective*: Create a range of residential unit types that will be accessible to residents of all income levels.

c. *Objective*: Provide residential opportunities to assist the City of Duarte in meeting its Regional Housing Needs Allocation (RHNA) objectives.

d. *Objective*: Encourage the development of a hotel to create local jobs, support City of Hope lodging needs, provide community meeting space, and increase tax revenues within the community.

3. GOAL: PEDESTRIAN-ORIENTED DEVELOPMENT

a. *Objective*: Create a development pattern that effectively provides for efficient and comfortable pedestrian movement and connectivity throughout the site.

b. *Objective*: Give precedence to pedestrians and foster multimodal transportation with bicycle, pedestrian, and transit access.

c. *Objective*: Provide supportive commercial uses and an active street frontage on Highland Avenue that facilitates a pedestrian friendly experience and links to other centers in the city.

4. GOAL: SUPERIOR URBAN DESIGN

a. *Objective*: Allow for building types that will achieve desired density ranges to establish a critical mass of residents and employees to support the transit station, maximize transit ridership, and support retail spaces and local employment centers.

b. *Objective*: Minimize setbacks to allow buildings to frame and activate the street.

c. *Objective*: Use trees, shrubs and other landscape and hardscape materials along streets to provide shading, screening, and human scale.

d. *Objective*: Promote high quality architectural design to establish a contemporary design character that creates an identity in the Duarte Station Specific Plan area.

e. *Objective*: Establish context-based standards and guidelines that address specific design concerns while also allowing for creativity and flexibility in development projects.

5. GOAL: OUTDOOR SPACES

a. *Objective*: Provide outdoor spaces—such as an urban green space, public plaza, promenade, or linear park—that provide a transition between the station and the surrounding transit village uses and facilitates pedestrian movement and/or public gathering.

b. *Objective:* Encourage rooftop open space areas to increase the amount and the quality of open space while taking advantage of quality views from the site.

c. *Objective:* Program outdoor space(s) to accommodate the needs of various user groups, such as residents, employees, commuters, and visitors.

6. GOAL: AWARENESS OF SURROUNDING DEVELOPMENT

a. *Objective*: Provide opportunities for new goods and services uses to support surrounding residents, students, and employees within and around the Duarte Station Specific Plan area.

b. *Objective*: Provide for appropriate transitions with adjacent existing lower-intensity residential uses through height limits, articulation and modulation requirements, design guidelines, and landscape requirements.

c. *Objective:* Upgrade the existing streetscape infrastructure and solidify pedestrian connections between the Plan Area, Duarte Station, and critical areas of interest around the site.

d. *Objective*: Consider the future needs of the City of Hope as part of land use planning.

7. GOAL: SUSTAINABLE DEVELOPMENT PRACTICES

a. *Objective:* Encourage transit-oriented development that supports multimodal opportunities and adhere to Levels of Sustainable Development Practices as prescribed in Chapter 19.52 of the City's Development Code.

b. *Objective:* Ensure that construction and demolition waste is disposed of in accordance with all City regulations and standards.

c. *Objective:* Consider building layout, siting, and building design to not preclude alternative energy production on-site.

d. *Objective:* Maximize energy efficiency through local and state standards, indoor environmental quality, energy-efficient lighting, building orientation, shading, and implementation of LEED principles (or similar) and/or attaining LEED Certification.

e. *Objective:* Reduce heat island effect through site planning and selection of landscape and hardscape materials.

f. *Objective:* Incorporate water-efficient design features such as permeable surfaces, collection devices, biofiltration devices, green rooftops, cisterns, berms and swales, and/or green rooftops.

g. *Objective:* Include drought-tolerant and climate-appropriate landscape within the Specific Plan area.

3.0 ENVIRONMENTAL REVIEW/ PUBLIC PARTICIPATION

The City of Duarte conducted an extensive review of this project, which included a Draft SEIR and a Final SEIR, including technical reports, along with a public review and comment period. The following is a summary of the City's environment review of this project:

- Pursuant to the provision of CEQA Guidelines Section 15082, as amended, the City of Duarte circulated a Notice of Preparation (NOP) to public agencies, special districts, and members of the public who had requested such notice for a 30-day period. The NOP was submitted to the State Clearinghouse on March 18, 2019, with the 30-day review period ending on April 16, 2019.

- The NOP public review period ran for 30 days. The City received seven comment letters from State, regional and local public agencies, and the public. The scope of the issues identified in the comments included potential impacts associated with a variety of topical areas.

- The Draft EIR was distributed for public review and a Notice of Availability (NOA) and Notice of Completion (NOC) was filed with the State Clearinghouse on August 27, 2019, for a 45-day review period, which concluded on October 10, 2019.

- The City received a total of seven comment letters from public agencies and the public. Additionally, one verbal question on loading dock locations was received on the Draft SEIR during the Planning Commission hearing of October 21, 2019. The City prepared responses to all written comments. The comments and responses are contained in the Final SEIR.

- In accordance with Public Resources Code Section 21092.5, the City provided written responses to public agencies that commented on the Draft SEIR.

4.0 INDEPENDENT JUDGMENT AND FINDING

The City solicited proposals from independent consultants to prepare the amendment to the Duarte Station Specific Plan and the SEIR. Subsequently, the City selected and retained MIG, Inc. (MIG) to prepare the amended Duarte Station Specific Plan and SEIR. MIG prepared the SEIR under the supervision and direction of the City of Duarte staff. All findings set forth herein are based on substantial evidence in the record as indicated with respect to each specific finding.

FINDING:

The SEIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant and directing the consultant in the preparation of the SEIR. The City has independently reviewed and analyzed the SEIR and accompanying studies and finds that the report reflects the independent judgment of the City.

The City Council has considered all the evidence presented in its consideration of the project and the SEIR, including, but not limited to, the Final SEIR and its supporting studies, written and oral evidence presented at hearings on the project, and written evidence submitted to the City by individuals, organizations, regulatory agencies, and other entities. On the basis of such evidence, the City Council finds that with respect to each environmental impact identified in the review process, the impact: (1) is less than significant and would not require mitigation; or (2) is potentially significant but would be avoided or reduced to a less than significant level by implementation of identified mitigation measures; or (3) would be significant and not fully mitigable but would be, to the extent feasible, lessened by implementation of identified mitigation measures.

The EIR identifies certain significant adverse environmental effects of the project which cannot be avoided or substantially lessened. Prior to approving this project the City Council also adopts a Statement of Overriding Considerations which finds, based on specific reasons and substantial evidence in the record (as specified in Section 7.0), that certain identified economic, social, or other benefits of the project outweigh such unavoidable adverse environmental effects.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY

The City of Duarte Community Development Department conducted an Initial Study in April 2013 to determine significant effects of the original Duarte Station Specific Plan. In the course of this evaluation, certain impacts of the project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects were determined not to be significant and were not analyzed in the SEIR.

FINDING:

The City Council finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, will be less than significant.

AESTHETICS

- Have a substantial adverse effect on a scenic vista
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway

AGRICULTURAL RESOURCES

- Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use
- Conflict with existing zoning for agricultural use, or a Williamson Act contract
- Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104[g])
- Result in the loss of forest land or conversion of forest land to non-forest use
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use

BIOLOGICAL RESOURCES

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites
- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan

CULTURAL RESOURCES

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature
- Disturb any human remains, including those interred outside of formal cemeteries

GEOLOGY AND SOILS

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
    - Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42
    - Strong seismic ground shaking
    - Seismic-related ground failure, including liquefaction
    - Landslides
- Result in substantial soil erosion or the loss of topsoil
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater

HAZARDS AND HAZARDOUS MATERIALS

- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area
- Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands

HYDROLOGY AND WATER QUALITY

- Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map
- Place within a 100-year flood hazard area structures which would impede or redirect flood flows
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam
- Inundation by seiche, tsunami, or mudflow

LAND USE AND PLANNING

- Physically divide an established community

- Conflict with any applicable habitat conservation plan or natural community conservation plan

MINERAL RESOURCES

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan

NOISE

- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels

POPULATION AND HOUSING

- Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere

TRANSPORTATION/TRAFFIC

- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks
- Result in inadequate emergency access

MANDATORY FINDINGS OF SIGNIFICANCE

- Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory

5.2 EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITHOUT MITIGATION IN THE EIR

The Duarte Station Specific Plan SEIR found that the proposed project would have a less than significant impact with respect to the environmental topic areas listed below. A less than significant environmental impact determination was made for each of the following topic areas listed below. A detailed analysis of the topic areas is provided within the SEIR.

FINDING:

The City of Duarte finds that based on substantial evidence in the record, the following impacts, to the extent they result from the project, will be less than significant.

LAND USE

- Implementation of the proposed project could conflict with a Duarte General Plan land use plan or policy.
- Implementation of the proposed project could conflict with the Duarte Municipal Code standards and regulations.
- Development associated with implementation of the proposed project and other related cumulative projects could conflict with applicable land use plans, policies, or regulations.

AESTHETICS

- Implementation of the proposed project could result in significant impacts related to the long-term degradation of the visual character/quality of the site and its surroundings' visual character/quality.

POPULATION AND HOUSING

- Implementation of the proposed project could induce substantial population growth in the City.
- Development associated with implementation of the proposed project and other related cumulative projects could induce substantial population and housing growth in the area.

TRAFFIC

- Implementation of the proposed project could result in a decrease of the performance or safety of public transit, bicycle, or pedestrian facilities as a result of a conflict with adopted policies, plans, or programs.

AIR QUALITY

- Implementation of the proposed project could result in emissions (such as those leading to odor) adversely affecting a substantial number of people.

GREENHOUSE GAS EMISSIONS

- Greenhouse gas emissions generated by development associated with implementation of the proposed project could have a significant impact on global climate change.
- Implementation of the proposed project could conflict with an applicable greenhouse gas reduction plan, policy, or regulation.
- Development facilitated under implementation of the proposed project could energy in a wasteful, inefficient, or necessary way.
- Greenhouse gas emissions generated by implementation of the proposed project and other related cumulative projects could have a significant impact on global climate change.

- Energy consumed by the implementation of the proposed project could be wasteful, inefficient, or unnecessary.

NOISE

- Traffic generated by the proposed project could significantly contribute to existing traffic noise in the area or exceed the City's established standards.
- Implementation of the proposed project could expose on-site receptors to excessive groundborne vibration from metro gold line operations.

HAZARDS AND HAZARDOUS MATERIALS

- Development associated with implementation of the proposed project site could be located on a hazardous materials site per Government Code Section 65962.5 and could create a significant hazard to the public or the environment.

HYDROLOGY, DRAINAGE, AND WATER QUALITY

- Grading, excavation, and construction activities associated with implementation of the proposed project could significantly impact water quality.
- Implementation of the proposed project could result in the depletion of groundwater supplies or interference with groundwater recharge.
- Implementation of the proposed project could result in:
    - Placement of housing within a 100-year flood hazard area as mapped on a federal flood hazard boundary or flood insurance rate map or other flood hazard delineation map;
    - Placement of structures within a 100-year flood hazard area which would impede or redirect flood flows;
    - Exposure if people or structures to a significant risk of loss, injury or death involving flooding including flooding as a result of the failure of a levee or dam; or
    - Exposure of people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow.

POLICE PROTECTION

- Implementation of the proposed project could result in impacts to police services.
- Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts to police services.

PARKS

- Implementation of the proposed project could increase the use of existing parks and recreational facilities creating the potential for physical deterioration of facilities.
- Development associated with implementation of the proposed project and other related cumulative projects could result in cumulatively considerable impacts to parks and recreation facilities in the City.

WATER

- Implementation of the proposed project could create demand for water that exceeds available water supplies from existing entitlements and resources.

SOLID WASTE

- Implementation of the proposed project would generate solid waste that could incrementally decrease the capacity and lifespan of landfills.
- Development associated with implementation of the proposed project and other related cumulative development could result in cumulatively considerable impacts related to solid waste disposal services and landfill capacity.

5.3 EFFECTS DETERMINED TO BE MITIGATED TO LESS THAN SIGNIFICANT LEVELS

The City of Duarte having reviewed and considered the information contained in the SEIR, the Technical Appendices and the administrative record, finds, pursuant to California Public Resources Code 21081 (a)(1) and CEQA Guidelines 15091 (a)(1), that changes or alterations have been required in, or incorporated into, the proposed project, which would avoid or substantially lessen to below a level of significance potentially significant environmental effects identified in the SEIR. The potentially significant adverse environmental impacts that can be mitigated are listed below. The City of Duarte finds that these potentially significant adverse impacts can be mitigated to a level that is considered less than significant after implementation of mitigation measures identified in the SEIR.

AESTHETICS

The project's potential impacts on aesthetics that can be mitigated or are otherwise less than significant are discussed in Section 5.2, Aesthetics, of the SEIR. Identified impacts include short-term visual character/quality, light and glare, and cumulative impacts.

A. CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN SIGNIFICANT IMPACTS RELATED TO TEMPORARY DEGRADATION OF THE VISUAL CHARACTER/QUALITY OF THE SITE AND ITS SURROUNDINGS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term visual character/quality impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the SEIR.

Mitigation Measure:

AES-1 Prior to the issuance of a building permit, each project applicant shall submit a Construction Management Plan for review and approval by the City of Duarte Community Development Director. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s). Staging areas shall be screened from view from residential properties. Construction worker parking may be located off-site with prior approval by the City; however on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A NEW SOURCE OF LIGHT AND/OR GLARE, WHICH COULD AFFECT DAYTIME AND/OR NIGHTTIME VIEWS IN THE AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential light and glare impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

AES-2 Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans.

AES-3 All construction-related lighting shall include shielding in order to direct lighting down and away from adjacent hotel and residential uses and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City for review concurrent with Grading Permit application.

AES-4 As part of Site Plan and Design Review, site access locations shall be reviewed to ensure that vehicle access locations are not sited in a manner that would result in vehicle headlights directly shining onto residential uses. If siting of vehicle access locations would result in headlights directly shining onto residential uses, the project applicant shall implement screening, consistent with the Duarte Station Specific Plan, to reduce lighting impacts.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE AESTHETICS IMPACTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative aesthetic impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure AES-1 through AES-4.

TRAFFIC

The project's potential impacts on traffic that can be mitigated or are otherwise less than significant are discussed in Section 5.4, Traffic, of the SEIR. Identified impacts include impacts to the function of state-controlled intersections in the project area and hazardous traffic conditions.

A. IMPLEMENTATION OF THE PROPOSED PROJECT RESULT IN A HAZARDOUS TRAFFIC CONDITION ASSOCIATED WITH NEIGHBORHOOD PASS-THROUGH TRAFFIC.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential for hazardous traffic conditions have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

TRF-3 When deemed necessary by the City Community Development Director and/or City Engineer, the project applicant(s) shall prepare, implement, and fund a Neighborhood Traffic Management Plan (NTMP), which shall include three components: education, enforcement, and enhancement.

The educational component of the NTMP shall provide the community with a means of understanding traffic management tools and processes and also increase public awareness of the impact that traffic will have on the neighborhood. Educational efforts that could be implemented as part of the NTMP include, but are not limited to, the following:

- Coordination of neighborhood NTMP meetings
- Coordination of a speed watch program
- Coordination of the placement of temporary NTMP yard signs with volunteers
- Design and distribution of NTMP brochures
- Coordination of applicant and/or staff presentations to neighborhood groups

The enforcement component of the NTMP entails focusing law enforcement efforts to acknowledge areas of concern. Enforcement efforts that could be implemented as part of the NTMP include, but are not limited to, the following:

- Increased enforcement
- Real-time speed feedback signs
- Signage ("Entering residential neighborhood…")

The enhancement component of the NTMP consists of non-physical and physical transportation system improvements. Numerous traffic-calming devices may be selected by a neighborhood for placement on a street. Potential improvements that could be implemented by the applicant and/or City of Duarte as part of the NTMP include, but are not limited to, the following:

- Pavement marking/lane narrowing
- Temporary speed tables
- Neckdowns/bulbouts (extensions of curbs/corner sidewalks at an intersection)
- Choker/Chicane (chokers are build-outs added to a road to narrow it, while chicanes are sequences of tight serpentine curves designed to slow roadway traffic)
- Turn movement restrictions
- Diagonal intersection diverters
- Median barrier through intersection
- Forced turn island

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS RELATED TO TRAFFIC AND CIRCULATION

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential for cumulative impacts has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures TRF1 through TRF-3.

AIR QUALITY

The project's potential impacts in air quality that can be mitigated or are otherwise less than significant are discussed in Section 5.5, Air Quality, of the SEIR. Identified impacts include impacts from short-term construction air emissions and cumulative short-term construction air emissions.

A. IMPLEMENTATION OF THE PROPOSED SPECIFIC PLAN COULD RESULT IN A CUMULATIVELY CONSIDREABLE INCREASE IN NON-ATTAINMENT CRITERIA AIR POLLUTANTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts associated with non-attainment criteria air pollutants have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

AIR-2A The City shall require applicants comply with South Coast Air Quality Management District Rule 1113 to reduce VOC emissions from architectural coating applications. Prior to the issuance of a building permit for the Project, the Applicant shall submit, to the satisfaction of the Planning Division, a Coating Restriction Plan (CRP), consistent with South Coast Air Quality Management District (SCAQMD) guidelines. The applicant shall include in any construction contracts and/or subcontracts a requirement that project contractors adhere to the requirements of the CRP. The CRP shall include

a requirement that all interior and exterior residential and non-residential architectural coatings used in project construction meet the SCAQMD "super compliant" coating VOC content standard of less than 10 grams of VOC per liter of coating. The CRP shall also specify the use of high-volume, low pressure spray guns during coating applications to reduce coating waste.

AIR-2B The City shall require all apartment buildings in the plan area be constructed such that no more than 60 percent of units in the structure have fireplaces (natural gas or otherwise). This requirement shall be included in all engineering diagrams and any construction contracts and/or subcontracts. The City Building Department shall review all plans sets to ensure all apartment structures are designed to this specification.

B. IMPLEMENTATION OF THE PROPOSED PROJECT WOULD NOT EXPOSE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

AIR-3 For all new residential units in the project area, the developer shall install, and owner maintain, HVAC systems with air filters that meet or exceed a Minimum Efficiency Rating Value (MERV) of 13 as determined by ASHRAE Standard 52.2 (a Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size). The owner and/or occupant or other designated representative of the residential unit shall maintain and replace air filters according to the manufacturer's specifications.

C. SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN AIR POLLUTANT EMISSION IMPACTS OR EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact associated with short-term construction air emissions has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure AIR-2A.

D. IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN SIGNIFICANT IMPACTS PERTAINING TO OPERATIONAL AIR EMISSIONS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact associated with long-term construction air emissions has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure AIR-2B.

NOISE

The project's potential noise impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.7, Noise, of the SEIR. Identified impacts include long-term stationary noise and cumulative short-term construction noise.

A. THE PROPOSED PROJECT COULD RESULT IN LAND USES THAT MAY BE INCOMPATIBLE WITH THE PROJECT AREA'S EXISTING AMBIENT NOISE ENVIRONMENT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term stationary ambient noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

N-2 Prior to the issuance of a building permit for any development in the project area, the City shall review and approve an acoustical analysis, prepared by or on behalf of the project applicant, and based on the final project design, that:

1) Identifies the exterior noise levels at:
   a. Exterior building facades that face Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW; and
   b. Exterior recreation areas, including patios, that face and have a line of sight to Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW.
2) Identifies the final site and building design features that would:
   a. Attenuate exterior building façade noise levels to interior levels that do not exceed 45 CNEL in habitat rooms and 50 dBA Leq (1-hour) in other occupied rooms. Potential noise insulation site and building design features capable of achieving this requirement may include, but are not limited to:
      - Sound barriers
      - Enhanced exterior wall construction/noise insulation design
      - Use of enhanced window, door, and roof assemblies with above average sound transmission class or outdoor/indoor transmission class values
      - Use of mechanical, forced air ventilation systems to permit a window closed condition in residential units.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN A SIGNIFICANT INCREASE IN LONG-TERM STATIONARY AMBIENT NOISE LEVELS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term stationary ambient noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

N-3 Prior to issuance of building permits, a noise assessment shall be prepared for residential, office, commercial, and enclosed parking garage uses to ensure that any loading dock and/or outdoor mechanical equipment (e.g., heating, ventilation, and air conditioning equipment, dock material lifts, garage fresh air supply and exhaust fans, etc.) would not exceed the City's noise limits identified in *Municipal Code* Section 9.68.050. The noise assessment shall identify any noise control measures necessary to comply with the *Municipal Code* Noise Regulations. Individual project applicants shall implement all noise control measures identified in the assessment.

N-4 Prior to site plan approval, the Community Development Director shall confirm that all applicable building plans and specifications include a closed design (i.e., a solid wall) for the walls of parking structures that are within 75 feet of residences. The closed design is only required for walls that face residences.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN SIGNIFICANT SHORT-TERM NOISE IMPACTS TO NEARBY NOISE SENSITIVE RECEIVERS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term cumulative construction noise impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure N-1 (see Section 5.4 below).

HAZARDS AND HAZARDOUS MATERIALS

The project's potential impacts associated with hazards and hazardous materials that can be mitigated or are otherwise less than significant are discussed in Section 5.8, Hazards and Hazardous Materials, of the SEIR. Identified impacts include impacts related to construction and operational release of hazardous materials and cumulative exposure of hazardous materials.

A. SHORT-TERM CONSTRUCTION ACTIVITIES ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR ENVIRONMENT THROUGH ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential short-term constructed-related hazards impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and Cal OSHA certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.

HAZ-2 If paint is separated from building materials, chemically or physically, during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist before any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City's Building Department.

HAZ-3 An environmental professional with Phase II/site characterization experience shall conduct an inspection of existing on-site structures before building renovation/ demolition activities. The inspection shall determine whether or not testing is required to confirm the presence or absence of hazardous substances in building materials (i.e., sinks, drains, piping, flooring, walls, ceiling tiles, etc.). Should testing be required and results determine that hazardous substances are present in on-site building materials, the Phase II/site characterization specialist shall determine appropriate prevention/remediation measures that are required and/or the methods for proper disposal of hazardous waste at an approved landfill facility, if required.

HAZ-4 As applicable, each project applicant shall obtain appropriate permits from the Los Angeles County Fire Department Health Hazard Management Division (HHMD), before removing any existing USTs, per the Underground Storage Tank Program. The applicant shall conduct soil/groundwater testing, as requested by the HHMD. Should

contamination be present above regulatory thresholds, then the project applicant shall remediate appropriately, as required by the HHMD. Should the HHMD refer the case to any other regulatory agency (e.g., the Department of Toxic Substances Control, or Regional Water Quality Control Board, etc.), then the applicant shall comply with that agency's requirements as well.

HAZ-5 Prior to issuance of a grading permit, soil sampling shall occur within the portions of the project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified Phase II/site characterization specialist. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary. Should further site characterization/remedial activities be required, these activities shall be conducted per the applicable regulatory agency requirements, as directed by the Los Angeles County Fire Department Health Hazard Management Division (HHMD).

HAZ-6 Prior to issuance of a grading permit, an environmental consultant with Phase II/site characterization experience shall conduct sampling in order to confirm whether or not contaminated soil/groundwater underlies the project site. Should contamination above established regulatory levels be identified, the environmental consultant shall recommend remedial activities appropriate for the proposed future development at the site, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD) and/or other applicable agencies.

HAZ-7 Prior to issuance of a grading permit, a Phase II/site characterization specialist shall conduct appropriate sampling along the southern boundary of the project site (Parcel 1) in order to determine whether or not contaminated soil is present. Should contaminated soil be present, the Phase II/site characterization specialist shall recommend appropriate remediation/safety measures in order to ensure worker safety during construction and public health during proposed project operations.

HAZ-8 Prior to issuance of a grading permit, the project applicant shall submit a Worker Safety Plan for site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and Los Angeles County Fire Department Health Hazard Management Division (HHMD). The Worker Safety Plan shall include safety precautions (e.g., personal protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous materials, including potential contaminated groundwater.

HAZ-9 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area;
- Notify the City Engineer of the City of Duarte;
- Secure the area as directed by the City Engineer; and

- Notify the Los Angeles County Fire Department Health Hazard Management Division's (HHMD) Hazardous Waste/Materials Coordinator (or another appropriate agency specified by the City Engineer). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.

B. IMPLEMENTATION OF THE PROPOSED PROJECT COULD CREATE A SIGNIFICANT HAZARD DURING USE OPERATIONS TO THE PUBLIC OR ENVIRONMENT THROUGH THE HANDLING, STORAGE, AND/OR USE OF HAZARDOUS MATERIALS, AS WELL AS ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential operational-related impacts associated with hazards and hazardous materials have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

HAZ-10 Prior to issuance of building permits, vapor intrusion investigations shall be conducted by a qualified Environmental Professional, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD). Should the Environmental Professional determine that proposed buildings could be impacted by vapor intrusion, the Environmental Professional, in consultation with the HHMD and/or other applicable regulatory agencies, shall recommend specific design measures to be incorporated into the buildings' design that would reduce these indoor air quality concentrations to below regulatory thresholds.

C. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD INCREASE THE EXPOSURE OF HAZARDOUS SUBSTANCES TO THE PUBLIC OR THE ENVIRONMENT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts associated with hazards and hazardous materials have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures HAZ-4, HAZ-6, and HAZ-10.

HYDROLOGY, DRAINAGE, AND WATER QUALITY

The project's potential hydrology, drainage, and water quality impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.9, Hydrology, Drainage, and Water Quality, of the Final EIR. Identified impacts include construction, operational, and cumulative hydrology, drainage, and water quality impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN SIGNIFICANT IMPACTS RELATED TO INCREASED RUN-OFF AMOUNTS AND DEGRADED WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential long-term operational impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

HYD-1 Concurrent with Site Plan Review or issuance of a grading permit, whichever comes first, a hydrology review shall be conducted by a Registered Civil Engineer for each development phase to ensure that runoff values for each phase remain at or below existing runoff values in compliance with current State law or other applicable statutes.

B. IMPLEMENTATION OF THE PROPOSED PROJECT ALONG WITH OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS RELATED TO INCREASED RUNOFF AND DEGRADED WATER QUALITY.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative hydrology, drainage, and water quality impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure HYD-1.

FIRE PROTECTION

The project's potential impacts to fire services can be mitigated or are otherwise less than significant are discussed in Section 5.10, Fire Protection, of the SEIR. Identified impacts include those related to fire services and cumulative fire services.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN IMPACTS TO FIRE SERVICES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to fire services have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

FS-1 Adequate access to all buildings on the project site shall be provided and properly maintained for emergency vehicles during the building construction process to the satisfaction of the Los Angeles County Fire Department.

FS-2 Adequate water availability shall be provided to service construction activities.

FS-3 Prior to issuance of building permits, a will-serve letter from the California American Water Company shall be obtained by the project applicant, which states that the Water Company can adequately meet water flow requirements.

FS-4 The Los Angeles County Fire Department shall review and comment on each individual site plan submitted, prior to approval by the City of Duarte. Any conditions required by the Los Angeles County Fire Department shall be complied with by the project applicant.

FS-5 Prior to the issuance of building permits, the project applicant shall provide verification that the project complies with all fire prevention provisions required by the Los Angeles County Fire Department.

FS-6 All new structures shall have automatic fire sprinkler systems.

FS-7 A supervised fire alarm system that meets requirements of the California Fire Code shall be placed in an accessible location with an annunciator.

FS-8 Access to and around structures shall meet Los Angeles County Fire Department and California Fire Code requirements.

FS-9 A water supply system shall be in place to supply fire hydrants and automatic fire sprinkler systems.

FS-10 All traffic signals on public access ways shall include the installation of optical preemption devices.

FS-11 All electric gates within the project shall install emergency opening devices approved by the Los Angeles County Fire Department.

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO FIRE SERVICES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative fire services impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures FP-1 through FP-11.

SCHOOLS

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD RESULT IN IMPACTS TO EXISTING SCHOOL FACILITIES WITHIN THE DUARTE UNIFIED SCHOOL DISTRICT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential impact to school facilities has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

SCH-1 Individual project applicants shall pay all applicable Development Impact Fees to the Duarte Unified School District prior to issuance of building permits. Proof of fee payment shall be provided to the City of Duarte.

B. DEVELOPMENT ASSOCIATED WITH IMPLEMENTATION OF THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO SCHOOL FACILITIES WITHIN THE DUARTE UNIFIED SCHOOL DISTRICT.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impact to school facilities has been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measure SCH-1.

WATER

The project's potential impacts to water that can be mitigated or are otherwise less than significant are discussed in Section 5.14, Water, of the SEIR. Identified impacts include those associated with project and cumulative water demand and facilities.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW WATER FACILITIES OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential increased demand for water supplies and infrastructure have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures:

WAT-1 Prior to approval of building permits, individual project applicants shall conduct a hydraulic analysis in coordination with CAW to determine flow capacity, pumping, and storage requirements to provide water service to the proposed development. The project applicant shall implement the improvements or pay a fair share of an in-lieu fee for those improvements in accordance with CAW requirements. Such payment shall be made prior to issuance of occupancy permits.

WAT-2 Prior to approval of building permits, individual project applicants shall submit site plans to the Los Angeles County Fire Department to obtain fire flow and storage volume requirements for the proposed development. The project applicant shall submit the fire flow and storage volume requirements to the CAW to determine if adequate fire flow and storage capacity exists to serve the proposed development. If fire flow and storage capacity is found to be inadequate, the project applicant shall design and bond for necessary improvements prior to the issuance of building permits and complete all necessary improvements or pay a fair share of an in-lieu fee for those improvements prior to issuance of occupancy permits.

WAT-3 Prior to issuance of occupancy permits, individual project applicants shall pay their fair share of an in-lieu fee by CAW to implement water supply infrastructure improvements determined to be necessary in a capacity study for projected buildout within CAW's Duarte water service area.

B. DEVELOPMENT ASSOCIATED WITH THE PROPOSED PROJECT AND OTHER RELATED CUMULATIVE PROJECTS COULD RESULT IN CUMULATIVELY CONSIDERABLE IMPACTS TO WATER SUPPLIES AND FACILITIES.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

2. The effects identified in the Final EIR have been determined not to be significant.

Facts in Support of Findings

The potential cumulative impacts to water supplies and facilities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the SEIR.

Mitigation Measures: Refer to Mitigation Measures WAT-1, WAT-2, and WAT-3.

WASTEWATER

The project's potential wastewater impacts that can be mitigated or are otherwise less than significant are discussed in Section 5.15, Wastewater, of the SEIR. Identified impacts include increased demand on wastewater conveyance and treatment facilities as a result of the proposed project and cumulative impacts.

A. IMPLEMENTATION OF THE PROPOSED PROJECT COULD GENERATE WASTEWATER THAT EXCEEDS THE CAPACITY OF CONVEYANCE AND TREATMENT FACILITIES SERVING THE PROJECT AREA.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. The effects identified in the SEIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to wastewater conveyance and treatment facilities have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the Final EIR.

Mitigation Measures:

WW-1 Each development project shall conduct a sewer flow monitoring study and submit the study to the City Engineer for review and approval prior to approval of building permits. The study shall review flows at selected off-site manholes, both upstream and downstream of the point of connection, to determine the capacity of the local and regional system to accept project-related flows. The project applicant shall be responsible to implement the recommendations in the study to ensure that off-site systems operate in accordance with the Los Angeles County Department of Public Works and County Sanitation Districts of Los Angeles County standards.

WW-2 Each development project shall design and construct on-site and off-site sewer lines in compliance with the Los Angeles County Public Works Department and County Sanitation Districts of Los Angeles County standards.

5.4 ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION AND FINDINGS

The City of Duarte, having reviewed and considered the information contained in the SEIR, Technical Appendices and the administrative record, finds, pursuant to Public Resources Code 21081(a)(3) and CEQA Guidelines 15091(a)(3), that specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the SEIR and, therefore, the project would cause significant unavoidable impacts in the categories of Traffic (project and cumulative project intersection operations); Air Quality (consistency with the South Coast Air Quality Management District [SCAQMD AQMP]); and Noise (short-term construction noise).

TRAFFIC

Project and Cumulative Project Intersection Operations. Implementation of the proposed project could cause a significant increase in traffic at study intersections under existing plus project conditions when compared to the traffic capacity of the street system.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. However, after implementation of mitigation measures contained in the SEIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

The addition of project-generated trips is forecast to result in a significant traffic impact at the following City study intersection for forecast existing with project conditions:

- Buena Vista Street and Duarte Road (PM peak hours)

The addition of project-generated trips to existing conditions is also forecast to result in a significant traffic impact at the following unsignalized study intersections:

- Interstate-210 westbound (I-210 WB) Off-ramp & Central Avenue (AM peak hours)
- Village Road & Duarte Road (PM peak hours)

A mitigation measure was analyzed for the intersection of Buena Vista Street and Duarte Road involving a modification to the northbound approach on Buena Vista Street to add a right-turn lane. This mitigation would require the widening of the northbound leg to accommodate the additional lane. However, applying this mitigation measure would still not reduce impacts to less than significant levels, as shown in *Table 5.4-14, Mitigated Existing Year (2018) With Project Conditions AM and PM Peak Hour All Study Intersection Level of Service*. In addition, this

measure would require modifications of the road right-of- way, which contains the Metro Gold Line tracks to the north and private property to the south. Therefore, this measure was deemed infeasible. Impacts would remain significant and unavoidable.

As stated in the Traffic Impact Analysis for the project, contained in Appendix D of the SEIR and incorporated herein by reference (Fehr and Peers 2019), the City of Hope is implementing the following road improvements as part of a Specific Plan to construct a new hospital:

- I-210 westbound off-ramp and Central Avenue – Install a traffic signal per the design specifications of the City Engineer. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.

- Village Road & Duarte Road – Install a traffic signal per the design specifications of the City Engineer. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.

With implementation of these improvements, impacts of the proposed project on these two intersections would be reduced to less than significant levels.

Furthermore, the City of Duarte wants to ensure that freeway on- and off-ramp impacts associated with future development within the plan area remain consistent with these conclusions, and as such, Mitigation Measure TRF-1 requires that future project applicants prepare traffic studies for proposed development within the Duarte Station Specific Plan Area pursuant to CEQA and the CEQA Guidelines.

As under Existing Plus Project conditions, the proposed project would result in a significant impact on Future Year 2025 Plus Project Conditions at the same intersections discussed above. The proposed project would result in a significant impact on Future Year 2025 Plus Project Conditions at the following additional intersection:

- Highland Avenue/Huntington Drive (PM peak hour only)

Mitigation Measure TRF-2 would address the future significant traffic impacts at this intersection and reduce impacts to less than significant levels.

In summary, impacts on the intersection of Buena Vista Street and Duarte Road remain significant and unavoidable under existing and future year 2025 conditions because mitigation measures are not feasible at this intersection. All other significant traffic impacts can be mitigated to less than significant levels.

Mitigation Measures:

TRF-1 All project applicants within the Duarte Station Specific Plan Area shall prepare and submit at their time of their development application to the Community Development

Department a traffic study that: 1) documents the project-related trips and provides a comparative review with the analysis in this EIR, and 2) uses the Highway Capacity Manual (HCM) intersection analysis methodology to determine whether the individual project increases the average delay per vehicle intersections having an existing unacceptable level of service without project traffic.

TRF-2 Highland Avenue and Huntington Drive – Modify the northbound approach and southbound approach signal on Highland Avenue by adding an overlap phase for both right-turn approaches. This mitigation will require a modification to the lane geometry through the striping of northbound and southbound right-turn lanes. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.

AIR QUALITY

Consistency with the SCAQMD AQMP. Implementation of the proposed project could conflict with the South Coast Air Quality Management District's (SCAQMD) 2016 Air Quality Management Plan (AQMP).

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in SEIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. Although the proposed Specific Plan would not exceed the SCAQMD's regional significance thresholds and Localized Significance Thresholds (LSTs) after the implementation of Mitigation Measures AIR-2A and AIR-2B, the overall growth facilitated under buildout conditions would exceed those accounted for in the AQMP. Impacts would remain significant and unavoidable.

Facts in Support of Findings

Implementation of the proposed project, along with other City projects that have been approved, would exceed the growth assumptions contained in AQMP. As such, the proposed amended Specific Plan would result in growth in the City that is inconsistent with the underlying assumptions used to develop strategies in the AQMP to bring the South Coast Air Basin (SCAB) into attainment for criteria air pollutants. As such, implementation of the proposed Specific Plan would conflict with the SCAQMD 2016 AQMP.

Buildout of the amended Specific Plan would not result in the emission of criteria air pollutants that would exceed SCAQMD regional or (LSTs) after the implementation of Mitigation Measure AIR-2A and AIR-2B. In developing its CEQA significance thresholds, the SCAQMD considered the emission levels at which a project's individual emissions would be cumulatively considerable. Since the proposed Specific Plan would not exceed the SCAQMD regional or LST thresholds, the

project would not increase the frequency or severity of an air quality standards violation or cause a new one.

Although the proposed Specific Plan would not exceed the SCAQMD's regional and LST significance thresholds after the implementation of Mitigation Measures AIR-2A and AIR-2B, the overall growth facilitated under buildout conditions would exceed those accounted for in the AQMP. Since buildout of the Specific Plan would ultimately increase the total mass emission of criteria air pollutants in the SCAB, the project would conflict with the implementation of the SCAQMD 2016 AQMP. This impact would be significant and unavoidable even with the incorporation of feasible mitigation measures.

NOISE

Short-Term Construction Noise. Grading and construction associated with implementation of the proposed project could result in significant temporary noise impacts to nearby noise sensitive receivers.

Findings

1. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. Impacts associated with project implementation have been reduced to the extent feasible. However, even after implementation of mitigation measures contained in the SEIR, the impacts would constitute a significant and unavoidable impact.

Facts in Support of Findings

Construction noise impacts generally occur when construction activities occur in areas immediately adjoining noise-sensitive land uses, during noise-sensitive times of the day, or when construction durations last over extended periods of time. Construction activities associated with the proposed project would occur in multiple phases and may last several years in total. The closest that construction activities could occur to nearby sensitive receptors would be:

- Approximately 25 feet from single family residences on Three Ranch Road, directly adjacent to the Planning Area's western boundary. A six-foot-tall concrete block wall separates these residences from the project sire.
- Approximately 25 feet from single family residences on Denning Avenue, Glenford Avenue, and Business Center Drive, directly adjacent to the site's northern boundary.

The above distances are measured from the edge of the project boundary to the closest sensitive receptor locations (i.e., houses); however, the majority of potential construction activities would occur at distances of 100 to 400 feet or more from the nearest sensitive receptors and would not be expected to interfere with normal residential activities.

The demolition, site preparation, and grading phases typically result in the highest temporary noise levels due to the use of heavy-duty equipment such as dozers, excavators, graders, loaders, scrapers, and trucks. The worst-case Leq and Lmax noise levels associated with the

operation of a dozer, excavator, scraper, etc., are predicted to be approximately 87 and 91 dBA, respectively, at a distance of 25 feet from the equipment operating area. At an active construction site, it is not uncommon for two or more pieces of construction equipment to operate at the same time and in close proximity. The concurrent operation of two or more pieces of construction equipment would result in noise levels of approximately 90 to 94 dBA at a distance of 25 feet from equipment operating areas.

The magnitude of each individual future project's temporary and periodic increase in ambient noise levels would be dependent upon a number of project-specific factors that are not known at this time, including: the amount and type of equipment being used; the distance between the area where equipment is being operated and the location of the specific land use, receptor, etc. where noise levels are being evaluated; the time of day construction activities are occurring; the presence or absence of any walls, buildings, or other barriers that may absorb or reflect sound waves, the total duration of the construction activities, and the existing ambient noise levels near construction areas. For example, a noise level of 94 dBA Lmax would be similar to typical Lmax levels measured in and near the planning area, but sustained Leq levels of 90 dBA would be approximately 19 to 36 dBA above daytime ambient conditions in and near the planning area.

The implementation of Mitigation Measure N-1 would reduce construction noise associated with future development by requiring the preparation of a construction noise management plan that would include limiting construction to the less noise sensitive periods of the day (i.e., between the hours of 7:00 AM and 10:00 PM per *Municipal Code* Section 9.68.120) and ensuring that proper operating procedures are followed during construction so that nearby sensitive receptors are not adversely affected by noise and vibration. However, the specific details (e.g., timing/duration, sequencing, grading volumes, and exact proximity to receptors, etc.) of future construction activities are not known at this time. As a result, construction has the potential to occur in close proximity to existing sensitive receptors to the west and north. Therefore, despite the implementation of Mitigation Measure N-1, construction noise impacts would remain significant and unavoidable.

Mitigation Measures:

N-1 Individual project applicants shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses and schools) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. These measures shall include, but not be limited to the following:

- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust.
- The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions.
- Stationary equipment shall be placed to maintain the greatest possible distance to the sensitive receptors.
- All equipment servicing shall be performed to maintain the greatest possible distance to the sensitive receptors.

- During construction, electrical hook-ups shall be provided in work areas to avoid the use of stationary, diesel- or other alternatively fueled power generators
- Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible.
- Select demolition methods to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers).
- Construction truck traffic, including soil hauling, equipment deliveries, potential concrete deliveries, and other vendor deliveries shall follow designated delivery routes prepared for the project, which are anticipated to include Duarte Road and Highland Avenue. The use of Evergreen Avenue and Business Center Drive for deliveries shall be avoided when feasible.
- Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section *9.68.120* (7:00 AM and 10:00 PM).
- Each project applicant shall provide, to the satisfaction of the City of Duarte Planning Department, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the compliant, as deemed acceptable by the Duarte Planning Department. Notices shall be sent to residential units immediately surrounding the construction site. The notices that are sent and the signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.

5.5 ALTERNATIVES TO THE PROPOSED PROJECT

The Draft SEIR addresses the environmental effects of alternatives to the proposed project. A description of these alternatives, a comparison of their environmental impacts to the proposed project, and the City's findings are listed below. These alternatives are compared against the project relative to the identified project impacts, summarized in the sections above, to the project objectives, as stated in Section 3.0, Project Description, of the Draft SEIR.

In making the following alternatives findings, the City of Duarte certifies that it has independently reviewed and considered the information on alternatives provided in the Draft SEIR, including the information provided in the comments on the Draft SEIR and the responses thereto.

ALTERNATIVE ONE – EXISTING ZONING (NO PROJECT)

This scenario assumes that the amended Duarte Station Specific Plan would not be implemented. Instead, development would be governed by the existing Duarte Station Specific Plan, which

allows up to 475 residential units, 400,000 square feet (sf) of office space, 12,000 sf of retail, and a 250-room hotel.

Under this alternative, no current development application would be in place. Existing on-site industrial uses would continue to operate as they do currently until such time as property owners choose to redevelop their properties in conformance with the existing adopted Duarte Station Specific Plan.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Compared to the proposed project, the Existing Zoning alternative results in fewer impacts relative to traffic, greenhouse gas emissions, noise, and hazards and hazardous materials. Greater impacts would be anticipated for land use, population and housing, and public services and utilities. Impacts associated with aesthetics, air quality, and hydrology, drainage, and water quality would be equivalent. Significant unavoidable impacts related to traffic, air quality, and noise impacts would also occur with this alternative.

The Existing Zoning would not fully implement the overarching goals of the proposed project to provide a mixture of land use, an economically feasible development, traditional pedestrian-oriented street pattern, and awareness of surrounding development. The goals of superior urban design, outdoor spaces, and sustainable development practices could be achieved.

ALTERNATIVE TWO – ALL RESIDENTIAL

Alternative Two would include only high-density residential development at a density of up to 90 dwelling units per acre, yielding 1,700 dwelling units. It is assumed that this alternative would have similar acreages for recreation/open space and roads as the proposed project.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Compared to the proposed project, the All Residential alternative would result in similar impacts relative to aesthetics and hydrology, drainage, and water quality. The All Residential alternative results in fewer impacts to traffic, air quality, greenhouse gas emissions, noise, and hazardous materials. Greater impacts would be anticipated for land use, population and housing, and public

services and utilities. Significant unavoidable impacts related to traffic and noise would be reduced, but not eliminated, and impacts related to air quality would remain the same.

The All Residential alternative meets Goals 4, 5, and 7 and does not fully meet Goals 1, 2, 3, and 6.

ALTERNATIVE THREE – ADAPTIVE REUSE

Alternative Three would involve the adaptive reuse, or repurposing, of a portion (approximately half) of the existing 313,955 square feet of industrial and warehouse space with office and commercial space, along with construction of 700 new residential units and hospitality uses, including a 250-room hotel. It is assumed that building heights would be the same as existing conditions for the adaptive reuse portions of the site (thus lower than the proposed project) but consistent with heights associated with the proposed project for new construction.

Findings

1. The findings of the proposed project set forth in this document and the overriding social, economic, and other issues set forth in the Statement of Overriding Considerations provide support for the proposed project and the elimination of this alternative from further consideration.

Facts in Support of Findings:

Compared to the proposed project, the Adaptive Reuse alternative would result in similar impacts relative to aesthetics, hazards, and hydrology, drainage, and water quality. The Adaptive Reuse Alternative would result in fewer impacts to air quality, greenhouse gas emissions, noise, and public utilities and services. Greater impacts would be anticipated for land use, population and housing, and traffic. Significant unavoidable impacts related to traffic, air quality, and noise impacts would also occur with this alternative.

The Adaptive Reuse Alternative meets Goals 1, 2, and 5 but does not fully meet Goals 3, 4, 6, and 7.

6.0 CERTIFICATION OF THE FINAL EIR

The City Council declares that no new significant information, as defined by the CEQA Guidelines Section 15088.5, has been received by the City Council after circulation of the SEIR that would require recirculation.

The City Council certifies the Subsequent Environmental Impact Report based on the following findings and conclusions.

6.1 FINDINGS

The project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the SEIR and will require mitigation as set

forth in the Findings. Significant adverse impacts which cannot be mitigated to a level of insignificance after mitigation include traffic, air quality, and noise.

6.2 CONCLUSIONS

1. Except as to those impacts stated above relating to traffic, air quality, and noise, all other significant environmental impacts from the implementation of the proposed project have been identified in the SEIR and, with implementation of the mitigation measures identified, will be mitigated to less than significant levels.

2. Alternatives to the proposed project which could potentially achieve the basic objectives of the proposed project have been considered and rejected in favor of the proposed project. The All Residential alternative would have greater impacts on land use and population and housing, as it would not provide for a flexible mix of land uses within the plan area, which is identified as a clear goal in the Land Use Element and would not provide new employment opportunities. The All Residential alternative does not fully meet project Objectives 1a and 1b, Objectives 2a and 2d, Objective 3c, or Objective 6a for a mixture of land uses including commercial uses; there would be no provision for retail uses to support either the surrounding neighborhood or the Gold Line Station. The Adaptive Reuse alternative would allow less housing at the project site than the proposed project. Therefore, impacts on land use and population and housing would be greater under this alternative and this alternative would less effectively meet project objectives to provide housing in the area. The Existing Zoning (No Project) alternative would provide for significantly less housing than the proposed project and would not fully implement the overarching goals of the proposed project to provide a mixture of land uses, an economically feasible development, a traditional pedestrian-oriented street pattern, and awareness of surrounding development. Greater traffic impacts would also be anticipated with the Adaptive Reuse Alternative. The proposed project is the Environmentally Superior Alternative, as no feasible alternative exists that both would provide all of the benefits to the public of the project and reduce environmental impacts when compared to the proposed project.

3. Environmental, economic, social, and other considerations and benefits derived from the development of the proposed project, as further discussed in Section 7.0, override and make infeasible any alternatives to the proposed project or further mitigation measures beyond those incorporated into the proposed project.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

7.1 INTRODUCTION

The City of Duarte (the "City") is the Lead Agency under CEQA for preparation, review, and certification of the SEIR for the Duarte Station Specific Plan (the "project"). As the Lead Agency,

the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant, and which can be mitigated through imposition of mitigation measures to avoid or minimize those impacts to a level of less than significant. CEQA then requires the Lead Agency to balance the benefits of a proposed action against its significant unavoidable adverse environmental impacts in determining whether to approve the proposed project. In making this determination the City is guided by CEQA Guidelines Section 15093, which provides as follows:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal (sic) project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in an EIR and thereby leave significant unavoidable effects, the public agency must also find that overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

Pursuant to Public Resources Code Section 21081(b) and the CEQA Guidelines Section 15093, the City has balanced the benefits of the project against the following unavoidable adverse impacts associated with the project and has adopted all feasible mitigation measures with respect to these impacts. The City also has examined alternatives to the project, none of which both meet the project objectives and is environmentally preferable to the project for the reasons discussed in the Statement of Facts and Findings (above).

The City Council, having reviewed and considered the information contained in the amended Duarte Station Specific Plan, the Final Subsequent EIR, Responses to Comments, and the public record in its entirety, adopts the following Statement of Overriding Considerations that have been balanced against the unavoidable adverse impacts in reaching a decision on this project.

7.2 SIGNIFICANT UNAVOIDABLE IMPACTS

Although all potential project impacts have been substantially avoided or mitigated as described in the preceding findings, there is no complete mitigation for the following project impacts:

- Traffic: Project and Cumulative Project Intersection Operations (Buena Vista Street/Duarte Road)
- Air Quality: Consistency with the South Coast Air Quality Management District's (SCAQMD) Air Quality Management Plan (AQMP)
- Noise: Short-Term Construction Noise

Details of these significant unavoidable adverse impacts were discussed in the SEIR and are summarized or were otherwise provided in the Statement of Facts and Findings (above).

7.3 OVERRIDING CONSIDERATIONS

To the extent that the significant effects of the project are not avoided or substantially lessened to below a level of significance, the City Council, having reviewed and considered the information contained in the SEIR and the public record, and having balanced the benefits of the project against the unavoidable effects which remain, finds such unmitigated effects to be acceptable in view of the following overriding economic, social and other considerations, each of which the City Council finds is individually sufficient to justify issuance of a Statement of Overriding Considerations:

1. The City Council finds that each of the specific economic, legal, social, technological, environmental, and other considerations, and the benefits of the project separately and independently outweigh these remaining significant, adverse impacts and is an overriding consideration independently warranting approval of the project. The remaining significant adverse impacts identified in Section 7.2, above are acceptable in light of each of these overriding considerations, and the substantial evidence that supports the enumerated benefits of the project can be found in the Statement of Facts and Findings herein, the Final Subsequent EIR, the project itself, and the record of all proceedings in connection with the approval of the project. In the event that any court decision or regulatory action results in a determination that there are additional remaining significant impacts resulting from the City's approval of the project that cannot be avoided even with the incorporation of all feasible mitigation measures into the project, the Statement of Facts and Findings and Statement of Overriding Considerations herein shall be deemed to apply to such additional remaining significant impacts.

2. The project establishes various objectives that will improve the project site and provide a benefit to the community, namely:

    - Develop a flexible mixed-use land use pattern that incorporates retail, office, and residential opportunities that will effectively complement each other and provide maximum land use efficiency, while providing economic and social benefits to all users.
    - Program retail uses that are neighborhood- and transit-station serving.

- Provide flexible non-residential spaces that can be adjusted to respond to shifts in market demand and allow options throughout various economic cycles and scenarios.
- Create a range of residential unit types that will be accessible to residents of all income levels.
- Provide residential opportunities to assist the City of Duarte in meeting its Regional Housing Needs Allocation (RHNA) objectives.
- Encourage the development of retail land uses to create local jobs and increase tax revenues within the community.
- Give precedence to pedestrians while keeping streets narrow to foster multimodal transportation with bicycle, pedestrian, and transit access.
- Allow for building types that will achieve desired density ranges to establish a critical mass of residents and employees to support the transit station, maximize transit ridership, and support retail spaces and local employment centers.
- Minimize setbacks to allow buildings to frame and activate the street.
- Use trees, shrubs and other landscape and hardscape materials along streets to provide shading, screening, and human scale.
- Promote quality architectural design to establish a consistent contemporary design character that creates an identity in the Duarte Station Specific Plan area.
- Provide singular or multiple outdoor spaces, such as an urban green space or public plaza that provides a transition between the station and the surrounding transit village uses in order to provide a public gathering space.
- Program outdoor space(s) to accommodate the needs of various user groups, such as residents, employees, commuters, and visitors.
- Create a center that provides desired goods and services to surrounding residents, students, and employees within and surrounding the Duarte Station Specific Plan area.
- Provide specific setbacks, height limitations, upper story step-backs, and landscape requirements to afford adjacent residences privacy and separation from larger buildings.
- Consider the future needs of the City of Hope as part of land use planning.
- Identify the level of development proposed within the Specific Plan area and adhere to Levels of Sustainable Development Practices as prescribed in Chapter 19.52 of the City's Development Code.
- Ensure that construction and demolition waste is disposed of in accordance with all City regulations and standards.
- Consider building layout, siting, and building design to not preclude alternative energy production on-site.
- Maximize energy efficiency through local and state standards, indoor environmental quality, energy-efficient lighting, building orientation, shading, and implementation of LEED principles and/or attaining LEED Certification.
- Reduce heat island effect through site planning and selection of landscape and hardscape materials.
- Incorporate water-efficient design features such as permeable surfaces, collection devices, biofiltration devices, green rooftops, cisterns, berms and swales, and/or green rooftops.
- Include climate-adapted landscape within the Specific Plan area.

3. The proposed Specific Plan establishes the general type, parameters, and character of the development in order to develop an integrated Transit Oriented Development (TOD) that is compatible with the surrounding area.

4. The amended Specific Plan provides flexibility for property owners to respond to market conditions and create a transit village that focuses on residential uses with opportunity sites for job-intensive office uses, retail, and urban green space.

5. The project will enhance the aesthetic environment by replacing existing industrial uses with new buildings and providing increased and improved landscaping and open space areas. The project will provide pedestrian connections to Metro's Gold Line Station.

6. The project will positively contribute to the economic vitality and revitalization in the City by developing a project that supports a market driven economy, creates a mixed-use environment, and redevelops an underutilized site with the highest and best use.

7. The project integrates public transportation and residential and non-residential development, increasing pedestrian activity within the area and reducing automobile use. The TOD supports the goal of reducing traffic and greenhouse gas emissions from cars. The project would include connective walkways and pedestrian routes between and among future uses, including Metro's Gold Line Station, so as to minimize the need for residents to use a car.

8. The project incorporates objectives and visioning efforts for the area and reflects the intent of the TOD Corridor Development Assessment and Duarte Gold Line Station Areas Vision studies. Furthermore, the project is intended to implement the City of Duarte's General Plan.

9. The project involves TOD in a Transit Priority Area (TPA) identified in the Southern California Association of Governments (SCAG's) 2016-2040 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS).

Therefore, the Duarte City Council, having reviewed and considered all information contained in the SEIR and the public record, adopts the Statement of Overriding Considerations that has been balanced against the unavoidable adverse impacts in reaching a decision on this project.

MITIGATION MONITORING AND REPORTING PROGRAM
DUARTE STATION SPECIFIC PLAN
Exhibit B-1
Approved by City Council on XXXX, 2019

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
Aesthetics			
AES-1 Prior to the issuance of a building permit, each project applicant shall submit a Construction Management Plan for review and approval by the City of Duarte Community Development Director. The Construction Management Plan shall, at a minimum, indicate the equipment and vehicle staging areas, stockpiling of materials, fencing (i.e., temporary fencing with opaque material), and construction haul route(s). Staging areas shall be screened from view from residential properties. Construction worker parking may be located off-site with prior approval by the City; however, on-street parking of construction worker vehicles on residential streets shall be prohibited. Vehicles shall be kept clean and free of mud and dust before leaving the development site. Surrounding streets shall be swept daily and maintained free of dirt and debris.	Plan Check & Site Inspection	Prior to Issuance of Building Permits & During Construction	Applicant & Construction Contractor
AES-2 Construction equipment staging areas shall use appropriate screening (i.e., temporary fencing with opaque material) to buffer views of construction equipment and material, when feasible. Staging locations shall be indicated on Final Development Plans and Grading Plans	Plan Check & Site Inspection	Prior to Issuance of Grading Permits & During Construction	Applicant & Construction Contractor
AES-3 All construction-related lighting shall include shielding to direct lighting down and away from adjacent hotel and residential uses and consist of the minimal wattage necessary to provide safety at the construction site. A construction safety lighting plan shall be submitted to the City for review concurrent with Grading Permit application.	Plan Check & Site Inspection	Prior to Issuance of Grading Permits & During Construction	Applicant & Construction Contractor
AES-4 As part of Site Plan and Design Review, site access locations shall be reviewed to ensure that vehicle access locations are not sited in a manner that would result in vehicle headlights directly shining onto residential uses. If siting of vehicle access locations would result in headlights directly shining onto residential uses, the project applicant shall implement screening, consistent with the Duarte Station Specific Plan, to reduce lighting impacts.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval	Applicant
Traffic			
TRF-1 All project applicants within the Duarte Station Specific Plan Area shall prepare and submit at their time of their development application to the Community Development Department a traffic study that: 1) documents the project-related trips and provides a comparative review with the analysis in this EIR, and 2) uses the Highway Capacity Manual (HCM) intersection analysis methodology to determine whether the individual project increases the average delay per vehicle intersections having an existing unacceptable level of service without project traffic.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval	Applicant
TRF-2 Highland Avenue and Huntington Drive – Modify the northbound approach and southbound	Site Inspection	Prior to Issuance of	Applicant; Director

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
approach signal on Highland Avenue by adding an overlap phase for both right-turn approaches. This mitigation will require a modification to the lane geometry through the striping of northbound and southbound right-turn lanes. This improvement shall be accomplished prior to the issuance of occupancy permits for the first development within the Specific Plan or as otherwise directed by the City Traffic Engineer. Costs of the improvement may be shared by other projects, as determined by the Community Development Director.		Occupancy Permits for First Approved Project	for any cost-sharing arrangements
TRF-3 When deemed necessary by the City Community Development Director and/or City Engineer, the project applicant(s) shall prepare, implement, and fund a Neighborhood Traffic Management Plan (NTMP), which shall include three components: education, enforcement, and enhancement. The educational component of the NTMP shall provide the community with a means of understanding traffic management tools and processes and also increase public awareness of the impact that traffic will have on the neighborhood. Educational efforts that could be implemented as part of the NTMP include, but are not limited to, the following: • Coordination of neighborhood NTMP meetings • Coordination of a speed watch program • Coordination of the placement of temporary NTMP yard signs with volunteers • Design and distribution of NTMP brochures • Coordination of applicant and/or staff presentations to neighborhood groups The enforcement component of the NTMP entails focusing law enforcement efforts to acknowledge areas of concern. Enforcement efforts that could be implemented as part of the NTMP include, but are not limited to, the following: • Increased enforcement • Real-time speed feedback signs • Signage ("Entering residential neighborhood...") The enhancement component of the NTMP consists of non-physical and physical transportation system improvements. Numerous traffic-calming devices may be selected by a neighborhood for placement on a street. Potential improvements that could be implemented by the applicant and/or City of Duarte as part of the NTMP include, but are not limited to, the following: • Pavement marking/lane narrowing • Temporary speed tables • Neckdowns/bulbouts (extensions of curbs/corner sidewalks at an intersection) • Choker/Chicane (chokers are build-outs added to a road to narrow it, while chicanes are sequences of tight serpentine curves designed to slow roadway traffic) • Turn movement restrictions	Based on Public Complaint or Ongoing Observation by City Staff	Ongoing	Applicant, under the direction of City staff

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
• Diagonal intersection diverters • Median barrier through intersection • Forced turn island			
Air Quality			
AIR-2A The City shall require applicants comply with South Coast Air Quality Management District Rule 1113 to reduce VOC emissions from architectural coating applications. Prior to the issuance of a building permit for the Project, the Applicant shall submit, to the satisfaction of the Planning Division, a Coating Restriction Plan (CRP), consistent with South Coast Air Quality Management District (SCAQMD) guidelines. The applicant shall include in any construction contracts and/or subcontracts a requirement that project contractors adhere to the requirements of the CRP. The CRP shall include a requirement that all interior and exterior residential and non-residential architectural coatings used in project construction meet the SCAQMD "super compliant" coating VOC content standard of less than 10 grams of VOC per liter of coating. The CRP shall also specify the use of high-volume, low pressure spray guns during coating applications to reduce coating waste.	Plan Check & Site Inspection	Prior to Issuance of Building Permits & during Construction	Applicant & Construction Contractor
AIR-2B The City shall require all apartment buildings in the plan area be constructed such that no more than 60 percent of units in the structure have fireplaces (natural gas or otherwise). This requirement shall be included in all engineering diagrams and any construction contracts and/or subcontracts. The City Building Department shall review all plans sets to ensure all apartment structures are designed to this specification.	Plan Check & Site Inspections	Prior to Issuance of Building Permits & during Construction	Applicant & Construction Contractor
AIR-3 For all new residential units in the project area, the developer shall install, and owner maintain, HVAC systems with air filters that meet or exceed a Minimum Efficiency Rating Value (MERV) of 13 as determined by ASHRAE Standard 52.2 (a Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size). The owner and/or occupant or other designated representative of the residential unit shall maintain and replace air filters according to the manufacturer's specifications. This measure shall be printed on construction drawings and included as a requirement of the construction contract for new residential buildings. This measure shall also be recorded in a Notice to Property Owner for the Duarte Station Specific Plan units and for each new residential property within the Project area. City Planning staff shall confirm that HVAC units and MERV-13 filters (or better) are installed in accordance with this measure prior to final sign off on construction for all new residential units. City Planning staff shall also review and approve of the Notice to Property Owner language and ensure recordation prior to final sign-off on construction of new residential units in the project area.	Plan Check & Site Inspections	Prior to Issuance of Building Permits, during Construction, & Prior to Issuance of Occupancy Permits	Applicant & Construction Contractor
Noise			
N-1 Individual project applicants shall prepare a construction noise management plan that identifies measures to be taken to minimize construction noise on surrounding sensitive receptors (e.g., residential uses and schools) and includes specific noise management measures to be included into project plans and specifications subject to review and approval by the City. These measures shall	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
include but not be limited to the following: • All construction equipment shall All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) no less effective than those provided on the original equipment and no equipment shall have an un-muffled exhaust. • The City shall require that the contractor maintain and tune-up all construction equipment to minimize noise emissions. • Stationary equipment shall be placed to maintain the greatest possible distance to the sensitive receptors. • All equipment servicing shall be performed to maintain the greatest possible distance to the sensitive receptors. • During construction, electrical hook-ups shall be provided in work areas to avoid the use of stationary, diesel- or other alternatively fueled power generators • Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electronically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used where feasible, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever feasible. • Select demolition methods to minimize vibration, where possible (e.g., sawing masonry into sections rather than demolishing it by pavement breakers). • Construction truck traffic, including soil hauling, equipment deliveries, potential concrete deliveries, and other vendor deliveries shall follow designated delivery routes prepared for the project, which are anticipated to include Duarte Road and Highland Avenue. The use of Evergreen Avenue and Business Center Drive for deliveries shall be avoided when feasible. • Construction activities shall not take place outside of the allowable hours specified by the City's Municipal Code Section 9.68.120 (7:00 AM and 10:00 PM). Each project applicant shall provide, to the satisfaction of the City of Duarte Planning Department, a qualified "Noise Disturbance Coordinator." The Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Disturbance Coordinator shall notify the City within 24 hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, malfunctioning muffler, etc.) and shall implement reasonable measures to resolve the compliant, as deemed acceptable by the Duarte Planning Department. Notices shall be sent to residential units immediately surrounding the construction site. The notices that are sent and the signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator.			
N-2 Prior to the issuance of a building permit for any development in the project area, the City shall review and approve an acoustical analysis, prepared by or on behalf of the project applicant, and	Plan Check & Site Inspection	Prior to the Issuance of Building Permits &	Applicant & Construction

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
based on the final project design, that: 1) Identifies the exterior noise levels at: a) Exterior building facades that face Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW; and b) Exterior recreation areas, including patios, that face and have a line of sight to Evergreen Street/I-210, Highland Avenue, and Duarte Road/the Metro Gold Line ROW. 2) Identifies the final site and building design features that would: a) Attenuate exterior building façade noise levels to interior levels that do not exceed 45 CNEL in habitat rooms and 50 dBA Leq (1-hour) in other occupied rooms. Potential noise insulation site and building design features capable of achieving this requirement may include, but are not limited to: 1) Sound barriers 2) Enhanced exterior wall construction/noise insulation design 3) Use of enhanced window, door, and roof assemblies with above average sound transmission class or outdoor/indoor transmission class values 4) Use of mechanical, forced air ventilation systems to permit a window closed condition in residential units		During Construction	Contractor
N-3 Prior to issuance of building permits, a noise assessment shall be prepared for residential, office, commercial, and enclosed parking garage uses to ensure that any loading dock and/or outdoor mechanical equipment (e.g., heating, ventilation, and air conditioning equipment, dock material lifts, garage fresh air supply and exhaust fans, etc.) would not exceed the City's noise limits identified in Municipal Code Section 9.68.050. The noise assessment shall identify any noise control measures necessary to comply with the Municipal Code Noise Regulations. Individual project applicants shall implement all noise control measures identified in the assessment.	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor
N-4 Prior to site plan approval, the Community Development Director shall confirm that all applicable building plans and specifications include a closed design (i.e., a solid wall) for the walls of parking structures that are within 75 feet of residences. The closed design is only required for walls that face residences.	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor
Hazards and Hazardous Materials			
HAZ-1 Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and Cal OSHA certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed before any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the South Coast Air Quality Management District (SCAQMD) Rule 1403.	Plan Check & Site Inspection	Prior to the Issuance of Building Permits & during Construction	Applicant & Construction Contractor
HAZ-2 If paint is separated from building materials, chemically or physically, during demolition of the structures, the paint waste shall be evaluated independently from the building material by a qualified environmental professional. If lead-based paint is found, abatement shall be completed by a qualified lead specialist before any activities that would create lead dust or fume hazard. Lead-based paint	Site Inspection	During Construction	Applicant & Construction Contractor

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the City's Building Department.			
HAZ-3 An environmental professional with Phase II/site characterization experience shall conduct an inspection of existing on-site structures before building renovation/ demolition activities. The inspection shall determine whether or not testing is required to confirm the presence or absence of hazardous substances in building materials (i.e., sinks, drains, piping, flooring, walls, ceiling tiles, etc.). Should testing be required and results determine that hazardous substances are present in on-site building materials, the Phase II/site characterization specialist shall determine appropriate prevention/remediation measures that are required and/or the methods for proper disposal of hazardous waste at an approved landfill facility, if required.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-4 As applicable, each project applicant shall obtain appropriate permits from the Los Angeles County Fire Department Health Hazard Management Division (HHMD), before removing any existing USTs, per the Underground Storage Tank Program. The applicant shall conduct soil/groundwater testing, as requested by the HHMD. Should contamination be present above regulatory thresholds, then the project applicant shall remediate appropriately, as required by the HHMD. Should the HHMD refer the case to any other regulatory agency (e.g., the Department of Toxic Substances Control, or Regional Water Quality Control Board, etc.), then the applicant shall comply with that agency's requirements as well.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-5 Prior to issuance of a grading permit, soil sampling shall occur within the portions of the project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified Phase II/site characterization specialist. The sampling shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary. Should further site characterization/remedial activities be required, these activities shall be conducted per the applicable regulatory agency requirements, as directed by the Los Angeles County Fire Department Health Hazard Management Division (HHMD).	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-6 Prior to issuance of a grading permit, an environmental consultant with Phase II/site characterization experience shall conduct sampling to confirm whether or not contaminated soil/soil vapor/groundwater underlies the project site. Should contamination above established regulatory levels be identified, the environmental consultant shall recommend remedial activities appropriate for the proposed future development at the site, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD) and/or other applicable agencies.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-7 Prior to issuance of a grading permit, a Phase II/site characterization specialist shall conduct appropriate sampling along the southern boundary of the project site (Parcel 1) in order to determine whether or not contaminated soil is present. Should contaminated soil be present, the Phase II/site characterization specialist shall recommend appropriate remediation/safety measures in order to ensure worker safety during construction and public health during proposed project operations.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
HAZ-8 Prior to issuance of a grading permit, the project applicant shall submit a Worker Safety Plan	Plan Check	Prior to Issuance of	Applicant

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
for site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and Los Angeles County Fire Department Health Hazard Management Division (HHMD). The Worker Safety Plan shall include safety precautions (e.g., personal protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous materials, including potential contaminated groundwater.		Grading and Building Permits	
HAZ-9 If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following: ▪ Immediately cease work in the vicinity of the suspected contaminant, and remove workers and the public from the area; ▪ Notify the City Engineer of the City of Duarte; ▪ Secure the area as directed by the City Engineer; and ▪ Notify the Los Angeles County Fire Department Health Hazard Management Division's (HHMD) Hazardous Waste/Materials Coordinator (or another appropriate agency specified by the City Engineer). The Hazardous Waste/Materials Coordinator shall advise the responsible party of further actions that shall be taken, if required.	Site Inspection	During Construction	Applicant & Construction Contractor
HAZ-10 Prior to issuance of building permits, vapor intrusion investigations shall be conducted by a qualified Environmental Professional, in consultation with the Los Angeles County Fire Department Health Hazard Management Division (HHMD). Should the environmental professional determine that proposed buildings could be impacted by vapor intrusion, the environmental professional, in consultation with the HHMD and/or other applicable regulatory agencies, shall recommend specific design measures to be incorporated into the buildings' design that would reduce these indoor air quality concentrations to below regulatory thresholds.	Plan Check	Prior to Issuance of Grading and Building Permits	Applicant
Hydrology and Water Quality			
HYD-1 Concurrent with Site Plan Review or issuance of a grading permit, whichever comes first, a hydrology review shall be conducted by a Registered Civil Engineer for each development phase to ensure that runoff values for each phase remain at or below existing runoff values in compliance with current State law or other applicable statutes.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval or other Entitlement	Applicant
Fire Protection			
FP-1 Adequate access to all buildings on the project site shall be provided and properly maintained for emergency vehicles during the building construction process to the satisfaction of the Los Angeles County Fire Department.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-2 Adequate water availability shall be provided to service construction activities.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-3 Prior to issuance of building permits, a will-serve letter from the California American Water Company shall be obtained by the project applicant, which states that the Water Company can adequately meet water flow requirements.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-4 The Los Angeles County Fire Department shall review and comment on each individual site plan submitted, prior to approval by the City of Duarte. Any conditions required by the Los Angeles County Fire Department shall be complied with by the project applicant.	Entitlement Review	Prior to Issuance of Site Plan and Design Review Approval or	Applicant

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
		other Entitlement	
FP5 Prior to the issuance of building permits, the project applicant shall provide verification that the project complies with all fire prevention provisions required by the Los Angeles County Fire Department.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-6 All new structures shall have automatic fire sprinkler systems.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-7 A supervised fire alarm system that meets requirements of the California Fire Code shall be placed in an accessible location with an annunciator.	Plan Check	Prior to Issuance of Occupancy Permits	Applicant
FP-8 Access to and around structures shall meet Los Angeles County Fire Department and California Fire Code requirements.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-9 A water supply system shall be in place to supply fire hydrants and automatic fire sprinkler systems.	Plan Check	Prior to Issuance of Building Permits	Applicant
FP-10 All traffic signals on public access ways shall include the installation of optical preemption devices.	Plan Check	Prior to Issuance of Occupancy	Applicant
FP-11 All electric gates within the project shall install emergency opening devices approved by the Los Angeles County Fire Department.	Plan Check	Prior to Issuance of Occupancy	Applicant
Schools			
SCH-1 Individual project applicants shall pay all applicable Development Impact Fees to the Duarte Unified School District prior to issuance of building permits. Proof of fee payment shall be provided to the City of Duarte.	Plan Check	Prior to Issuance of Building Permits	Applicant
Water			
WAT-1 Prior to approval of building permits, individual project applicants shall conduct a hydraulic analysis in coordination with CAW to determine flow capacity, pumping, and storage requirements to provide water service to the proposed development. The project applicant shall implement the improvements or pay their fair share of an in-lieu fee for those improvements in accordance with CAW requirements, prior to final inspection.	Plan Check	Prior to Issuance of Building Permits	Applicant
WAT-2 Prior to approval of building permits, individual project applicants shall submit site plans to the Los Angeles County Fire Department to obtain fire flow and storage volume requirements for the proposed development. The project applicant shall submit the fire flow and storage volume requirements to the CAW to determine if adequate fire flow and storage capacity exists to serve the proposed development. If fire flow and storage capacity is found to be inadequate, the project applicant shall design and bond for necessary improvements prior to the issuance of building permits and complete all necessary improvements prior to final inspection or pay their fair share of an in-lieu fee for those improvements prior to final inspection.	Plan Check	Prior to Issuance of Building Permits	Applicant
WAT-3 Prior to final inspection, individual project applicants shall pay their fair share of an in-lieu fee by CAW to implement water supply infrastructure improvements determined to be necessary in a capacity study for projected buildout within CAW's Duarte water service area.	Site Inspection	Prior to Final Site Inspection	Applicant
Wastewater			
WW-1 Each development project shall conduct a sewer flow monitoring study and submit to the City Engineer for review and approval prior to approval of building permits. The study shall review flows at	Plan Check	Prior to Issuance of Building Permits	Applicant

Mitigation Measure	Monitoring Process	Monitoring Timing	Responsible Person(s)
selected off-site manholes, both upstream and downstream of the point of connection, to determine the capacity of the local and regional system to accept project-related flows. The project applicant shall be responsible to implement the recommendations in the study to ensure that off-site systems operate in accordance with the Los Angeles County Department of Public Works and County Sanitation Districts of Los Angeles County standards.			
Cultural Resources (Avoidance and Minimization Measures)			
CULT-1 Conduct Archaeological Sensitivity Training for Construction Personnel. The applicant shall retain a qualified professional archaeologist who meets U.S. Secretary of the Interior's Professional Qualifications and Standards to conduct an archaeological sensitivity training for construction personnel prior to commencement of excavation activities. The training session shall be carried out by a cultural resource professional with expertise in archaeology, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards. The training session will include a handout and will focus on how to identify archaeological resources that may be encountered during earthmoving activities and the procedures to be followed in such an event, the duties of archaeological monitors, and the general steps a qualified professional archaeologist would follow in conducting a salvage investigation, if one is necessary.	Site Inspection	During Construction	Applicant
CULT-2 Conduct Periodic Archaeological Resources Spot Checks during Grading and Earth-moving Activities in Younger Alluvial Sediments. The applicant shall retain a qualified professional archaeologist, who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards to conduct periodic Archaeological Spot Checks beginning at depths below two (2) feet to determine if construction excavations have exposed or have a high probability of exposing archaeological resources. After the initial Archaeological Spot Check, further periodic checks will be conducted at the discretion of the qualified archaeologist. If the qualified archaeologist determines that construction excavations have exposed or have a high probability of exposing archaeological artifacts, construction monitoring for archaeological resources will be required. The applicant shall retain a qualified archaeological monitor, who will work under the guidance and direction of a professional archaeologist, who meets the qualifications set forth by the U.S. Secretary of the Interior's Professional Qualifications and Standards. The archaeological monitor shall be present during all construction excavations (e.g., grading, trenching, or clearing/grubbing) into non-fill younger Pleistocene alluvial sediments. Multiple earth-moving construction activities may require multiple archaeological monitors. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (native versus artificial fill soils), the depth of excavation, and if found, the abundance and type of archaeological resources encountered. Full-time monitoring can be reduced to part-time inspections if determined adequate by the project archaeologist.	Site Inspection	During Construction	Applicant
CULT-3 Prepare Report Upon Completion of Monitoring Services. The archaeological monitor, under the direction of a qualified professional archaeologist who meets the U.S. Secretary of the Interior's Professional Qualifications and Standards, shall prepare a final report at the conclusion of archaeological monitoring (if required). The report shall be submitted to the applicant, the South Central Coastal Information Center, the City, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the project and required mitigation measures. The report shall include a description of resources unearthed, if any, evaluation of the resources with respect to the California Register and CEQA, and treatment of the resources.	Site Inspection	During Construction	Applicant

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE AMENDING THE LAND USE ELEMENT OF THE CITY'S GENERAL PLAN (G.P.A. 19-01) TO ADDRESS CHANGES IN THE DUARTE STATION SPECIFIC PLAN RELATED TO A CHANGE IN BUILDOUT DENSITY

WHEREAS, the City Council of the City of Duarte has considered the Amended Duarte Station Specific Plan ("DSSP") and also has considered a revision to the City's General Plan Land Use Element to define the City's land use goals for the specific plan area; and

WHEREAS, the Duarte Planning Commission heard this item at its October 21, 2019 meeting and recommended approval to the City Council; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the Code amendment, whereupon the City Council received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, after careful study and the public hearing held on November 12, 2019, the City Council approved General Plan Amendment 19-01

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

NOW THEREFORE, IN LIGHT OF ALL OF THE FOREGOING, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. Based upon substantial evidence presented to the City Council during the public hearing, including written staff reports and verbal testimony, the City Council hereby finds and determines:

1. The proposed changes to revise the Land Use Element of the Duarte General Plan is intended to encourage the highest and best use for the subject property and to be in the best interests and welfare of the City and its residents.

2. The proposed General Plan Amendment is internally consistent with all other provisions of the General Plan. The Land Use Element of the General Plan

promotes several goals that support the adoption of the DSSP and associated entitlements. Land Use Element Goal 2 seeks compatible and harmonious land use by providing a mix of uses consistent with projected future social, environmental and economic conditions. Land Use Element Goal 3 provides policy direction to provide unique areas to better serve the needs of Duarte residents and businesses. If adopted, the proposed General Plan Amendment would implement the proposed Duarte Station Specific Plan, which implements goals set forth in the General Plan.

3. The proposed General Plan Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City. The purpose of the proposed General Plan Amendment is to amend the Duarte Station Specific Plan, which provides a comprehensive framework to create a transit village that has a focus on mixed use, residential development, and to integrate a detailed set of design guidelines and well thought out development standards to ensure quality growth of the area.

4. The affected properties are physically suitable in terms of design, location, operating characteristics, shape, size, topography, and the provision of public and emergency vehicle access, and public services and utilities and is served by highways and streets adequate in width and improvement to carry the kind and quantity of traffic the proposed use would likely generate, to ensure that the proposed use(s) and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. The City studied the physical suitability of the project area and adjacent environs as part of the preparation for the amended Duarte Station Specific Plan and associated Final Subsequent Environmental Impact Report.

SECTION 3. Based upon the substantial evidence and testimony received at public hearing and the findings and conclusions set forth hereinabove, the City Council hereby recommends the City Council adopt and approve the proposed General Plan Amendment 19-01, Section 2 of the Land Use Element, shall be removed and replaced as follows:

2. Duarte Station TOD Area Specific Plan:

The first policy vision of a future Transit-Oriented Development (TOD) for the area adjacent to the Duarte Goldline Station was conceptualized in the 2007 adoption of the Duarte General Plan 2005-2020, in which the City Council approved the Gold Line Station Area Development Specific Plan land use designation, envisioning the construction of up to: 120 units of multiple-family residential, 100,000 s.f. office space, and up to 500 parking stalls for the Goldline Station. General Plan Amendment 13-1 and the related Duarte Station Specific Plan Environmental Impact Report amended the land use designation from Gold Line Station Area Development Specific Plan to Duarte Station Specific Plan (DSSP) for the three parcels identified in the Plan Area and located

immediately north of the Duarte Gold Line Station. The area was again amended in 2019 by General Plan Amendment 19-1.

Since 2007, changes in the market and overall economy created a new reality in the types and concentrations of uses that can succeed in the Plan Area. The City and region in general have been exposed to TOD concepts and the new economic reality from the last economic downturn, making many of the TOD land use projections from 2007 unrealistic. For instance, the creation of up to 120 residential units is far too small of a development on 19 acres and is economically unfeasible due to property acquisition and construction costs. Furthermore, the significant retail component sought by the IBI study is unlikely at the Duarte Station due to its proximity to freeways and a large population base, as well as changes to the retail landscape from 2008. Secondly, the City has approved two revised Housing Elements and is anticipating an additional revision by February 2014. In context of the DSSP, the Housing Element provides potential housing opportunity sites that must comply with the Regional Housing Needs Assessment, including those units that may be produced through implementation of the DSSP.

The City's 2007 General Plan designated the 19.08 acre parcels (3) as the Gold Line Station Area Development Specific Plan land use designation. The DSSP project required that **a** General Plan Amendment be adopted to reflect the community's commitment to a vibrant, mixed-use transit village near the light rail station. The Amended Duarte Station Specific Plan provides the development potential of up to 90 d.u./acre, 100,000 square feet of new office development and 12,000 square feet of commercial development on the plan area properties.

SECTION 4. In approval of this General Plan Amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines) because an Subsequent Environmental Impact Report and Mitigation Monitoring Program for the DSSP has been prepared and circulated for public review and comment.

SECTION 5: The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____

Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-25 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING AND ADOPTING THE AMENDED DUARTE STATION SPECIFIC PLAN, DEFINING PERMITTED USES, REGULATING THE SIZES AND LOCATIONS OF BUILDINGS, SPECIFYING DESIGN GUIDELINES AND DEVELOPMENT STANDARDS, IDENTIFYING PROJECT INFRASTRUCTURE AND SERVICES, PROVIDING ADMINISTRATIVE AND IMPLEMENTATION LANGUAGE, AND DEPICTING THE CONCEPTUAL DEVELOPMENT SCENARIO FOR THE PLAN AREA, GENERALLY LOCATED AT THE NORTHWEST CORNER OF DUARTE ROAD AND HIGHLAND AVENUE (1801 HIGHLAND AVENUE, 1700 BUSINESS CENTER DRIVE, AND 1716 EVERGREEN STREET) (ZONE CHANGE 19-01)

WHEREAS, Chapter 19.150 of the Duarte Development Code provides a process for preparing, processing, reviewing, adopting, and amending specific plans in compliance with Government Code Section 65450 et seq. or as that section may be amended or replaced from time to time; and

WHEREAS, the City Council of the City of Duarte has considered the Amended Duarte Station Specific Plan ("DSSP") with all proposed changes; and

WHEREAS, the Duarte Planning Commission heard this item at its October 21, 2019 meeting and recommended approval to the City Council; and there have been no substantial modifications to the DSSP since that time;

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the Code amendment, whereupon the City Council received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, after careful study and the public hearing held on November 12, 2019, the City Council approved the Duarte Station Specific Plan (ZC 19-01), as provided in attached Exhibit A.

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council determines that the proposed amendment to the Duarte Station Specific Plan is the highest and best use for the subject property.

SECTION 3. The City Council finds and determines that the proposed amendment to the DSSP is in the best interests and welfare of the City and its residents.

SECTION 4. The City Council finds and determines that the proposed amendment to the DSSP is consistent with the City's General Plan, and is hereby recommended for adoption by the City Council.

SECTION 5. In adoption of this Code amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines) because a Subsequent Environmental Impact Report and Mitigation Monitoring Program for the DSSP, including a water supply assessment, has been prepared and circulated among the public and required public agencies for public review and comment .

SECTION 6: The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. ____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING MUNICIPAL CODE AMENDMENT 19-02, AMENDING CHAPTER 19.22 OF THE DUARTE DEVELOPMENT CODE, TABLE 2-15, WHICH IDENTIFIES ADOPTED SPECIFIC PLANS

WHEREAS, the City Council of the City of Duarte has considered the Amended Duarte Station Specific Plan ("DSSP") and also has considered an update of Table 2-15 in Chapter 19.22 of the Duarte Development Code to list the: Rose Garden at Santa Teresita Specific Plan, Duarte Station Specific Plan, Town Center Specific Plan and the City of Hope Specific Plan; and

WHEREAS, the Duarte Planning Commission heard this item at its October 21, 2019 meeting and recommended approval to the City Council; and

WHEREAS, notice of a public hearing on the proposed amendment was given in accordance with applicable law; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the Code amendment, whereupon the City Council received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, after careful study and the public hearing held on November 12, 2019, the City Council approved Municipal Code Amendment 19-02, which amends Chapter 19.22, Table 2-15 of the Duarte Development Code.

NOW THEREFORE, IN LIGHT OF ALL OF THE FOREGOING, DOES HEREBY ORDAIN AS FOLLOWS: AS FOLLOWS:

SECTION 1. The Recitals above are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines that the proposed Code amendment is in the best interests and welfare of the City and its residents.

SECTION 3. The City Council finds and determines that the proposed Code amendment to the DSSP is consistent with the City's General Plan, particularly in light of Resolutions 19-R-27 and 19-R-28 adopted in conjunction herewith, and is appropriate for adoption by the City Council.

SECTION 4. The City Council hereby amends Chapter 19.22, Table 2-15 as follows:

TABLE 2-15 SPECIFIC PLANS		
No.	**Specific Plan**	**Adoption Date (Adoption Mechanism)**
1	Huntington/Highland	7/27/1982 (Res. No. 82-26)
2	Las Lomas	10/26/1982 (Res. No. 82-41)
3	Huntington/Buena Vista	7/11/1989 (Per City Council)
4	Highland Avenue	12/12/1989 (Per City Council)
5	Westminster Gardens	11/27/1990 (Ord. No. 675)
6	Mountain/Evergreen	11/27/1990 (Ord. No. 676)
7	Rancho Verde	10/27/1992 (Ord. No. 695)
8	Las Brisas	12/13/1994 (Ord. No. 714)
9	Las Posadas	12/10/1996 (Ord. No. 729)
10	Buena Vista Villas	8/12/1997 (Ord. No. 732)
11	Encanto Parkway	4/14/1998 (Ord. No. 735)
12	Citrus Collection at Duarte II	Preliminary 1/26/1999[1]
13	Spanish Oaks Villas	7/16/2001 (Ord. No. 758)
14	Andres Duarte Terrace	5/27/2003 (Ord. No. 769)
15	Duarte Gardens	6/27/2006 (Ord. No. 784)
16	Mountain/Central	10/14/2008 (Ord. No. 811)
17	**Rose Garden at Santa Teresita**	**6/28/2011 (Ord. 829)**
18	**Duarte Station Specific Plan**	**12/10/2013 (Ord. 843)** **11/12/2019 (Ord. 893) - 2019 Amendment**
19	**Town Center Specific Plan**	**9/27/16 (Ord. 868)**
20	**City of Hope Specific Plan**	**10/23/2018 (Ord. 885)**

Note: 1. Citrus Collection at Duarte II was not formally adopted; however draft Ordinance 98-0-7 provides preliminary standards.

SECTION 5. In adoption of this Code amendment, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 *et seq.* (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 *et seq.* (CEQA Guidelines) because an Subsequent Environmental Impact Report and Mitigation Monitoring Program for the DSSP has been prepared and circulated for public review and comment, and has been certified in conjunction with this Code amendment. .

SECTION 6: The City Clerk shall certify as to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner provided for in the Duarte Municipal Code.

PASSED, APPROVED, AND ADOPTED this_____ day of _____, 2019.

_____

Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No.____ was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Jason Golding, Planning Manager

DATE: November 12, 2019

SUBJECT: DUARTE STATION SPECIFIC PLAN – COMMENTS RECEIVED DURING PUBLIC NOTICE PERIOD

On November 4, 2019, the City received an email from Gabrieleno Band of Mission Indians - Kizh Nation proposing mitigation measures for the Cultural Resources section of the Subsequent Environmental Impact Report (SEIR). Their email, along with their recommended mitigation measures and maps are attached.

In compliance with Assembly Bill (AB) 52 as well as Senate Bill (SB) 18, on May 13, 2019, the City sent out notification of the project and the preparation of a SEIR to multiple Native American tribes. The City received one request back from the Kizh Nation of the Gabrieleno Band of Mission Indians to consult with the City on the project. As a result of consultation conducted between the City of Duarte and the Kizh Nation of the Gabrieleno Band of Mission Indians, the City proposes to implement the following measures to avoid and minimize potential impacts to Tribal Cultural Resources (TCRs) in the event of the unanticipated discovery of archaeological or cultural resources during earthmoving operations conducted under the Specific Plan:

CULT-1: Conduct Archaeological Sensitivity Training for Construction Personnel.
CULT-2: Conduct Periodic Archaeological Resources Spot Checks during Grading and Earth-moving Activities in Younger Alluvial Sediments.
CULT-3: Prepare Report Upon Completion of Monitoring Services.

It's important to note that the SEIR for the amended Duarte Station Specific Plan is a companion document to the original EIR certified as part of the 2013 Duarte Station Specific Plan process. As such, Cultural Resources were not identified as a significant impact under the 2013 environmental analysis; and that analysis remains unchanged for the CEQA review conducted as part of the process before the Council tonight. The City and MIG, the environmental consultants, believe the SEIR is legally adequate and has met the requirements of State law.

Since May 2019, Staff has communicated with Kizh Nation multiple times, beginning in the Spring of 2019. As part of the negotiation process with the Tribe, the Developer, Duarte Partners LLC, has agreed to hiring Kizh Nation tribal monitors during the excavation portion of construction, which was a request made by the Tribe.

ATTACHMENTS

A. Gabrieleno Band of Mission Indians - Kizh Nation email, dated 11/4/19
B. Gabrieleno Band of Mission Indians - Kizh Nation, recommended mitigation measures
C. Gabrieleno Band of Mission Indians - Kizh Nation, Map 1898
D. Gabrieleno Band of Mission Indians - Kizh Nation, Map 1938

(Original email not provided, since the email format does not allow the entire message to be viewed – it cuts off all sentences due to sentence length.)

Re: Duarte Station Specific Plan Amendment and SB18 Consultations City of Duarte, Los Angeles County, CA

Inbox

Administration Gabrieleno

Nov 4, 2019, 1:48 PM (2 days ago)

to Jason, gabrielenoindians@yahoo.com, Matthew, Andy

Mr. Golding,

Thank you for your time during the AB52 consultation for the Duarte Station Specific Plan Amendment project in the City of Duarte.

As stated in the Public Resource Code section 21080.3.1. (a) The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources and an area that has cultural value. According to section 21074. (a) "Tribal cultural resources" can be sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe.

Therefore, to explain our concerns for impacts to tribal cultural resources (TCR's) and how this project location may impact TCR's due to the location and the proposed ground disturbing activities, attached are screenshots and some explanatory text that was also verbally explained in the phone consultation for your project location.

The Duarte Station Specific Plan_1938 map indicates the project location within the village use area of Asuksangna and Aleupkingna. All of our mainland villages (sans our island villages) overlapped each other to help facilitate the movement of tribal cultural resources throughout the landscape and also to our sister tribes outside of our traditional ancestral territory. Village use areas were usually shared between village areas and were commonly used by two or more adjoining villages depending on the type, quantity, quality, and availability of natural resources in the area. Therefore, human activity can be pronounced within the shared use areas due to the combined use by multiple villages and TCR's may be present in the soil layers from the thousands of years of human activity within that landscape.

The Duarte Station Specific Plan_1898 map shows the project's close proximity to a railroad that existed in this location. All railroads were placed on top of our Tribe's traditional trade routes because when the first railroad planners came out west, the topography was too varied to place the rail lines just anyplace,

so they chose the paths of least resistance that already existed which were our traditional trade routes that were flattened by human travel over thousands of years of use.

Duarte Station Specific Plan_1898 map and Duarte Station Specific Plan_1938 map shows the many trade routes around the project area. Trade routes were heavily used by our Tribe for movement of trade items, visiting of family, going to ceremony, accessing recreation areas, and accessing foraging areas. Within and around these routes contained seasonal or permanent ramadas or trade depots, seasonal and permanent habitation areas, and often still contain isolated burials and cremations from folks who died along the trail. These isolated burials are not associated with a village community burial site or ceremonial burial site, rather the location is simply where the person died and was buried where they died. Therefore, isolated burials are more concentrated and likely to occur in proximity to our trade routes, especially the major trade routes. Trade routes are considered "cultural landscapes", as stated in section 21074. (a) because the landscapes will house the objects, therefore, both cultural landscapes and cultural objects are protected under AB52 as a tribal cultural resource.

The Duarte Station Specific Plan_1898 and 1938 maps indicate the hydrography or waterways that existed around the project area. All water sources were used by our Tribe for life sustenance. Along these watercourses and water bodies occurred seasonal or permanent hamlets, seasonal or permanent trade depots, ceremonial and religious prayer sites, and burials and cremation sites of our ancestors. These activities occurred around water, both inland and coastal, because these water areas create unique habitats and riparian corridors that provide an abundance of food and medicine resources along with aesthetically peaceful areas with running water, shade trees, and shelter. Larger water bodies were high attractants for human activity and the banks and shores of these water bodies have a higher than average potential for encountering Tribal Cultural Resources of artifacts and human remains during ground disturbing activities. Waterways are a "cultural landscape", as stated in section 21074. (a) and are protected under AB52 as a tribal cultural resource.

Due to the project site being located within and around a sacred village (Asuksangna and Aleupkingna), adjacent to sacred water courses, and major traditional trade routes, there is a high potential to impact Tribal Cultural Resources still present within the soil from the thousands of years of prehistoric activities that occurred within and around these Tribal Cultural landscapes. Therefore, to avoid impacting or destroying Tribal Cultural Resources that may be inadvertently unearthed during the project's ground disturbing activities, attached is the mitigation language approved by our Tribal Government for use with this project.

Admin Specialist
Gabrieleno Band of Mission Indians - Kizh Nation
PO Box 393
Covina, CA 91723
Office: 844-390-0787
website: www.gabrielenoindians.org

Gabrieleno Band of Mission Indians – Kizh Nation

Protection of Tribal Cultural Resources (TCRs)

Most Important Things for Agencies to Know About AB52:

- An EIR, MND, or ND can not be certified until AB-52 tribal consultation has concluded.
- Agreed mitigation measures with the tribe, MUST be recommended for inclusion in the environmental document.
- Signature confirming acceptance of these mitigation measures recommended by our Tribal Government is required within 14 days of receipt to conclude AB52 consultation.

Tribal Cultural Resources Mitigation Measures within Kizh Nation Tribal Territory:

Note: To avoid compliance issues with the following laws, all Native American Monitoring shall be conducted by a documented lineal descendant from the ancestral Tribe of the project area (NAGPRA Law 10.14)

- The Native American Graves Protection and Repatriation Act (NAGPRA), Public Law- 101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.
- CEQA Guidelines Section15064.5, PRC 5097.98 (d)(1).
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

If you are receiving these measures, The Gabrieleño Band of Mission Indians Kizh -Nation are the direct lineal descendants of your project area. The Kizh Nation ONLY responds and consults on projects within their ANCESTRAL tribal territory. Therefore, to remain in compliance with above referenced laws and to enable our Tribe with the ability to protect and preserve our last remaining and irreplaceable Tribal Cultural Resources, it is recommended that the project applicant retain a qualified professional tribal monitor/consultant from the Gabrieleño Band of Mission Indians Kizh -Nation. The Kizh Nation possesses Tribal archives including documented historical information as well as multiple members who possess unique knowledge derived from oral tradition passed down through generations of the Tribe in order to provide the expertise needed to identify whether a project is located within a culturally sensitive area given its proximity to village areas, commerce areas, recreation areas, ceremonial areas, and burial locations.

Native American Heritage Commission (NAHC) Guidelines for Native American Monitors/Consultants (approved 9/13/05): By acting as a liaison between Native American, archaeologist, developers, contactors and public agency, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extant of knowledge that should be expected.

Mitigation Guidelines for Tribal Cultural Resources (TCRs): CEQA now defines TCRs as an independent element separate from archaeological resources. Environmental documents shall address a separate Tribal Cultural Resources section that includes a thorough analysis of the impacts to only TCRs and includes separate and independent mitigation measures created with tribal input under AB-52 consultations. Therefore, all agreements, mitigation, and conditions of approval regarding TCRs shall be handled solely with the Tribal Government and conversely all agreements, mitigation, and conditions of approval regarding Archaeological Resources shall be handled by an Archaeological resource company.

MITIGATION MEASURES

Retain a Native American Monitor/Consultant: The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Unanticipated Discovery of Tribal Cultural and Archaeological Resources: Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

Public Resources Code Sections 21083.2(b) for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

Unanticipated Discovery of Human Remains and Associated Funerary Objects:
Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

Resource Assessment & Continuation of Work Protocol:
Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 150 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

Kizh-Gabrieleno Procedures for burials and funerary remains:
If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

Treatment Measures:
Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Professional Standards: Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Acceptance of Tribal Government Recommended Mitigation Measures:

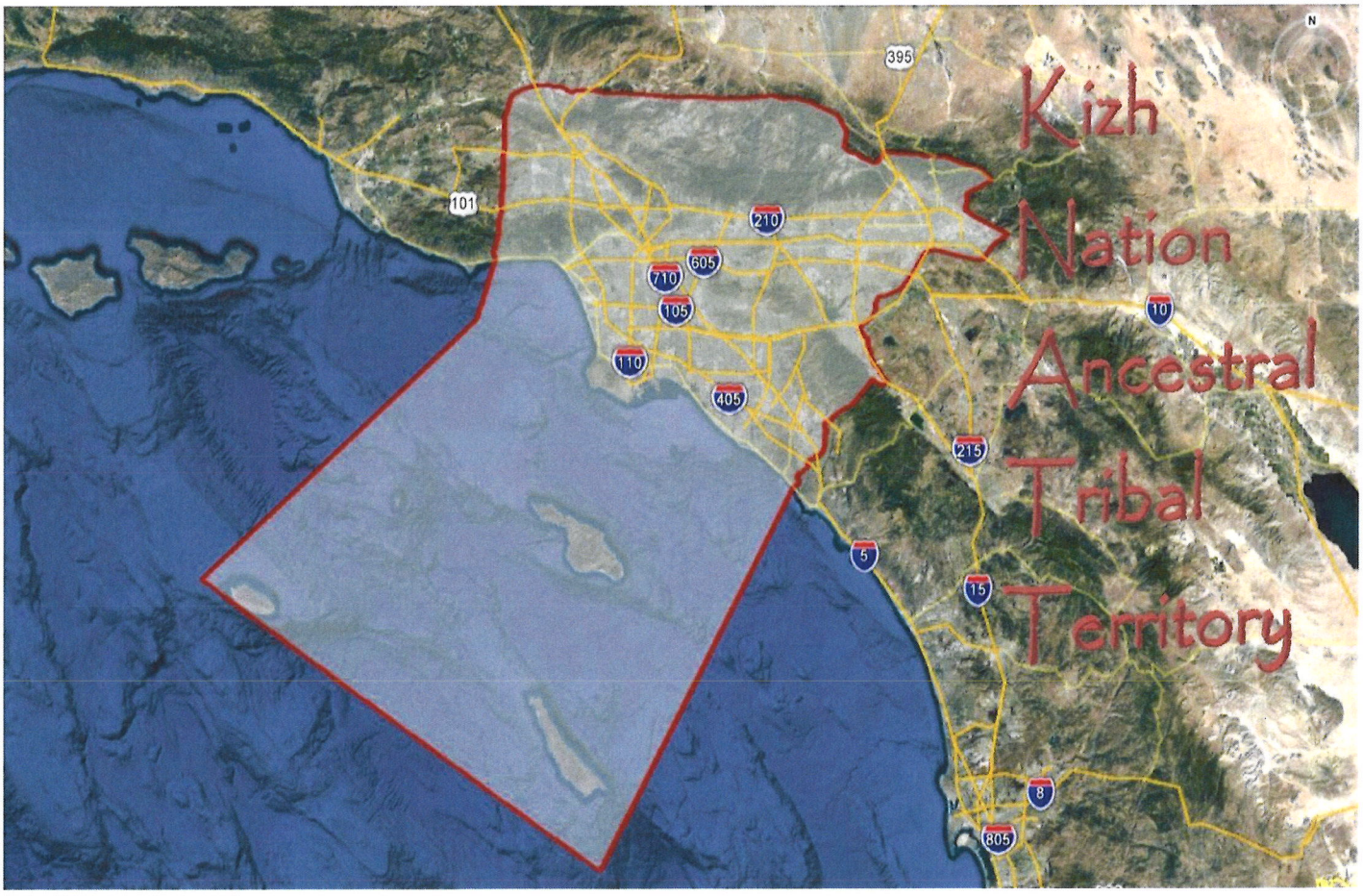
By _____ Date: _____
Lead Agency Representative Signature

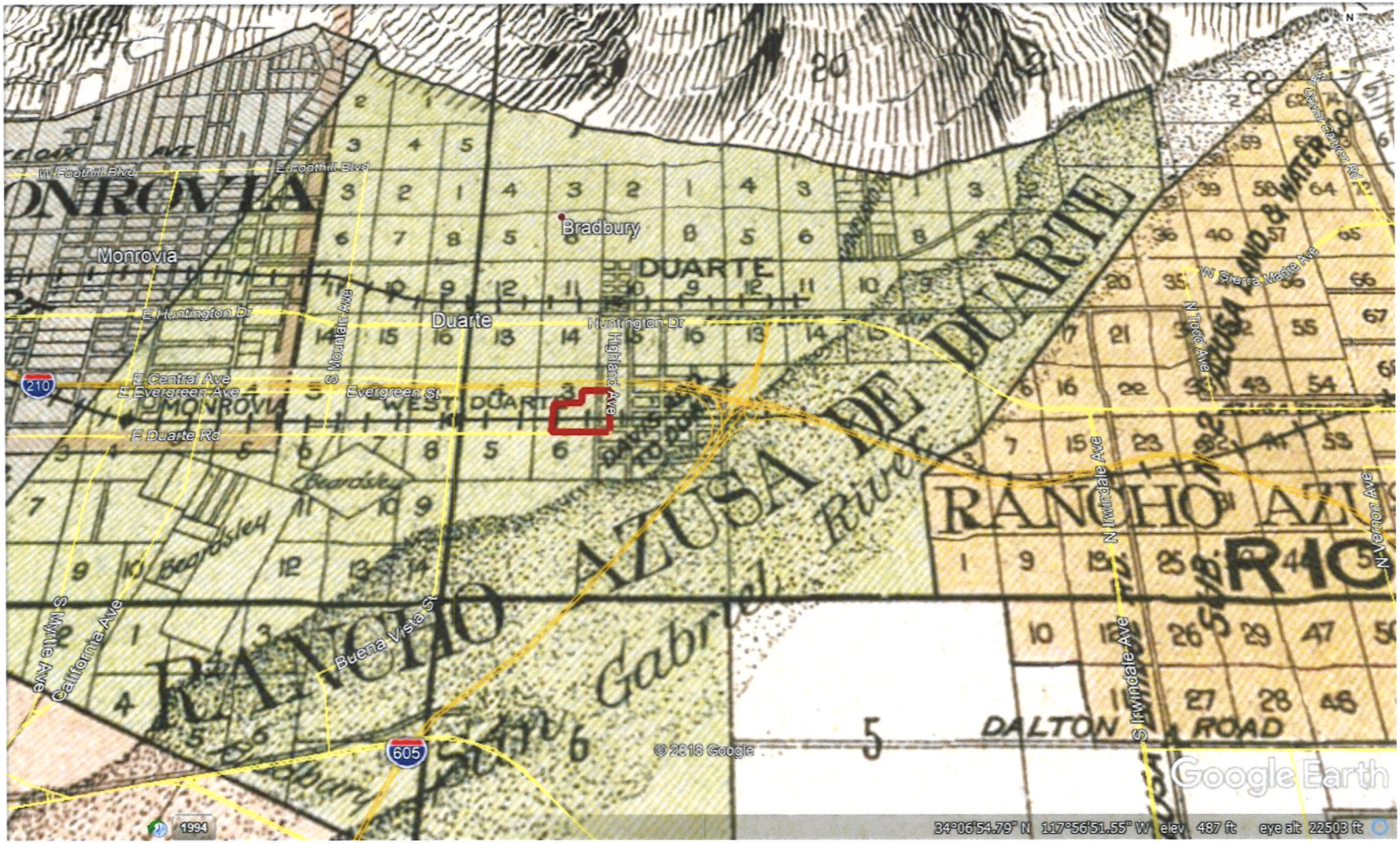
Revised: August 2018

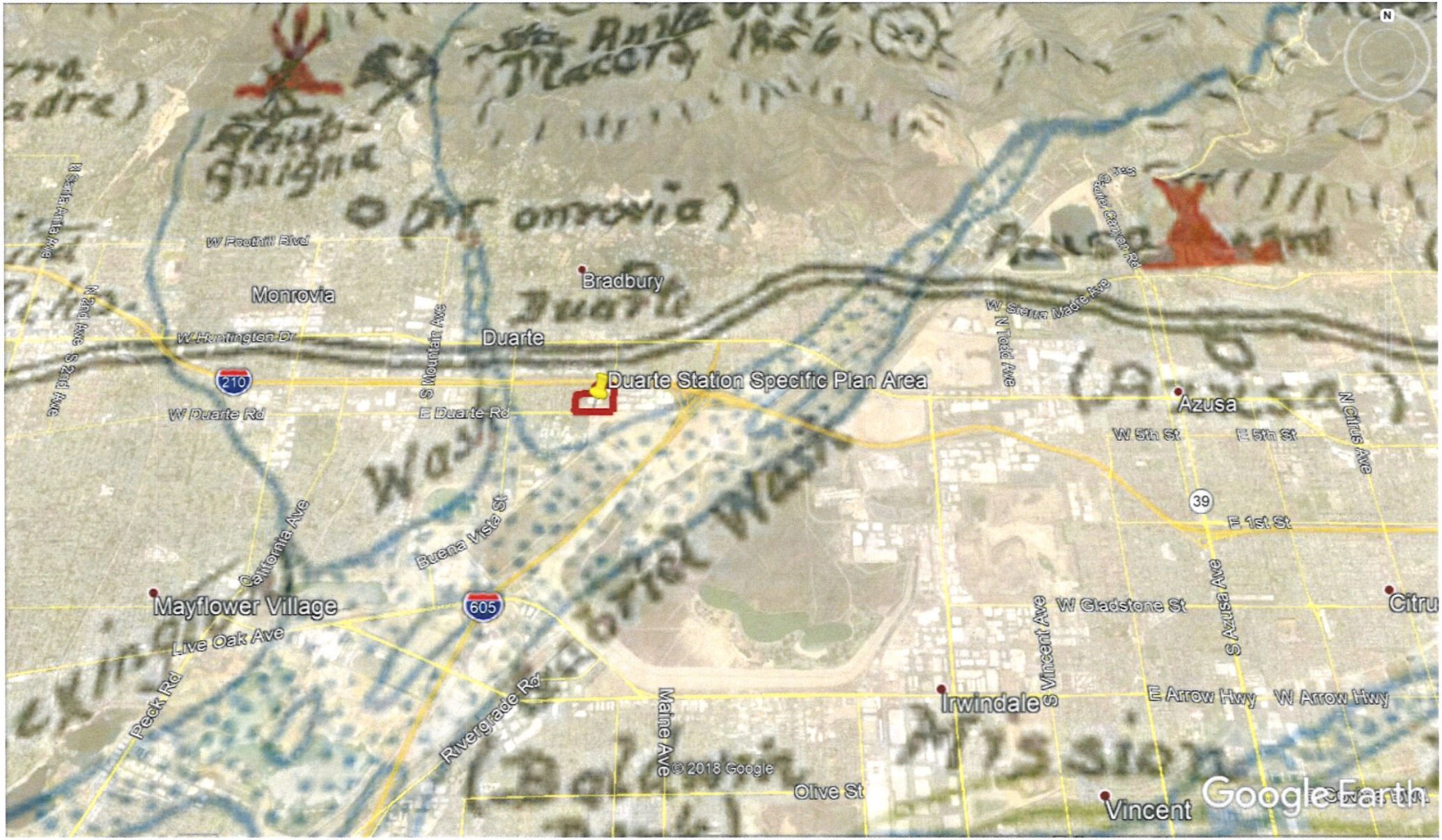
Gabrieleño Band of Mission Indians
Kizh Nation

Attachment A

Kizh Nation Ancestral Tribal Territory extended along the coast from Malibu Creek in Los Angeles County down to Aliso Creek in Orange County and encompassed the Channel Islands of Catalina (Pimugna), San Nicolas (Haraasnga), and San Clemente (Kiinkenga). Our inland border was the San Gabriel Mountains (Hidakupa) and eastwardly our territory extended to parts of San Bernardino (Waatsngna), Orange, and Riverside counties.




Bradbury
Monrovia
Duarte
DUARTE
MONROVIA
WEST DUARTE
RANCHO AZUSA DE DUARTE
RANCHO AZU
W Foothill Blvd
E Foothill Blvd
E Huntington Dr
Huntington Dr
E Central Ave
E Evergreen Ave
Evergreen St
F Duarte Rd
S Mountain Ave
Highland Ave
N Irwindale Ave
S Irwindale Ave
N Vernon Ave
N Todd Ave
W Sierra Madre Ave
Buena Vista St
S Myrtle Ave
California Ave
DALTON ROAD
210
605
© 2018 Google
Google Earth
1994
34°06'54.79" N 117°56'51.55" W elev 487 ft eye alt 22503 ft


Duarte Station Specific Plan Area
Monrovia
Bradbury
Duarte
Azusa
Mayflower Village
Irwindale
Vincent
W Foothill Blvd
W Huntington Dr
W Duarte Rd
E Duarte Rd
W 5th St
E 5th St
E 1st St
W Gladstone St
E Arrow Hwy
W Arrow Hwy
Live Oak Ave
Olive St
Peck Rd
Rivergrade Rd
Maine Ave
Buena Vista St
California Ave
S Mountain Ave
N Citrus Ave
S Azusa Ave
S Vincent Ave
W Sierra Madre Ave
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5007700

CITY OF DUARTE
1600 E. HUNTINGTON DRIVE
DUARTE, CA 91010

FILE NO. VTM 82518

PROOF OF PUBLICATION
(2015.5 C.C.P.)

STATE OF CALIFORNIA
County of Los Angeles

I am a citizen of the United States, and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of DUARTEAN and DUARTEAN DISPATCH, a newspaper of general circulation printed and published weekly in the City of Duarte, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, on the date of July 6, 1948, Case Number POMO C986. The notice, of which the annexed is a true printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/02/2019

I declare under the penalty of perjury that the foregoing is true and correct.

Executed at Monrovia, LA Co. California
On this 4th day of November, 2019.

Mark Berstner

Signature

(Space below for use of County Clerk Only)

Legal No. **0011330240**

DUARTE CITY COUNCIL
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that pursuant to State Law, the City Council of the City of Duarte will hold a Public Hearing at 7:00 p.m., on Tuesday, November 12, 2019 in Council Chambers, 1600 Huntington Drive, Duarte, California, to consider the following projects:

- **Vesting Tentative Tract Map 82518:** a proposed subdivision of a 7.75-acre parcel into two lots: Lot A - 189,223 s.f. or 4.34 acres,and Lot B – 148,546 s.f. or 3.41 acres, associated with the development of two multiple-story, apartment buildings;
- **Site Plan and Design Review (SPDR) Case 2019-37:** a proposal for 344 dwelling units located within a seven-story building, that surrounds an eight-story parking structure with approximately 580 parking stalls; and
- **Site Plan and Design Review (SPDR) Case 2019-38:** a proposal for 275, market-rate apartment units, located within a six-story building, that wraps around a seven-story parking structure with approximately 428 parking stalls.

On October 21, 2019, the Planning Commission unanimously approved Planning Commission Resolution 19-10, 19-11, and 19-12, recommending the City Council adopt Vesting Tentative Tract Map 82518, Site Plan and Design Review 19-37, and Site Plan and Design Review 19-38.

Duarte Partners, LLC, proposes to construct two new multiple-story, market-rate apartment buildings and subdivide the property into two parcels on a 7.75-acre parcel at 1700 Business Center Drive. The development proposes to replace the Woodward Aviation building, which will be removed as a part of the overall development project. If approved, the project would consist of 619 units on the property. The buildings will face Business Center Drive and will share a common landscaped paseo between the buildings and a shared driveway to the west, south and east of the buildings. Both buildings emphasize simple form-based architecture, and incorporate both contemporary and traditional materials. This project meets the requirements of the revised Duarte Station Specific Plan and will provide a variety of public amenities, such as pedestrian improvements on Highland Avenue, public art, and on-site recreational opportunities, both on the ground level and at the rooftop.

The subdivision and Site Plan and Design Review projects are associated with and subordinate to the proposal being considered by the City Council at the same meeting, which relate to: General Plan Amendment 19-01, Zone Change 19-01 (adoption of the revised Duarte Station Specific Plan), Municipal Code Amendment 19-01, and associated Subsequent Environmental Impact Report (SEIR) that would change the mix of uses and the overall project density of the Duarte Station Specific Plan.

Environmental Determination
Pursuant to Public Resources Code section 21166 and CEQA Guidelines section 15162, no subsequent or supplemental EIR is required to a previously certified EIR unless one of the events listed in section 15162, subdivision (a)(1) occurs. In this circumstance, because the City has concluded that the revised project may have the potential to result in new significant adverse effects not analyzed in the previously approved EIR, a Subsequent Environmental Impact Report (SEIR) has been found to be required. The previous EIR had already comprehensively analyzed all potential impacts relating to the creation of a vibrant, mixed-use "transit village", which included 475 high density residential units, 250 hotel rooms, 400,000 square feet of office, and 12,000 square feet of commercial uses on 19.08 acres. The City has decided to prepare a SEIR (SCH # 2013041032) to analyze the proposed changes to the land use plan, the mix of uses, and the overall project density that were evaluated in the previous EIR.

The SEIR has analyzed the potential environmental impacts that may result from the proposed changes to the Duarte Station Specific Plan project. These issues are: land use, aesthetics, population and housing, traffic, air quality, greenhouse gas emissions and energy, noise, hazards and hazardous materials, hydrology, drainage, and water quality, fire protection, police protection, schools, parks, water, wastewater, and solid waste. The SEIR has evaluated the potentially significant direct, indirect, and cumulative environmental impacts associated with construction and implementation of the proposed project. Mitigation measures will be recommended, where appropriate, to avoid or substantially reduce significant adverse environmental effects of the proposed changes. The SEIR analysis determined that the proposed project, with implementation of mitigation measures, would result in significant environmental impacts in the areas of air quality, noise, and traffic; and because of this, the SEIR will require the City Council to approve a Statement of Overriding Considerations.

The Notice of Availability for the SEIR for the Specific Plan was released for public comment on August 27, 2019 and concluded on October 10, 2019.

Any interested party may appear in person or by agent and be heard. If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the City Clerk at, or prior to, the public hearing. Written correspondence may be sent to Duarte City Hall, City Clerk's Office, 1600 Huntington Drive, Duarte, CA, 91010.

Additional information on the proposed Plan, maps and downloadable versions of the Duarte Station Specific Plan and SEIR are available on the City's website or by accessing https://www.duartestationplan.com/

For further information regarding this application, please contact Mr. Jason Golding, Planning Division Manager, Monday through Thursday between the hours of 7:30 a.m. and 6:00 p.m. at (626) 357-7931, goldingj@accessduarte.com or by visiting City Hall, Community Development Department, 1600 Huntington Drive, Duarte, CA, 91010.

Marla Akana, City Clerk

MAIL/POST: October 31, 2019 – Duarte City Hall, Duarte Library, Duarte Office of Public Safety
PUBLISH: Duartean, November 2, 2019
Duartean- Star Highlander **Ad#11330240**

MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Jason Golding, Planning Manager

DATE: November 12, 2019

SUBJECT: DUARTE STATION SPECIFIC PLAN - PROPOSAL TO SUBDIVIDE THE PROPERTY INTO TWO PARCELS AND CONSTRUCT TWO, MULTIPLE-STORY, MARKET-RATE APARTMENTS AT 1700 BUSINESS CENTER DRIVE

The proposal to develop the property is associated with the request to amend the Duarte Station Specific Plan, associated entitlements, and Subsequent Environmental Impact Report (SEIR). Duarte Partners, LLC is seeking to subdivide and construct a project that includes two, multiple-story, market-rate apartments at 1700 Business Center (former Woodward property). The following entitlements are being proposed:

- *Vesting Tentative Tract Map 82518 (SMA 19-02):* a proposed subdivision of a 7.75-acre parcel into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres;
- *Site Plan and Design Review Case 19-37*: proposes 344 dwelling units located within a six-story building, that surrounds a seven-story parking structure with approximately 580 parking stalls and rooftop deck (eight floor) at 1700 Business Center Drive (Building A – MBK).
- *Site Plan and Design Review Case 19-38*: proposes 275, market-rate apartment units, located within a six-story building, that wraps around a seven-story parking structure with approximately 428 parking stalls (Building B – Mill Creek).

On October 14, 2019, the Architectural Review Board (ARB) recommended approval to the Planning Commission for both Site Plan and Design Review (SPDR) cases with conditions. On October 21, The Planning Commission recommended City Council approval of the Tract Map and both SPDR cases.

A complete analysis with additional details on all three projects is in included in the attached Planning Commission staff report (Exhibit A). Some major elements of the projects and subdivision include:

- Buildings are designed in a 360-degree manner and in two compatible but unique styles - providing a mixture of high-quality materials and colors, while articulating and reducing building height near existing neighborhoods.
- Ground level leasing and amenity space gives the buildings the look of mixed-use frontage, with potential as future office or commercial.
- Ample private open space - rooftop pools, fitness centers and multiple recreation areas.
- Buildings will be separated by a commonly owned and maintained landscape paseo that provides public access during daytime hours.
- Use of covenants, conditions and restrictions (CC&R's) and a parking management plan will provide rules development for residents and owners.
- Creation and management of a business or other association that provides operational oversight and maintenance responsibilities for the Promenade area along Highland Avenue; and

RECOMMENDATION

The proposed project provides for the redevelopment of a site that has long been identified as Duarte's transit village. The project will begin to implement the vision of the Duarte Station Specific Plan, assist the City in meeting its regional housing needs, and provide a variety of housing options near regional transit and local employment centers. Quality architectural design and ample open space areas will enhance the area and surrounding community, and create sense of place around the Gold Line station.

Conditions of approval have been proposed for the Vesting Tentative Tract Map and Site Plan and Design Review approvals. Adherence to these conditions, in addition to implementing the required mitigation measures included in the Final Subsequent Environmental Impact Report, will reduce impacts to the surrounding neighborhood and environment.

Staff recommends the City Council review and comment on the proposed project, gather public testimony, and approve the following actions:

1. Resolution 19-R-26 – Vesting Tentative Tract Map 82518 (SMA 19-02);
2. Resolution 19-R-27 – Site Plan and Design Review 19-37 (Building/Lot A); and
3. Resolution 19-R-28– Site Plan and Design Review 19-38 (Building/Lot B);

EXHIBITS

A. Planning Commission Staff Report
B. Resolution 19-R-26 – Vesting Tentative Tract Map 82518 (SMA 19-02)
C. Resolution 19-R-27 – Site Plan and Design Review 19-37 (Building/Lot A)
D. Resolution 19-R-28– Site Plan and Design Review 19-38 (Building/Lot B)

PLANNING COMMISSION STAFF REPORT

Date: October 21, 2019

Project: Vesting Tentative Tract Map #82518 (SMA 19-02) and Site Plan and Design Review (SPDR) 19-37 and 19-38

Subject: Proposal to subdivide the property into two parcels and construct two, multiple-story, market-rate apartments at 1700 Business Center Drive

Applicant: Duarte Partners, LLC

SUMMARY

The proposal to develop the property is associated with the request to amend the Duarte Station Specific Plan, associated entitlements and Subsequent Environmental Impact Report (SEIR). Duarte Partners, LLC is seeking to subdivide and construct a project that includes two, multiple-story, luxury, market-rate apartments at 1700 Business Center (former Woodward property). The following entitlements are being proposed:

Vesting Tentative Tract Map 82518 (SMA 19-02): a proposed subdivision of a 7.75-acre parcel into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres;

Site Plan and Design Review Case 19-37: proposes 344 dwelling units located within a six-story building, that surrounds a seven-story parking structure with approximately 580 parking stalls and rooftop deck (eight floor) at 1700 Business Center Drive (Building A – MBK).

Site Plan and Design Review Case 19-38: proposes 275, market-rate apartment units, located within a six-story building, that wraps around a seven-story parking structure with approximately 428 parking stalls (Building B – Mill Creek).

On October 14, 2019, the Architectural Review Board (ARB) recommended approval of both Site Plan and Design Review cases with conditions, for the Planning Commission's consideration. The development proposal is contingent upon the approval of General Plan Amendment and Zone Change 19-01; Municipal Code Amendment 19-02, and the project's Draft Subsequent Environmental Impact Report. City Council approval is ultimately required for the entire development project.

BACKGROUND

See section in related staff report - Amendment to the Duarte Station Specific Plan (Zone Change 19-01) and Draft Subsequent Environmental Impact Report (DEIR); General Plan Amendment 19-01; Municipal Code Amendment 19-02.

PROJECT SETTING

The project site consists of one parcel, which is 7.75 acres in size. The development will replace the Woodward Aviation building at 1700 Business Center Drive which will be removed as a part of the overall development project. The property has approximately 880' of street frontage along Business Center Drive, and a 20' frontage along Highland Avenue, that was originally designed to allow vehicular access to the current industrial building on-site. Four driveways exist along Business Center Drive. All of these will be removed and replaced in locations that will serve the proposed apartment projects, except the westerly driveway and access roadway, which serves the parcel to the rear of the subject property (1801 Highland Avenue). A 40' wide access easement is provided for the benefit of both the subject property and the parcel abutting to the south.

The site is part of the Duarte Station Specific Plan, which is being revised to facilitate changes to the mix of uses and density of projects. The other three parcels, one abutting the subject site along the south property line, the Metro-owned Gold Line parking lot (location of the Phase 1b project), and the adjacent parcel across the street on Business Center Drive remain as-is, and are not part of the proposed project. Surrounding uses include single-family residential to the west and northwest, industrial/warehousing uses and the Gold Line Station and rail right-of-way to the south, Metro Gold Line parking lot and industrial uses to the east, and additional industrial/warehousing uses to the northeast.

PROJECT DESCRIPTION

Development of Phase 1a of the project site is also a part of the project that is before the Commission, which includes a Tentative Tract Map to split the 7.75-acre parcel that is the current location on 1700 Business Center Drive into two lots; and two separate Site Plan and Design Review Cases: a 344 unit residential apartment project by MBK Homes (Building A), and the other from Mill Creek Residential for 275 residential apartment units (Building B). The proposal involves two different apartment buildings, constructed and operated by two separate owners, but is being processed as one development project. The applicant is referring to this project as "The Residences at Duarte Station". A development on Phase 1b has not submitted for the approval process at this time. However, the City, MJW Investments and the developer, Jamboree Housing, have been working with Metro on a proposal to integrate the current parking into a parking structure that would also serve as an intergenerational, subsidized housing project of between 60 and 70 units. In total, 619 units are proposed on the site; equating to 80 units per acre.

Both buildings will face Business Center Drive and will share a common landscaped paseo between the buildings and a shared drive to the west, south and east of the buildings. For both projects, the apartment units will be constructed around a multi-level parking garage, creating a "fully-wrapped" design that screens the parking garage and vehicles completely from all sides of

the property. Both buildings are designed in a contemporary architectural style, which incorporates traditional materials. The buildings are designed in styles that adhere to design guidelines of the Duarte Station Specific Plan zoning. A Vesting Tentative Tract Map 82518 is being requested to subdivide the property into two lots, one for each development project.

ANALYSIS

To allow the consideration and processing of the proposed residential projects, the following entitlements are required. Concerns and additional discussion about significant topics are also described in more detail below.

Vesting Tentative Tract Map #82518 (SMA 19-02)

Vesting Tentative Tract Map (VTTM) 82518 is being proposed to subdivide the property on Parcel 2 (Figure 1) into two lots, one for each apartment site - Lot A is 189,223 s.f. (4.34 acres) and Lot B is 148,546 s.f. (3.41 acres). This is considered the first phase of development. The balance of the first phase, is located on Parcel 4 (Figure 1), which is currently the Metro Gold Line parking lot.

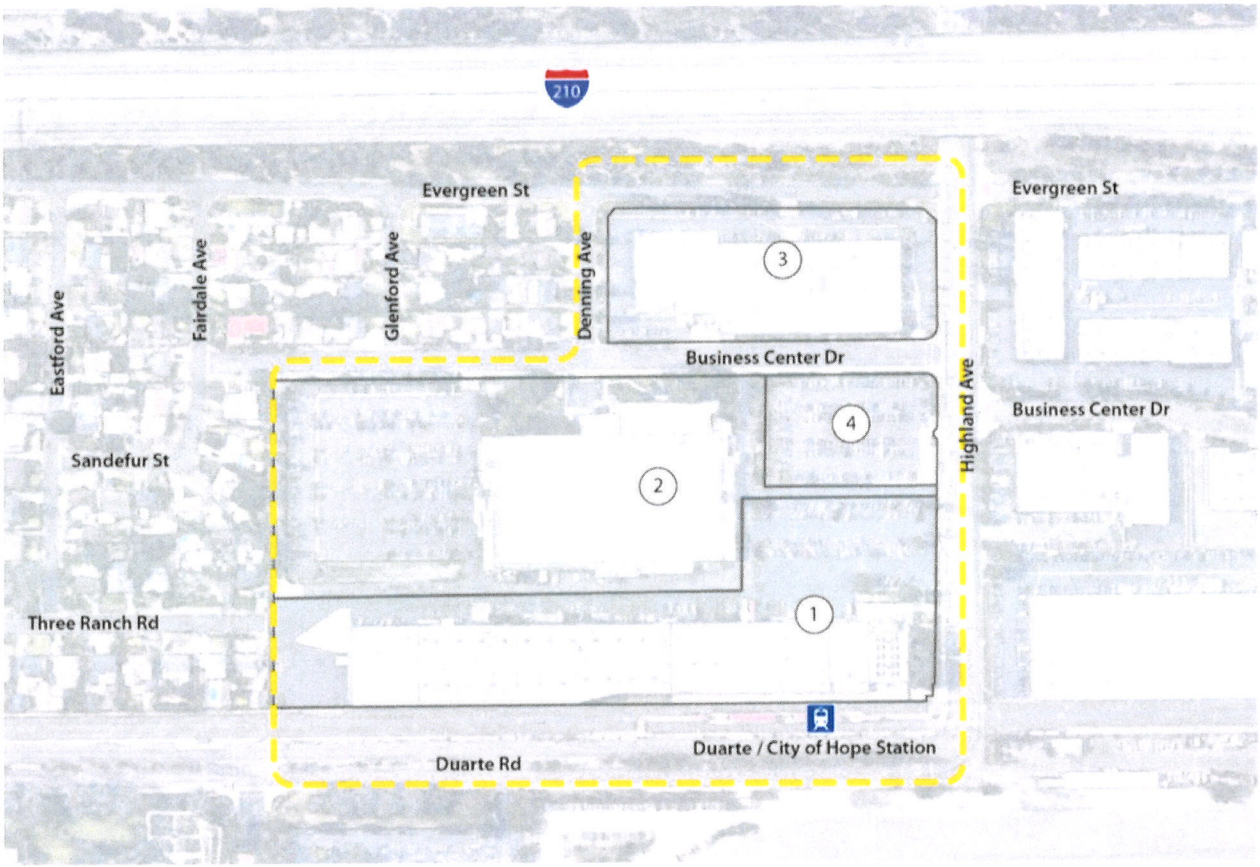


Figure 1

The Map was prepared in conformance with the Subdivision Map Act and the City's Subdivision Ordinance and has been designed to meet the requirements of the Fire Department, Sanitation District, among other utility companies and agencies. The drive aisles meet the City requirements for circulation and the Fire Department's requirements for emergency access. As part of the Map approval, the applicant will be required to construct new driveway approaches and replace the sidewalk, curb, gutter, and plant new street trees on Business Center Drive along the frontage of the project site. Site Improvements will occur throughout private property and public right of way areas. There will be a six-foot sidewalk that surrounds the south, east and west sides of property and an eight-foot sidewalk on Business Center Drive. The sidewalk will create a loop around both projects and will feature pedestrian lighting that matches the City's pedestrian lighting on Duarte Road. Staff will also be recommending to the City Council that it consider the renaming of Business Center Drive west of Highland, since the project site is the only property west of Highland that is addressed as Business Center Drive.

Since the developer is proposing a vesting map, a detailed set of conceptual development, architectural, grading, utility plans must be submitted, and are integral with the Map. A vesting map grants vested rights to proceed with a project in accordance with the ordinances, polices and standards in effect at the time the application for approval of the vesting tentative map is completed. This type of map guarantees both the City and developer what type of project is expected as part of the subdivision.

Lots A and B will be separated by a commonly owned and maintained landscape paseo. The paseo between Building A and Building B will be shared and the intent is to provide public access during daytime hours as long as security permits. This is an amenity that in the future could provide access from Business Center Drive to the Gold Line Station platform. The shared access easement on the south side of the project site is shared with Parcel 1 (Figure 1) and will be used for site circulation for the apartments, and loading and commercial activities on Parcel 1. The south sides of each building will have adequate buffers from the adjacent uses through a 10' landscaped setback, six-feet of sidewalk and the remainder of the 34' easement.

Due to the conceptual nature of the project, there are a variety of items that will require additional consideration, regulations or agreements to ensure maintenance, arrange coordination with other property owners, and carry through with the vision of the larger Duarte Station Specific Plan. The most significant of these requirements relate to:

- Creating a common lot for the landscaped paseo between buildings, and any necessary agreements or other mechanisms between the owners regarding maintenance and access within the paseo;
- Easements for circulation and access around the property and with neighboring properties;

- Offer to dedicate internal private roadways to public street(s) in the event this ownership arrangement is necessary or facilitates future development of the Station Plan area;
- Creation and management of a business or other association that provides operational oversight and maintenance responsibilities for the Promenade area along Highland Avenue; and
- Contribution to and management of a fund designed to design, install and maintain a marquee or other prominent project sign on the roof or upper walls of one of the subject buildings, including (and preferably located at) the Phase 1b development to the east of the subject property.

A variety of conditions have been suggested to help regulate the design, operation, and other components of the project, including commonly required off-site improvements to ensure compliance with Public Works standards. Common lots may be required upon final map submittal to identify mutual areas of responsibility between apartment site owners and for street dedication. Comments have been received, and integrated into the conditions of approval where applicable, from the following agencies or utility companies: Caltrans, LA County Fire Department, LA County Sanitation Districts, LA County Department of Public Works (Flood Control), and Southern California Edison (Exhibit C). A water utility will serve letter was previously provided to the developer.

Site Plan and Design Review Case 19-37 (Building A - MBK Homes)

Site Planning/Circulation

This 344-unit building, known as Building A, is located on Lot A - the west side of the property. It has five stories of residential units, with several units on the top story having lofts (sixth story). The outside wall height ranges from 46' along the west portion of the building to address proximity to single-family houses, and to 67' on the east portion of the building. The center of the building, where the parking structure is located, has seven levels of parking with a 17,753 square foot rooftop amenity area on the top (eighth) level. The highest point of the structure is approximately 85' tall. The building is designed to take full advantage of views from the site to the north and south. This project will be built, owned and operated by MBK Homes.

Proposed unit size range from: studios from 527 square feet to 677 square feet, with an average of 602 square feet; one bedroom units from 585 to 915 square feet, with an average of 721 square feet; two bedroom from 799 square feet to 1,196 square feet, with an average of 946 square feet; and three bedroom from 1,054 square feet to 1,118 square feet, with an average of 1,086 square feet. The unit mix is as follows: Studio - 65; one bedroom - 178; two bedroom - 82; and three bedroom - 19. The building consists of a total of 259,062 square feet of residential space.

For a project of its size and density, this project provides a generous amount of open space per unit. Total open space for the building is 91,176 square feet which is well above the minimum requirement of 68,800 square feet (200 square feet per unit). There are five separate ground level open space courts that all share views to outside of the project; each designed in a unique theme to provide different recreational and passive experiences for residents. There is also a roof top space that has a pool, fitness center, clubroom, and other activity areas.

There will be 580 parking spaces (1.69 per unit) provided on seven levels of structured parking. Gated access to the parking structure is provided on the north (primary) and west sides of the building. The 20' westerly driveway (shared access easement) and a 10' wide, heavily landscaped buffer is provided between Building A and adjacent residences. 429 stalls are provided for the mix of unit types. 52 guest parking spaces have also been incorporated. A guest call box is located at the north driveway entrance. Accessible, electric vehicle, and clean air vehicle spaces are provided within the structure.

The project includes a ground level leasing (2,373 square foot) and secondary amenity space (1,928 square foot). Both of these spaces include high ceilings that allow for conversion to office or commercial if there is a desire the future. A total of 10 stalls are reserved for leasing and/or future uses, with four ground-level parking stalls located near the northerly building entrance to be used in association with the leasing office.

Architectural Elements/Materials

The proposed building design meets the specific plan requirements of contemporary design with a traditional design flavor. The structure incorporates articulation in form with changes in the wall planes, and a mixture of colors and materials to help reduce the building's mass. Furthermore, courtyard areas provide substantial modulation in the building planes, reduce the mass of the building, and provide additional buffer from adjacent residences. A variety of architectural elements such as varying roof heights, window styles, balcony/canopy projections and recessed balconies help shape the building and create visual interest. The Business Center Drive street elevation has increased plate heights, and larger windows at the leasing office to give the building a mixed-use appearance. The building has taken a 360-degree design approach by applying high-quality materials and architectural features to all parts of the building and not just those visible from the public. This is especially important along the west and northwest sides of the project, which faces an existing residential neighborhood.

The exterior finish consists of textured stuccoes, a variety of complimentary colors, reddish and cream-colored brick cladding placed on multiple floors of the front elevation, ceramic tile with a Corten finish (metal with patina), wire metal railings, anodized aluminum windows for the leasing and secondary amenities offices, and almond colored vinyl windows for the residential units. Metal awnings are placed near the leasing and secondary amenities to define the potential commercial and/or office components of the project.

Site Plan and Design Review Case 19-38 (Building B – Mill Creek Residential)

Site Planning/Circulation

This 275-unit building, known as Building B, is located on Lot B - the east side of the property. It has five stories of residential units, with several units on the top story having lofts (sixth story). The outside wall height ranges from 66' at the northwest corner of the building, to 57' along the west portion of the building, and to 69' on the northeast portion of the building, and 61' along the east elevation. The center of the building, where the parking structure is located, has seven levels of parking with a 13,289 square foot rooftop amenity area on the top (seventh) level. The highest point of the structure is approximately 77' tall. The building is designed to take full advantage of views from the site to the north and south. This project will be built, owned and operated by Mill Creek Residential.

Proposed unit size ranges: studio and one bedroom units from 540 to 962 square feet, with an average of 730 square feet; and two bedroom from 900 square feet to 1,388 square feet, with an average of 1,069 square feet. The unit mix is as follows: studio - 15; one bedroom - 136; and two bedroom - 124. The building consists of a total of 240,360 square feet of residential space.

Building B also meets and slightly exceeds the open space requirement per unit. Total open space for the building is 55,842 square feet which is approximately 203 square feet per unit. There are three separate ground level open space courts, again themed to provide unique experience for project residents. Two of the courtyards are surrounded by the project; and one of these courtyards is attached to a fitness room located within the structure. The third courtyard is located near the common landscaped paseo between the buildings, and is surrounded by Building B on the east and south sides. Building B also features a roof top space that has a pool, clubroom, and several lounge spaces located adjacent to a half-level of parking on the seventh floor of the building.

There will be 420 parking spaces (1.53 per unit) provided on seven levels of structured parking. Gated access to the parking structure is provided on the east side of the building. The east side access driveway separates the project from the Metro parking lot and the future plan for this area as a residential project. 374 stalls are provided for the mix of unit types. 41 guest parking spaces have also been incorporated; the guest call box is included within a widened portion of the easterly driveway. Accessible, electric vehicle, and clean air vehicle spaces are provided within the structure.

The project includes a ground level leasing (3,068 square foot) designed with 20' high ceilings. The Specific Plan allows these spaces to be office or commercial if there is a desire the future. Five parking spaces are reserved for the leasing function within the parking structure.

Architectural Elements/Materials

Building B also proposes a contemporary design with traditional architectural features and materials, and incorporates similar design techniques to reduce the building mass and provide architectural interest (see discussion for SPDR 19-37 above).

Specific to Building B, corrugated metal panels and gray brick veneers provide rich materials on all elevations. Both wire mesh and fiberglass faux-steel balcony and canopy accents will be incorporated. The northeast corner of the building and leasing area is further improved with full wall corrugated metal panels, increased plate heights, and larger windows at the leasing office to give the building a mixed-use appearance. The building also applies a 360-degree design approach by applying high-quality materials and architectural features to all parts of the building and not just those visible from the public.

Items related to Both Projects

Conditions requiring a parking management plan, an on-site maintenance plan, among other operational matters, will be required of the property owner prior to beginning construction. The applicant will be required to provide a parking management plan to the City for approval, which will also be incorporated into the CC&R's. The management plan is intended to regulate the amount of resident vehicles to help minimize the amount of on street or spillover parking, and address guest, leasing and other parking matters. Parking requirements will be included to ensure resident garages are maintained free of storage and clutter and are regularly used for vehicle parking. Establishment of Covenants, Conditions and Restrictions (CC&Rs) will provide rules and limitations of the development for residents. These rules will include private yard use and storage, parking requirements, common area use, and resident trash requirements, among others. The CC&R's will be recorded to the property and will be managed and enforced by the property's ownership or association. This will ensure the property is well managed at all times and does not become a detriment to the surrounding community.

The ARB recommended a few additional conditions, to be reviewed by staff, related to improving the architectural appeal of both projects:

- Additional building materials to be provided on non-frontage elevations, particularly the south elevation, which will interface with potential re-use or redevelopment of the adjacent parcel in the future;
- Increased architectural detail on the upper floors of the building and parking structure;
- Decorative, exterior lighting on buildings and within landscaping; and
- Increased application of cornice and window treatments.

The plan also implements a public art component that will require each development project to either pay a public art fee equal to one quarter of one percent (0.25%) of the building valuation for public art or to provide a piece of public art. The primary intent of this art would be to further

improve the Highland Promenade. Section 5.3.1 of the DSSP creates the ability for the creation of a maintenance district to maintain amenity spaces such as the Highland Promenade.

ENVIRONMENTAL

The Subsequent EIR process is used when there are substantial changes to a project that necessitate a new evaluation of the possible impacts. The properties impacted by the specific plan have not changed but the development scenario has changed. The proposed DEIR addresses the proposed impacts of the development scenario that may be possible with the proposed specific plan amendment.

This project has been analyzed under the DEIR, which if certified, will allow for a buildout of up to 1,400 residential units, 100,000 square feet of new office, and 12,500 square feet of commercial. Although the DEIR identifies certain significant environmental effects that will result if the project is implemented, all significant effects that can feasibly be avoided or mitigated will be by the imposition of conditions and/or mitigation measures. A Mitigation and Monitoring Reporting Program will address construction and project impacts and associated monitoring.

The significant impacts of the DSSP that have not been reduced to a level of insignificance will have been substantially reduced in their impacts by the imposition of mitigation measures. The process to address this is for the City Council find that the significant unavoidable adverse impacts of the DSSP are clearly outweighed by the economic, social and other benefits of the project and adopt a Statement of Facts and Findings and Statement of Overriding Considerations.

Additional discussion on the environmental analysis can be found in the related staff report - Amendment to the Duarte Station Specific Plan (Zone Change 19-01) and Draft Subsequent Environmental Impact Report (DEIR); General Plan Amendment 19-01; Municipal Code Amendment 19-02 of the Duarte Station Specific.

RECOMMENDATION

The proposed project provides for the redevelopment of a site that has long been identified as Duarte's transit village. The project will begin to implement the vision of the Duarte Station Specific Plan, assist the City in meeting its regional housing needs, and provide quality housing options near regional transit and local employment centers. Quality architectural design and a variety of open space areas will enhance the area and surrounding community, and create sense of place around the Gold Line station.

Conditions of approval have been proposed for the Vesting Tentative Tract Map and Site Plan and Design Review approvals. Adherence to these conditions, in addition to implementing the required mitigation measures included in the DEIR, will reduce impacts to the surrounding neighborhood and environment.

Staff recommends the Planning Commission review and comment on the proposed project, gather public testimony, and recommend approval to the City Council of the following actions:

1. PC Resolution 19-10 – Vesting Tentative Tract Map 82518 (SMA 19-02);
2. PC Resolution 19-11 – Site Plan and Design Review 19-37 (Building/Lot A); and
3. PC Resolution 19-12 – Site Plan and Design Review 19-38 (Building/Lot B);

Respectfully Submitted,

Jason Golding
Planning Manager

EXHIBITS

A. Project Plans, Including Architectural, Landscape, Drainage, and LID
B. Vesting Tentative Tract Map 82518 & Civil Plans
C. Agency & Utility Correspondence
D. PC Resolution 19-10 – Vesting Tentative Tract Map 82518 (SMA 19-02);
E. PC Resolution 19-11 – Site Plan and Design Review 19-37 (Building/Lot A)
F. PC Resolution 19-12 – Site Plan and Design Review 19-38 (Building/Lot B)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING VESTING TENTATIVE TRACT MAP 82518, A SUBDIVISION OF A 7.75-ACRE PARCEL INTO TWO LOTS (SMA 19-02)

WHEREAS, the applicant is requesting approval of Vesting Tentative Tract Map No. 82518, a proposed subdivision of a 7.75-acre parcel into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres, associated with the development of two multiple-story, apartment buildings at 1700 Business Center Drive; and

WHEREAS, the subdivision is a vesting map, which grants vested rights to proceed with a project in accordance with the ordinances, polices and standards in effect at the time the application for approval of the vesting tentative map is completed; and a detailed set of conceptual development, architectural, grading, utility plans has been submitted, and are associated with the development of the project.

WHEREAS, Vesting Tentative Tract Map No. 82518 is contingent upon the recommended approval of General Plan Amendment 19-01, Zone Change 19-01 (an amendment to the Duarte Station Specific Plan), Municipal Code Amendment 19-02, Site Plan and Design Review cases 19-37 and 19-38, and associated Subsequent Environmental Impact Report (SEIR); and

WHEREAS, the project site is part of the amended Duarte Station Specific Plan (DSSP), which provides standards and guidelines for buildings developed in the Plan area; and

WHEREAS, the City Engineer has found and determined that Vesting Tentative Tract Map No. 82518, and the conditions of approval attached thereto, conforms to the State Subdivision Map Act and the applicable requirements of Article Five of the Duarte Development Code; and

WHEREAS, on October 21, 2019 the Planning Commission held a duly noticed public hearing on the subdivision, whereupon the Planning Commission received additional public testimony and the Planning Commission recommended approval to the City Council; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the subdivision, whereupon the Planning Commission received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, the City Council finds and determines that Tentative Tract Map No. 82518 is in the best interest and welfare of the City and its residents.

WHEREAS, after careful study and the public hearing held on November 12, 2019 the City Council approves Vesting Tentative Tract Map No. 82518 (SMA 19-02), for the subdivision of the property into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres, associated with the development of two multiple-story, apartment buildings at 1700 Business Center Drive, subject to conditions of approval.

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines as follows: findings for Tentative Tract Map, as set forth in DDC Section 19.72.060.A, as:

1. Vesting Tentative Tract Map No. 82518 is consistent with the applicable General Plan.

   The project conforms to the goals and objectives on the General Plan by establishing a new subdivision that will accommodate high density housing which will ultimately lead to a range and mix of housing in proximity to complementary uses such as the adjacent Gold Line light rail station and other employment centers in the vicinity.

2. The design of Vesting Tentative Tract Map No. 82518 is consistent with the applicable General Plan.

   Vesting Tentative Tract Map No. 82518 will allow for development of two, multiple story apartment buildings on their own parcel within the amended Duarte Station Specific Plan. The General plan seeks a flexible mixed-use Transit Oriented Development, which includes a variety of housing types and densities, for the project area.

3. The site of Vesting Tentative Tract Map No. 82518 is physically suitable for the proposed development.

   Vesting Tentative Tract Map No. 82518 will allow two high-density residential apartment developments on 7.75 acres. The proposed site is adequate to accommodate a multi-family residential project. The site is located on Business Center Drive, and adjacent to Highland Avenue, an arterial roadway. Furthermore, the project site is regionally accessible through proximity to the Duarte Gold Line Station and Interstate-210. The project will be designed to provide proper access to residents and emergency personnel, and will be adequately served by utilities.

4. The site of Vesting Tentative Tract Map No. 82518 is physically suitable for the proposed development density allowed in the Duarte Station Specific Plan zone.

   Vesting Tentative Tract Map No. 82518 will allow two high-density residential apartment developments on 7.75 acres. The project will result in a density of 80 units per acre, which is consistent with the General Plan and Duarte Station Specific Plan zone. The site is adequate and can physically accommodate the proposed project. The Map has been designed to provide adequate: pedestrian and vehicular circulation for residents, emergency vehicle access, and open space. The tract map will also be designed to comply with the off-street parking requirements for the zone, using several main drive aisles as access to residential garages and surface parking areas.

5. Vesting Tentative Tract Map No. 82518 and related improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

   In approval of this Vesting Tentative Tract Map, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 et seq. (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 et seq. (CEQA Guidelines) because an Subsequent Environmental Impact Report and Mitigation Monitoring Program for the Duarte Station Specific Plan has been prepared and circulated for public review and comment.

   Furthermore, the project site is located within an urbanized portion of the City. As an urbanized and disturbed site, there is a lack of quality biological habitat within and immediately surrounding the site. As such, the proposed project would not impact or injure fish or wildlife or their habitat.

6. Vesting Tentative Tract Map No. 82518 and related improvements are not likely to cause serious public health problems.

   The Tentative Tract Map will establish two new residential apartment buildings on two separate lots. Agencies that regulate public health infrastructure were consulted as part of the subdivision review process, and their comments have been considered and included as conditions, where applicable. The City Engineer has reviewed conceptual grading, sewer and stormwater plans that meet the intent of City Codes and other laws. A homeowners association or similar ownership association will enforce Codes, Covenants and Restrictions (CC&R's) that will further ensure the operations of the future project do not cause public health problems to the community.

7. Vesting Tentative Tract Map No. 82518 and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

   The Map was designed to accommodate an existing access easement shared between the subject property and the abutting property owner to the south. This easement identified on the Map will remain and be incorporated as part of the project. Additional easements related to vehicular and pedestrian access, maintenance, and use of the shared landscaped paseo between the buildings have been incorporated as conditions of approval.

8. Vesting Tentative Tract Map No. 82129 will not violate requirements prescribed by the California Regional Water Quality Control Board, regarding the discharge of waste from the proposed subdivision into an existing community sewer system

   The Los Angeles County Sanitation Districts, which regulate wastewater issues locally, were consulted as part of the subdivision review process. Their correspondence does not object to the proposed development. The District's comments have been considered and included as conditions, where applicable.

SECTION 3. The City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et seq. and State regulations in Title 14 of the California Code of Regulations Section 15000 et seq. (CEQA Guidelines), as stated above, because an Subsequent Environmental Impact Report (SEIR) and Mitigation Monitoring and Reporting Program (MMRP) for the Duarte Station Specific Plan has been prepared. The SEIR and MMRP have been circulated for public review and comment, and which will be considered for certification by the City Council prior to the City Council's action on the project.

SECTION 4. The City Council approves Resolution 19-R-26, based on the findings listed in Section 2, and the Conditions of Approval listed in "Exhibit B-1", and recommends approval of Vesting Tentative Tract Map 82518 to the City Council, for a subdivision of a 7.75-acre parcel into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres, associated with the development of two multiple-story, apartment buildings at 1700 Business Center Drive.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-26 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

EXHIBIT B-1
CONDITIONS OF APPROVAL
Vesting Tentative Tract Map No. 82518 (SMA 19-02)

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1. Business center Drive shall be grind and overlaid for the full width of the roadway surface within the tract boundaries. The grind and overlay shall occur prior to release of occupancy of the final building, but in no case shall the overlay lag more than one year after the release for occupancy of the first building.

2. The south, east and west existing ingress and egress easements (Pioneer Electronics Technology, Inc.) and the proposed east fire lane shall be offered to the City as a public ingress and egress easement or dedicated as a public street, subject to the approval of the City Engineer.

3. The property owners shall agree to an easement within, and/or an agreement regarding the landscape paseo/linear park between Building A and B allowing shared access, use, and maintenance. The easement/agreement shall be recorded with the County recorder, a copy of the recorded document shall be provided to the Community Development Department to keep on file prior to prior to recordation of the final map.

4. The landscape paseo/linear park between Building A and B is intended to remain open during and designed to be clearly recognizable as public space, and be publicly accessible from Business Center Drive to future connections to the southerly portion of the Specific Plan area, subject to security or operational concerns, as approved by associated agreement. The plaza shall be designed to encourage social interaction and year-round use. An agreement between the City and the Property Owner(s) shall be signed, and recorded to the property addressing the specific details related to accessible open space prior to issuance of Certificate of Occupancy. The property owner shall have the ability to post "No Trespassing" or other applicable penal code signs to allow necessary enforcement and/or removal of any activity that may deemed a public nuisance or jeopardize the health, safety and general welfare of the public. The location of the penal code signs shall be approved by the Planning Division prior to prior to installation.

5. The property owner/management shall prepare a property maintenance plan for continued and regular maintenance of the property related to storefronts, sidewalks, public plaza areas, fabric awnings, etc. The maintenance plan shall be provided to the Community Development Department for review and approval prior to issuance of Certificate of Occupancy. All requirements of the approved maintenance plan shall be incorporated by reference as a condition of approval.

6. The owner(s) shall agree to participate in a business or property owners' association for maintenance responsibilities and operational oversight of the Promenade area along Highland Avenue. The City will participate in the association or district, and will assist in its creation. The intent is that the association or district will be formed either prior to certificate of occupancy issuance or Promenade.

7. The Developer/applicant shall prepare Covenants, Codes, & Restrictions (CC&R's) in a form acceptable to the City Attorney. The CC&R's shall provide regulations that include but are not limited to: onsite parking management, guest parking, use of resident garages for parking, outdoor storage, common area/roadway maintenance, trash service, among others. The CC&R's shall include requirements for the establishment of a Homeowners Association or other property ownership group or association that will implement and ensure compliance with the CC&R's. The CC&R's shall be recorded with the County Recorder's Office and proof of recordation shall be provided to the City of Duarte prior to issuance of Certificate of Occupancy. The CC&R's shall not be modified without prior approval from the City.
8. The developer shall participate and provide financial contribution to a fund designed to design, install and maintain a marquee or other prominent project sign on the roof or upper walls (as to be visible from the 210 Freeway) on one of the subject buildings, or the potential third residential development to the east of the subject property, off-site within the Duarte Station Specific Plan area, or as otherwise approved by the Architectural Review Board. Details on the establishment and prolonged cooperation between property owners, participation details, financial contribution, and maintenance, amongst other related subjects, shall be incorporated into an agreement or other legal document, approved by the Planning Division, and the City Attorney, prior to certificate of occupancy issuance. The final design, type, material, and location of the marquee sign shall require a separate review and approval by the Architectural Review Board.
9. All development project valued over $1,000,000 shall be subject to a public art fee equal to one quarter of one percent (0.25%) of the total building valuation. In lieu of the public art fee, the project may provide a piece of public art subject to the approval of the City. Public art fees may be used for art pieces, themed project signs, construction of the Highland Promenade, or other similar public amenities focused on creating a sense of place. The public art shall maintain the primary purpose of displaying visual art and shall not be commercial in nature. The art piece shall be designed by a professional artist with experience in public display art pieces and be installed prior to certificate of occupancy issuance. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.
10. Any maintenance on privately owned roadways and/or drive aisles shall be the responsibility of the Applicant/Developer and the established Homeowners Association.
11. Three copies of the covenants, conditions and restrictions (CC&R's) and the common open space access agreements/easements between parcels 1 and 2 (Lot A & B), shall be submitted prior to approval of the final map. The CC&R's and access agreements/ easements shall be reviewed and approved by the City Attorney prior to recordation of the final map.
12. The applicant shall agree to creating common lots for the final map, which may be necessary for a variety of areas of mutual responsibility, such as, but not limited to: roadways, landscape areas, and open space, at the request of the City Engineer.
13. The Denning Avenue sewer main shall be extended in Business Center Drive to the satisfaction for the City Engineer and the LA County Department of Public Works.

14. North/ South sewer laterals connecting to the proposed sewer main in Business Center Drive or in Glenford Avenue shall be private. Approval of private lateral connections to a public manhole shall be approved by LA County Department of Public Works.

15. All storm drain connections to the existing storm drain to the south of the project in the east/west aisle shall be approved by LA County Department of Public Works.

16. All proposed drive approaches on Business Center Drive shall be ADA compliant. Sidewalk easement shall be dedicated to the City if necessary. The Applicant/Developer shall comply with the latest disabled access regulations as found in Title 24 of the California Code of Regulations and the Americans with Disabilities Act. Accessible items shall include, but not be limited to: parking, accessible pedestrian routes, accessible/adaptable units, public/common use areas, swimming pool, etc., as applicable.

17. Truck turning movements on all drive shall be submitted to the City Engineer for review and approval.

18. The property owner/developer shall replace the sidewalk adjacent to the project site on Business Center Drive for the full extent of project site boundaries, including the curb and gutter as needed, also any damaged improvements as the result of construction.

19. Decorative paving materials shall be integrated into driveways, parking areas, and pedestrian walkways shown on Vesting Tentative Tract Map 82518 and as approved by the City Engineer and/or Public Works/Engineering Division.

20. Street trees are required along Business Center Drive, or as otherwise approved by the Planning Division. All trees within the City right-of-way shall be consistent with the City's tree well design, as noted in the design guidelines of the Duarte Station Specific Plan, and be approved through a complete landscape and irrigation plan, submitted to the Planning Division for review and approval prior to permit issuance. Street trees and tree wells shall require a right of way permit from the Public Works Division prior to installation.

21. All public improvement plans shall be submitted to the City in AutoCAD format to the Public Works Division after approval by the City Engineer.

22. Applicant or successors in interest shall submit final maps in accordance with the Subdivision Map Act and the City of Duarte subdivision requirements.

23. A final tract map shall be prepared by a licensed land surveyor or a registered Civil Engineer. The applicant or successors in interest shall provide the City with verification of the recordation of the tract map with the Recorder's Office of the County of Los Angeles prior to the issuance of a grading permit on the site.

24. Security Bonds and/or Subdivision Agreement shall be submitted and recorded prior to the issuance of the grading permit.

25. Improvement plans and necessary letters of credit, cash, and/or bonds to secure the construction of all streets, storm drains, water, sewer, grading, etc. as required shall be submitted and approved by the City Engineer, and the subdivision agreement and other required agreements approved by City Attorney, prior to the recordation of the Final Map.

26. All easements existing at the time of the Final Tract Map approval must be accounted for on the approved Tentative Map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket in nature or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location.

27. Easements for Private Driveways and Fire Lanes, and all utilities, including water, sewer, storm drains shall be provided on the Final Map to the satisfaction of the City Engineer and City Attorney.

28. All site, grading, landscape & irrigation, and street improvement plans shall be coordinated for consistency prior to the issuance of any permits.

29. A preliminary title report and guarantee is required and such document shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders. The account for this title report should remain open until the final map is filed with the County Recorder.

30. The applicant shall supply the City with full size duplicate mylars, three blue line prints of each recorded final map, 1 set of reduced 11" x 17" duplicate mylars and one set in AutoCAD format.

31. The engineer or surveyor shall set durable monuments to the satisfaction of the City Engineer, in conformance with Section 66495 of the Subdivision Map Act.

32. Prior to exoneration of any security for the project that may include existing survey monuments disturbed through construction activities and deemed necessary for preservation by the City Engineer, the applicant shall file a Corner of Record or Record of Survey with the County Surveyor to establish existing survey control points as defined in Section 8711 (b) of the California Professional Land Surveyors Act.

33. Application for approval of the final tract map shall be filed with the City Council 30 days prior to the expiration date of the tentative map.

34. Comprehensive engineering, geologic and soils reports, based on adequate test borings, shall be performed pursuant to Section 6490 of the Subdivision Map Act. If there are subsequent geologic and soils reports they shall be reviewed and approved by the City Engineer. Additional geotechnical investigations shall evaluate the potential hazards

posed by shallow groundwater and shall include, necessary, design and engineering recommendations to mitigate potential safety hazards.

35. Building foundation inspections shall not be performed until a rough grading certification, survey stakes in place, and a final soils report have been filed with the City and approved. All drainage facilities must be operable.

36. Final improvement plans shall be accompanied by adequate plans for drainage improvements prepared by a registered professional engineer.

37. The Applicant/Developer shall install sanitary sewers to serve the entire development to the specifications of the City Engineer and/or Public Works/Engineering Division. Prior to installing sewer lines, the Applicant/Developer shall perform a sewer capacity study and submit it to the City for review and approval from the City Engineer and/or Public Works Division prior installation of any sewer lines and issuance of building permits. A sewer connection fee is required by the County Sanitation District. Said fees shall be paid and proof of payment shall be provided prior to the issuance of building permits.

38. Grading, drainage, civil, and related engineering plans and all required plan check fees shall be submitted to the City Engineer and/or Public Works/Engineering Division for plan check prior to construction. Approval from the City Engineer and/or Public Works/Engineering Division shall be obtained prior to the issuance of permits. Prior to the issuance of a certificate of occupancy, a Public Works right-of-way permit for the proposed right-of-way modifications shall be obtained, and the work completed. The right-of-way permit must be issued to a licensed concrete contractor.

39. The Applicant/Developer shall submit a Precise Paving and Drainage Plan for the proposed development to be reviewed and approved by the City Engineer and/or Public Works/Engineering Division. Grading permits will not be issued until the final map has recorded.

40. LID Plan. A Low Impact Development (LID) Plan shall be submitted to the Engineering/Public Works Division for review. The LID plan shall provide a comprehensive and technical discussion of how the proposed project will comply with the City's stormwater program requirements. LID Guidance and implementation can be obtained from Los Angeles County Public Works LID Standards Manual. Contact the Duarte Public Works Division for more information. The LID plan shall be approved prior issuance of grading permits.

41. Civil Plans. Two sets of complete Civil plans shall be submitted to the Engineering/Public Works Division for review, accurately showing all existing public improvements near the subject development (i.e., street lights, signs, utility vaults and boxes, bus stops, street trees, catch basins, etc.) and shall clearly indicating any proposed modifications to the existing public improvements. Such proposed modifications to the public improvements shall require approval from the City Engineer and Community Development Director prior to issuance of any building permit and/or grading permit.

42. Easements for all utilities including water, sewer, and storm drains shall be provided to the City as required by the City Engineer.

43. The applicant shall obtain a flood hazard report from Los Angeles County Department of Public Works for review and approval by the City Engineer prior to issuance of grading permit.

44. The Applicant/Developer shall contact the Los Angeles County Flood Control District, regarding a requirement to obtain a flood permit.

45. The Applicant/Developer shall comply with subdivision requirements provided by the Los Angeles County Fire Department, unless otherwise modified by the Community Development Department and/or Fire Department.

46. Sewer connection fees shall be paid directly to the Los Angeles County Sanitation District. Proof of payment shall be provided prior to issuance of the grading permit.

47. The Applicant/Developer shall submit water plans to be reviewed and approved by the City Engineer and/or Public Works/Engineering Division, California American Water and the Los Angeles County Fire Department.

48. Telephone, gas, electric and cable companies shall be consulted for planning, construction and proper placement of service facilities prior to installation of those facilities. Transformer vaults shall not block access for emergency and fire vehicles. All Vaults, switch boxes and similar equipment shall be screened to the extent possible considering safety and access. Location and screening of utility vaults shall be reviewed and approved by the Community Development Department prior to issuance of building permits.

49. The applicant shall comply with all South Coast Air Quality Management System requirements. During grading, a watering program shall be established to adequately reduce on and off site dust. Grading is prohibited during high wind conditions.

50. The developer/contractor and all representatives shall comply with the National Pollution Discharge Elimination System (NPDES) Permit No. CAS004001, Order No. R4-2012-075, and amendments, issued by the California Regional Water Quality Control Board, Los Angeles Region. Construction activities that disturb one acre or more are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and to obtain a Construction General Permit (NOI) from the State Water Resources Control Board to discharge stormwater. A copy of the permit shall be provided to the Public Works Division to keep on file and ensure compliance.

51. All utility facilities within the public right of way including but not limited to conduit, cable, cabinets, control boxes, etc. shall be placed underground with any access panels flush with

the ground surface. If there is physical constraints restricting the placement of utility facilities underground, the developer shall provide clear engineering reasons why above ground facilities cannot be installed with underground vaults/handholes. Additionally, all utility services stubbed to the site that will not be used to serve the development shall be properly abandoned.

52. All trenching/potholing/street cuts shall be fixed permanently within five (5) working days following the completion and acceptance of the backfill. Temporary asphalt concrete is required immediately following completion of the backfill. If plates are necessary, they shall be placed flush to the road surface and tack welded together if two or more plates are used. If plates are necessary, then under no circumstance shall a trench remain plated longer than 48 hours, unless a longer term is approved by the Public Works Manager.

53. The developer and/or contractor is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure shall be included in the SWPPP and implemented as approved by the City Engineer:

    - Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
    - Ensure that concrete supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
    - Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

54. Paint curbs along roadway to meet the requirements of the City of Duarte, Fire Department or other regulatory agencies related to no or restricted parking, as per approved plans.

55. Vehicular access to public streets and driveways shall remain unobstructed during the construction period.

56. All work adjacent to or within the right-of-way shall be subject to review and approval of the City Engineer and/or Public Works/Engineering Division and the work shall be in accordance with applicable standards of the City of Duarte; i.e. Standard Specifications for Public Works Construction (Green Book) and the California Manual of Uniform Traffic Control Devices (CA MUTCD), and further that the construction equipment ingress and egress be controlled by a plan approved by Public Works.

57. Traffic control work (delineation and signage) shall comply with the California Manual on Uniform Traffic Control Devices. A traffic control plan shall be submitted to the Public Works Division for review and approved prior to beginning construction and/or grading.

58. The Applicant/Developer shall comply with the latest editions of the codes as adopted by reference by the City of Duarte. California Green Building Standards Code, California Building Code, California Residential Code, California Mechanical Code, California Plumbing Code, and California Electrical Code. (Codes as amended by the County of Los Angeles.)

59. The Applicant/Developer shall comply with the latest California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment and submit calculations at time of initial plan review.

60. The developer and/or contractor shall incorporate and comply with all regulations, policies and standards regarding water, sewer, and storm water.

61. Vesting Tentative Tract Map 82518 approval is contingent upon approval of General Plan Amendment 19-01, Zone Change 19-01, Municipal Code Amendment 19-02, Site Plan and Design Review 19-37 & 19-38, and the related Subsequent Environmental Impact Report.

62. The project shall comply with all the regulations of the Duarte Station Specific Plan, the Duarte Development Code, and the Duarte Municipal Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

63. The tentative tract map must comply with the State Subdivision Map Act and Article 5 (Subdivisions) of the Duarte Development Code.

64. All utilities for direct service to the project shall be installed underground and concealed from view, as approved by the Planning Division, with the exception of transformers, which shall be allowed above ground with adequate screening.

65. The developer shall comply with the City's cable installation requirements, per Chapter 16.34 of the Duarte Municipal Code.

66. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit.

67. The Developer shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.

68. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District for more information.

69. The applicant shall provide a safe method of adequate vector control prior to clearance and grading.

70. All refuse and debris shall be removed from the property, and the property shall be kept clean and litter free.

71. This project is subject to the Duarte Station Specific Plan Mitigation Monitoring and Reporting Program, and other requirements of the project's Subsequent Environmental Impact Report.

72. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 19-37 TO THE CITY COUNCIL, FOR A 344-UNIT, MULTIPLE STORY, APARTMENT BUILDING, STRUCTURED PARKING AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 1700 BUSINESS CENTER DRIVE (SPDR 19-37)

WHEREAS, Duarte Partners, LLC is requesting approval to develop 344 dwelling units located within a seven-story building, that surrounds an eight-story parking structure with approximately 580 parking stalls at 1700 Business Center Drive; and

WHEREAS, the proposed residential development is contingent upon the approval of General Plan Amendment 19-01, Zone Change 19-01 (an amendment to the Duarte Station Specific Plan), Municipal Code Amendment 19-02, Tentative Tract Map No. 82518, and associated Subsequent Environmental Impact Report (SEIR); and

WHEREAS, the project site is part of the amended Duarte Station Specific Plan (DSSP), which provides standards and guidelines for buildings developed in the Plan area; and

WHEREAS, new multiple-family residential construction requires recommendation from the Architectural Review Board to the Planning Commission, and since this project involves entitlements that also require consideration from the City Council, a recommendation from the Planning Commission to City Council is required for complete project approval, pursuant to Section 19.112.030 and Table 7-2 in Section 19.122.030 of the Duarte Development Code; and

WHEREAS, on October 14, 2019, the Architectural Review Board reviewed the plans for the Site Plan and Design Review Case 19-37 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, on October 21, 2019, the Planning Commission reviewed the plans for the Site Plan and Design Review Case 19-37 and recommended approval to the City Council subject to conditions; and

WHEREAS, notice of a public hearing on Site Plan and Design Review 19-37 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for Site Plan and Design Review 19-37, and all information, evidence and public testimony received at the public meeting held on November 12, 2019 in the City Council Chambers;

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the project is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

   The project conforms to the goals and objectives on the General Plan by establishing a new subdivision that will accommodate high density housing which will ultimately lead to a range and mix of housing in proximity to complementary uses such as the adjacent Gold Line light rail station and other employment centers in the vicinity. Furthermore, the General plan seeks a flexible mixed-use Transit Oriented Development, which includes a variety of housing types and densities, for the project area. The residential development will comply with all the applicable provisions of the Duarte Station Specific Plan zone.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

   The residential project will be developed on roughly 4.34 acres of flat land, and based on the project design is project site is suitable for accommodating the residential structures, drive aisles, open space and pedestrian walkways. The site is located on Business Center Drive, and adjacent to Highland Avenue, an arterial roadway. Furthermore, the project site is regionally accessible through proximity to the Duarte Gold Line Station and Interstate-210. The project will be designed to provide proper access to residents and emergency personnel, and will be adequately served by utilities.

3. In development project is in compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development; and

   a. Compatibility. *The proposed project provides for the redevelopment of a site that has long been identified as Duarte's transit village. The project will begin to implement the vision of the Duarte Station Specific Plan, assist the City in meeting its regional housing needs, and provide quality housing options near regional transit and local employment centers. Quality architectural design and a variety of open space areas will enhance the area and surrounding community, and create sense of place around the Gold Line station. The building is designed in a style that adheres to the design guidelines of the Duarte Station Specific Plan zone.*

   b. Architectural Design and Detail. *The project is designed in a contemporary architectural style, which incorporates traditional materials. The structure incorporates articulation in form with changes in the wall planes, and a mixture of colors and materials to help reduce the building's mass. A variety of architectural elements such as varying roof heights, window styles, balcony/canopy projections and recessed balconies help shape the building and create visual interest. The Business Center Drive street elevation has increased plate heights, and larger windows at the leasing office to give the building a mixed-use appearance. The building has taken a 360-degree design approach by applying high-quality materials and architectural features to all parts of the building and not just those visible from the public.*

c. Landscape, Lighting, Parking, Signs, and Other Design Details.

- Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within attic area or ground-mounted and screened from the public right-of-way. All utilities will be required to be installed underground.*
- Fences/Walls. *Proposed perimeter fences, walls, retaining walls, and/or gates will require review and approval from the Community Development Department. The Duarte Station Specific Plan requires the construction of decorative metal gates at the entrances to the parking structures and the use of an Operation Program for the operation of the vehicle entry gate into the parking garage.*
- Landscaping. *New landscape improvements will be required as a condition of approval. The landscape areas will be designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development code and will include a variety of drought tolerant plants, tree types, and decorative hardscape materials. Landscape and Irrigation plans will be prepared by a licensed landscape architect and will require review and approval by the Planning Division.*
- Lighting. *Exterior, architectural building-mounted lighting, pedestrian pole lighting, roof-deck lighting and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting* plan. *The lighting plan will require review and approval from the Planning Division to ensure each fixture will be of high quality, decorative form and scaled to compliment the massing of the building and site. Lighting design will be reviewed to also ensure offsite glare is avoided.*
- Parking. *The project meets the off-street parking requirements by providing 580 parking spaces (1.69 per unit) on seven levels of structured parking. 429 stalls are provided for the mix of unit types. 52 guest parking spaces have also been incorporated. A guest call box is located at the north driveway entrance. Accessible, electric vehicle, and clean air vehicle spaces are provided within the structure. Gated access to the parking structure is provided on the north (primary) and west sides of the building. The 20' westerly driveway (shared access easement) and a 10' wide, heavily landscaped buffer is provided between Building A and adjacent residences.*

4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The surrounding land uses include single-family residential to the northwest and west, industrial uses to the south and northeast, and the Gold Line parking lot to the east. The proposed project is consistent with the adjacent residential property to the west and northwest, and compatible with the other surrounding properties. The characteristics of the project have taken the surrounding uses into consideration regarding the architectural and site design of the project to ensure multiple-family residential development and will not decrease the level of compatibility with the surrounding uses and will not create and adverse effect on public health, safety, and general welfare on neighboring properties. The proposed project has integrated several elements to improve compatibly with the existing uses that

surround the project site, such as reducing the building height nearest single-family uses to the west, creating courtyards that reduce building massing and providing additional buffer from residences, and integrating landscaped setbacks around the building.

SECTION 3. In adopting this Resolution, The City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et seq. and State regulations in Title 14 of the California Code of Regulations Section 15000 et seq. (CEQA Guidelines), as stated above, because an Subsequent Environmental Impact Report (SEIR) and Mitigation Monitoring and Reporting Program (MMRP) for the Duarte Station Specific Plan has been prepared. The SEIR and MMRP have been circulated for public review and comment, and which will be considered for certification by the City Council prior to the City Council's action on the project.

SECTION 4. The City Council approves Resolution 19-R-27, based on the findings listed in Section 2, and the conditions of approval listed in "Exhibit C-1" and recommends approval of Site Plan and Design Review 19-37, for a 344-unit, multiple story, apartment building, structured parking and associated site improvements, located at 1700 Business Center Drive.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-27 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

EXHIBIT C-1
CONDITIONS OF APPROVAL
Site Plan and Design Review 19-37

PLANNING DIVISION

1. The elevations of the entire building, including interior courtyard elevations, shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished building materials, including but not limited to the type, color, and/or placement of all brick, stucco, trims, cornices, among others. All finished building materials incorporated into the building design shall be of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.

2. Additional iron copper (corten-like) ceramic tile elements on Building A, shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

3. Decorative cornice or other top of wall/roof treatments shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

4. Window treatments (decorative trim, sills, recessed, projecting, etc.) shall be incorporated into all elevations of the project design, subject to Planning Division approval of final elevations and the window and door plan, as further discussed herein.

5. Portions of the top levels of the parking structures, not wrapped by the apartment portion of the structure, requires additional architectural treatment, and/or color and materials, subject to Planning Division approval of the final elevations, as further discussed herein.

6. All windows and doors, including commercial storefronts, shall require final approval from the Planning Division prior to permit issuance. A separate window and door plan with an accurate window and door schedule shall be provided to the Planning Division for review prior to submitting to Building and Safety plan check. The schedule shall list the window and door types and their locations. The plan shall include all necessary details on the type, color, and material of all proposed windows and doors; sections/detail drawings depicting the use of trims, moldings, mullions, and storefront systems (including kick plates where appropriate).

7. A circulation and roadway improvement plan shall be provided to the City of Duarte for review and shall include improvements to all private and public roadways and sidewalks/pedestrian areas, associated with or impacted by the project. All roadway and pedestrian improvements, including modification to existing roadways and construction of

new roadways, shall comply with the Duarte Station Specific Plan, and completed prior to final sign-off/certificate of occupancy.

8. A final approval from the Planning Division and City Engineer shall be required for the project prior to submitting to Building and Safety plan check. The parking structure shall be designed as "Fully Wrapped" and screened by the residential building or other architectural treatments, as approved by the Planning Division, on all levels, including vehicles, light standards, and other equipment located on the roof deck level of the parking garage, as shown on the approved plans by the City Council. Exceptions for screening and/or visibility of solar canopy installations on the roof deck may be allowed.

9. The parking garage shall provide the required number of parking stalls and the required distribution (guest, residential, accessible, EV, etc.) on each level as approved by the City Council. The total quantity of vehicles parked on-site by apartment tenants shall not exceed the total number of spaces provided for tenant parking. Bicycle parking shall be provided, pursuant to California Green Building Code requirements.

10. Provide details on the installation of the electric vehicle charging stations. The placement of the charging stations shall not impede into the minimum required dimensions of parking stalls.

11. A turning radius and template shall be provided to the City Engineer for final review and approval prior to submitting to Building and Safety plan check to ensure adequate circulation is provided throughout the parking structure, including efficient ways for vehicles to maneuver when entering or exiting from public and private roadways.

12. Final design/location of vehicle gates allowing access to the property through the parking garage and through designated emergency vehicle locations shall require final approval from the Planning Division and City Engineer prior to submitting to Building and Safety plan check as part of the parking garage final review. Vehicle gates shall be made of high-quality materials and contain a decorative design. Vehicle gates shall be setback as needed to ensure sufficient vehicular and pedestrian safety and vehicle queuing. A detailed gate plan shall be submitted to the Planning and City Engineer for review prior to submitting to Building and Safety plan check.

13. Pedestrian pole lights, to match those of the Duarte Station Specific Plan area must be incorporated onto all sides of the building, including the paseo.

14. Exterior, architectural building-mounted lighting, pedestrian pole lighting, and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting plan, as further discussed below.

15. A lighting plan for the roof-deck level (parking and/or open space) shall be provided to the Planning Division for review and approval in conjunction with the overall exterior lighting plan noted above. Light poles/standards exceeding the height of any building walls,

screen walls, and/or parapet walls, on the roof deck for purposes of illuminating the parking areas shall be prohibited. Minimal height bollards, surface-mount fixtures along the perimeter of the parking deck, or similar shall be used to illuminate the upper level parking area.

16. All exterior lighting shall require final approval from the Planning Division prior to installation and/or issuance of permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A comprehensive lighting plan shall be provided to the Planning Division for review and shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed for all proposed wall-mounted lights, street lights, and/or pedestrian lights. Separate review fees for the lighting plan review may apply.

17. A fence and wall plan shall be submitted to the Planning Division for review prior to installation. Fences/gates shall contain a decorative design using a high-quality material such as wrought-iron, weathered steel or decorative metals. All walls shall be constructed to provide security and separation between adjacent properties. Final approval of the location, height, design etc. of all fences and walls shall be required by the Planning Division.

18. Decorative paving materials shall be integrated into driveways, parking areas, and pedestrian walkways shown on Vesting Tentative Tract Map 82518 and as approved by the City Engineer and/or Public Works/Engineering Division.

19. A complete landscape and irrigation plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. All landscape areas shall be permanently landscaped and irrigated with a variety of drought-tolerant plants, shrubs, ground cover, large and/or small canopy trees, and decorative hardscape material. All landscaping and irrigation shall comply with Chapter 19.40 (Landscaping) of the Duarte Development Code. Separate review fees shall apply.

20. A final open space plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. The open space areas throughout the project shall incorporate a combination of landscape and decorative hardscape materials, site furnishings including fixed and moveable seating, trash receptacles, bike racks, and be designed as usable space for residents and/or the public, where appropriate.

21. Any exterior trash enclosures, ground-level mechanical and utility screening, and similar screening elements shall require final approval from the Planning Division prior to permit issuance. The size of the trash enclosure is subject to modification, based upon future building uses and projected waste demand, in accordance with specifications required through the City's waste hauler and applicable codes. The trash enclosure design shall be in substantial compliance with the architectural style, design elements, and colors/materials, of the primary buildings.

22. A mechanical rooftop screening plan, to ensure mechanical units, ducting, hoods, vents, stacks or other rooftop-mounted equipment is screened by appropriate architectural features; shall require final approval from the Planning Division prior to permit issuance.

23. The Developer/applicant shall prepare Covenants, Codes, & Restrictions (CC&R's) in a form acceptable to the City Attorney. The CC&R's shall provide regulations that include but are not limited to: onsite parking management, guest parking, use of resident garages for parking, outdoor storage, common area/roadway maintenance, trash service, among others. The CC&R's shall include requirements for the establishment of a Homeowners Association or other property ownership group or association that will implement and ensure compliance with the CC&R's. The CC&R's shall be recorded with the County Recorder's Office and proof of recordation shall be provided to the City of Duarte prior to issuance of Certificate of Occupancy. The CC&R's shall not be modified without prior approval from the City.

24. The property owner shall prepare a Residential Parking Management Plan that monitors the number of vehicles owned and maintained by residents to ensure conformance with the parking requirements, addresses the use of guest and leasing parking spaces, future commercial/office spaces and reduces the potential impact of overflow parking. The property owner shall annually report compliance with the parking management plan to the Community Development Department. The management plan shall be provided to the Planning Division for review and approval prior to issuance of Certificate of Occupancy.

25. The property owner/manager shall provide an Operation Program for the operation of the vehicle entry gate into the parking garage. Details on the hours of operation of the gate, management of the gate after hours, and guest gate operations shall be detailed in the operation plan/statement and provided to the Planning Division and Public Works Division for review. The Operation Program shall also include details on the location and use of any proposed loading, waiting, delivery area, and on-street parking. The final design and location of the entry gate, loading zones, waiting zones, and on-street parking shall be reviewed and approved by the City Engineer to ensure adequate and safe vehicle access/circulation is maintained prior to submitting to Building and Safety plan check. Upon approval of the Operation Program by the Planning Division, the operational procedures shall be incorporated by reference as conditions of approval.

26. The property owners shall agree to an easement within, and/or an agreement regarding the landscape paseo/linear park between Building A and B allowing shared access, use, and maintenance. The easement/agreement shall be recorded with the County recorder, a copy of the recorded document shall be provided to the Community Development Department to keep on file prior to prior to recordation of the final map.

27. The landscape paseo/linear park between Building A and B is intended to remain open during and designed to be clearly recognizable as public space, and be publicly accessible from Business Center Drive to future connections to the southerly portion of the Specific Plan area, subject to security or operational concerns, as approved by associated

agreement. The plaza shall be designed to encourage social interaction and year-round use. An agreement between the City and the Property Owner(s) shall be signed, and recorded to the property addressing the specific details related to accessible open space prior to issuance of Certificate of Occupancy. The property owner shall have the ability to post "No Trespassing" or other applicable penal code signs to allow necessary enforcement and/or removal of any activity that may deemed a public nuisance or jeopardize the health, safety and general welfare of the public. The location of the penal code signs shall be approved by the Planning Division prior to prior to installation.

28. The property owner/management shall prepare a property maintenance plan for continued and regular maintenance of the property related to storefronts, sidewalks, public plaza areas, fabric awnings, etc. The maintenance plan shall be provided to the Community Development Department for review and approval prior to issuance of Certificate of Occupancy. All requirements of the approved maintenance plan shall be incorporated by reference as a condition of approval.

29. The owner(s) shall agree to participate in a business or property owners' association for maintenance responsibilities and operational oversight of the Promenade area along Highland Avenue. The City will participate in the association or district, and will assist in its creation. The intent is that the association or district will be formed either prior to certificate of occupancy issuance or Promenade.

30. Each project agrees to participate and provide financial contribution to a fund designed to design, install and maintain a marquee or other prominent project sign on the roof or upper walls (as to be visible from the 210 Freeway) on one of the subject buildings, or the potential third residential development to the east of the subject property, off-site within the Duarte Station Specific Plan area, or as otherwise approved by the Architectural Review Board. Details on the establishment and prolonged cooperation between property owners, participation details, financial contribution, and maintenance, amongst other related subjects, shall be incorporated into an agreement or other legal document, approved by the Planning Division, and the City Attorney, prior to certificate of occupancy issuance. The final design, type, material, and location of the marquee sign shall require a separate review and approval by the Architectural Review Board.

31. All development project valued over $1,000,000 shall be subject to a public art fee equal to one quarter of one percent (0.25%) of the total building valuation. In lieu of the public art fee, the project may provide a piece of public art subject to the approval of the City. Public art fees may be used for art pieces, themed project signs, construction of the Highland Promenade, or other similar public amenities focused on creating a sense of place. The public art shall maintain the primary purpose of displaying visual art and shall not be commercial in nature. The art piece shall be designed by a professional artist with experience in public display art pieces and be installed prior to certificate of occupancy issuance. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.

32. Any maintenance on privately owned roadways and/or drive aisles shall be the responsibility of the Applicant/Developer and the established Homeowners Association.

33. All signs, both residential and commercial, shall require separate review and approval. The property owners shall prepare and submit a Comprehensive Sign Program for the entire property, which may include the potential third residential development to the east of the subject property, to address all allowed sign types on the property and to ensure all signs meet the guidelines of the Duarte Station Specific Plan and the Duarte Development Code. The sign program shall outline the style, material, color, size, and locations of all proposed signs. The Sign Program shall require final approval from the Architectural Review Board. Separate review fees apply.

34. The area identified as "Leasing/Mail" and/or "Secondary Amenity" on the approved plans shall have the ability to be used as rentable office/commercial space without additional parking being provided, subject to review and approval of the Planning Division. Any necessary modifications to convert the leasing office space to office/commercial space shall require a separate review from the Planning Division and Building and Safety Division prior to any changes being made.

35. The storage of bikes, equipment, clothing, or other types of miscellaneous storage on balconies visible from the exterior of the project is prohibited. Restrictions on the balcony storage shall be included in the residential tenant's lease agreement.

36. Site Plan and Design Review approval is contingent upon approval of General Plan Amendment 19-01, Zone Change 19-01, Municipal Code Amendment 19-01, Vesting Tentative Tract Map 82518, and the related Subsequent Environmental Impact Report.

37. The project shall comply with all the regulations of the Duarte Station Specific Plan, the Duarte Development Code, and the Duarte Municipal Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

38. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; substantial changes may require review and approval from the Architectural Review Board.

39. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view and must be located inside the structure, attic, or ground mounted. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.

40. All utilities for direct service to the project shall be installed underground and concealed from view, as approved by the Planning Division, with the exception of transformers, which shall be allowed above ground with adequate screening.

41. A final inspection shall be made by the Planning Division prior to final of any building permits to ensure that all conditions have been met.

PUBLIC WORKS DIVISION

42. The following shall be prepared by a professional registered engineer and submitted to the Engineering/Public Works Division for review:

- LID Plan. A Low Impact Development (LID) Plan shall be submitted to the Engineering/Public Works Division for review. The LID plan shall provide a comprehensive and technical discussion of how the proposed project will comply with the City's stormwater program requirements. LID Guidance and implementation can be obtained from Los Angeles County Public Works LID Standards Manual. Contact the Duarte Public Works Division for more information. The LID plan shall be approved prior issuance of grading permits.
- Civil Plans. Two sets of complete Civil plans shall be submitted to the Engineering/Public Works Division for review, accurately showing all existing public improvements near the subject development (i.e., street lights, signs, utility vaults and boxes, bus stops, street trees, catch basins, etc.) and shall clearly indicating any proposed modifications to the existing public improvements. Such proposed modifications to the public improvements shall require approval from the City Engineer and Community Development Director prior to issuance of any building permit and/or grading permit.
- Soils/Geology report and Hydrology Study.
- A detailed grading and drainage plan, including all supporting information and design criteria. The grading and drainage plan shall be approved by the City Engineer prior to the issuance of a grading permit.
- A detailed utility plan.

43. The developer/contractor and all representatives shall comply with the National Pollution Discharge Elimination System (NPDES) Permit No. CAS004001, Order No. R4-2012-075, and amendments, issued by the California Regional Water Quality Control Board, Los Angeles Region. Construction activities that disturb one acre or more are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and to obtain a Construction General Permit (NOI) from the State Water Resources Control Board to discharge stormwater. A copy of the permit shall be provided to the Public Works Division to keep on file and ensure compliance.

44. All utility facilities within the public right of way including but not limited to conduit, cable, cabinets, control boxes, etc. shall be placed underground with any access panels flush with

the ground surface. If there is physical constraints restricting the placement of utility facilities underground, the developer shall provide clear engineering reasons why above ground facilities cannot be installed with underground vaults/handholes. Additionally, all utility services stubbed to the site that will not be used to serve the development shall be properly abandoned.

45. The property owner/developer shall replace the sidewalk adjacent to the project site on Business Center Drive for the full extent of project site boundaries, including the curb and gutter as needed, including any damages as a result of construction. The sidewalks shall be constructed of concrete. Contact the Public Works Division for details on the specific concrete color.

46. Street trees are required along Business Center Drive, or as otherwise approved by the Planning Division. All trees within the City right-of-way shall be consistent with the City's tree well design, as noted in the design guidelines of the Duarte Station Specific Plan, and be approved through a complete landscape and irrigation plan, submitted to the Planning Division for review and approval prior to permit issuance. Street trees and tree wells shall require a right of way permit from the Public Works Division prior to installation.

47. The property owner/developer shall construct new driveway approaches on Business Center Drive according to City standards for parking garage access, emergency vehicle access, and shared access along the west side of the property. Decorative stamped concrete shall be installed behind the approach. The driveway approach and ramps shall be approved by the City Engineer prior to construction and shall require the issuance of a public right-of-way permit. The approach and driveway shall be designed to ensure the safety of vehicles entering and exiting the parking garage, as well as pedestrians crossing the driveway.

48. The property owner shall obtain an encroachment permit from the Public Works Division for any encroachments into and/or over the public right of way, including canopies, awnings, balconies, etc. A plan showing all proposed encroachments, including height/clearance and the distance of the encroachment, shall be provided to the Public Works Division for approval prior to issuance of building permits.

49. All trenching/potholing/street cuts shall be fixed permanently within five (5) working days following the completion and acceptance of the backfill. Temporary asphalt concrete is required immediately following completion of the backfill. If plates are necessary, they shall be placed flush to the road surface and tack welded together if two or more plates are used. If plates are necessary, then under no circumstance shall a trench remain plated longer than 48 hours, unless a longer term is approved by the Public Works Manager.

50. Connector Pipe Units shall be installed in all catch basins along the project site. All installations shall be inspected/verified by the Public Works Division prior to issuance of Certificate of Occupancy.

51. Traffic control work (delineation and signage) shall comply with the California Manual on Uniform Traffic Control Devices. A traffic control plan shall be submitted to the Public Works Division for review and approved prior to beginning construction and/or grading.

52. Vehicular access to public streets and residential driveways shall remain unobstructed during the construction period.

53. The contractor shall abandon all utility services stubbed to the site or mainline which will not be used to serve this development, as approved by the City Engineer.

54. Subsequent to utility installation in the public right of way and if the street pavement is significantly cut due to the nature of the project, the City will require the entire street width/length to be sealed, as determined by the City Engineer.

55. The developer and/or contractor is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure shall be included in the SWPPP and implemented as approved by the City Engineer:

    - Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
    - Ensure that concrete supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
    - Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

56. Security Bonds shall be submitted prior to the issuance of the grading permit.

57. Prior to exoneration of any security for the project that may include existing survey monuments disturbed through construction activities and deemed necessary for preservation by the City Engineer, the applicant shall file a Corner of Record or Record of Survey with the County Surveyor to establish existing survey control points as defined in Section 8711 (b) of the California Professional Land Surveyors Act.

58. Paint curbs along roadway to meet the requirements of the City of Duarte, Fire Department or other regulatory agencies related to no or restricted parking, as per approved plans.

59. Prior to final approval of completed grading, landscaping, or any public improvements, the developer/applicant/contractor shall provide digital (PDF) for all drawings of each plan and AutoCAD files for public improvements only to the Public Works Division. The Permit Number and the words "RECORD DRAWING" shall appear on each plan sheets.

60. The developer and/or contractor shall incorporate and comply with all regulations, policies and standards regarding water, sewer, and storm water.

61. Sewer connection fees shall be paid directly to the Los Angeles County Sanitation District. Proof of payment shall be provided prior to issuance of the grading permit.

GENERAL

62. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit.

63. This project is subject to the Duarte Station Specific Plan Mitigation Monitoring and Reporting Program, and other requirements of the project's Subsequent Environmental Impact Report.

64. The property owner shall contact the City's waste disposal company, Burrtec Waste, to incorporate recycling and disposal systems, and create a sufficient disposal schedule that will ensure waste generated by the residents is hauled off site in a timely manner.

65. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the City Council.

66. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.

67. Building permits for this project must be issued within one-year from the date of approval from the City Council or the application and approval shall expire.

68. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District for more information.

69. The Developer shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.

70. The applicant shall provide a safe method of adequate vector control prior to clearance and grading.

71. All refuse and debris shall be removed from the property, and the property shall be kept clean and litter free.

72. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 2019-38 TO THE CITY COUNCIL, FOR A 275-UNIT, MULTIPLE STORY, APARTMENT BUILDING, STRUCTURED PARKING AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 1750 BUSINESS CENTER DRIVE (SPDR 19-38)

WHEREAS, Duarte Partners, LLC is requesting approval to develop 275 dwelling units located within a six-story building, that wraps around a seven-story parking structure with approximately 428 parking stalls at 1750 Business Center Drive; and

WHEREAS, the proposed residential development is contingent upon the approval of General Plan Amendment 19-01, Zone Change 19-01 (an amendment to the Duarte Station Specific Plan), Municipal Code Amendment 19-02, Tentative Tract Map No. 82518, and associated Subsequent Environmental Impact Report (SEIR); and

WHEREAS, the project site is part of the amended Duarte Station Specific Plan, which provides standards and guidelines for buildings developed in the Plan area; and

WHEREAS, new multiple-family residential construction requires recommendation from the Architectural Review Board to the Planning Commission, and since this project involves entitlements that also require consideration from the City Council, a recommendation from the Planning Commission to City Council is required for complete project approval, pursuant to Section 19.112.030 and Table 7-2 in Section 19.122.030 of the Duarte Development Code; and

WHEREAS, on October 14, 2019, the Architectural Review Board reviewed the plans for the Site Plan and Design Review Case 19-38 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, on October 21, 2019, the Planning Commission reviewed the plans for the Site Plan and Design Review Case 19-38 and recommended approval to the City Council subject to conditions; and

WHEREAS, notice of a public hearing on Site Plan and Design Review 19-38 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for Site Plan and Design Review 19-38, and all information, evidence and public testimony received at the public meeting held on November 12, 2019 in the City Council Chambers;

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the project is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

   The project conforms to the goals and objectives on the General Plan by establishing a new subdivision that will accommodate high density housing which will ultimately lead to a range and mix of housing in proximity to complementary uses such as the adjacent Gold Line light rail station and other employment centers in the vicinity. Furthermore, the General plan seeks a flexible mixed-use Transit Oriented Development, which includes a variety of housing types and densities, for the project area. The residential development will comply with all the applicable provisions of the Duarte Station Specific Plan zone.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

   The residential project will be developed on roughly 3.41 acres of flat land, and based on the project design is project site is suitable for accommodating the residential structures, drive aisles, open space and pedestrian walkways. The site is located on Business Center Drive, and adjacent to Highland Avenue, an arterial roadway. Furthermore, the project site is regionally accessible through proximity to the Duarte Gold Line Station and Interstate-210. The project will be designed to provide proper access to residents and emergency personnel, and will be adequately served by utilities.

3. In development project is in compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development; and

   a. Compatibility. *The proposed project provides for the redevelopment of a site that has long been identified as Duarte's transit village. The project will begin to implement the vision of the Duarte Station Specific Plan, assist the City in meeting its regional housing needs, and provide quality housing options near regional transit and local employment centers. Quality architectural design and a variety of open space areas will enhance the area and surrounding community, and create sense of place around the Gold Line station. The building is designed in a style that adheres to the design guidelines of the Duarte Station Specific Plan zone.*

   b. Architectural Design and Detail. *The project is designed in a contemporary architectural style, which incorporates traditional materials. The structure incorporates articulation in form with changes in the wall planes, and a mixture of colors and materials to help reduce the building's mass. A variety of architectural elements such as varying roof heights, window styles, balcony/canopy projections and recessed balconies help shape the building and create visual interest. The Business Center Drive street elevation has increased plate heights, and larger windows at the leasing office to give the building a mixed-use appearance. The building has taken a 360-degree design approach by applying high-quality materials and architectural features to all parts of the building and not just those visible from the public.*

c. Landscape, Lighting, Parking, Signs, and Other Design Details.

- Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within attic area or ground-mounted and screened from the public right-of-way. All utilities will be required to be installed underground.*
- Fences/Walls. *Proposed perimeter fences, walls, retaining walls, and/or gates will require review and approval from the Community Development Department. The Duarte Station Specific Plan requires the construction of decorative metal gates at the entrances to the parking structures and the use of an Operation Program for the operation of the vehicle entry gate into the parking garage.*
- Landscaping. *New landscape improvements will be required as a condition of approval. The landscape areas will be designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development code and will include a variety of drought tolerant plants, tree types, and decorative hardscape materials. Landscape and Irrigation plans will be prepared by a licensed landscape architect and will require review and approval by the Planning Division.*
- Lighting. *Exterior, architectural building-mounted lighting, pedestrian pole lighting, roof-deck lighting and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting* plan. *The lighting plan will require review and approval from the Planning Division to ensure each fixture will be of high quality, decorative form and scaled to compliment the massing of the building and site. Lighting design will be reviewed to also ensure offsite glare is avoided.*
- Parking. *The project meets the off-street parking requirements by providing 420 parking spaces (1.53 per unit) provided on seven levels of structured parking. 374 stalls are provided for the mix of unit types. 41 guest parking spaces have also been incorporated. A guest call box is included within a widened portion of the easterly driveway. Accessible, electric vehicle, and clean air vehicle spaces are provided within the structure. Gated access to the parking structure is provided on the east side of the building. The east side access driveway separates the project from the Metro parking lot and the future plan for this area as a residential project.*

4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

The surrounding land uses include single-family residential to the northwest and west, industrial uses to the south and northeast, and the Gold Line parking lot to the east. The proposed project is consistent with the adjacent residential property to the west and northwest, and compatible with the other surrounding properties. The characteristics of the project have taken the surrounding uses into consideration regarding the architectural and site design of the project to ensure multiple-family residential development and will not decrease the level of compatibility with the surrounding uses and will not create and adverse effect on public health, safety, and general welfare on neighboring properties. The proposed project has integrated several elements to improve compatibly with the existing uses that

surround the project site, such as creating courtyards that reduce building massing and providing additional buffer from residences, and integrating landscaped setbacks around the building.

SECTION 3. In adopting this Resolution, The City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et seq. and State regulations in Title 14 of the California Code of Regulations Section 15000 et seq. (CEQA Guidelines), as stated above, because an Subsequent Environmental Impact Report (SEIR) and Mitigation Monitoring and Reporting Program (MMRP) for the Duarte Station Specific Plan has been prepared. The SEIR and MMRP have been circulated for public review and comment, and which will be considered for certification by the City Council prior to the City Council's action on the project.

SECTION 4. The City Council approves Resolution 19-R-28, based on the findings listed in Section 2, and the conditions of approval listed in "Exhibit D-1" and recommends approval of Site Plan and Design Review 19-38 to the City Council, for a 275-unit, multiple story, apartment building, structured parking and associated site improvements, located at 1750 Business Center Drive.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-R-28 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

EXHIBIT D-1
CONDITIONS OF APPROVAL
Site Plan and Design Review 19-38

PLANNING DIVISION

1. The elevations of the entire building, including interior courtyard elevations, shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished building materials, including but not limited to the type, color, and/or placement of all brick, stucco, trims, cornices, among others. All finished building materials incorporated into the building design shall be of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.

2. Additional iron copper (corten-like) ceramic tile elements on Building A, shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

3. Decorative cornice or other top of wall/roof treatments shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

4. Window treatments (decorative trim, sills, recessed, projecting, etc.) shall be incorporated into all elevations of the project design, subject to Planning Division approval of final elevations and the window and door plan, as further discussed herein.

5. Portions of the top levels of the parking structures, not wrapped by the apartment portion of the structure, requires additional architectural treatment, and/or color and materials, subject to Planning Division approval of the final elevations, as further discussed herein.

6. All windows and doors, including commercial storefronts, shall require final approval from the Planning Division prior to permit issuance. A separate window and door plan with an accurate window and door schedule shall be provided to the Planning Division for review prior to submitting to Building and Safety plan check. The schedule shall list the window and door types and their locations. The plan shall include all necessary details on the type, color, and material of all proposed windows and doors; sections/detail drawings depicting the use of trims, moldings, mullions, and storefront systems (including kick plates where appropriate).

7. A circulation and roadway improvement plan shall be provided to the City of Duarte for review and shall include improvements to all private and public roadways and sidewalks/pedestrian areas, associated with or impacted by the project. All roadway and pedestrian improvements, including modification to existing roadways and construction of

new roadways, shall comply with the Duarte Station Specific Plan, and completed prior to final sign-off/certificate of occupancy.

8. A final approval from the Planning Division and City Engineer shall be required for the project prior to submitting to Building and Safety plan check. The parking structure shall be designed as "Fully Wrapped" and screened by the residential building or other architectural treatments, as approved by the Planning Division, on all levels, including vehicles, light standards, and other equipment located on the roof deck level of the parking garage, as shown on the approved plans by the City Council. Exceptions for screening and/or visibility of solar canopy installations on the roof deck may be allowed.

9. The parking garage shall provide the required number of parking stalls and the required distribution (guest, residential, accessible, EV, etc.) on each level as approved by the City Council. The total quantity of vehicles parked on-site by apartment tenants shall not exceed the total number of spaces provided for tenant parking. Bicycle parking shall be provided, pursuant to California Green Building Code requirements.

10. Provide details on the installation of the electric vehicle charging stations. The placement of the charging stations shall not impede into the minimum required dimensions of parking stalls.

11. A turning radius and template shall be provided to the City Engineer for final review and approval prior to submitting to Building and Safety plan check to ensure adequate circulation is provided throughout the parking structure, including efficient ways for vehicles to maneuver when entering or exiting from public and private roadways.

12. Final design/location of vehicle gates allowing access to the property through the parking garage and through designated emergency vehicle locations shall require final approval from the Planning Division and City Engineer prior to submitting to Building and Safety plan check as part of the parking garage final review. Vehicle gates shall be made of high-quality materials and contain a decorative design. Vehicle gates shall be setback as needed to ensure sufficient vehicular and pedestrian safety and vehicle queuing. A detailed gate plan shall be submitted to the Planning and City Engineer for review prior to submitting to Building and Safety plan check.

13. Pedestrian pole lights, to match those of the Duarte Station Specific Plan area must be incorporated onto all sides of the building, including the paseo.

14. Exterior, architectural building-mounted lighting, pedestrian pole lighting, and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting plan, as further discussed below.

15. A lighting plan for the roof-deck level (parking and/or open space) shall be provided to the Planning Division for review and approval in conjunction with the overall exterior lighting plan noted above. Light poles/standards exceeding the height of any building walls,

screen walls, and/or parapet walls, on the roof deck for purposes of illuminating the parking areas shall be prohibited. Minimal height bollards, surface-mount fixtures along the perimeter of the parking deck, or similar shall be used to illuminate the upper level parking area.

16. All exterior lighting shall require final approval from the Planning Division prior to installation and/or issuance of permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A comprehensive lighting plan shall be provided to the Planning Division for review and shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed for all proposed wall-mounted lights, street lights, and/or pedestrian lights. Separate review fees for the lighting plan review may apply.

17. A fence and wall plan shall be submitted to the Planning Division for review prior to installation. Fences/gates shall contain a decorative design using a high-quality material such as wrought-iron, weathered steel or decorative metals. All walls shall be constructed to provide security and separation between adjacent properties. Final approval of the location, height, design etc. of all fences and walls shall be required by the Planning Division.

18. Decorative paving materials shall be integrated into driveways, parking areas, and pedestrian walkways shown on Vesting Tentative Tract Map 82518 and as approved by the City Engineer and/or Public Works/Engineering Division.

19. A complete landscape and irrigation plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. All landscape areas shall be permanently landscaped and irrigated with a variety of drought-tolerant plants, shrubs, ground cover, large and/or small canopy trees, and decorative hardscape material. All landscaping and irrigation shall comply with Chapter 19.40 (Landscaping) of the Duarte Development Code. Separate review fees shall apply.

20. A final open space plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. The open space areas throughout the project shall incorporate a combination of landscape and decorative hardscape materials, site furnishings including fixed and moveable seating, trash receptacles, bike racks, and be designed as usable space for residents and/or the public, where appropriate.

21. Any exterior trash enclosures, ground-level mechanical and utility screening, and similar screening elements shall require final approval from the Planning Division prior to permit issuance. The size of the trash enclosure is subject to modification, based upon future building uses and projected waste demand, in accordance with specifications required through the City's waste hauler and applicable codes. The trash enclosure design shall be in substantial compliance with the architectural style, design elements, and colors/materials, of the primary buildings.

22. A mechanical rooftop screening plan, to ensure mechanical units, ducting, hoods, vents, stacks or other rooftop-mounted equipment is screened by appropriate architectural features; shall require final approval from the Planning Division prior to permit issuance.

23. The Developer/applicant shall prepare Covenants, Codes, & Restrictions (CC&R's) in a form acceptable to the City Attorney. The CC&R's shall provide regulations that include but are not limited to: onsite parking management, guest parking, use of resident garages for parking, outdoor storage, common area/roadway maintenance, trash service, among others. The CC&R's shall include requirements for the establishment of a Homeowners Association or other property ownership group or association that will implement and ensure compliance with the CC&R's. The CC&R's shall be recorded with the County Recorder's Office and proof of recordation shall be provided to the City of Duarte prior to issuance of Certificate of Occupancy. The CC&R's shall not be modified without prior approval from the City.

24. The property owner shall prepare a Residential Parking Management Plan that monitors the number of vehicles owned and maintained by residents to ensure conformance with the parking requirements, addresses the use of guest and leasing parking spaces, future commercial/office spaces and reduces the potential impact of overflow parking. The property owner shall annually report compliance with the parking management plan to the Community Development Department. The management plan shall be provided to the Planning Division for review and approval prior to issuance of Certificate of Occupancy.

25. The property owner/manager shall provide an Operation Program for the operation of the vehicle entry gate into the parking garage. Details on the hours of operation of the gate, management of the gate after hours, and guest gate operations shall be detailed in the operation plan/statement and provided to the Planning Division and Public Works Division for review. The Operation Program shall also include details on the location and use of any proposed loading, waiting, delivery area, and on-street parking. The final design and location of the entry gate, loading zones, waiting zones, and on-street parking shall be reviewed and approved by the City Engineer to ensure adequate and safe vehicle access/circulation is maintained prior to submitting to Building and Safety plan check. Upon approval of the Operation Program by the Planning Division, the operational procedures shall be incorporated by reference as conditions of approval.

26. The property owners shall agree to an easement within, and/or an agreement regarding the landscape paseo/linear park between Building A and B allowing shared access, use, and maintenance. The easement/agreement shall be recorded with the County recorder, a copy of the recorded document shall be provided to the Community Development Department to keep on file prior to prior to recordation of the final map.

27. The landscape paseo/linear park between Building A and B is intended to remain open during and designed to be clearly recognizable as public space, and be publicly accessible from Business Center Drive to future connections to the southerly portion of the Specific Plan area, subject to security or operational concerns, as approved by associated

agreement. The plaza shall be designed to encourage social interaction and year-round use. An agreement between the City and the Property Owner(s) shall be signed, and recorded to the property addressing the specific details related to accessible open space prior to issuance of Certificate of Occupancy. The property owner shall have the ability to post "No Trespassing" or other applicable penal code signs to allow necessary enforcement and/or removal of any activity that may deemed a public nuisance or jeopardize the health, safety and general welfare of the public. The location of the penal code signs shall be approved by the Planning Division prior to prior to installation.

28. The property owner/management shall prepare a property maintenance plan for continued and regular maintenance of the property related to storefronts, sidewalks, public plaza areas, fabric awnings, etc. The maintenance plan shall be provided to the Community Development Department for review and approval prior to issuance of Certificate of Occupancy. All requirements of the approved maintenance plan shall be incorporated by reference as a condition of approval.

29. The owner(s) shall agree to participate in a business or property owners' association for maintenance responsibilities and operational oversight of the Promenade area along Highland Avenue. The City will participate in the association or district, and will assist in its creation. The intent is that the association or district will be formed either prior to certificate of occupancy issuance or Promenade.

30. Each project agrees to participate and provide financial contribution to a fund designed to design, install and maintain a marquee or other prominent project sign on the roof or upper walls (as to be visible from the 210 Freeway) on one of the subject buildings, or the potential third residential development to the east of the subject property, off-site within the Duarte Station Specific Plan area, or as otherwise approved by the Architectural Review Board. Details on the establishment and prolonged cooperation between property owners, participation details, financial contribution, and maintenance, amongst other related subjects, shall be incorporated into an agreement or other legal document, approved by the Planning Division, and the City Attorney, prior to certificate of occupancy issuance. The final design, type, material, and location of the marquee sign shall require a separate review and approval by the Architectural Review Board.

31. All development project valued over $1,000,000 shall be subject to a public art fee equal to one quarter of one percent (0.25%) of the total building valuation. In lieu of the public art fee, the project may provide a piece of public art subject to the approval of the City. Public art fees may be used for art pieces, themed project signs, construction of the Highland Promenade, or other similar public amenities focused on creating a sense of place. The public art shall maintain the primary purpose of displaying visual art and shall not be commercial in nature. The art piece shall be designed by a professional artist with experience in public display art pieces and be installed prior to certificate of occupancy issuance. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.

32. Any maintenance on privately owned roadways and/or drive aisles shall be the responsibility of the Applicant/Developer and the established Homeowners Association.

33. All signs, both residential and commercial, shall require separate review and approval. The property owners shall prepare and submit a Comprehensive Sign Program for the entire property, which may include the potential third residential development to the east of the subject property, to address all allowed sign types on the property and to ensure all signs meet the guidelines of the Duarte Station Specific Plan and the Duarte Development Code. The sign program shall outline the style, material, color, size, and locations of all proposed signs. The Sign Program shall require final approval from the Architectural Review Board. Separate review fees apply.

34. The area identified as "Leasing/Mail" and/or "Secondary Amenity" on the approved plans shall have the ability to be used as rentable office/commercial space without additional parking being provided, subject to review and approval of the Planning Division. Any necessary modifications to convert the leasing office space to office/commercial space shall require a separate review from the Planning Division and Building and Safety Division prior to any changes being made.

35. The storage of bikes, equipment, clothing, or other types of miscellaneous storage on balconies visible from the exterior of the project is prohibited. Restrictions on the balcony storage shall be included in the residential tenant's lease agreement.

36. Site Plan and Design Review approval is contingent upon approval of General Plan Amendment 19-01, Zone Change 19-01, Municipal Code Amendment 19-01, Vesting Tentative Tract Map 82518, and the related Subsequent Environmental Impact Report.

37. The project shall comply with all the regulations of the Duarte Station Specific Plan, the Duarte Development Code, and the Duarte Municipal Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

38. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; substantial changes may require review and approval from the Architectural Review Board.

39. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view and must be located inside the structure, attic, or ground mounted. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.

40. All utilities for direct service to the project shall be installed underground and concealed from view, as approved by the Planning Division, with the exception of transformers, which shall be allowed above ground with adequate screening.

41. A final inspection shall be made by the Planning Division prior to final of any building permits to ensure that all conditions have been met.

PUBLIC WORKS DIVISION

42. The following shall be prepared by a professional registered engineer and submitted to the Engineering/Public Works Division for review:

- LID Plan. A Low Impact Development (LID) Plan shall be submitted to the Engineering/Public Works Division for review. The LID plan shall provide a comprehensive and technical discussion of how the proposed project will comply with the City's stormwater program requirements. LID Guidance and implementation can be obtained from Los Angeles County Public Works LID Standards Manual. Contact the Duarte Public Works Division for more information. The LID plan shall be approved prior issuance of grading permits.
- Civil Plans. Two sets of complete Civil plans shall be submitted to the Engineering/Public Works Division for review, accurately showing all existing public improvements near the subject development (i.e., street lights, signs, utility vaults and boxes, bus stops, street trees, catch basins, etc.) and shall clearly indicating any proposed modifications to the existing public improvements. Such proposed modifications to the public improvements shall require approval from the City Engineer and Community Development Director prior to issuance of any building permit and/or grading permit.
- Soils/Geology report and Hydrology Study.
- A detailed grading and drainage plan, including all supporting information and design criteria. The grading and drainage plan shall be approved by the City Engineer prior to the issuance of a grading permit.
- A detailed utility plan.

43. The developer/contractor and all representatives shall comply with the National Pollution Discharge Elimination System (NPDES) Permit No. CAS004001, Order No. R4-2012-075, and amendments, issued by the California Regional Water Quality Control Board, Los Angeles Region. Construction activities that disturb one acre or more are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and to obtain a Construction General Permit (NOI) from the State Water Resources Control Board to discharge stormwater. A copy of the permit shall be provided to the Public Works Division to keep on file and ensure compliance.

44. All utility facilities within the public right of way including but not limited to conduit, cable, cabinets, control boxes, etc. shall be placed underground with any access panels flush with

the ground surface. If there is physical constraints restricting the placement of utility facilities underground, the developer shall provide clear engineering reasons why above ground facilities cannot be installed with underground vaults/handholes. Additionally, all utility services stubbed to the site that will not be used to serve the development shall be properly abandoned.

45. The property owner/developer shall replace the sidewalk adjacent to the project site on Business Center Drive for the full extent of project site boundaries, including the curb and gutter as needed, including any damages as a result of construction. The sidewalks shall be constructed of concrete. Contact the Public Works Division for details on the specific concrete color.

46. Street trees are required along Business Center Drive, or as otherwise approved by the Planning Division. All trees within the City right-of-way shall be consistent with the City's tree well design, as noted in the design guidelines of the Duarte Station Specific Plan, and be approved through a complete landscape and irrigation plan, submitted to the Planning Division for review and approval prior to permit issuance. Street trees and tree wells shall require a right of way permit from the Public Works Division prior to installation.

47. The property owner/developer shall construct new driveway approaches on Business Center Drive according to City standards for parking garage access, emergency vehicle access, and shared access along the west side of the property. Decorative stamped concrete shall be installed behind the approach. The driveway approach and ramps shall be approved by the City Engineer prior to construction and shall require the issuance of a public right-of-way permit. The approach and driveway shall be designed to ensure the safety of vehicles entering and exiting the parking garage, as well as pedestrians crossing the driveway.

48. The property owner shall obtain an encroachment permit from the Public Works Division for any encroachments into and/or over the public right of way, including canopies, awnings, balconies, etc. A plan showing all proposed encroachments, including height/clearance and the distance of the encroachment, shall be provided to the Public Works Division for approval prior to issuance of building permits.

49. All trenching/potholing/street cuts shall be fixed permanently within five (5) working days following the completion and acceptance of the backfill. Temporary asphalt concrete is required immediately following completion of the backfill. If plates are necessary, they shall be placed flush to the road surface and tack welded together if two or more plates are used. If plates are necessary, then under no circumstance shall a trench remain plated longer than 48 hours, unless a longer term is approved by the Public Works Manager.

50. Connector Pipe Units shall be installed in all catch basins along the project site. All installations shall be inspected/verified by the Public Works Division prior to issuance of Certificate of Occupancy.

51. Traffic control work (delineation and signage) shall comply with the California Manual on Uniform Traffic Control Devices. A traffic control plan shall be submitted to the Public Works Division for review and approved prior to beginning construction and/or grading.

52. Vehicular access to public streets and residential driveways shall remain unobstructed during the construction period.

53. The contractor shall abandon all utility services stubbed to the site or mainline which will not be used to serve this development, as approved by the City Engineer.

54. Subsequent to utility installation in the public right of way and if the street pavement is significantly cut due to the nature of the project, the City will require the entire street width/length to be sealed, as determined by the City Engineer.

55. The developer and/or contractor is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure shall be included in the SWPPP and implemented as approved by the City Engineer:

    - Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
    - Ensure that concrete supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
    - Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

56. Security Bonds shall be submitted prior to the issuance of the grading permit.

57. Prior to exoneration of any security for the project that may include existing survey monuments disturbed through construction activities and deemed necessary for preservation by the City Engineer, the applicant shall file a Corner of Record or Record of Survey with the County Surveyor to establish existing survey control points as defined in Section 8711 (b) of the California Professional Land Surveyors Act.

58. Paint curbs along roadway to meet the requirements of the City of Duarte, Fire Department or other regulatory agencies related to no or restricted parking, as per approved plans.

59. Prior to final approval of completed grading, landscaping, or any public improvements, the developer/applicant/contractor shall provide digital (PDF) for all drawings of each plan and AutoCAD files for public improvements only to the Public Works Division. The Permit Number and the words "RECORD DRAWING" shall appear on each plan sheets.

60. The developer and/or contractor shall incorporate and comply with all regulations, policies and standards regarding water, sewer, and storm water.

61. Sewer connection fees shall be paid directly to the Los Angeles County Sanitation District. Proof of payment shall be provided prior to issuance of the grading permit.

GENERAL

62. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit.

63. This project is subject to the Duarte Station Specific Plan Mitigation Monitoring and Reporting Program, and other requirements of the project's Subsequent Environmental Impact Report.

64. The property owner shall contact the City's waste disposal company, Burrtec Waste, to incorporate recycling and disposal systems, and create a sufficient disposal schedule that will ensure waste generated by the residents is hauled off site in a timely manner.

65. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the City Council.

66. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.

67. Building permits for this project must be issued within one-year from the date of approval from the City Council or the application and approval shall expire.

68. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District for more information.

69. The Developer shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.

70. The applicant shall provide a safe method of adequate vector control prior to clearance and grading.

71. All refuse and debris shall be removed from the property, and the property shall be kept clean and litter free.

72. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING VESTING TENTATIVE TRACT MAP 82518, A SUBDIVISION OF A 7.75-ACRE PARCEL INTO TWO LOTS (SMA 19-02)

WHEREAS, the applicant is requesting approval of Vesting Tentative Tract Map No. 82518, a proposed subdivision of a 7.75-acre parcel into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres, associated with the development of two multiple-story, apartment buildings at 1700 Business Center Drive; and

WHEREAS, the subdivision is a vesting map, which grants vested rights to proceed with a project in accordance with the ordinances, polices and standards in effect at the time the application for approval of the vesting tentative map is completed; and a detailed set of conceptual development, architectural, grading, utility plans has been submitted, and are associated with the development of the project.

WHEREAS, Vesting Tentative Tract Map No. 82518 is contingent upon the recommended approval of General Plan Amendment 19-01, Zone Change 19-01 (an amendment to the Duarte Station Specific Plan), Municipal Code Amendment 19-02, Site Plan and Design Review cases 19-37 and 19-38, and associated Subsequent Environmental Impact Report (SEIR); and

WHEREAS, the project site is part of the amended Duarte Station Specific Plan (DSSP), which provides standards and guidelines for buildings developed in the Plan area; and

WHEREAS, the City Engineer has found and determined that Vesting Tentative Tract Map No. 82518, and the conditions of approval attached thereto, conforms to the State Subdivision Map Act and the applicable requirements of Article Five of the Duarte Development Code; and

WHEREAS, on October 21, 2019 the Planning Commission held a duly noticed public hearing on the subdivision, whereupon the Planning Commission received additional public testimony and the Planning Commission recommended approval to the City Council; and

WHEREAS, on November 12, 2019 the City Council held a duly noticed public hearing on the subdivision, whereupon the Planning Commission received additional public testimony; and

WHEREAS, the City Council received and considered the staff report and all of the information, evidence, and testimony presented in connection with the foregoing; and

WHEREAS, the City Council finds and determines that Tentative Tract Map No. 82518 is in the best interest and welfare of the City and its residents.

WHEREAS, after careful study and the public hearing held on November 12, 2019 the City Council approves Vesting Tentative Tract Map No. 82518 (SMA 19-02), for the subdivision of the property into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres, associated with the development of two multiple-story, apartment buildings at 1700 Business Center Drive, subject to conditions of approval.

NOW, THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines as follows: findings for Tentative Tract Map, as set forth in DDC Section 19.72.060.A, as:

1. Vesting Tentative Tract Map No. 82518 is consistent with the applicable General Plan.

   The project conforms to the goals and objectives on the General Plan by establishing a new subdivision that will accommodate high density housing which will ultimately lead to a range and mix of housing in proximity to complementary uses such as the adjacent Gold Line light rail station and other employment centers in the vicinity.

2. The design of Vesting Tentative Tract Map No. 82518 is consistent with the applicable General Plan.

   Vesting Tentative Tract Map No. 82518 will allow for development of two, multiple story apartment buildings on their own parcel within the amended Duarte Station Specific Plan. The General plan seeks a flexible mixed-use Transit Oriented Development, which includes a variety of housing types and densities, for the project area.

3. The site of Vesting Tentative Tract Map No. 82518 is physically suitable for the proposed development.

   Vesting Tentative Tract Map No. 82518 will allow two high-density residential apartment developments on 7.75 acres. The proposed site is adequate to accommodate a multi-family residential project. The site is located on Business Center Drive, and adjacent to Highland Avenue, an arterial roadway. Furthermore, the project site is regionally accessible through proximity to the Duarte Gold Line Station and Interstate-210. The project will be designed to provide proper access to residents and emergency personnel, and will be adequately served by utilities.

4. The site of Vesting Tentative Tract Map No. 82518 is physically suitable for the proposed development density allowed in the Duarte Station Specific Plan zone.

   Vesting Tentative Tract Map No. 82518 will allow two high-density residential apartment developments on 7.75 acres. The project will result in a density of 80 units per acre, which is consistent with the General Plan and Duarte Station Specific Plan zone. The site is adequate and can physically accommodate the proposed project. The Map has been designed to provide adequate: pedestrian and vehicular circulation for residents, emergency vehicle access, and open space. The tract map will also be designed to comply with the off-street parking requirements for the zone, using several main drive aisles as access to residential garages and surface parking areas.

5. Vesting Tentative Tract Map No. 82518 and related improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

   In approval of this Vesting Tentative Tract Map, the City Council finds and determines the project is in compliance with the California Environmental Quality Act pursuant to Public Resources Code Section 21000 et seq. (CEQA), and State regulations in Title 14 of the California Code of Regulations, Section 15000 et seq. (CEQA Guidelines) because an Subsequent Environmental Impact Report and Mitigation Monitoring Program for the Duarte Station Specific Plan has been prepared and circulated for public review and comment.

   Furthermore, the project site is located within an urbanized portion of the City. As an urbanized and disturbed site, there is a lack of quality biological habitat within and immediately surrounding the site. As such, the proposed project would not impact or injure fish or wildlife or their habitat.

6. Vesting Tentative Tract Map No. 82518 and related improvements are not likely to cause serious public health problems.

   The Tentative Tract Map will establish two new residential apartment buildings on two separate lots. Agencies that regulate public health infrastructure were consulted as part of the subdivision review process, and their comments have been considered and included as conditions, where applicable. The City Engineer has reviewed conceptual grading, sewer and stormwater plans that meet the intent of City Codes and other laws. A homeowners association or similar ownership association will enforce Codes, Covenants and Restrictions (CC&R's) that will further ensure the operations of the future project do not cause public health problems to the community.

7. Vesting Tentative Tract Map No. 82518 and related improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

   The Map was designed to accommodate an existing access easement shared between the subject property and the abutting property owner to the south. This easement identified on the Map will remain and be incorporated as part of the project. Additional easements related to vehicular and pedestrian access, maintenance, and use of the shared landscaped paseo between the buildings have been incorporated as conditions of approval.

8. Vesting Tentative Tract Map No. 82129 will not violate requirements prescribed by the California Regional Water Quality Control Board, regarding the discharge of waste from the proposed subdivision into an existing community sewer system

   The Los Angeles County Sanitation Districts, which regulate wastewater issues locally, were consulted as part of the subdivision review process. Their correspondence does not object to the proposed development. The District's comments have been considered and included as conditions, where applicable.

SECTION 3. The City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et seq. and State regulations in Title 14 of the California Code of Regulations Section 15000 et seq. (CEQA Guidelines), as stated above, because an Subsequent Environmental Impact Report (SEIR) and Mitigation Monitoring and Reporting Program (MMRP) for the Duarte Station Specific Plan has been prepared. The SEIR and MMRP have been circulated for public review and comment, and which will be considered for certification by the City Council prior to the City Council's action on the project.

SECTION 4. The City Council approves Resolution 19-R-26, based on the findings listed in Section 2, and the Conditions of Approval listed in "Exhibit B-1", and recommends approval of Vesting Tentative Tract Map 82518 to the City Council, for a subdivision of a 7.75-acre parcel into two lots: Lot A - 189,223 s.f. or 4.34 acres, and Lot B – 148,546 s.f. or 3.41 acres, associated with the development of two multiple-story, apartment buildings at 1700 Business Center Drive.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-26 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

EXHIBIT B-1
CONDITIONS OF APPROVAL
Vesting Tentative Tract Map No. 82518 (SMA 19-02)

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1. Business center Drive shall be grind and overlaid for the full width of the roadway surface within the tract boundaries. The grind and overlay shall occur prior to release of occupancy of the final building, but in no case shall the overlay lag more than one year after the release for occupancy of the first building.

2. The south, east and west existing ingress and egress easements (Pioneer Electronics Technology, Inc.) and the proposed east fire lane shall be offered to the City as a public ingress and egress easement or dedicated as a public street, subject to the approval of the City Engineer.

3. The property owners shall agree to an easement within, and/or an agreement regarding the landscape paseo/linear park between Building A and B allowing shared access, use, and maintenance. The easement/agreement shall be recorded with the County recorder, a copy of the recorded document shall be provided to the Community Development Department to keep on file prior to prior to recordation of the final map.

4. The landscape paseo/linear park between Building A and B is intended to remain open during and designed to be clearly recognizable as public space, and be publicly accessible from Business Center Drive to future connections to the southerly portion of the Specific Plan area, subject to security or operational concerns, as approved by associated agreement. The plaza shall be designed to encourage social interaction and year-round use. An agreement between the City and the Property Owner(s) shall be signed, and recorded to the property addressing the specific details related to accessible open space prior to issuance of Certificate of Occupancy. The property owner shall have the ability to post "No Trespassing" or other applicable penal code signs to allow necessary enforcement and/or removal of any activity that may deemed a public nuisance or jeopardize the health, safety and general welfare of the public. The location of the penal code signs shall be approved by the Planning Division prior to prior to installation.

5. The property owner/management shall prepare a property maintenance plan for continued and regular maintenance of the property related to storefronts, sidewalks, public plaza areas, fabric awnings, etc. The maintenance plan shall be provided to the Community Development Department for review and approval prior to issuance of Certificate of Occupancy. All requirements of the approved maintenance plan shall be incorporated by reference as a condition of approval.

6. The owner(s) shall agree to participate in a business or property owners' association for maintenance responsibilities and operational oversight of the Promenade area along Highland Avenue. The City will participate in the association or district, and will assist in its creation. The intent is that the association or district will be formed either prior to certificate of occupancy issuance or Promenade.

7. The Developer/applicant shall prepare Covenants, Codes, & Restrictions (CC&R's) in a form acceptable to the City Attorney. The CC&R's shall provide regulations that include but are not limited to: onsite parking management, guest parking, use of resident garages for parking, outdoor storage, common area/roadway maintenance, trash service, among others. The CC&R's shall include requirements for the establishment of a Homeowners Association or other property ownership group or association that will implement and ensure compliance with the CC&R's. The CC&R's shall be recorded with the County Recorder's Office and proof of recordation shall be provided to the City of Duarte prior to issuance of Certificate of Occupancy. The CC&R's shall not be modified without prior approval from the City.
8. The developer shall participate and provide financial contribution to a fund designed to design, install and maintain a marquee or other prominent project sign on the roof or upper walls (as to be visible from the 210 Freeway) on one of the subject buildings, or the potential third residential development to the east of the subject property, off-site within the Duarte Station Specific Plan area, or as otherwise approved by the Architectural Review Board. Details on the establishment and prolonged cooperation between property owners, participation details, financial contribution, and maintenance, amongst other related subjects, shall be incorporated into an agreement or other legal document, approved by the Planning Division, and the City Attorney, prior to certificate of occupancy issuance. The final design, type, material, and location of the marquee sign shall require a separate review and approval by the Architectural Review Board.
9. All development project valued over $1,000,000 shall be subject to a public art fee equal to one quarter of one percent (0.25%) of the total building valuation. In lieu of the public art fee, the project may provide a piece of public art subject to the approval of the City. Public art fees may be used for art pieces, themed project signs, construction of the Highland Promenade, or other similar public amenities focused on creating a sense of place. The public art shall maintain the primary purpose of displaying visual art and shall not be commercial in nature. The art piece shall be designed by a professional artist with experience in public display art pieces and be installed prior to certificate of occupancy issuance. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.
10. Any maintenance on privately owned roadways and/or drive aisles shall be the responsibility of the Applicant/Developer and the established Homeowners Association.
11. Three copies of the covenants, conditions and restrictions (CC&R's) and the common open space access agreements/easements between parcels 1 and 2 (Lot A & B), shall be submitted prior to approval of the final map. The CC&R's and access agreements/ easements shall be reviewed and approved by the City Attorney prior to recordation of the final map.
12. The applicant shall agree to creating common lots for the final map, which may be necessary for a variety of areas of mutual responsibility, such as, but not limited to: roadways, landscape areas, and open space, at the request of the City Engineer.
13. The Denning Avenue sewer main shall be extended in Business Center Drive to the satisfaction for the City Engineer and the LA County Department of Public Works.

14. North/ South sewer laterals connecting to the proposed sewer main in Business Center Drive or in Glenford Avenue shall be private. Approval of private lateral connections to a public manhole shall be approved by LA County Department of Public Works.

15. All storm drain connections to the existing storm drain to the south of the project in the east/west aisle shall be approved by LA County Department of Public Works.

16. All proposed drive approaches on Business Center Drive shall be ADA compliant. Sidewalk easement shall be dedicated to the City if necessary. The Applicant/Developer shall comply with the latest disabled access regulations as found in Title 24 of the California Code of Regulations and the Americans with Disabilities Act. Accessible items shall include, but not be limited to: parking, accessible pedestrian routes, accessible/adaptable units, public/common use areas, swimming pool, etc., as applicable.

17. Truck turning movements on all drive shall be submitted to the City Engineer for review and approval.

18. The property owner/developer shall replace the sidewalk adjacent to the project site on Business Center Drive for the full extent of project site boundaries, including the curb and gutter as needed, also any damaged improvements as the result of construction.

19. Decorative paving materials shall be integrated into driveways, parking areas, and pedestrian walkways shown on Vesting Tentative Tract Map 82518 and as approved by the City Engineer and/or Public Works/Engineering Division.

20. Street trees are required along Business Center Drive, or as otherwise approved by the Planning Division. All trees within the City right-of-way shall be consistent with the City's tree well design, as noted in the design guidelines of the Duarte Station Specific Plan, and be approved through a complete landscape and irrigation plan, submitted to the Planning Division for review and approval prior to permit issuance. Street trees and tree wells shall require a right of way permit from the Public Works Division prior to installation.

21. All public improvement plans shall be submitted to the City in AutoCAD format to the Public Works Division after approval by the City Engineer.

22. Applicant or successors in interest shall submit final maps in accordance with the Subdivision Map Act and the City of Duarte subdivision requirements.

23. A final tract map shall be prepared by a licensed land surveyor or a registered Civil Engineer. The applicant or successors in interest shall provide the City with verification of the recordation of the tract map with the Recorder's Office of the County of Los Angeles prior to the issuance of a grading permit on the site.

24. Security Bonds and/or Subdivision Agreement shall be submitted and recorded prior to the issuance of the grading permit.

25. Improvement plans and necessary letters of credit, cash, and/or bonds to secure the construction of all streets, storm drains, water, sewer, grading, etc. as required shall be submitted and approved by the City Engineer, and the subdivision agreement and other required agreements approved by City Attorney, prior to the recordation of the Final Map.

26. All easements existing at the time of the Final Tract Map approval must be accounted for on the approved Tentative Map. This includes the location, owner, purpose, and recording reference for all existing easements. If an easement is blanket in nature or indeterminate in nature, a statement to that effect must be shown on the tentative map in lieu of its location.

27. Easements for Private Driveways and Fire Lanes, and all utilities, including water, sewer, storm drains shall be provided on the Final Map to the satisfaction of the City Engineer and City Attorney.

28. All site, grading, landscape & irrigation, and street improvement plans shall be coordinated for consistency prior to the issuance of any permits.

29. A preliminary title report and guarantee is required and such document shall show all fee interest holders; all interest holders whose interest could ripen into a fee; all trust deeds, together with the name of the trustee; and all easement holders. The account for this title report should remain open until the final map is filed with the County Recorder.

30. The applicant shall supply the City with full size duplicate mylars, three blue line prints of each recorded final map, 1 set of reduced 11" x 17" duplicate mylars and one set in AutoCAD format.

31. The engineer or surveyor shall set durable monuments to the satisfaction of the City Engineer, in conformance with Section 66495 of the Subdivision Map Act.

32. Prior to exoneration of any security for the project that may include existing survey monuments disturbed through construction activities and deemed necessary for preservation by the City Engineer, the applicant shall file a Corner of Record or Record of Survey with the County Surveyor to establish existing survey control points as defined in Section 8711 (b) of the California Professional Land Surveyors Act.

33. Application for approval of the final tract map shall be filed with the City Council 30 days prior to the expiration date of the tentative map.

34. Comprehensive engineering, geologic and soils reports, based on adequate test borings, shall be performed pursuant to Section 6490 of the Subdivision Map Act. If there are subsequent geologic and soils reports they shall be reviewed and approved by the City Engineer. Additional geotechnical investigations shall evaluate the potential hazards

posed by shallow groundwater and shall include, necessary, design and engineering recommendations to mitigate potential safety hazards.

35. Building foundation inspections shall not be performed until a rough grading certification, survey stakes in place, and a final soils report have been filed with the City and approved. All drainage facilities must be operable.

36. Final improvement plans shall be accompanied by adequate plans for drainage improvements prepared by a registered professional engineer.

37. The Applicant/Developer shall install sanitary sewers to serve the entire development to the specifications of the City Engineer and/or Public Works/Engineering Division. Prior to installing sewer lines, the Applicant/Developer shall perform a sewer capacity study and submit it to the City for review and approval from the City Engineer and/or Public Works Division prior installation of any sewer lines and issuance of building permits. A sewer connection fee is required by the County Sanitation District. Said fees shall be paid and proof of payment shall be provided prior to the issuance of building permits.

38. Grading, drainage, civil, and related engineering plans and all required plan check fees shall be submitted to the City Engineer and/or Public Works/Engineering Division for plan check prior to construction. Approval from the City Engineer and/or Public Works/Engineering Division shall be obtained prior to the issuance of permits. Prior to the issuance of a certificate of occupancy, a Public Works right-of-way permit for the proposed right-of-way modifications shall be obtained, and the work completed. The right-of-way permit must be issued to a licensed concrete contractor.

39. The Applicant/Developer shall submit a Precise Paving and Drainage Plan for the proposed development to be reviewed and approved by the City Engineer and/or Public Works/Engineering Division. Grading permits will not be issued until the final map has recorded.

40. LID Plan. A Low Impact Development (LID) Plan shall be submitted to the Engineering/Public Works Division for review. The LID plan shall provide a comprehensive and technical discussion of how the proposed project will comply with the City's stormwater program requirements. LID Guidance and implementation can be obtained from Los Angeles County Public Works LID Standards Manual. Contact the Duarte Public Works Division for more information. The LID plan shall be approved prior issuance of grading permits.

41. Civil Plans. Two sets of complete Civil plans shall be submitted to the Engineering/Public Works Division for review, accurately showing all existing public improvements near the subject development (i.e., street lights, signs, utility vaults and boxes, bus stops, street trees, catch basins, etc.) and shall clearly indicating any proposed modifications to the existing public improvements. Such proposed modifications to the public improvements shall require approval from the City Engineer and Community Development Director prior to issuance of any building permit and/or grading permit.

42. Easements for all utilities including water, sewer, and storm drains shall be provided to the City as required by the City Engineer.

43. The applicant shall obtain a flood hazard report from Los Angeles County Department of Public Works for review and approval by the City Engineer prior to issuance of grading permit.

44. The Applicant/Developer shall contact the Los Angeles County Flood Control District, regarding a requirement to obtain a flood permit.

45. The Applicant/Developer shall comply with subdivision requirements provided by the Los Angeles County Fire Department, unless otherwise modified by the Community Development Department and/or Fire Department.

46. Sewer connection fees shall be paid directly to the Los Angeles County Sanitation District. Proof of payment shall be provided prior to issuance of the grading permit.

47. The Applicant/Developer shall submit water plans to be reviewed and approved by the City Engineer and/or Public Works/Engineering Division, California American Water and the Los Angeles County Fire Department.

48. Telephone, gas, electric and cable companies shall be consulted for planning, construction and proper placement of service facilities prior to installation of those facilities. Transformer vaults shall not block access for emergency and fire vehicles. All Vaults, switch boxes and similar equipment shall be screened to the extent possible considering safety and access. Location and screening of utility vaults shall be reviewed and approved by the Community Development Department prior to issuance of building permits.

49. The applicant shall comply with all South Coast Air Quality Management System requirements. During grading, a watering program shall be established to adequately reduce on and off site dust. Grading is prohibited during high wind conditions.

50. The developer/contractor and all representatives shall comply with the National Pollution Discharge Elimination System (NPDES) Permit No. CAS004001, Order No. R4-2012-075, and amendments, issued by the California Regional Water Quality Control Board, Los Angeles Region. Construction activities that disturb one acre or more are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and to obtain a Construction General Permit (NOI) from the State Water Resources Control Board to discharge stormwater. A copy of the permit shall be provided to the Public Works Division to keep on file and ensure compliance.

51. All utility facilities within the public right of way including but not limited to conduit, cable, cabinets, control boxes, etc. shall be placed underground with any access panels flush with

the ground surface. If there is physical constraints restricting the placement of utility facilities underground, the developer shall provide clear engineering reasons why above ground facilities cannot be installed with underground vaults/handholes. Additionally, all utility services stubbed to the site that will not be used to serve the development shall be properly abandoned.

52. All trenching/potholing/street cuts shall be fixed permanently within five (5) working days following the completion and acceptance of the backfill. Temporary asphalt concrete is required immediately following completion of the backfill. If plates are necessary, they shall be placed flush to the road surface and tack welded together if two or more plates are used. If plates are necessary, then under no circumstance shall a trench remain plated longer than 48 hours, unless a longer term is approved by the Public Works Manager.

53. The developer and/or contractor is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure shall be included in the SWPPP and implemented as approved by the City Engineer:

    - Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
    - Ensure that concrete supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
    - Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

54. Paint curbs along roadway to meet the requirements of the City of Duarte, Fire Department or other regulatory agencies related to no or restricted parking, as per approved plans.

55. Vehicular access to public streets and driveways shall remain unobstructed during the construction period.

56. All work adjacent to or within the right-of-way shall be subject to review and approval of the City Engineer and/or Public Works/Engineering Division and the work shall be in accordance with applicable standards of the City of Duarte; i.e. Standard Specifications for Public Works Construction (Green Book) and the California Manual of Uniform Traffic Control Devices (CA MUTCD), and further that the construction equipment ingress and egress be controlled by a plan approved by Public Works.

57. Traffic control work (delineation and signage) shall comply with the California Manual on Uniform Traffic Control Devices. A traffic control plan shall be submitted to the Public Works Division for review and approved prior to beginning construction and/or grading.

58. The Applicant/Developer shall comply with the latest editions of the codes as adopted by reference by the City of Duarte. California Green Building Standards Code, California Building Code, California Residential Code, California Mechanical Code, California Plumbing Code, and California Electrical Code. (Codes as amended by the County of Los Angeles.)

59. The Applicant/Developer shall comply with the latest California Title 24 Energy requirements for all new lighting, insulation, and mechanical equipment and submit calculations at time of initial plan review.

60. The developer and/or contractor shall incorporate and comply with all regulations, policies and standards regarding water, sewer, and storm water.

61. Vesting Tentative Tract Map 82518 approval is contingent upon approval of General Plan Amendment 19-01, Zone Change 19-01, Municipal Code Amendment 19-02, Site Plan and Design Review 19-37 & 19-38, and the related Subsequent Environmental Impact Report.

62. The project shall comply with all the regulations of the Duarte Station Specific Plan, the Duarte Development Code, and the Duarte Municipal Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

63. The tentative tract map must comply with the State Subdivision Map Act and Article 5 (Subdivisions) of the Duarte Development Code.

64. All utilities for direct service to the project shall be installed underground and concealed from view, as approved by the Planning Division, with the exception of transformers, which shall be allowed above ground with adequate screening.

65. The developer shall comply with the City's cable installation requirements, per Chapter 16.34 of the Duarte Municipal Code.

66. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit.

67. The Developer shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.

68. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District for more information.

69. The applicant shall provide a safe method of adequate vector control prior to clearance and grading.

70. All refuse and debris shall be removed from the property, and the property shall be kept clean and litter free.

71. This project is subject to the Duarte Station Specific Plan Mitigation Monitoring and Reporting Program, and other requirements of the project's Subsequent Environmental Impact Report.

72. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 19-37 TO THE CITY COUNCIL, FOR A 344-UNIT, MULTIPLE STORY, APARTMENT BUILDING, STRUCTURED PARKING AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 1700 BUSINESS CENTER DRIVE (SPDR 19-37)

WHEREAS, Duarte Partners, LLC is requesting approval to develop 344 dwelling units located within a seven-story building, that surrounds an eight-story parking structure with approximately 580 parking stalls at 1700 Business Center Drive; and

WHEREAS, the proposed residential development is contingent upon the approval of General Plan Amendment 19-01, Zone Change 19-01 (an amendment to the Duarte Station Specific Plan), Municipal Code Amendment 19-02, Tentative Tract Map No. 82518, and associated Subsequent Environmental Impact Report (SEIR); and

WHEREAS, the project site is part of the amended Duarte Station Specific Plan (DSSP), which provides standards and guidelines for buildings developed in the Plan area; and

WHEREAS, new multiple-family residential construction requires recommendation from the Architectural Review Board to the Planning Commission, and since this project involves entitlements that also require consideration from the City Council, a recommendation from the Planning Commission to City Council is required for complete project approval, pursuant to Section 19.112.030 and Table 7-2 in Section 19.122.030 of the Duarte Development Code; and

WHEREAS, on October 14, 2019, the Architectural Review Board reviewed the plans for the Site Plan and Design Review Case 19-37 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, on October 21, 2019, the Planning Commission reviewed the plans for the Site Plan and Design Review Case 19-37 and recommended approval to the City Council subject to conditions; and

WHEREAS, notice of a public hearing on Site Plan and Design Review 19-37 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for Site Plan and Design Review 19-37, and all information, evidence and public testimony received at the public meeting held on November 12, 2019 in the City Council Chambers;

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the project is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

   The project conforms to the goals and objectives on the General Plan by establishing a new subdivision that will accommodate high density housing which will ultimately lead to a range and mix of housing in proximity to complementary uses such as the adjacent Gold Line light rail station and other employment centers in the vicinity. Furthermore, the General plan seeks a flexible mixed-use Transit Oriented Development, which includes a variety of housing types and densities, for the project area. The residential development will comply with all the applicable provisions of the Duarte Station Specific Plan zone.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

   The residential project will be developed on roughly 4.34 acres of flat land, and based on the project design is project site is suitable for accommodating the residential structures, drive aisles, open space and pedestrian walkways. The site is located on Business Center Drive, and adjacent to Highland Avenue, an arterial roadway. Furthermore, the project site is regionally accessible through proximity to the Duarte Gold Line Station and Interstate-210. The project will be designed to provide proper access to residents and emergency personnel, and will be adequately served by utilities.

3. In development project is in compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development; and

   a. Compatibility. *The proposed project provides for the redevelopment of a site that has long been identified as Duarte's transit village. The project will begin to implement the vision of the Duarte Station Specific Plan, assist the City in meeting its regional housing needs, and provide quality housing options near regional transit and local employment centers. Quality architectural design and a variety of open space areas will enhance the area and surrounding community, and create sense of place around the Gold Line station. The building is designed in a style that adheres to the design guidelines of the Duarte Station Specific Plan zone.*

   b. Architectural Design and Detail. *The project is designed in a contemporary architectural style, which incorporates traditional materials. The structure incorporates articulation in form with changes in the wall planes, and a mixture of colors and materials to help reduce the building's mass. A variety of architectural elements such as varying roof heights, window styles, balcony/canopy projections and recessed balconies help shape the building and create visual interest. The Business Center Drive street elevation has increased plate heights, and larger windows at the leasing office to give the building a mixed-use appearance. The building has taken a 360-degree design approach by applying high-quality materials and architectural features to all parts of the building and not just those visible from the public.*

c. Landscape, Lighting, Parking, Signs, and Other Design Details.

- Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within attic area or ground-mounted and screened from the public right-of-way. All utilities will be required to be installed underground.*
- Fences/Walls. *Proposed perimeter fences, walls, retaining walls, and/or gates will require review and approval from the Community Development Department. The Duarte Station Specific Plan requires the construction of decorative metal gates at the entrances to the parking structures and the use of an Operation Program for the operation of the vehicle entry gate into the parking garage.*
- Landscaping. *New landscape improvements will be required as a condition of approval. The landscape areas will be designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development code and will include a variety of drought tolerant plants, tree types, and decorative hardscape materials. Landscape and Irrigation plans will be prepared by a licensed landscape architect and will require review and approval by the Planning Division.*
- Lighting. *Exterior, architectural building-mounted lighting, pedestrian pole lighting, roof-deck lighting and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting* plan. *The lighting plan will require review and approval from the Planning Division to ensure each fixture will be of high quality, decorative form and scaled to compliment the massing of the building and site. Lighting design will be reviewed to also ensure offsite glare is avoided.*
- Parking. *The project meets the off-street parking requirements by providing 580 parking spaces (1.69 per unit) on seven levels of structured parking. 429 stalls are provided for the mix of unit types. 52 guest parking spaces have also been incorporated. A guest call box is located at the north driveway entrance. Accessible, electric vehicle, and clean air vehicle spaces are provided within the structure. Gated access to the parking structure is provided on the north (primary) and west sides of the building. The 20' westerly driveway (shared access easement) and a 10' wide, heavily landscaped buffer is provided between Building A and adjacent residences.*

4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

   The surrounding land uses include single-family residential to the northwest and west, industrial uses to the south and northeast, and the Gold Line parking lot to the east. The proposed project is consistent with the adjacent residential property to the west and northwest, and compatible with the other surrounding properties. The characteristics of the project have taken the surrounding uses into consideration regarding the architectural and site design of the project to ensure multiple-family residential development and will not decrease the level of compatibility with the surrounding uses and will not create and adverse effect on public health, safety, and general welfare on neighboring properties. The proposed project has integrated several elements to improve compatibly with the existing uses that

surround the project site, such as reducing the building height nearest single-family uses to the west, creating courtyards that reduce building massing and providing additional buffer from residences, and integrating landscaped setbacks around the building.

SECTION 3. In adopting this Resolution, The City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et seq. and State regulations in Title 14 of the California Code of Regulations Section 15000 et seq. (CEQA Guidelines), as stated above, because an Subsequent Environmental Impact Report (SEIR) and Mitigation Monitoring and Reporting Program (MMRP) for the Duarte Station Specific Plan has been prepared. The SEIR and MMRP have been circulated for public review and comment, and which will be considered for certification by the City Council prior to the City Council's action on the project.

SECTION 4. The City Council approves Resolution 19-R-27, based on the findings listed in Section 2, and the conditions of approval listed in "Exhibit C-1" and recommends approval of Site Plan and Design Review 19-37, for a 344-unit, multiple story, apartment building, structured parking and associated site improvements, located at 1700 Business Center Drive.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-27 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

EXHIBIT C-1
CONDITIONS OF APPROVAL
Site Plan and Design Review 19-37

PLANNING DIVISION

1. The elevations of the entire building, including interior courtyard elevations, shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished building materials, including but not limited to the type, color, and/or placement of all brick, stucco, trims, cornices, among others. All finished building materials incorporated into the building design shall be of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.

2. Additional iron copper (corten-like) ceramic tile elements on Building A, shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

3. Decorative cornice or other top of wall/roof treatments shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

4. Window treatments (decorative trim, sills, recessed, projecting, etc.) shall be incorporated into all elevations of the project design, subject to Planning Division approval of final elevations and the window and door plan, as further discussed herein.

5. Portions of the top levels of the parking structures, not wrapped by the apartment portion of the structure, requires additional architectural treatment, and/or color and materials, subject to Planning Division approval of the final elevations, as further discussed herein.

6. All windows and doors, including commercial storefronts, shall require final approval from the Planning Division prior to permit issuance. A separate window and door plan with an accurate window and door schedule shall be provided to the Planning Division for review prior to submitting to Building and Safety plan check. The schedule shall list the window and door types and their locations. The plan shall include all necessary details on the type, color, and material of all proposed windows and doors; sections/detail drawings depicting the use of trims, moldings, mullions, and storefront systems (including kick plates where appropriate).

7. A circulation and roadway improvement plan shall be provided to the City of Duarte for review and shall include improvements to all private and public roadways and sidewalks/pedestrian areas, associated with or impacted by the project. All roadway and pedestrian improvements, including modification to existing roadways and construction of

new roadways, shall comply with the Duarte Station Specific Plan, and completed prior to final sign-off/certificate of occupancy.

8. A final approval from the Planning Division and City Engineer shall be required for the project prior to submitting to Building and Safety plan check. The parking structure shall be designed as "Fully Wrapped" and screened by the residential building or other architectural treatments, as approved by the Planning Division, on all levels, including vehicles, light standards, and other equipment located on the roof deck level of the parking garage, as shown on the approved plans by the City Council. Exceptions for screening and/or visibility of solar canopy installations on the roof deck may be allowed.

9. The parking garage shall provide the required number of parking stalls and the required distribution (guest, residential, accessible, EV, etc.) on each level as approved by the City Council. The total quantity of vehicles parked on-site by apartment tenants shall not exceed the total number of spaces provided for tenant parking. Bicycle parking shall be provided, pursuant to California Green Building Code requirements.

10. Provide details on the installation of the electric vehicle charging stations. The placement of the charging stations shall not impede into the minimum required dimensions of parking stalls.

11. A turning radius and template shall be provided to the City Engineer for final review and approval prior to submitting to Building and Safety plan check to ensure adequate circulation is provided throughout the parking structure, including efficient ways for vehicles to maneuver when entering or exiting from public and private roadways.

12. Final design/location of vehicle gates allowing access to the property through the parking garage and through designated emergency vehicle locations shall require final approval from the Planning Division and City Engineer prior to submitting to Building and Safety plan check as part of the parking garage final review. Vehicle gates shall be made of high-quality materials and contain a decorative design. Vehicle gates shall be setback as needed to ensure sufficient vehicular and pedestrian safety and vehicle queuing. A detailed gate plan shall be submitted to the Planning and City Engineer for review prior to submitting to Building and Safety plan check.

13. Pedestrian pole lights, to match those of the Duarte Station Specific Plan area must be incorporated onto all sides of the building, including the paseo.

14. Exterior, architectural building-mounted lighting, pedestrian pole lighting, and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting plan, as further discussed below.

15. A lighting plan for the roof-deck level (parking and/or open space) shall be provided to the Planning Division for review and approval in conjunction with the overall exterior lighting plan noted above. Light poles/standards exceeding the height of any building walls,

screen walls, and/or parapet walls, on the roof deck for purposes of illuminating the parking areas shall be prohibited. Minimal height bollards, surface-mount fixtures along the perimeter of the parking deck, or similar shall be used to illuminate the upper level parking area.

16. All exterior lighting shall require final approval from the Planning Division prior to installation and/or issuance of permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A comprehensive lighting plan shall be provided to the Planning Division for review and shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed for all proposed wall-mounted lights, street lights, and/or pedestrian lights. Separate review fees for the lighting plan review may apply.

17. A fence and wall plan shall be submitted to the Planning Division for review prior to installation. Fences/gates shall contain a decorative design using a high-quality material such as wrought-iron, weathered steel or decorative metals. All walls shall be constructed to provide security and separation between adjacent properties. Final approval of the location, height, design etc. of all fences and walls shall be required by the Planning Division.

18. Decorative paving materials shall be integrated into driveways, parking areas, and pedestrian walkways shown on Vesting Tentative Tract Map 82518 and as approved by the City Engineer and/or Public Works/Engineering Division.

19. A complete landscape and irrigation plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. All landscape areas shall be permanently landscaped and irrigated with a variety of drought-tolerant plants, shrubs, ground cover, large and/or small canopy trees, and decorative hardscape material. All landscaping and irrigation shall comply with Chapter 19.40 (Landscaping) of the Duarte Development Code. Separate review fees shall apply.

20. A final open space plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. The open space areas throughout the project shall incorporate a combination of landscape and decorative hardscape materials, site furnishings including fixed and moveable seating, trash receptacles, bike racks, and be designed as usable space for residents and/or the public, where appropriate.

21. Any exterior trash enclosures, ground-level mechanical and utility screening, and similar screening elements shall require final approval from the Planning Division prior to permit issuance. The size of the trash enclosure is subject to modification, based upon future building uses and projected waste demand, in accordance with specifications required through the City's waste hauler and applicable codes. The trash enclosure design shall be in substantial compliance with the architectural style, design elements, and colors/materials, of the primary buildings.

22. A mechanical rooftop screening plan, to ensure mechanical units, ducting, hoods, vents, stacks or other rooftop-mounted equipment is screened by appropriate architectural features; shall require final approval from the Planning Division prior to permit issuance.

23. The Developer/applicant shall prepare Covenants, Codes, & Restrictions (CC&R's) in a form acceptable to the City Attorney. The CC&R's shall provide regulations that include but are not limited to: onsite parking management, guest parking, use of resident garages for parking, outdoor storage, common area/roadway maintenance, trash service, among others. The CC&R's shall include requirements for the establishment of a Homeowners Association or other property ownership group or association that will implement and ensure compliance with the CC&R's. The CC&R's shall be recorded with the County Recorder's Office and proof of recordation shall be provided to the City of Duarte prior to issuance of Certificate of Occupancy. The CC&R's shall not be modified without prior approval from the City.

24. The property owner shall prepare a Residential Parking Management Plan that monitors the number of vehicles owned and maintained by residents to ensure conformance with the parking requirements, addresses the use of guest and leasing parking spaces, future commercial/office spaces and reduces the potential impact of overflow parking. The property owner shall annually report compliance with the parking management plan to the Community Development Department. The management plan shall be provided to the Planning Division for review and approval prior to issuance of Certificate of Occupancy.

25. The property owner/manager shall provide an Operation Program for the operation of the vehicle entry gate into the parking garage. Details on the hours of operation of the gate, management of the gate after hours, and guest gate operations shall be detailed in the operation plan/statement and provided to the Planning Division and Public Works Division for review. The Operation Program shall also include details on the location and use of any proposed loading, waiting, delivery area, and on-street parking. The final design and location of the entry gate, loading zones, waiting zones, and on-street parking shall be reviewed and approved by the City Engineer to ensure adequate and safe vehicle access/circulation is maintained prior to submitting to Building and Safety plan check. Upon approval of the Operation Program by the Planning Division, the operational procedures shall be incorporated by reference as conditions of approval.

26. The property owners shall agree to an easement within, and/or an agreement regarding the landscape paseo/linear park between Building A and B allowing shared access, use, and maintenance. The easement/agreement shall be recorded with the County recorder, a copy of the recorded document shall be provided to the Community Development Department to keep on file prior to prior to recordation of the final map.

27. The landscape paseo/linear park between Building A and B is intended to remain open during and designed to be clearly recognizable as public space, and be publicly accessible from Business Center Drive to future connections to the southerly portion of the Specific Plan area, subject to security or operational concerns, as approved by associated

agreement. The plaza shall be designed to encourage social interaction and year-round use. An agreement between the City and the Property Owner(s) shall be signed, and recorded to the property addressing the specific details related to accessible open space prior to issuance of Certificate of Occupancy. The property owner shall have the ability to post "No Trespassing" or other applicable penal code signs to allow necessary enforcement and/or removal of any activity that may deemed a public nuisance or jeopardize the health, safety and general welfare of the public. The location of the penal code signs shall be approved by the Planning Division prior to prior to installation.

28. The property owner/management shall prepare a property maintenance plan for continued and regular maintenance of the property related to storefronts, sidewalks, public plaza areas, fabric awnings, etc. The maintenance plan shall be provided to the Community Development Department for review and approval prior to issuance of Certificate of Occupancy. All requirements of the approved maintenance plan shall be incorporated by reference as a condition of approval.

29. The owner(s) shall agree to participate in a business or property owners' association for maintenance responsibilities and operational oversight of the Promenade area along Highland Avenue. The City will participate in the association or district, and will assist in its creation. The intent is that the association or district will be formed either prior to certificate of occupancy issuance or Promenade.

30. Each project agrees to participate and provide financial contribution to a fund designed to design, install and maintain a marquee or other prominent project sign on the roof or upper walls (as to be visible from the 210 Freeway) on one of the subject buildings, or the potential third residential development to the east of the subject property, off-site within the Duarte Station Specific Plan area, or as otherwise approved by the Architectural Review Board. Details on the establishment and prolonged cooperation between property owners, participation details, financial contribution, and maintenance, amongst other related subjects, shall be incorporated into an agreement or other legal document, approved by the Planning Division, and the City Attorney, prior to certificate of occupancy issuance. The final design, type, material, and location of the marquee sign shall require a separate review and approval by the Architectural Review Board.

31. All development project valued over $1,000,000 shall be subject to a public art fee equal to one quarter of one percent (0.25%) of the total building valuation. In lieu of the public art fee, the project may provide a piece of public art subject to the approval of the City. Public art fees may be used for art pieces, themed project signs, construction of the Highland Promenade, or other similar public amenities focused on creating a sense of place. The public art shall maintain the primary purpose of displaying visual art and shall not be commercial in nature. The art piece shall be designed by a professional artist with experience in public display art pieces and be installed prior to certificate of occupancy issuance. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.

32. Any maintenance on privately owned roadways and/or drive aisles shall be the responsibility of the Applicant/Developer and the established Homeowners Association.

33. All signs, both residential and commercial, shall require separate review and approval. The property owners shall prepare and submit a Comprehensive Sign Program for the entire property, which may include the potential third residential development to the east of the subject property, to address all allowed sign types on the property and to ensure all signs meet the guidelines of the Duarte Station Specific Plan and the Duarte Development Code. The sign program shall outline the style, material, color, size, and locations of all proposed signs. The Sign Program shall require final approval from the Architectural Review Board. Separate review fees apply.

34. The area identified as "Leasing/Mail" and/or "Secondary Amenity" on the approved plans shall have the ability to be used as rentable office/commercial space without additional parking being provided, subject to review and approval of the Planning Division. Any necessary modifications to convert the leasing office space to office/commercial space shall require a separate review from the Planning Division and Building and Safety Division prior to any changes being made.

35. The storage of bikes, equipment, clothing, or other types of miscellaneous storage on balconies visible from the exterior of the project is prohibited. Restrictions on the balcony storage shall be included in the residential tenant's lease agreement.

36. Site Plan and Design Review approval is contingent upon approval of General Plan Amendment 19-01, Zone Change 19-01, Municipal Code Amendment 19-01, Vesting Tentative Tract Map 82518, and the related Subsequent Environmental Impact Report.

37. The project shall comply with all the regulations of the Duarte Station Specific Plan, the Duarte Development Code, and the Duarte Municipal Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

38. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; substantial changes may require review and approval from the Architectural Review Board.

39. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view and must be located inside the structure, attic, or ground mounted. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.

40. All utilities for direct service to the project shall be installed underground and concealed from view, as approved by the Planning Division, with the exception of transformers, which shall be allowed above ground with adequate screening.

41. A final inspection shall be made by the Planning Division prior to final of any building permits to ensure that all conditions have been met.

PUBLIC WORKS DIVISION

42. The following shall be prepared by a professional registered engineer and submitted to the Engineering/Public Works Division for review:

- LID Plan. A Low Impact Development (LID) Plan shall be submitted to the Engineering/Public Works Division for review. The LID plan shall provide a comprehensive and technical discussion of how the proposed project will comply with the City's stormwater program requirements. LID Guidance and implementation can be obtained from Los Angeles County Public Works LID Standards Manual. Contact the Duarte Public Works Division for more information. The LID plan shall be approved prior issuance of grading permits.
- Civil Plans. Two sets of complete Civil plans shall be submitted to the Engineering/Public Works Division for review, accurately showing all existing public improvements near the subject development (i.e., street lights, signs, utility vaults and boxes, bus stops, street trees, catch basins, etc.) and shall clearly indicating any proposed modifications to the existing public improvements. Such proposed modifications to the public improvements shall require approval from the City Engineer and Community Development Director prior to issuance of any building permit and/or grading permit.
- Soils/Geology report and Hydrology Study.
- A detailed grading and drainage plan, including all supporting information and design criteria. The grading and drainage plan shall be approved by the City Engineer prior to the issuance of a grading permit.
- A detailed utility plan.

43. The developer/contractor and all representatives shall comply with the National Pollution Discharge Elimination System (NPDES) Permit No. CAS004001, Order No. R4-2012-075, and amendments, issued by the California Regional Water Quality Control Board, Los Angeles Region. Construction activities that disturb one acre or more are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and to obtain a Construction General Permit (NOI) from the State Water Resources Control Board to discharge stormwater. A copy of the permit shall be provided to the Public Works Division to keep on file and ensure compliance.

44. All utility facilities within the public right of way including but not limited to conduit, cable, cabinets, control boxes, etc. shall be placed underground with any access panels flush with

the ground surface. If there is physical constraints restricting the placement of utility facilities underground, the developer shall provide clear engineering reasons why above ground facilities cannot be installed with underground vaults/handholes. Additionally, all utility services stubbed to the site that will not be used to serve the development shall be properly abandoned.

45. The property owner/developer shall replace the sidewalk adjacent to the project site on Business Center Drive for the full extent of project site boundaries, including the curb and gutter as needed, including any damages as a result of construction. The sidewalks shall be constructed of concrete. Contact the Public Works Division for details on the specific concrete color.

46. Street trees are required along Business Center Drive, or as otherwise approved by the Planning Division. All trees within the City right-of-way shall be consistent with the City's tree well design, as noted in the design guidelines of the Duarte Station Specific Plan, and be approved through a complete landscape and irrigation plan, submitted to the Planning Division for review and approval prior to permit issuance. Street trees and tree wells shall require a right of way permit from the Public Works Division prior to installation.

47. The property owner/developer shall construct new driveway approaches on Business Center Drive according to City standards for parking garage access, emergency vehicle access, and shared access along the west side of the property. Decorative stamped concrete shall be installed behind the approach. The driveway approach and ramps shall be approved by the City Engineer prior to construction and shall require the issuance of a public right-of-way permit. The approach and driveway shall be designed to ensure the safety of vehicles entering and exiting the parking garage, as well as pedestrians crossing the driveway.

48. The property owner shall obtain an encroachment permit from the Public Works Division for any encroachments into and/or over the public right of way, including canopies, awnings, balconies, etc. A plan showing all proposed encroachments, including height/clearance and the distance of the encroachment, shall be provided to the Public Works Division for approval prior to issuance of building permits.

49. All trenching/potholing/street cuts shall be fixed permanently within five (5) working days following the completion and acceptance of the backfill. Temporary asphalt concrete is required immediately following completion of the backfill. If plates are necessary, they shall be placed flush to the road surface and tack welded together if two or more plates are used. If plates are necessary, then under no circumstance shall a trench remain plated longer than 48 hours, unless a longer term is approved by the Public Works Manager.

50. Connector Pipe Units shall be installed in all catch basins along the project site. All installations shall be inspected/verified by the Public Works Division prior to issuance of Certificate of Occupancy.

51. Traffic control work (delineation and signage) shall comply with the California Manual on Uniform Traffic Control Devices. A traffic control plan shall be submitted to the Public Works Division for review and approved prior to beginning construction and/or grading.

52. Vehicular access to public streets and residential driveways shall remain unobstructed during the construction period.

53. The contractor shall abandon all utility services stubbed to the site or mainline which will not be used to serve this development, as approved by the City Engineer.

54. Subsequent to utility installation in the public right of way and if the street pavement is significantly cut due to the nature of the project, the City will require the entire street width/length to be sealed, as determined by the City Engineer.

55. The developer and/or contractor is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure shall be included in the SWPPP and implemented as approved by the City Engineer:

    - Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
    - Ensure that concrete supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
    - Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

56. Security Bonds shall be submitted prior to the issuance of the grading permit.

57. Prior to exoneration of any security for the project that may include existing survey monuments disturbed through construction activities and deemed necessary for preservation by the City Engineer, the applicant shall file a Corner of Record or Record of Survey with the County Surveyor to establish existing survey control points as defined in Section 8711 (b) of the California Professional Land Surveyors Act.

58. Paint curbs along roadway to meet the requirements of the City of Duarte, Fire Department or other regulatory agencies related to no or restricted parking, as per approved plans.

59. Prior to final approval of completed grading, landscaping, or any public improvements, the developer/applicant/contractor shall provide digital (PDF) for all drawings of each plan and AutoCAD files for public improvements only to the Public Works Division. The Permit Number and the words "RECORD DRAWING" shall appear on each plan sheets.

60. The developer and/or contractor shall incorporate and comply with all regulations, policies and standards regarding water, sewer, and storm water.

61. Sewer connection fees shall be paid directly to the Los Angeles County Sanitation District. Proof of payment shall be provided prior to issuance of the grading permit.

GENERAL

62. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit.

63. This project is subject to the Duarte Station Specific Plan Mitigation Monitoring and Reporting Program, and other requirements of the project's Subsequent Environmental Impact Report.

64. The property owner shall contact the City's waste disposal company, Burrtec Waste, to incorporate recycling and disposal systems, and create a sufficient disposal schedule that will ensure waste generated by the residents is hauled off site in a timely manner.

65. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the City Council.

66. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.

67. Building permits for this project must be issued within one-year from the date of approval from the City Council or the application and approval shall expire.

68. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District for more information.

69. The Developer shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.

70. The applicant shall provide a safe method of adequate vector control prior to clearance and grading.

71. All refuse and debris shall be removed from the property, and the property shall be kept clean and litter free.

72. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DUARTE APPROVING SITE PLAN AND DESIGN REVIEW CASE 2019-38 TO THE CITY COUNCIL, FOR A 275-UNIT, MULTIPLE STORY, APARTMENT BUILDING, STRUCTURED PARKING AND ASSOCIATED SITE IMPROVEMENTS, LOCATED AT 1750 BUSINESS CENTER DRIVE (SPDR 19-38)

WHEREAS, Duarte Partners, LLC is requesting approval to develop 275 dwelling units located within a six-story building, that wraps around a seven-story parking structure with approximately 428 parking stalls at 1750 Business Center Drive; and

WHEREAS, the proposed residential development is contingent upon the approval of General Plan Amendment 19-01, Zone Change 19-01 (an amendment to the Duarte Station Specific Plan), Municipal Code Amendment 19-02, Tentative Tract Map No. 82518, and associated Subsequent Environmental Impact Report (SEIR); and

WHEREAS, the project site is part of the amended Duarte Station Specific Plan, which provides standards and guidelines for buildings developed in the Plan area; and

WHEREAS, new multiple-family residential construction requires recommendation from the Architectural Review Board to the Planning Commission, and since this project involves entitlements that also require consideration from the City Council, a recommendation from the Planning Commission to City Council is required for complete project approval, pursuant to Section 19.112.030 and Table 7-2 in Section 19.122.030 of the Duarte Development Code; and

WHEREAS, on October 14, 2019, the Architectural Review Board reviewed the plans for the Site Plan and Design Review Case 19-38 and recommended approval to the Planning Commission subject to conditions; and

WHEREAS, on October 21, 2019, the Planning Commission reviewed the plans for the Site Plan and Design Review Case 19-38 and recommended approval to the City Council subject to conditions; and

WHEREAS, notice of a public hearing on Site Plan and Design Review 19-38 was given pursuant to Duarte Development Code Chapter 19.146 and in accordance with applicable State law; and

WHEREAS, the City Council has considered the analysis and recommendation provided in the staff report for Site Plan and Design Review 19-38, and all information, evidence and public testimony received at the public meeting held on November 12, 2019 in the City Council Chambers;

NOW THEREFORE, the City Council of the City of Duarte resolves as follows:

SECTION 1. All of the facts set forth in the Recitals of this Resolution are true and correct and incorporated herein by this reference.

SECTION 2. The City Council finds and determines as follows, findings for Site Plan and Design Review, as set forth in DDC Section 19.122.050 (E), as the project is:

1. Consistent with the General Plan and is in compliance with all applicable provisions of the Duarte Development Code and all other City ordinances and regulations;

   The project conforms to the goals and objectives on the General Plan by establishing a new subdivision that will accommodate high density housing which will ultimately lead to a range and mix of housing in proximity to complementary uses such as the adjacent Gold Line light rail station and other employment centers in the vicinity. Furthermore, the General plan seeks a flexible mixed-use Transit Oriented Development, which includes a variety of housing types and densities, for the project area. The residential development will comply with all the applicable provisions of the Duarte Station Specific Plan zone.

2. To be constructed on a parcel that is adequate in shape, size, topography, and other circumstances to accommodate the proposed development:

   The residential project will be developed on roughly 3.41 acres of flat land, and based on the project design is project site is suitable for accommodating the residential structures, drive aisles, open space and pedestrian walkways. The site is located on Business Center Drive, and adjacent to Highland Avenue, an arterial roadway. Furthermore, the project site is regionally accessible through proximity to the Duarte Gold Line Station and Interstate-210. The project will be designed to provide proper access to residents and emergency personnel, and will be adequately served by utilities.

3. In development project is in compliance with the applicable criteria specified in Subsection 19.122.040(D), and the site is suitable for the proposed development; and

   a. Compatibility. *The proposed project provides for the redevelopment of a site that has long been identified as Duarte's transit village. The project will begin to implement the vision of the Duarte Station Specific Plan, assist the City in meeting its regional housing needs, and provide quality housing options near regional transit and local employment centers. Quality architectural design and a variety of open space areas will enhance the area and surrounding community, and create sense of place around the Gold Line station. The building is designed in a style that adheres to the design guidelines of the Duarte Station Specific Plan zone.*

   b. Architectural Design and Detail. *The project is designed in a contemporary architectural style, which incorporates traditional materials. The structure incorporates articulation in form with changes in the wall planes, and a mixture of colors and materials to help reduce the building's mass. A variety of architectural elements such as varying roof heights, window styles, balcony/canopy projections and recessed balconies help shape the building and create visual interest. The Business Center Drive street elevation has increased plate heights, and larger windows at the leasing office to give the building a mixed-use appearance. The building has taken a 360-degree design approach by applying high-quality materials and architectural features to all parts of the building and not just those visible from the public.*

c. Landscape, Lighting, Parking, Signs, and Other Design Details.

- Equipment and Utilities. *All new service and utilities will be installed in a manner that screens them from the public right-of-way. New equipment will be installed within attic area or ground-mounted and screened from the public right-of-way. All utilities will be required to be installed underground.*
- Fences/Walls. *Proposed perimeter fences, walls, retaining walls, and/or gates will require review and approval from the Community Development Department. The Duarte Station Specific Plan requires the construction of decorative metal gates at the entrances to the parking structures and the use of an Operation Program for the operation of the vehicle entry gate into the parking garage.*
- Landscaping. *New landscape improvements will be required as a condition of approval. The landscape areas will be designed to meet the intent and purpose of Chapter 19.40 (Landscaping) of the Duarte Development code and will include a variety of drought tolerant plants, tree types, and decorative hardscape materials. Landscape and Irrigation plans will be prepared by a licensed landscape architect and will require review and approval by the Planning Division.*
- Lighting. *Exterior, architectural building-mounted lighting, pedestrian pole lighting, roof-deck lighting and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting* plan. *The lighting plan will require review and approval from the Planning Division to ensure each fixture will be of high quality, decorative form and scaled to compliment the massing of the building and site. Lighting design will be reviewed to also ensure offsite glare is avoided.*
- Parking. *The project meets the off-street parking requirements by providing 420 parking spaces (1.53 per unit) provided on seven levels of structured parking. 374 stalls are provided for the mix of unit types. 41 guest parking spaces have also been incorporated. A guest call box is included within a widened portion of the easterly driveway. Accessible, electric vehicle, and clean air vehicle spaces are provided within the structure. Gated access to the parking structure is provided on the east side of the building. The east side access driveway separates the project from the Metro parking lot and the future plan for this area as a residential project.*

4. Designed and arranged to provide adequate consideration to ensure the public health, safety, and general welfare, and to prevent adverse effects on neighboring property.

   The surrounding land uses include single-family residential to the northwest and west, industrial uses to the south and northeast, and the Gold Line parking lot to the east. The proposed project is consistent with the adjacent residential property to the west and northwest, and compatible with the other surrounding properties. The characteristics of the project have taken the surrounding uses into consideration regarding the architectural and site design of the project to ensure multiple-family residential development and will not decrease the level of compatibility with the surrounding uses and will not create and adverse effect on public health, safety, and general welfare on neighboring properties. The proposed project has integrated several elements to improve compatibly with the existing uses that

surround the project site, such as creating courtyards that reduce building massing and providing additional buffer from residences, and integrating landscaped setbacks around the building.

SECTION 3. In adopting this Resolution, The City Council finds and determines the project is in compliance with the California Environmental Quality Act (CEQA), pursuant to Public Resources Code Section 21000 et seq. and State regulations in Title 14 of the California Code of Regulations Section 15000 et seq. (CEQA Guidelines), as stated above, because an Subsequent Environmental Impact Report (SEIR) and Mitigation Monitoring and Reporting Program (MMRP) for the Duarte Station Specific Plan has been prepared. The SEIR and MMRP have been circulated for public review and comment, and which will be considered for certification by the City Council prior to the City Council's action on the project.

SECTION 4. The City Council approves Resolution 19-R-28, based on the findings listed in Section 2, and the conditions of approval listed in "Exhibit D-1" and recommends approval of Site Plan and Design Review 19-38 to the City Council, for a 275-unit, multiple story, apartment building, structured parking and associated site improvements, located at 1750 Business Center Drive.

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

_____
Mayor Tzeitel Paras-Caracci

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Resolution 19-R-28 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the _____ day of _____, 2019, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

_____
City Clerk Marla Akana
City of Duarte, California

EXHIBIT D-1
CONDITIONS OF APPROVAL
Site Plan and Design Review 19-38

PLANNING DIVISION

1. The elevations of the entire building, including interior courtyard elevations, shall be reviewed and approved by the Planning Division prior to permit issuance. Final review shall include approval of the color palette, placement of colors, and all finished building materials, including but not limited to the type, color, and/or placement of all brick, stucco, trims, cornices, among others. All finished building materials incorporated into the building design shall be of high quality and high durability, and shall take into consideration locations that may be more vulnerable to damage or potential maintenance concerns.

2. Additional iron copper (corten-like) ceramic tile elements on Building A, shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

3. Decorative cornice or other top of wall/roof treatments shall be incorporated into all elevations of the project design, subject to Planning Division approval of the final elevations, as further discussed herein.

4. Window treatments (decorative trim, sills, recessed, projecting, etc.) shall be incorporated into all elevations of the project design, subject to Planning Division approval of final elevations and the window and door plan, as further discussed herein.

5. Portions of the top levels of the parking structures, not wrapped by the apartment portion of the structure, requires additional architectural treatment, and/or color and materials, subject to Planning Division approval of the final elevations, as further discussed herein.

6. All windows and doors, including commercial storefronts, shall require final approval from the Planning Division prior to permit issuance. A separate window and door plan with an accurate window and door schedule shall be provided to the Planning Division for review prior to submitting to Building and Safety plan check. The schedule shall list the window and door types and their locations. The plan shall include all necessary details on the type, color, and material of all proposed windows and doors; sections/detail drawings depicting the use of trims, moldings, mullions, and storefront systems (including kick plates where appropriate).

7. A circulation and roadway improvement plan shall be provided to the City of Duarte for review and shall include improvements to all private and public roadways and sidewalks/pedestrian areas, associated with or impacted by the project. All roadway and pedestrian improvements, including modification to existing roadways and construction of

new roadways, shall comply with the Duarte Station Specific Plan, and completed prior to final sign-off/certificate of occupancy.

8. A final approval from the Planning Division and City Engineer shall be required for the project prior to submitting to Building and Safety plan check. The parking structure shall be designed as "Fully Wrapped" and screened by the residential building or other architectural treatments, as approved by the Planning Division, on all levels, including vehicles, light standards, and other equipment located on the roof deck level of the parking garage, as shown on the approved plans by the City Council. Exceptions for screening and/or visibility of solar canopy installations on the roof deck may be allowed.

9. The parking garage shall provide the required number of parking stalls and the required distribution (guest, residential, accessible, EV, etc.) on each level as approved by the City Council. The total quantity of vehicles parked on-site by apartment tenants shall not exceed the total number of spaces provided for tenant parking. Bicycle parking shall be provided, pursuant to California Green Building Code requirements.

10. Provide details on the installation of the electric vehicle charging stations. The placement of the charging stations shall not impede into the minimum required dimensions of parking stalls.

11. A turning radius and template shall be provided to the City Engineer for final review and approval prior to submitting to Building and Safety plan check to ensure adequate circulation is provided throughout the parking structure, including efficient ways for vehicles to maneuver when entering or exiting from public and private roadways.

12. Final design/location of vehicle gates allowing access to the property through the parking garage and through designated emergency vehicle locations shall require final approval from the Planning Division and City Engineer prior to submitting to Building and Safety plan check as part of the parking garage final review. Vehicle gates shall be made of high-quality materials and contain a decorative design. Vehicle gates shall be setback as needed to ensure sufficient vehicular and pedestrian safety and vehicle queuing. A detailed gate plan shall be submitted to the Planning and City Engineer for review prior to submitting to Building and Safety plan check.

13. Pedestrian pole lights, to match those of the Duarte Station Specific Plan area must be incorporated onto all sides of the building, including the paseo.

14. Exterior, architectural building-mounted lighting, pedestrian pole lighting, and landscape and/or open space lighting is required and shall be incorporated into a comprehensive lighting plan, as further discussed below.

15. A lighting plan for the roof-deck level (parking and/or open space) shall be provided to the Planning Division for review and approval in conjunction with the overall exterior lighting plan noted above. Light poles/standards exceeding the height of any building walls,

screen walls, and/or parapet walls, on the roof deck for purposes of illuminating the parking areas shall be prohibited. Minimal height bollards, surface-mount fixtures along the perimeter of the parking deck, or similar shall be used to illuminate the upper level parking area.

16. All exterior lighting shall require final approval from the Planning Division prior to installation and/or issuance of permits. Lighting fixtures shall be of high quality and decorative form and shall be designed to prevent offsite glare. A comprehensive lighting plan shall be provided to the Planning Division for review and shall include cut-section drawings, manufacture brochure, illumination levels/lighting distribution, and any additional information as needed for all proposed wall-mounted lights, street lights, and/or pedestrian lights. Separate review fees for the lighting plan review may apply.

17. A fence and wall plan shall be submitted to the Planning Division for review prior to installation. Fences/gates shall contain a decorative design using a high-quality material such as wrought-iron, weathered steel or decorative metals. All walls shall be constructed to provide security and separation between adjacent properties. Final approval of the location, height, design etc. of all fences and walls shall be required by the Planning Division.

18. Decorative paving materials shall be integrated into driveways, parking areas, and pedestrian walkways shown on Vesting Tentative Tract Map 82518 and as approved by the City Engineer and/or Public Works/Engineering Division.

19. A complete landscape and irrigation plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. All landscape areas shall be permanently landscaped and irrigated with a variety of drought-tolerant plants, shrubs, ground cover, large and/or small canopy trees, and decorative hardscape material. All landscaping and irrigation shall comply with Chapter 19.40 (Landscaping) of the Duarte Development Code. Separate review fees shall apply.

20. A final open space plan, prepared by a licensed landscape architect, shall be submitted to the Planning Division for review and approval prior to permit issuance. The open space areas throughout the project shall incorporate a combination of landscape and decorative hardscape materials, site furnishings including fixed and moveable seating, trash receptacles, bike racks, and be designed as usable space for residents and/or the public, where appropriate.

21. Any exterior trash enclosures, ground-level mechanical and utility screening, and similar screening elements shall require final approval from the Planning Division prior to permit issuance. The size of the trash enclosure is subject to modification, based upon future building uses and projected waste demand, in accordance with specifications required through the City's waste hauler and applicable codes. The trash enclosure design shall be in substantial compliance with the architectural style, design elements, and colors/materials, of the primary buildings.

22. A mechanical rooftop screening plan, to ensure mechanical units, ducting, hoods, vents, stacks or other rooftop-mounted equipment is screened by appropriate architectural features; shall require final approval from the Planning Division prior to permit issuance.

23. The Developer/applicant shall prepare Covenants, Codes, & Restrictions (CC&R's) in a form acceptable to the City Attorney. The CC&R's shall provide regulations that include but are not limited to: onsite parking management, guest parking, use of resident garages for parking, outdoor storage, common area/roadway maintenance, trash service, among others. The CC&R's shall include requirements for the establishment of a Homeowners Association or other property ownership group or association that will implement and ensure compliance with the CC&R's. The CC&R's shall be recorded with the County Recorder's Office and proof of recordation shall be provided to the City of Duarte prior to issuance of Certificate of Occupancy. The CC&R's shall not be modified without prior approval from the City.

24. The property owner shall prepare a Residential Parking Management Plan that monitors the number of vehicles owned and maintained by residents to ensure conformance with the parking requirements, addresses the use of guest and leasing parking spaces, future commercial/office spaces and reduces the potential impact of overflow parking. The property owner shall annually report compliance with the parking management plan to the Community Development Department. The management plan shall be provided to the Planning Division for review and approval prior to issuance of Certificate of Occupancy.

25. The property owner/manager shall provide an Operation Program for the operation of the vehicle entry gate into the parking garage. Details on the hours of operation of the gate, management of the gate after hours, and guest gate operations shall be detailed in the operation plan/statement and provided to the Planning Division and Public Works Division for review. The Operation Program shall also include details on the location and use of any proposed loading, waiting, delivery area, and on-street parking. The final design and location of the entry gate, loading zones, waiting zones, and on-street parking shall be reviewed and approved by the City Engineer to ensure adequate and safe vehicle access/circulation is maintained prior to submitting to Building and Safety plan check. Upon approval of the Operation Program by the Planning Division, the operational procedures shall be incorporated by reference as conditions of approval.

26. The property owners shall agree to an easement within, and/or an agreement regarding the landscape paseo/linear park between Building A and B allowing shared access, use, and maintenance. The easement/agreement shall be recorded with the County recorder, a copy of the recorded document shall be provided to the Community Development Department to keep on file prior to prior to recordation of the final map.

27. The landscape paseo/linear park between Building A and B is intended to remain open during and designed to be clearly recognizable as public space, and be publicly accessible from Business Center Drive to future connections to the southerly portion of the Specific Plan area, subject to security or operational concerns, as approved by associated

agreement. The plaza shall be designed to encourage social interaction and year-round use. An agreement between the City and the Property Owner(s) shall be signed, and recorded to the property addressing the specific details related to accessible open space prior to issuance of Certificate of Occupancy. The property owner shall have the ability to post "No Trespassing" or other applicable penal code signs to allow necessary enforcement and/or removal of any activity that may deemed a public nuisance or jeopardize the health, safety and general welfare of the public. The location of the penal code signs shall be approved by the Planning Division prior to prior to installation.

28. The property owner/management shall prepare a property maintenance plan for continued and regular maintenance of the property related to storefronts, sidewalks, public plaza areas, fabric awnings, etc. The maintenance plan shall be provided to the Community Development Department for review and approval prior to issuance of Certificate of Occupancy. All requirements of the approved maintenance plan shall be incorporated by reference as a condition of approval.

29. The owner(s) shall agree to participate in a business or property owners' association for maintenance responsibilities and operational oversight of the Promenade area along Highland Avenue. The City will participate in the association or district, and will assist in its creation. The intent is that the association or district will be formed either prior to certificate of occupancy issuance or Promenade.

30. Each project agrees to participate and provide financial contribution to a fund designed to design, install and maintain a marquee or other prominent project sign on the roof or upper walls (as to be visible from the 210 Freeway) on one of the subject buildings, or the potential third residential development to the east of the subject property, off-site within the Duarte Station Specific Plan area, or as otherwise approved by the Architectural Review Board. Details on the establishment and prolonged cooperation between property owners, participation details, financial contribution, and maintenance, amongst other related subjects, shall be incorporated into an agreement or other legal document, approved by the Planning Division, and the City Attorney, prior to certificate of occupancy issuance. The final design, type, material, and location of the marquee sign shall require a separate review and approval by the Architectural Review Board.

31. All development project valued over $1,000,000 shall be subject to a public art fee equal to one quarter of one percent (0.25%) of the total building valuation. In lieu of the public art fee, the project may provide a piece of public art subject to the approval of the City. Public art fees may be used for art pieces, themed project signs, construction of the Highland Promenade, or other similar public amenities focused on creating a sense of place. The public art shall maintain the primary purpose of displaying visual art and shall not be commercial in nature. The art piece shall be designed by a professional artist with experience in public display art pieces and be installed prior to certificate of occupancy issuance. The final design, type, material, and location of the themed art shall require a separate review and approval by the Architectural Review Board.

32. Any maintenance on privately owned roadways and/or drive aisles shall be the responsibility of the Applicant/Developer and the established Homeowners Association.

33. All signs, both residential and commercial, shall require separate review and approval. The property owners shall prepare and submit a Comprehensive Sign Program for the entire property, which may include the potential third residential development to the east of the subject property, to address all allowed sign types on the property and to ensure all signs meet the guidelines of the Duarte Station Specific Plan and the Duarte Development Code. The sign program shall outline the style, material, color, size, and locations of all proposed signs. The Sign Program shall require final approval from the Architectural Review Board. Separate review fees apply.

34. The area identified as "Leasing/Mail" and/or "Secondary Amenity" on the approved plans shall have the ability to be used as rentable office/commercial space without additional parking being provided, subject to review and approval of the Planning Division. Any necessary modifications to convert the leasing office space to office/commercial space shall require a separate review from the Planning Division and Building and Safety Division prior to any changes being made.

35. The storage of bikes, equipment, clothing, or other types of miscellaneous storage on balconies visible from the exterior of the project is prohibited. Restrictions on the balcony storage shall be included in the residential tenant's lease agreement.

36. Site Plan and Design Review approval is contingent upon approval of General Plan Amendment 19-01, Zone Change 19-01, Municipal Code Amendment 19-01, Vesting Tentative Tract Map 82518, and the related Subsequent Environmental Impact Report.

37. The project shall comply with all the regulations of the Duarte Station Specific Plan, the Duarte Development Code, and the Duarte Municipal Code, including the intent and purpose, permitted uses, development standards, and any other applicable sections.

38. Any revisions to the site plan, elevations, colors, and materials in addition to those listed as conditions of approval, shall be reviewed and approved by the Planning Division prior to installation; substantial changes may require review and approval from the Architectural Review Board.

39. Mechanical equipment and related ducts, vents and other apparatus, including HVAC, shall be screened from public view and must be located inside the structure, attic, or ground mounted. Vents, pipes, caps, hoods, and other roof penetrations that must be installed on the roof shall be painted or finished to match the roof color. Ground mounted equipment shall be shielded from public view by landscaping and/or screen walls, subject to approval from the Planning Division.

40. All utilities for direct service to the project shall be installed underground and concealed from view, as approved by the Planning Division, with the exception of transformers, which shall be allowed above ground with adequate screening.

41. A final inspection shall be made by the Planning Division prior to final of any building permits to ensure that all conditions have been met.

PUBLIC WORKS DIVISION

42. The following shall be prepared by a professional registered engineer and submitted to the Engineering/Public Works Division for review:

    - LID Plan. A Low Impact Development (LID) Plan shall be submitted to the Engineering/Public Works Division for review. The LID plan shall provide a comprehensive and technical discussion of how the proposed project will comply with the City's stormwater program requirements. LID Guidance and implementation can be obtained from Los Angeles County Public Works LID Standards Manual. Contact the Duarte Public Works Division for more information. The LID plan shall be approved prior issuance of grading permits.
    - Civil Plans. Two sets of complete Civil plans shall be submitted to the Engineering/Public Works Division for review, accurately showing all existing public improvements near the subject development (i.e., street lights, signs, utility vaults and boxes, bus stops, street trees, catch basins, etc.) and shall clearly indicating any proposed modifications to the existing public improvements. Such proposed modifications to the public improvements shall require approval from the City Engineer and Community Development Director prior to issuance of any building permit and/or grading permit.
    - Soils/Geology report and Hydrology Study.
    - A detailed grading and drainage plan, including all supporting information and design criteria. The grading and drainage plan shall be approved by the City Engineer prior to the issuance of a grading permit.
    - A detailed utility plan.

43. The developer/contractor and all representatives shall comply with the National Pollution Discharge Elimination System (NPDES) Permit No. CAS004001, Order No. R4-2012-075, and amendments, issued by the California Regional Water Quality Control Board, Los Angeles Region. Construction activities that disturb one acre or more are regulated under the NPDES stormwater program. Operators of regulated construction sites are required to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) and to obtain a Construction General Permit (NOI) from the State Water Resources Control Board to discharge stormwater. A copy of the permit shall be provided to the Public Works Division to keep on file and ensure compliance.

44. All utility facilities within the public right of way including but not limited to conduit, cable, cabinets, control boxes, etc. shall be placed underground with any access panels flush with

the ground surface. If there is physical constraints restricting the placement of utility facilities underground, the developer shall provide clear engineering reasons why above ground facilities cannot be installed with underground vaults/handholes. Additionally, all utility services stubbed to the site that will not be used to serve the development shall be properly abandoned.

45. The property owner/developer shall replace the sidewalk adjacent to the project site on Business Center Drive for the full extent of project site boundaries, including the curb and gutter as needed, including any damages as a result of construction. The sidewalks shall be constructed of concrete. Contact the Public Works Division for details on the specific concrete color.

46. Street trees are required along Business Center Drive, or as otherwise approved by the Planning Division. All trees within the City right-of-way shall be consistent with the City's tree well design, as noted in the design guidelines of the Duarte Station Specific Plan, and be approved through a complete landscape and irrigation plan, submitted to the Planning Division for review and approval prior to permit issuance. Street trees and tree wells shall require a right of way permit from the Public Works Division prior to installation.

47. The property owner/developer shall construct new driveway approaches on Business Center Drive according to City standards for parking garage access, emergency vehicle access, and shared access along the west side of the property. Decorative stamped concrete shall be installed behind the approach. The driveway approach and ramps shall be approved by the City Engineer prior to construction and shall require the issuance of a public right-of-way permit. The approach and driveway shall be designed to ensure the safety of vehicles entering and exiting the parking garage, as well as pedestrians crossing the driveway.

48. The property owner shall obtain an encroachment permit from the Public Works Division for any encroachments into and/or over the public right of way, including canopies, awnings, balconies, etc. A plan showing all proposed encroachments, including height/clearance and the distance of the encroachment, shall be provided to the Public Works Division for approval prior to issuance of building permits.

49. All trenching/potholing/street cuts shall be fixed permanently within five (5) working days following the completion and acceptance of the backfill. Temporary asphalt concrete is required immediately following completion of the backfill. If plates are necessary, they shall be placed flush to the road surface and tack welded together if two or more plates are used. If plates are necessary, then under no circumstance shall a trench remain plated longer than 48 hours, unless a longer term is approved by the Public Works Manager.

50. Connector Pipe Units shall be installed in all catch basins along the project site. All installations shall be inspected/verified by the Public Works Division prior to issuance of Certificate of Occupancy.

51. Traffic control work (delineation and signage) shall comply with the California Manual on Uniform Traffic Control Devices. A traffic control plan shall be submitted to the Public Works Division for review and approved prior to beginning construction and/or grading.

52. Vehicular access to public streets and residential driveways shall remain unobstructed during the construction period.

53. The contractor shall abandon all utility services stubbed to the site or mainline which will not be used to serve this development, as approved by the City Engineer.

54. Subsequent to utility installation in the public right of way and if the street pavement is significantly cut due to the nature of the project, the City will require the entire street width/length to be sealed, as determined by the City Engineer.

55. The developer and/or contractor is responsible for implementing the following Best Management Practices (BMPs). These, as well as any other applicable measure shall be included in the SWPPP and implemented as approved by the City Engineer:

    - Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site in order to retain any debris or dirt flowing in the storm drain system. Maintain and/or replace filter materials to ensure effectiveness and to prevent street flooding.
    - Ensure that concrete supply trucks or concrete/plaster operations do not discharge wash water into street, gutters, or storm drains.
    - Concrete wash area: Locate wash out areas away from the storm drains and open ditches, construct a temporary pit large enough to store the liquid and solid waste, clean pit by allowing concrete to set, breaking up the concrete, then recycling or disposing of properly.

56. Security Bonds shall be submitted prior to the issuance of the grading permit.

57. Prior to exoneration of any security for the project that may include existing survey monuments disturbed through construction activities and deemed necessary for preservation by the City Engineer, the applicant shall file a Corner of Record or Record of Survey with the County Surveyor to establish existing survey control points as defined in Section 8711 (b) of the California Professional Land Surveyors Act.

58. Paint curbs along roadway to meet the requirements of the City of Duarte, Fire Department or other regulatory agencies related to no or restricted parking, as per approved plans.

59. Prior to final approval of completed grading, landscaping, or any public improvements, the developer/applicant/contractor shall provide digital (PDF) for all drawings of each plan and AutoCAD files for public improvements only to the Public Works Division. The Permit Number and the words "RECORD DRAWING" shall appear on each plan sheets.

60. The developer and/or contractor shall incorporate and comply with all regulations, policies and standards regarding water, sewer, and storm water.

61. Sewer connection fees shall be paid directly to the Los Angeles County Sanitation District. Proof of payment shall be provided prior to issuance of the grading permit.

GENERAL

62. This project is subject to the requirements of Chapter 6.10 of the Duarte Municipal Code, Diversion and Demolition Waste. Prior to the issuance of any permits, the applicant shall submit a Construction and Demolition Diversion Plan and required security deposit.

63. This project is subject to the Duarte Station Specific Plan Mitigation Monitoring and Reporting Program, and other requirements of the project's Subsequent Environmental Impact Report.

64. The property owner shall contact the City's waste disposal company, Burrtec Waste, to incorporate recycling and disposal systems, and create a sufficient disposal schedule that will ensure waste generated by the residents is hauled off site in a timely manner.

65. Plans and all required plan check fees shall be submitted to the Community Development Department for Building & Safety plan check prior to construction. Approval from Building & Safety shall be obtained prior to the issuance of permits. Construction drawings, including the site plan, elevations, and colors shall be consistent and in substantial compliance with the conceptual approval and any required conditions of the City Council.

66. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.

67. Building permits for this project must be issued within one-year from the date of approval from the City Council or the application and approval shall expire.

68. Prior to issuing permits, any required school fees shall be paid directly to Duarte Unified School District and proof of payment provided to the City. Contact Duarte Unified School District for more information.

69. The Developer shall comply with applicable City noise ordinances. Construction activities, deliveries and haul-off will only be permitted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, excluding Federal holidays. No construction related idling of engines or other disturbances shall occur outside of noted work hours.

70. The applicant shall provide a safe method of adequate vector control prior to clearance and grading.

71. All refuse and debris shall be removed from the property, and the property shall be kept clean and litter free.

72. That by acceptance of the approval of the project by the City, the applicant shall defend, indemnify and hold harmless the City of Duarte and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers and employees to challenge, set aside, void or annul the approval of the project or from any other action pertaining to this application or the granting of approval which may be brought within the time period provided for such actions or challenges under applicable law.

Duarte City Councilmember Meeting Attendance Report

Per Government Code Section 53232.3 (d): Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

City Council Agenda dated November 12, 2019

COUNCILMEMBER NAME	EVENT DESCRIPTION	DATE OF EVENT	PURPOSE/VALUE
Tzeitel Paras-Caracci	None reported as of November 7, 2019		
Sam Kang	None reported as of November 7, 2019		
John Fasana	None reported as of November 7, 2019		
Liz Reilly	CCCA Executive Board meeting TALK meeting – New voting system Learn4Life meeting Coffee & Conversation	10/6/19 10/21/19 10/25/19 10/25/19	Mileage Mileage Mileage Coffee
Margaret Finlay	None reported as of November 7, 2019		
Bryan Urias	None reported as of November 7, 2019		
Toney Lewis	None reported as of November 7, 2019		

Meetings attended that did not require financial support from the City.

COUNCILMEMBER NAME	EVENT DESCRIPTION	DATE OF EVENT	PURPOSE/VALUE
Tzeitel Paras-Caracci	None reported as of November 7, 2019		
Sam Kang	None reported as of November 7, 2019		
John Fasana	None reported as of November 7, 2019		
Liz Reilly	Duarte Family Feud Fun Silver Strings Guitar Class Recital – Senior Center CERT Training Chamber Business Workshop Rebuilding Together Project on Lewiston St. Chamber Workforce Development meeting Library program	10/19/19 10/22/19 10/23/19, 10/30/19, 11/2/19 10/24/19 10/26/19 10/30/19 11/5/19	
Margaret Finlay	None reported as of November 7, 2019		
Bryan Urias	None reported as of November 7, 2019		
Toney Lewis	None reported as of November 7, 2019		